



CPA FOUNDATION LEVEL

CS FOUNDATION LEVEL

CCP FOUNDATION LEVEL

INTRODUCTION TO LAW AND GOVERNANCE

TUESDAY: 22 August 2023. Morning Paper.

Time Allowed: 3 hours.

Answer any FIVE questions. ALL questions carry equal marks. Do NOT write anything on this paper.

QUESTION ONE

- (a) With reference to Sale of Goods Act:
- (i) Explain the term 'symbolic delivery'. (2 marks)
 - (ii) State **THREE** options available to a buyer when the seller delivers goods of a larger quantity than ordered. (3 marks)
- (b) Highlight **SEVEN** characteristics of a good law. (7 marks)
- (c) Discuss **FOUR** differences between courts and tribunals. (8 marks)
- (Total: 20 marks)**

QUESTION TWO

- (a) Outline **THREE** types of freehold interests in land. (3 marks)
- (b) Highlight **FIVE** characteristics of a promissory note. (5 marks)
- (c) Explain the jurisdiction of the Magistrate's court in proceedings of a civil nature concerning matters under the African customary law in your country. (6 marks)
- (d) Discuss **THREE** types of disclosures that partners in a partnership must make. (6 marks)
- (Total: 20 marks)**

QUESTION THREE

- (a) In relation to intellectual property law, identify which intellectual property right is required for the following types of intellectual property:

Type of Intellectual Property

Intellectual Property Rights

For example: New plant varieties

Plant breeder's rights

- (i) Inventions
- (ii) Works of art and authorship
- (iii) Source identification/brand names
- (iv) Proprietary information

(4 marks)

- (b) Distinguish between primary legislation and delegated legislation. (4 marks)

- (c) With regard to the law of tort, enumerate **FIVE** ways through which an occupier of land could guard himself against liability from independent contractors. (5 marks)
 - (d) Highlight **SEVEN** conditions which must be fulfilled in order for a principal to effectively ratify an act of an agent. (7 marks)
- (Total: 20 marks)**

QUESTION FOUR

- (a) In relation to the law of torts:
 - (i) Explain the "thin skull" rule. (2 marks)
 - (ii) Differentiate between "intentional torts" and "unintentional torts". (4 marks)
 - (b) Argue **THREE** cases for the independence of the judiciary. (6 marks)
 - (c) Examine **FOUR** distinctions between an indemnity contract and a contract of guarantee. (8 marks)
- (Total: 20 marks)**

QUESTION FIVE

- (a) Describe the following principles:
 - (i) Utmost good faith with reference to insurance contracts. (2 marks)
 - (ii) Adverse possession with reference to ownership of land. (2 marks)
 - (b) Outline **FOUR** disadvantages of solving disputes through alternative dispute resolution method. (4 marks)
 - (c) With reference to a corporation as an artificial person, enumerate:
 - (i) Three legal rights. (3 marks)
 - (ii) Three legal responsibilities. (3 marks)
 - (d) Examine **THREE** types of exemption clauses that could be used in a contract. (6 marks)
- (Total: 20 marks)**

QUESTION SIX

- (a) Highlight **FIVE** pillars of corporate governance. (5 marks)
 - (b) Highlight **SEVEN** roles of professional bodies with regard to regulation of a profession. (7 marks)
 - (c) In relation to professional ethics, examine **FOUR** common ethical dilemmas faced by professionals. (8 marks)
- (Total: 20 marks)**

QUESTION SEVEN

- (a) Distinguish between "corporate governance" and "ethics". (4 marks)
 - (b) Highlight **SEVEN** consequences of lack of business ethics to a country's economy. (7 marks)
 - (c) State **NINE** corporate governance practices that could enhance the performance of an organisation. (9 marks)
- (Total: 20 marks)**
-