

CHUKA



UNIVERSITY

UNIVERSITY EXAMINATIONS

EXAMINATION FOR THE AWARD OF DEGREE OF BACHELOR OF LAWS

BLAW 111: LEGAL SYSTEMS AND LEGAL METHODS

STREAMS: BLAW

TIME: 2 HOURS

DAY/DATE: MONDAY 16/12/2024

2.30 P.M – 4.30 P.M.

INSTRUCTIONS:

- **ANSWER THREE QUESTIONS.**
- **QUESTION ONE IS MANDATORY.**

QUESTION ONE (30 MARKS)

- a) Judges ought to remember that their office is *jus dicere* and not *jus dare*; to interpret law and not to make law.” [Francis Bacon, The Essays of Counsels, Civil and Moral, 1625] To what extent does Bacon’s view of common law judge hold true today especially in light of the case of *David Ndi & Others –Versus- Attorney General & Others consolidated Petition E282 OF 2020*. (15 marks)
- b) Discuss the salient features of the common law legal system and the civil law legal system noting to bring out the distinction between the two. (15 marks)

QUESTION TWO (20 MARKS)

- a) Explain four rules applied by courts in interpretation of statutes. (12 marks)
- b) Explain the rules that govern delegated legislation as a source of law in Kenya. (8 marks)

QUESTION THREE (20 MARKS)

- a) Examine the principle of supremacy of the Kenyan Constitution with relevant constitutional provisions and case law. (10 marks)
- b) The constitution allows the use of alternative dispute resolution mechanisms. Discuss two such mechanisms. (10 marks)

QUESTION FOUR (20 MARKS)

- a. Critically discuss the principles of separation of powers and Rule of Law with illustrations on how the doctrines have been applied in Kenya. (20 marks)

QUESTION FIVE (20 MARKS)

- a) Examine the composition and jurisdiction of the superior courts in Kenya. (20 marks)
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