

THE KENYA SCHOOL OF LAW



PRE-BAR EXAMINATION

LEGAL METHODS, SYSTEMS AND CONSTITUTIONAL LAW – PRB 001

10TH JANUARY, 2022

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:

There are various schools of thought used by philosophers and legal scholars in an attempt to explain the concept of law.

Discuss any five (5) such schools and indicate a practical example of the application of each school.

(25 Marks)

QUESTION TWO:

Having regard to their historical origins, explain the distinction between common law and equity, noting to indicate five (5) shortcomings of the common law that necessitated the advent of equity. (25 marks)

QUESTION THREE:

a) Explain the meaning of the expression "legal system". (5 Marks)

b) Discuss the salient features of the following legal systems:

(i) Common law legal system. (5 Marks)

(ii) Civil law legal system. (5 marks)

(iii) Socialist legal system. (5 marks)

(iv) Religious legal system. (5 marks)

QUESTION FOUR:

Discuss five (5) ways of classifying constitutions and indicate Kenya's position with regard to each classification. (25 marks)

QUESTION FIVE:

(a) Explain any five (5) statutory aids in interpretation of legislation. (15 Marks)

(b) Outline five (5) presumptions applicable in interpreting statutes. (10 marks)

QUESTION SIX:

Discuss the jurisdiction of any five (5) subordinate courts provided for under Article 169 of the Constitution of Kenya, 2010. (25 marks)

END