



**CPA FOUNDATION LEVEL**

**CS FOUNDATION LEVEL**

**CCP FOUNDATION LEVEL**

**INTRODUCTION TO LAW AND GOVERNANCE**

**TUESDAY: 6 December 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) With reference to the law of contract, state **FOUR** circumstances under which a court might nullify or mitigate the hardship created by an exemption clause. (4 marks)
- (b) (i) Explain **FOUR** benefits of carrying out a legal audit in a corporation. (4 marks)
- (ii) Describe **TWO** rules of statutory interpretation. (4 marks)
- (c) Discuss **FOUR** ways in which the right to lien as a remedy of unpaid seller might be lost. (8 marks)
- (Total: 20 marks)**

**QUESTION TWO**

- (a) In relation to the law of Torts, explain the following terms:
- (i) Standard of care. (2 marks)
- (ii) Res ipsa loquitor. (2 marks)
- (iii) Strict liability. (2 marks)
- (b) Distinguish between “law” and “morality”. (4 marks)
- (c) Subordinate courts are bound to apply the decisions of superior courts in subsequent similar cases where they have been pleaded as law.
- Describe **FIVE** exceptions to this rule. (10 marks)
- (Total: 20 marks)**

**QUESTION THREE**

- (a) In relation to the law of contract:
- (i) Define the term “consideration”. (2 marks)
- (ii) Outline **FOUR** circumstances in which a contract might be frustrated. (4 marks)
- (b) Identify **TWO** differences between a “natural person” and an “artificial person”. (4 marks)
- (c) Discuss **FIVE** types of precedents. (10 marks)
- (Total: 20 marks)**

**QUESTION FOUR**

- (a) Outline **FIVE** conditions that are necessary for agency by ratification to arise. (5 marks)
  - (b) Identify **FIVE** characteristics of unincorporated associations. (5 marks)
  - (c) (i) Using **THREE** examples, distinguish between a “negotiable instrument” and a “negotiable document of title”. (6 marks)
  - (ii) In relation to the court system, highlight the jurisdiction of the International Court of Justice. (4 marks)
- (Total: 20 marks)**

**QUESTION FIVE**

- (a) (i) Define the term “corporate governance”. (2 marks)
  - (ii) Outline **SIX** principles of corporate governance. (6 marks)
  - (b) State **FOUR** disputes that are not eligible for alternative dispute resolution mechanisms. (4 marks)
  - (c) Explain **FOUR** rules governing presentation of a bill of exchange for payment. (8 marks)
- (Total: 20 marks)**

**QUESTION SIX**

- (a) (i) In relation to intellectual property, identify **TWO** types of works that are eligible for copyright protection. (2 marks)
  - (ii) Highlight **FOUR** advantages of tribunals. (4 marks)
  - (b) With reference to the law of property, describe **THREE** forms of interest in land. (6 marks)
  - (c) Describe **FOUR** characteristics of tenancies. (8 marks)
- (Total: 20 marks)**

**QUESTION SEVEN**

- (a) With reference to professional ethics:
    - (i) Outline **FOUR** ethical principles that underpin all professional codes of conduct. (4 marks)
    - (ii) Distinguish between “morality” and “etiquette”. (4 marks)
  - (b) In relation to the law of insurance, describe **FOUR** conditions which must exist for an insurer to be entitled to contribution. (4 marks)
  - (c) Explain **FOUR** remedies in administrative law. (8 marks)
- (Total: 20 marks)**
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