

UGANDA MARTYRS UNIVERSITY  
NKOZI

UNIVERSITY EXAMINATION  
MAY 2023

FACULTY OF LAW

BACHELOR OF LAWS (LLB) YEAR II SEMESTER II FINAL ASSESSMENT  
ACADEMIC YEAR 2022/2023

FAMILY LAW II  
LLB 2208

DATE: Wednesday 17<sup>th</sup> May, 2023

TIME: 9:30 AM– 1: 00 PM

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**Instructions:**

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1. This is a closed book exam. Students are not allowed to bring any reading materials into the examination room.
2. Candidates shall attempt a total of **FOUR** questions. **TWO** questions from each section.
3. Question **FOUR** is **compulsory**.
4. Each question carries 25 marks.
5. No **names** should be written anywhere on the examination book.
6. Ensure that your **Registration number** is indicated on all pages of the examination answer booklet.
7. Any type of examination malpractice will lead to automatic disqualification
8. Use the exam answer booklet for all your rough work

## Section A: The Law relating to Children

### Question 1

- a) Jamie Foxx is an American Citizen aged 45 years. He is married to Angel Foxx who is 33 years old. Angel is a Ugandan by descent but has acquired US citizenship through marriage. The family often comes to Uganda for holiday and to visit with Angel's family. Recently, Jamie Foxx met with Eriya Kwezi aged 12 years vending roasted maize along the streets of Kampala. Upon further inquiry, Jamie discovers that Eriya lives with his 60 year old grandmother, Johanna Nyakairu in Kawempe. Johanna Nyakairu who is physically disabled from a *boda boda* accident, further informs Jamie Foxx that Eriya lost both his parents to HIV/AIDS. According to Nyakairu, Eriya is the sole breadwinner of their family. Jamie Foxx is saddened by this fact and wishes to obtain parental responsibility over Eriya and live with him in the US. He also promised to purchase a modern wheelchair for Nyakairu and to regularly support her with some money, in addition to providing her with a modern wheelchair to ease her movements.

Jamie Foxx seeks your legal advice. Write a legal memorandum advising him. (20 marks)

- b) Supposing Jamie Foxx successfully obtains an Adoption Order but subsequently finds out that Eriya's mother, Peninah Karungi is actually alive. Karungi had no knowledge of the adoption process because she had been in Luzira Prison for two years on remand following false charges of inciting violence contrary to S.51 of the Penal Code Act, Cap 120. Karungi had been arrested during demonstration organised by the National Unity Platform in downtown Kampala. (5 marks)

### Question 2

Write a legal memorandum to Yoweri Bamwiine, the newly appointed Child Rights Officer at the Ministry of Gender, Labour and Social Development explaining the law relating to guardianship in Uganda. (25 marks)

### **Question 3**

Write short notes on the following:

- a) The distinction between care orders and supervisory orders. (10 marks)
- b) Declaration of parentage of a child. (10 marks)
- c) The welfare principle. (5 marks)

### **Section B: The Law of Succession**

#### **Question 4 (COMPULSORY)**

Percy Katungi was married to Farouk Kisambira and they had two sons. After six years together they acknowledged that their marriage had "lost its spark" and mutually agreed to search for "more adventurous and exciting lives with someone else." Farouk issued only two talaqs leaving room for a possible future reunion. One year later, Percy Katungi met and fell in love with Mr. Fred Kafeero whom she wedded at Rubaga Cathedral. For twelve years Percy Katungi lived happily with Kafeero in their palatial matrimonial home in Lunguja. Her two twin step-daughters, Babirye and Nakato, often dropped by their home with the grandchildren who fondly referred to Kafeero as "Big Daddy." They usually dropped in also to check on their aunt Paulina Namatovu (Kafeero's sister) and her daughter Lucy and grandparents (Kafeero's parents) who were all being looked after by Fred Kafeero. In a terrible twist of fate, both Farouk Kisambira and Fred Kafeero perished in separate road accidents. Neither had left a Will.

After recovering from the shock, Percy Katungi proceeded to the Administrator-General's office to claim her "double fortune" from the estates of Farouk Kisambira and Fred Kafeero. Nakato and Babirye are outraged.

Advise both Percy Katungi and the twins on their rights (if any) and the procedures to follow. (25 marks)



### **Question 5**

"The main strength of the rules of testate succession in the Succession Act is that they allow any person to dispose of his/her property as s/he wishes without following defined rules."

Discuss the truthfulness of this statement. **(25 marks)**

### **Question 6**

Recognising that about 10% of Ugandans make wills, Government has initiated an aggressive public awareness campaign. You are requested to explain to the public the following issues in succession law:

- a) Separation under Section 30 of the Succession Act as amended (Cap 162). **(5 marks)**
- b) The most effective way of revoking a will. **(10 marks)**
- c) The factors that impair the validity of a will **(10 marks)**

**BEST OF LUCK**