

THE KENYA SCHOOL OF LAW



PRE-BAR EXAMINATION

LEGAL METHODS, SYSTEMS AND CONSTITUTIONAL LAW – PRB 001

(OLD PRE-BAR)

8TH JANUARY, 2024

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) Explain FIVE (5) possible meanings of the expression, "Sources of Law". (5 Marks)
- b) Discuss FIVE (5) written sources of Law in Kenya. (10 Marks)
- c) Discuss FIVE (5) unwritten sources of Law in Kenya. (10 Marks)

QUESTION TWO:

- a) Explain the meaning of the expression "Legal System" (5 Marks)
- b) Discuss FOUR (4) major legal systems in the world today. (16 Marks)
- c) Distinguish between adversarial and inquisitorial judicial systems. (4 Marks)

QUESTION THREE:

- a) Outline FIVE (5) advantages of legislation as a source of law. (5 Marks)
- b) Citing relevant examples, explain FIVE (5) aids in statutory interpretation. (10 Marks)
- c) With the aid of relevant case law, explain FIVE (5) judge-made rules of statutory interpretation (10 Marks)

QUESTION FOUR:

- a) Outline FIVE (5) pillars of independence of the judiciary. (5 Marks)
- b) Discuss the composition and jurisdiction of FIVE (5) superior courts in Kenya. (20 Marks)

QUESTION FIVE:

Discuss FIVE (5) ways of classifying constitutions and indicate Kenya's position with respect to each classification. (25 Marks)

QUESTION SIX:

Explain the meaning of the following concepts as understood in Constitutional Law and Practice.

- 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)

END