

THE KENYA SCHOOL OF LAW



NEW PRE-BAR EXAMINATION

10TH JANUARY, 2022

DURATION: 4 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 English common law and doctrines of equity as sources of law in Kenya. (10 marks)
- (b) Distinguish between the common law legal system and the civil law legal system. (10 marks)

QUESTION TWO:

Explain the meaning of the following concepts as understood in constitutional law:

- (a) Supremacy of the Constitution; (4 marks)
- (b) Sovereignty; (4 marks)
- (c) Separation of powers; (4 marks)
- (d) Rule of law; (4 marks)
- (e) Constitutionalism. (4 marks)

QUESTION THREE:

- (a) Explain the relationship between Contributory Negligence and *volenti non-fit injuria*. (10 marks)
- (b) Discuss the narrow rule in **Donoghue vs. Stevenson** in relation to a manufacturer's liability in the tort of negligence. (10 marks)

QUESTION FOUR

"The Law of Contract is concerned with the enforcement of promises". (anonymous)

Discuss this statement with the help of relevant examples. (20 marks)

QUESTION FIVE:

Discuss five (5) defenses available in criminal law. (20 marks)

END