

THE KENYA SCHOOL OF LAW



NEW PRE-BAR EXAMINATION

9<sup>TH</sup> JANUARY, 2023

DURATION: 4 HOURS

9.00 A.M – 1.00 P.M

**Instructions to Candidates**

- (a) Answer **ALL** Questions.
- (b) Each Question carries **20 Marks**.
- (c) Marks shall be lost for illegible handwriting.

PLEASE TURN OVER

**QUESTION ONE**

(a) With the aid of specific examples, discuss five (5) ways of classifying the law. (10 marks)

(b) Explain the meaning of the following:

- (i) *Stare decisis* (2 Marks)
- (ii) *Ratio decidendi* (2 Marks)
- (iii) *Obiter dicta* (2 Marks)
- (iv) *Per incurium* (2 Marks)
- (v) *Ejusdem generis* (2 Marks)

**QUESTION TWO:**

(a) Giving Specific examples, discuss five (5) ways of classifying constitutions. (15 marks)

(b) Explain the meaning of the term "democracy" as understood in politico-legal theory.

(5marks)

**QUESTION THREE:**

The rule in *Rylands vs Fletcher* is a leading decision by the House of Lords which established a new area of English tort law. Discuss. (20 marks)

**QUESTION FOUR**

An offer will be terminated if it is not accepted in the prescribed manner or in the usual manner implied in the nature of the offer. Discuss this statement with relevant examples.

(20 marks)

**QUESTION FIVE:**

With the aid of case law, discuss the general defences available to an accused person.

(20 marks)

---

END