

THE KENYA SCHOOL OF LAW



PRE-BAR EXAMINATION

FAMILY LAW AND SUCCESSION – PRB 005

12TH JANUARY, 2022

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

QUESTION ONE

Discuss the following as per Marriage Act 2014.

- (a) Void Marriages. (15 marks)
- (b) Voidable Marriages. (10 marks)

QUESTION TWO

Discuss:

- (a) The notice of intention to marry for Christian / civil marriages as per Marriage Act 2014. (15marks)
- (b) Procedure for notice of intention to marry. (10 marks)

QUESTION THREE

Using case law where applicable, discuss the following grounds for divorce:

- (a) Adultery; (15 marks)
- (b) Irretrievable breakdown of the marriage; (6 marks)
- (c) Mental illness. (4 marks)

QUESTION FOUR

- a) Discuss property rights at divorce in polygamous unions. (15 marks)
- b) Describe customary law consideration for division of matrimonial property upon divorce. (10 marks)

SECTION TWO

QUESTION FIVE

Using case law where applicable, describe how the following situations are dealt with by the courts when deciding on the validity of a will.

- a) Mental capacity. (15 marks)
- b) Insane delusion. (10 marks)

QUESTION SIX

Discuss revocation of wills by destruction. (25marks)

QUESTION SEVEN

- (a) Discuss the different instances which might lead to intestacy (6 marks)
- (b) Who is entitled to a grant of letters of administration? (10 marks)
- (c) State any (9) duties of an administrator of the estate intestate. (9 marks)

QUESTION EIGHT

Discuss limited grants under the following headings:

- a) Grant *ad colligendum bona* (10 marks)
- b) Grant *ad litem* (5 marks)
- c) Grant *pendent lite*. (5 marks)
- d) Special *limited grants*. (5 marks)

END

