



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

SPECIAL EXAMINATIONS
THIRD YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAWS
SECOND SEMESTER, 2021/2022
(FEBRUARY - JUNE, 2022)

LLBK 322: LEGISLATIVE DRAFTING

STREAM: Y3 S2

TIME: 2 HOURS

DAY:

DATE: 00/07/2022

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

As a parliamentary counsel, you have been given the following legislative instructions by the Minister of Housing.

An inspector is entitled to enter any place regulated under the Act for purpose of determining compliance with the Act and regulations. This authority may be exercised without the consent of the owner or occupier but, unless there is an emergency, the entry may only be due at a reasonable time and in reasonable manner and the inspector must attempt to advise the owner or occupier before entering. In case of a private dwelling the inspector may only enter without the consent of the occupier if the entry is done under the authority of a warrant, the inspector has given at least one day's notice or the inspector has a

reasonable ground to believe that failure to enter may result in a health or safety risk.

- a) With reference to the above, prepare a memorandum with the appropriate legislative drafting instructions. (15 Marks)
- b) Prepare a bill (15 Marks)

QUESTION TWO

Each of the paragraphs below contains one or more serious errors or omissions. These errors generally relate to issues of grammar, spelling and word choice rather than style. Find the errors or omissions and correct the paragraphs. (20 Mark)

- (a) If the Vendor fails or is unable to perform any obligation what the Vendor has agreed to carry out in accordance to paragraph 4 hereat, the Purchaser shall not be obliged to complete the sale and purchase of the shares.
- (b) Dear Sir, Thank you for Your letter of 16 May. With regard to the question of the share sale. Our clients advise us that there are a number or outstanding issues to be resolved.
- (c) The parties of this contract agree that the price list set out at Schedule 2 cannot be varied without written consent of all the parties hereto.
- (d) Canford Ltd stipulate that the good must be taken directly in the wearhouse situate at 4 London Drive, Wallingford.
- (e) It is hereby agreed that, this agreement may just be terminated with written notice delivered as normally to an representative to the purchaser. 2
- (f) It is our belief that this agreed is not only invalid but it is also inlawful. In are view, clause 4 is not at all how it looks like on first appeirance.
- (g) In the event that the purchasers payments are late by more than twenty-eight days, he will be subject to a penalty of \$3,500,000.
- (h) We are sorry that the MD of the plc was unable to make the AGM this pm. Unfortunately he was in a hangover, and was unable to supervise the proceedings.

- (i) The company who will be responsible for the factoring operation is headed by Claus Peterson, whom is an experienced practiser in this field.
- (j) The Purchaser agrees to affect a purchase of not less than 20 units for each order.

QUESTION THREE

The Constitution of Kenya 2010 provides for the basic guidelines that must be considered by a legislative drafter.

- (a) Discuss the social and political factors that can influence laws.(10 Marks)
- (b) Discuss the role of a legislative drafter in statutory interpretation.(10 Marks)

QUESTION FOUR

- (a) Discuss the various guidelines that should apply when writing plain language. (6 Marks)
- (b) Discuss the rules applicable when drafting definitions in a Bill. (6 Marks)
- (c) With reference to any law describe the provisions that can be referred to as transitional and its role in the Legislation. (8 Marks)

QUESTION FIVE

- (d) Discuss at least five substantive parts of law. (20 marks)