

THE KENYA SCHOOL OF LAW



NEW PRE-BAR EXAMINATION

8<sup>TH</sup> JANUARY, 2024

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) Outline FIVE (5) advantages of legislation as a source of law. (5 Marks)
- (b) Explain FIVE (5) statutory aids that can be applied in the interpretation of legislation. (5 Marks)
- (c) Explain FIVE (5) judge-made rules used in the interpretation of statutes. (5 Marks)
- (d) Discuss FIVE (5) presumptions applicable in statutory interpretation. (5 Marks)

### QUESTION TWO:

- (a) Explain FIVE (5) ways of classifying constitutions. (10 Marks)
- (b) Discuss the following concepts:
  - (i) Rule of Law (5 Marks)
  - (ii) Constitutionalism (5 Marks)

### QUESTION THREE:

“Mistaken belief as to ownership of land is no defense to a trespass charge”. With this statement in mind, discuss the Tort of Trespass. (20 marks)

### QUESTION FOUR

A breach of contract occurs when one party in a binding agreement fails to deliver according to the terms of the agreement. Discuss this statement with relevant examples. (20 marks)

### QUESTION FIVE:

Write short notes on:

- a) Actus Reus (5 Marks)
- b) Mens Rea (5 Marks)
- c) Offence of Strict Liability (5 Marks)
- d) Defence of Provocation (5 Marks)
- e) Defence of Intoxication (5 Marks)

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END