



**FIRST YEAR EXAMINATION FOR THE AWARD OF THE
DIPLOMA IN LAWS
FIRST SEMESTER, 2022/2023
(SEPTEMBER-DECEMBER, 2022)**

DLAW 0112: LEGAL SYSTEM

STREAM: Y1 S1

TIME: 2 HOURS

DAY: FRIDAY, 9:00 – 11:00 A.M.

DATE: 09/12/2022

INSTRUCTIONS

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE [Compulsory] and any other TWO Questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

QUESTION ONE

Since Siaya Mombasa Lady got admitted to study law in Gwasi International University, her status in the village has changed and she is perceived as a legal guru. Mr Hightonne Nyuka Akuota has approached the village legal guru, the one Siaya Mombasa Lady to help him understand the court system in Kenya. With the averments as above in mind, discuss the structure, hierarchy and jurisdiction of each court in Kenya. (30 Marks)

QUESTION TWO

Legal System is a body of legal rules, principles and procedures that apply in a legal jurisdiction. With this in mind:

- Elucidate the aims and functions of comparative study of legal systems. (10 Marks)
- Discuss how civil law differs from Common Law systems. (10 Marks)

QUESTION THREE

- a. Discuss the relevant qualifications that one must have in order to become an advocate of the High Court of Kenya. (10 Marks)
- b. Briefly explain the functions of the Judicial Service Commission. (10 Marks)

QUESTION FOUR

Dr. Brian Adwar, the dean of Pesa Otas School of Law, has asked you to present a paper on formal sources of law in Kenya. With the relevant knowledge you have acquired, use the relevant provision of law and further discuss the formal sources of law in Kenya. (20 Marks)

QUESTION FIVE

- a. Write short notes on and/or meanings of the following:
- i. Obiter dictum. (2 marks)
 - ii. Ratio decidendi. (2 marks)
 - iii. Precedence. (2 marks)
 - iv. Analogy. (2 marks)
 - v. Per incuriam. (2 marks)
- b. Discuss the various classifications of law. (10 Marks)