



CPA FOUNDATION LEVEL

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INTRODUCTION TO LAW AND GOVERNANCE

TUESDAY: 2 August 2022. 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) In relation to the classification of law, distinguish between:
- (i) “Municipal law” and “international law”. (4 marks)
 - (ii) “Substantive law” and “procedural law”. (4 marks)
- (b) Distinguish the remedies available in civil law and those available under criminal law. (4 marks)
- (c) State eight sources of law identified by the Judicature Act. (8 marks)
- (Total: 20 marks)**

QUESTION TWO

- (a) In relation to professional ethics for Corporation Secretaries, explain five instances which might be considered to be professional misconduct. (10 marks)
- (b) In the context of solving disputes through alternative dispute resolution:
- (i) Explain four advantages of traditional dispute resolution mechanisms. (4 marks)
 - (ii) Summarise six grounds for setting aside an arbitral award. (6 marks)
- (Total: 20 marks)**

QUESTION THREE

- (a) Discuss four cases where a court cannot grant the remedy of specific performance. (8 marks)
- (b) Explain the seven rules applicable for distribution of assets upon dissolution of a partnership. (7 marks)
- (c) Describe five conditions necessary for the doctrine of estoppel to apply. (5 marks)
- (Total: 20 marks)**

QUESTION FOUR

- (a) Highlight five instances where receiving of another’s goods will not amount to conversion. (5 marks)
- (b) Outline five distinctions between a “promissory note” and a “bill of exchange”. (5 marks)
- (c) Discuss five defenses of a trademark infringement. (5 marks)
- (d) Explain the personal liability of an agent. (5 marks)
- (Total: 20 marks)**

QUESTION FIVE

- (a) In relation to professional ethics, discuss five ways in which enforcement of professional ethics and standards is conducted in your country. (10 marks)
 - (b) State three conditions which must be satisfied for a commercial agency to arise. (6 marks)
 - (c) Explain four ways in which the independence of the judiciary could be achieved. (4 marks)
- (Total: 20 marks)**

QUESTION SIX

- (a) Explain six circumstances under which an insurance contract might be terminated. (6 marks)
 - (b) In relation to the law of property:
 - (i) Describe sectional properties. (2 marks)
 - (ii) Outline the four roles of lawyers in land transactions. (4 marks)
 - (c) Discuss four advantages of the doctrine of “stare decisis”. (8 marks)
- (Total: 20 marks)**

QUESTION SEVEN

- (a) Identify five principles that a co-operative society has to incorporate in its by-laws for it to be registered as a co-operative society in your country. (5 marks)
 - (b) In relation to the law of contract:
 - (i) State three rules governing exclusion clauses. (6 marks)
 - (ii) Explain the “contra proferentem” rule. (3 marks)
 - (c) Describe three types of guarantee. (6 marks)
- (Total: 20 marks)**
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