

THE KENYA SCHOOL OF LAW



PRE-BAR EXAMINATION

LEGAL METHODS, SYSTEMS AND CONSTITUTIONAL LAW – PRB 001

(OLD PRE-BAR)

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

DURATION: 3 HOURS

9.00 AM – 12.00 NOON

**Instructions to Candidates**

1. Answer Question **ONE** and any other **THREE** Questions
2. All questions carry **25 Marks**
3. Marks shall be lost for illegible handwriting

PLEASE TURN OVER

**QUESTION ONE:**

- a) Giving five (5) examples of each in Kenya, distinguish between written and unwritten law. (15 Marks)
- b) Discuss five (5) advantages of legislation as a source of law. (10 Marks)

**QUESTION TWO:**

- a) Outlining the salient features of each, distinguish between the common law legal system and the civil law legal system. (10 marks)
- b) Discuss five (5) ways through which a judicial precedent may lose its binding force. (15 Marks)

**QUESTION THREE:**

- a) Explain five (5) advantages and five (5) disadvantages of delegated legislation. (10 Marks)
- b) Present an analysis of the jurisdiction of the five (5) superior courts in Kenya. (15 marks)

**QUESTION FOUR:**

Explain the meaning of the following concepts in the context of constitutional theory:

- a) Supremacy of the constitution. (5 marks)
- b) Separation of powers. (5 Marks)
- c) Rule of law. (5 Marks)
- d) Democracy. (5 Marks)
- e) Constitutionalism. (5 Marks)

**QUESTION FIVE:**

- (a) In interpreting legislation, courts of law are guided by statutory aids, judge-made rules and presumptions. Discuss four (4) examples of each. (20 Marks)
- (b) What do you understand by the term "sovereignty" as applied in legal studies? (5 marks)

**QUESTION SIX:**

- a) Discuss five (5) ways of classifying constitutions. (20 marks)
- b) Distinguish between *ratio decidendi* and *obiter dicta*. (5 Marks)

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END