

CHUKA



UNIVERSITY

**UNIVERSITY EXAMINATIONS
RESIT/SPECIAL EXAMINATION**

**EXAMINATION FOR THE AWARD OF DEGREE OF BACHELOR OF
LAWS**

BLAW 123: LEGAL AND LEGISLATIVE DRAFTING

STREAMS: BLAW

TIME: 2 HOURS

DAY/DATE: FRIDAY 01/09/2023

2.30 P.M – 4.30 P.M.

INSTRUCTIONS:

- **Question ONE is Compulsory and Answer any other two questions**

1. (a) Critically discuss drafting instructions in the legislative drafting process
(15marks)

(b) Discuss the advantages of designing a legislative solution and the elements of the legislative solution. (15 marks)

2. (a) Set out and explain the general structure of a Bill. (12 marks)

(b) Discuss in detail four main sources of national laws in the drafting process
(8 marks)

3. (a) Critically discuss the stages in the legislative drafting process.
(10marks)

(b) Critically discuss the legal procedure for enacting legislation citing relevant constitutional provisions for: (10 marks)

(i) Special Bills concerning county assemblies

(ii) Ordinary Bills concerning county governments

(iii) Money Bills

(iv) Bills concerning county governments

(v) General Bills

4. Discuss in detail the ethical matters that a drafter is faced with in the legislative drafting process. (8 marks)

(b) Critically discuss the elements of analysis of legislative proposals. (12 marks)

5. a) Re-draft the following paragraph into a legal provision(s) taking into account proper drafting requirements (including structure of a legislative provision, language, syntax, punctuation, numbering etc):

The office of the chairman will become vacant in case the holder becomes deceased, resigns from office through the procedure of writing under his hand a resignation letter addressed to the chief justice, ends up removed from office in accordance with the provisions of this Act, is convicted in a court of law of an offence involving moral character and or integrity, is unable to discharge her functions, is declared bankrupt, or is absent from three consecutive meetings of the commission without good cause. The chief justice must publish every vacancy in the gazette. After the said vacancy has occurred, the judicial service commission will shortlist candidates who have been interviewed and the president will have to appoint a replacement from among the shortlisted people submitted by the judicial service commission. The person appointed following such vacancy will be in office for the remaining term that was left thereafter.

(8 marks)

b) Draft provisions prohibiting, creating offences and imposing sanctions for the following:

(i) Disposal of plastic bottles and other plastic paper and materials (4 marks)

(ii) A police officer using unreasonable and disproportionate force on a suspect (4 marks)

(iii) Illegal use of firearms in recreational spaces (4 marks)