

THE KENYA SCHOOL OF LAW



PRE-BAR EXAMINATION

6th January, 2020

DURATION: 3 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) Distinguish between "Common Law" and "Equity" and explain FIVE shortcomings of the Common Law that necessitated the advent of equity. (10 Marks)
- b) Discuss FIVE (5) statutory aids in interpretation of legislation. (10 Marks)

Question Two

- a) Discuss the relationship between contributory negligence and *volenti non fit injuria*. (10 Marks)
- b) With the aid of decided cases, discuss FIVE (5) general defences in tort. (10 Marks)

Question Three

- a) Explain the meaning of the terms "Constitution" and "Constitutionalism" (5 Marks)
- b) Discuss FIVE (5) ways of classifying constitutions and indicate Kenya's status with regard to each classification. (15 Marks)

Question Four

Discuss the various defences available to an accused person in a murder trial. (20 Marks)

Question Five

Discuss the circumstances in which an offer may be terminated or negated. (20 Marks)

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