

UGANDA MARTYRS UNIVERSITY

NKOZI

UNIVERSITY EXAMINATION

FEBRUARY 2022

FACULTY OF LAW

**BACHELOR OF LAWS (LLB) YEAR 1 END OF SEMESTER ONE FINAL
ASSESSMENT**

ACADEMIC YEAR 2021/2022

INTRODUCING LAW

CODE : 1101

DATE: Monday, 28th February 2022

TIME: 9:30am-1:00pm February 28th, 2022

DURATION: 3& 1/2HRS

Instructions:

1. Carefully read through ALL the questions before attempting
2. This examination is composed of eight (8) questions. Answer any (4) questions.
3. This examination is composed of two sections, A, & B. Attempt at least one question from each section
4. All questions carry equal marks (25)
5. This is a **STRICTLY CLOSED BOOK** examination. No materials whatsoever shall be permitted in the examination room.
6. No **names** should be written anywhere on the examination booklet.
7. Ensure that your **registration number** is indicated on all pages of the examination answer.
8. **Clarity of expression, provision of relevant authorities/examples and logical arguments will earn you extra marks**
9. Any type of examination Malpractice will lead to automatic disqualification
10. **All examination regulations and rules** of the University still apply to these examinations, violation of which amounts to exam irregularities and to resulting consequences.

11. Your English must be comprehensible, and your handwriting must be legible. Clarity of expression and proper use of authorities will earn you extra marks.

SECTION A

QUESTION 1

You are an intern at the Uganda Law Reform Commission and your supervisor is preparing a presentation to a visiting delegation from one of the Commonwealth countries. The delegation is interested in understanding the role of Law in the maintenance of peace and security and why not every custom in Uganda is recognized by the court of law. Your supervisor recalls that you are a law student and has asked you to prepare his presentation with specific instructions for you to write on the following:

- a) The applicable sources of law in Uganda (10 marks) *- the constitution - common law - custom - precedent*
- b) The essentials of a valid custom and the test which customary law must pass before it is accepted as law (15 marks) *It was not in contradiction with the law governing the country that is the constitution*

QUESTION 2

a) Joseph is a businessman dealing in general merchandise. He entered in a contract with Mary for the supply of sugar worth 5m shillings. According to the contract, the sugar is to be delivered on the 3rd of January but by 4th of January, Mary had not supplied the sugar on the claim that there has been a breakdown of machinery at Kakira sugar works that has interrupted the smooth flow of production. When pressed, she claimed that she doesn't know when she will be able to deliver the sugar. Joseph is contemplating a legal action against Mary for breach of contract, but he doesn't want to a court that will delay, he wants to go to the supreme court because he believes the supreme court is very serious and expedite the process because he believes the judges there will not joke around and delay his case as he saw them expedite presidential election petition in that court. He approaches you for advice and that he wants to claim damages of 5m shillings for the loss of profits that he would have earned had the sugar been supplied in time as per the agreement. *breach of contract*
- the high court

Please advise Joseph on the different courts he can seek for redress from and the jurisdiction of the court you are referring him to. In your advice, please explain to him why the supreme court is not an appropriate court for him to commence his suit. (10 marks)

b) Gloria has completed her high school and would like to apply to study law in the University. She loves law because of the prestige that comes with the profession, the conduct of lawyers, the dress code, the respect lawyer accord to each other, the

decorum, the money, and status of lawyers in the society. However, she has learned that students of law must read numerous cases while studying the law and this could mean spending sleepless nights in the library and she imagines this might interfere with her other plans of enjoying life. She is conflicted but would like to make an informed decision on whether to drop law or not and has decided to take a trip to Uganda Martyrs University, Main Campus Nkozi where she has met you at the Faculty of Law and would like you to take her through what it means to be a law student. She would like you to take her through the step by step process of reading cases and understanding them without difficulties.

Explain to her in detail how to find, cite and read cases. (15marks)

QUESTION 3

Distinguish the following:

- a) Civil law and criminal law
- b) Public law and private law
- c) Municipal law and Public international law
- d) Substantive and procedural law
- e) Original Jurisdiction and appellate Jurisdiction

to be used by state with individuals and to state
- civil law is law based on individuals
to private law deals with individuals without the intervention of the state
national law
to in earth countries

Question 4

You have been given an assignment by your course instructor to prepare a slide for presentation in a symposium that the university has organized where the faculty of law has been assigned a major role to play. Your role is to discuss delegated/ subsidiary legislation, please prepare the following in your presentation.

- i) What is delegated/ subsidiary?
- ii) Advantages of delegated/ subsidiary legislation
- iii) Disadvantages of delegated/ subsidiary legislation
- iv) Application of delegated/ subsidiary legislation in Uganda

SECTION B

QUESTION 5

In a detailed discussion, please explain the definition of law as understood by the different schools of thought and the role that law plays in the contemporary society (25marks)

positive law
positive law

QUESTION 6

Examine the application of the doctrine of precedent, its advantages, disadvantages, and importance of precedents.

define law as the supreme authoritative that is capable of commanding law and order in a geographical area.

QUESTION 7

Contrast the definition of law between the natural school and positivist school of thought. In your answer, discuss with specific reference to Uganda how the understanding of these schools of law is still relevant today

Question 8

Explain the following terms

- a) *Obiter dicta* -
 - b) *Ratio decidendi* - *that is where the majority of the court members explain the rationale of the case*
 - c) Doctrine of distinguishing cases
 - d) Common law and equity
 - e) Plaintiff and defendant
- equity refers to fairness and justice of all people*