

CERTIFIED PUBLIC ACCOUNTANT

FOUNDATION LEVEL 1 EXAMINATION

F1.2: INTRODUCTION TO LAW

TUESDAY: 10 JUNE 2014

INSTRUCTIONS:

- 1. Time Allowed : 3 hours 15 minutes (15 minutes reading and 3 hours writing).**
- 2. This examination has seven questions and only five questions are to be attempted.**
- 3. Marks allocated to each question are shown at the end of the question.**

QUESTION ONE

- a) Explain the main differences between international law and national law. (16 Marks)
- b) Paul is a Rwandan and Jane is from a country X. They are in Rwanda and Paul wants to marry Jane who is 16 years old. In country X the age of marriage is at least 16 years while in Rwanda the age is at least 21. They decided to move to country X to conclude a marriage contract there.

Required : State, with reasons, whether the situation described above concerns national law or international law? (4 Marks)

QUESTION TWO

Cosy entered into a contract with Bild Ltd to construct a wall around the garden of a house she had just purchased. The wall was to be three metres high to block out a view of a rubbish heap. The wall was due to be finished in May and Cosy entered into another contract with Chris to landscape the garden starting on 1 June. Bild Ltd finished the wall on 25 May. However when Cosy came to examine it for the first time she found that it was only 2.50 metres high and that the rubbish heap was still visible from the top of her garden.

On 1 June, Chris informed Cosy that he was too busy to landscape her garden and that she would have to get someone else to do it. The only person available, however, will charge Cosy Frw 1,500,000 more than Chris had agreed for doing the work.

Required : Analyze the scenario from the perspective of the law of contract, advising Cosy :

- (i) Whether she can require Bild Ltd to reconstruct the garden wall in order to make it the agreed height, and if not, what alternative action is available to her? (10 Marks)
- (ii) Whether she can require Chris to undertake the work on the garden, and if not, what alternative action is available to her? (10 Marks)

QUESTION THREE

- (a) In relation to the law which governs negotiable instruments, list and briefly explain four types of endorsements. (6 Marks)
- (b) Explain the meaning of the term “holder” in relation to a bill of exchange and outline the duties of a holder of a bill of exchange. (8 Marks)
- (c) Abel Rigo received a Bill of Exchange for value from Boaz Ngao who had obtained the instrument fraudulently. Abel Rigo fearing that the Bill might lapse presented it for payment whereupon it was dishonoured. State with reasons whether Abel Rigo can claim to be a holder in due course. (6 Marks)

(Total: 20 Marks)

QUESTION FOUR

- (a) Distinguish between a condition and a warranty in the law of contract. (10 Marks)
- (b) S sells a car to P and the agreement contains the following clause; “since the car is sold cheaply, no condition or warranty that the car is roadworthy is given.” The car fails to move from the show room. S insists a legitimate deal has been concluded. Advise P. (10 Marks)

(Total 20 Marks)

QUESTION FIVE

- a) Settling disputes through the courts can be slow and expensive. State and explain two other forms of dispute resolution other than the courts of law. (7 Marks)
- b) Land is the common heritage of past, present and future generations. Discuss this statement in line with the general principles laid down by the 2005 organic law on land use and management in Rwanda. (7 Marks)
- c) What are the rights and obligations of the land owner (6 Marks)
- (Total: 20 Marks)

QUESTION SIX

- (a) Discuss the principle of juridical or legal personality (2 Marks)
- (b) With the help of examples discuss the legal effects related to gender and age. (4 Marks)
- (c) Discuss the legal characteristics of a name. (4 Marks)
- (d) What is the practical importance of domicile and residence in Rwanda? Discuss the legal characteristics of domicile and its determination. (10 Marks)
- (Total: 20 Marks)

QUESTION SEVEN

- a) Explain the main categories of the law of “things”. (12 Marks)
- b) With one example for each right, make a difference between a real right and a personal right. (6 Marks)
- c) Is servitude a real right or personal right? Explain your position. (2 Marks)
- (Total: 20 Marks)

End of question paper

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