



**KISII UNIVERSITY**  
**UNIVERSITY EXAMINATIONS**

**SPECIAL EXAMINATIONS**  
**SECOND YEAR EXAMINATION FOR THE AWARD OF THE**  
**DIPLOMA IN LAWS**  
**FIRST SEMESTER, 2021/2022**  
**(FEBRUARY - JUNE, 2022)**

**DLAW 0212: FAMILY LAW**

**STREAM: Y2 S1**

**TIME: 2 HOURS**

**DAY: THURSDAY, 11:30 – 1:30 P.M.**

**DATE: 21/07/2022**

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**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**

a) Fred and Lenah have been dating for three years. They have known each other better and they have decided to get married. They are contemplating to conduct either a civil or a Christian marriage but they do not know the processes involved in each one of them. They decide to seek your legal services. Explain to them the processes involved in:

- |                         |            |
|-------------------------|------------|
| i) a Christian marriage | [10 marks] |
| ii) a civil marriage    | [10 marks] |

b) Marriage is a legal union that creates duties and responsibilities between the parties. Explain to Fred and Lenah their matrimonial Rights and duties as a husband and wife [10 marks]

## **QUESTION TWO**

Stephen was born and brought up in town. He does not like going to the village, because he considers people in the village to be uncivilized. After graduating he secures a job that pays very well. He gets a very beautiful girl called Naomi. The two decides to get married. Fred writes to his father informing him that he has found the love of life and he wishes to bring her home for introduction. When they arrived home, Stephen's father welcomed Naomi jovially, "Welcome home my niece, and it has been long since I last saw you." Stephen is surprised that his dad knows Naomi. After the introduction it becomes apparent that Stephen and Naomi are cousins and the law prohibits them from getting married. Stephen is heartbroken wonders why the law should not allow people marry whom they want.

a) explain to Stephen the rationale for the prohibition of marriage on the grounds of affinity and consanguinity. [6 marks]

b) State and explain two major elements of presumption of marriage [4 marks]

c) State:

i. **Five** reasons that can lead to a marriage being declared void [5 marks]

ii. **Five** reasons that can lead to a marriage being declared void [5 marks]

## **QUESTION THREE**

Discuss five grounds for divorce common to Christian, Civil, Customary and Hindu marriages [20 marks]

#### **QUESTION FOUR**

a) In order for a valid civil or Christian marriage to exist in law, certain fundamental requirements must be met. Name and explain the essential elements of a valid marriage. [10 marks]

b. Name and explain any five factors that can lead to a nullification of marriage [10 marks]

#### **QUESTION FIVE**

Make short notes on:

- i. Sororate union [4 marks]
- ii. Leviratic union [4 marks]
- iii. Widow inheritance [4 marks]
- iv. Forcible marriage [4 marks]
- v. Woman to woman marriage [4 marks]