

CHUKA



UNIVERSITY

UNIVERSITY EXAMINATIONS

EXAMINATION FOR THE AWARD OF DEGREE OF BACHELOR OF LAW

BLAW 123: LEGISLATIVE DRAFTING

STREAMS: BLAW

TIME: 2 HOURS

DAY/DATE: TUESDAY 11/04/2023

11.30 A.M. – 1.30 P.M.

INSTRUCTIONS: Answer question ONE and any other TWO questions

1. The State Department of Interior and Citizen Services is concerned about the welfare of Kenyans working overseas. It has formulated the “Welfare of Kenyan Workers Policy”. Mr. Kyambo, the Head of legislative drafting at the National Assembly has received drafting instructions from the State Department of Interior and Citizen Services stating that the “Welfare of Kenyan Workers Policy should be transformed into a draft law”. You have been recently recruited to the Legislative Drafting Department at the National Assembly. Mr. Kyambo instructs you to draft a Welfare of Kenyan Workers Bill.

Draft:

- a. Preliminary provisions (5 marks)
 - b. Substantive provisions (20 marks)
 - c. Final provisions (5 marks)
2. “Seven Cs come from addressing the seven standards that users of statutes expect from reading the law” (Chris Micheli, 2020)

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Explain any of the five (5) standards of legislative drafting according to Micheli

(20

marks)

3. In drafting a legislative plan relating to a new law providing for the rights of minorities, discuss any four (4) key provisions of the law that a drafter will be required to refer to.

(20 marks)

4. “Where there is water in a swimming pool the owner upon whom notice is served shall immediately empty all the water from the swimming pool failure to which the owner will be liable to pay a fine not exceeding Kshs. 100,000/-”

a. Punctuate the provision (8 marks)

b. Explain the elements of a legislative sentence (12 marks)

5. Using the rules of legislative syntax, redraft the provision:

“The Board shall control and manage the activities of the Service and for such purpose it shall provide suitable facilities for the education and training of members of the Service provide employment by establishing equipping and managing establishment of the Service in Kenya where members of the Service shall work and be accommodated provide for the proper organization of the Service recruit members of the Service and be responsible for the welfare control and directions of members of the Service”

(20 marks)