

THE KENYA SCHOOL OF LAW



PRE-BAR EXAMINATION

FAMILY LAW AND SUCCESSION – PRB 005

10TH JANUARY, 2024

DURATION: 3 HOURS

9.00 AM – 12.00 NOON

Instructions to Candidates

- (a) Answer **ANY TWO** Questions from each **SECTION**.
- (b) Each Question carries **25 Marks**
- (c) Marks shall be lost for illegible handwriting

PLEASE TURN OVER

SECTION ONE: FAMILY LAW

QUESTION ONE

- (a) Using case laws where applicable, discuss marriage under the following headings:
- (i) Voluntary union (20 Marks)
 - (ii) Mental capacity (5 Marks)

QUESTION TWO

- (a) Discuss the meaning of void marriages as per the Marriage Act 2014. (20 Marks)
- (b) Describe a certificate of no impediment. (5 Marks)

QUESTION THREE

- a) Discuss the kinds of non-monetary contributions as per Matrimonial Property Act 2013 that are considered during division of property after divorce. (15 Marks)
- b) Discuss the pre-nuptial agreements. (10 Marks)

QUESTION FOUR

- a) Explain custody of children under the following headings:
- (i) Legal Custody (10 Marks)
 - (ii) Actual Custody (5 Marks)
- b) Explain the best interest of the child principle. (10 Marks)

SECTION TWO: LAW OF SUCCESSION

QUESTION FIVE

Using the Law of Succession Act and case laws, discuss the measure for mental capacity to write wills. (25 Marks)

QUESTION SIX

Using the Law of Succession Act and case laws, explain revocation of wills by the physical act of destruction. (25 Marks)

QUESTION SEVEN

- a) Describe how the property of the deceased intestate person will be divided where the deceased person left more than one spouse and child or children. (10 Marks)
- b) Discuss what the court should consider when arriving at a decision on division of property of deceased. (15 Marks)

QUESTION EIGHT

- a) List the information that would be inserted in the application for grant of letters of administration. (15 Marks)
- b) Briefly discuss the meaning of intermeddling as per the Kenyan Law of Succession Act (Cap 160) (10 Marks)

END