



FACULTY OF LAW
UNIVERSITY EXAMINATIONS
DEGREE OF BACHELOR OF LAWS (LLB)
AY 2020/2021 SEMESTER 2
LLB 2208: FAMILY LAW II

DATE: Tuesday 3rd August 2021- Wednesday 4th August 2021

TIME: 24 HRS: 9.00am (3rd August 2021) - 9.00am (4th August 2021)

Instructions:

1. This take-home exam should be completed and the answer script submitted by 9.00am on 4th August 2021.
2. Answer ALL THREE questions. These must be answered in detail.
3. Carefully read through ALL the questions before attempting.
4. Any references (statutes - national and international, cases and text books) should be indicated. Avoid plagiarism and contract cheating.
5. Your answer should also be well-typed and edited and MUST be 1.5 spacing.

Question 1

“The welfare principle is pivotal in the law relating to the child however international Conventions recognise the evolving capacities of a child.” Per Charles Mayiga a Human Rights Activist in Uganda.

Discuss the relevance of the welfare principle to the evolving capacities of a child. (15 marks)

Question 2

Lorna Kanuunu was a successful civil engineer working in one of the prominent engineering firms in Kampala who unfortunately she succumbed to breast cancer on December 5th 2014. Kanuunu was survived by her mother Keziah and her brother Katwesigye.

In cleaning out Kanuunu’s Bugolobi’s residence. Keziah and Katwesigye found a red folder with several documents. First was a brown envelope labelled “Old Will” inside this envelope was a photocopied document on top of which was written in a small neatly handwritten words “old will.” The printed words of this photocopied document were:

I, Lorna Kanuunu, being of sound mind and body do solemnly swear this to be my last will and testament. I appoint my brother Katwesigye as the executor of my estate and I direct him to distribute my personal property in accordance with the detailed guidelines I have expressed in my flowered notebook that I keep in the top drawer of my study desk. I bequeath and devise the residue of my estate to my mother Keziah, if she survives me or, if she does not survive me, to my brother Katwesigye, if he survives me.

The document was signed by Kanuunu and two witness and dated 19th July 2010.

Also, in the envelope labelled “Old Will” was a second document- a letter from Kanuunu to her lawyer Patrick Okecho dated 5th June 2014. It read:

Dear Mr. Okecho,

Please revoke my Will dated 19th July 2010 by destroying the original which is currently in your custody at your firm. I have drafted and executed another Will myself and will no longer be needing your services. Thank you.

Sincerely

Lorna Kanuunu

Keziah and Katwesigye contacted Patrick Okecho, who confirmed that he had followed Kanuunu’s instructions and destroyed the original copy of the Will. Okecho said he had not been in contact with Kanuunu since that time.

The flowered notebook with a hard cover was sitting in the top drawer of Kanuunu’s study desk. The first page of the notebook stated;

To my executor, please distribute my tangible and personal property in accordance with the guidelines that I have recorded in this notebook.

Kanuunu’s initials (LK) and the date “3rd August 2010” appeared below this sentence. Subsequent pages listed various items of tangible personal property and stated to whom each item should be distributed.

Also inside this flowered notebook was a separate neatly folded sheet of paper with Kanuunu’s hand written statement. It was entitled Codicil and stated:

I amend my 19th July 2010 Will so as to add my boyfriend Ndugu Kwame, as the second executor.

It was signed by Kanuunu and dated 11th December 2010.

Inside the red folder was a third document dated 2nd June 2014. It read:

I, Lorna Kanuunu, being of sound mind and body do solemnly swear this to be my last will and testament intending it to supersede, revoke and cancel all other testamentary instruments that have previously been made by me.

In this document, Kanuunu distributed all her property to the Charity, “Salvation Army” located in Kalisiizo whose mission is to support disabled children in Uganda. This document dated 2nd June 2014 was duly signed by Kanuunu and attested by one witness.

Keziah and Katwesigye are confused by all this legal documentation and have come to your law firm for advice. Discuss and evaluate the validity of each of the documents that they found and advise them on the next step. (20 marks)

Question 3

Allan Lule is a wealthy married business man who travels abroad offer to transact business. Amidst his busy schedule, on 24th June 2020, he convened a meeting with his lawyer and stated to him his intentions of writing a will because he has acquired a lot of property. This meeting in which the process of writing the will would commence was scheduled for 20th July 2020 but unfortunately Mr. Lule was involved in a motor accident on 7th July 2020 where he was killed instantly. Now, Mr. Lule’s father Kamya has collected his late son’s brief case that contained all his important documents, including 10 land title deeds. Kamya has written a note to the widow (Mrs. Lule) demanding that she vacates his son’s mansion in Munyonyo within one month. He added, “*Please leave my three grandchildren behind as I want to raise them together with Kalule’s four other children as our culture demands. I wish you well.*”

Mrs. Lule approaches you for advice. Discuss her legal rights and advise her on the procedure she should follow to obtain Letters of Administration. Your advice should be based on the Current Law relating to Succession in Uganda. (15 marks)

GOOD LUCK IN YOUR EXAMS