



**CERTIFIED PUBLIC ACCOUNTANT
FOUNDATION LEVEL 1 EXAMINATION**

F1.2 INTRODUCTION TO LAW

DATE: WEDNESDAY, 27 JULY 2022

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.
4. The question paper should not be taken out of the examination room.

QUESTION ONE

(a) MUGENZI, a resident of Rwamagana went to University of Rwanda, Butare to study Bachelor of Law (LLB), in the School of Social sciences, in 2021. When Professor Michael Nyarugendo started to teach students Introduction to Law course, MUGENZI, a curious student who is greatly interested in law asked the professor many questions related to law such as the relevancy of law in a society, why laws differ from ethics, morality and Religion. In the process, Bernardo Rukundo a student from Musanze, was also interested to know the need for the classification of law.

Required:

As a student of Introduction to Law, discuss the classification of law in Rwanda.

(9 Marks)

(b) The first session of the class was so interesting because everyone was given the opportunity to ask any question related to law, and others focused on the expectations they will achieve from studying the course. Jean Paul a student from Kanombe asked if really there is any connection between morality and the Law.

Required:

As a student of Introduction to law, compare and contrast morality and Law

(4 Marks)

(c) In the discussion held for the first session, another student from Remera Catherine Mutesi was interested with the subject of Administrative Law. As someone working with the Ministry of Finance, she has some knowledge on the subject. Curiously, Professor Michael Nyarugendo requested her to explain a little bit on Administrative Law. She started by explaining that administrative law is the chief method for people to hold state bodies to account. This branch of law is defined as a set of rules which regulate the organization, the functioning, and the control of the executive. Administrative law also defines the powers and the privileges of the executive. She also discussed the general principles of administrative law in Rwanda.

Required

i) **As a student of Introduction to law who was present in class discuss any three (3) principles of Administrative Law.**

(3 Marks)

ii) **With the help of relevant examples explain any two (2) privileges of administrative Law in Rwanda.**

(4 Marks)

(Total: 20 Marks)

QUESTION TWO

a) Kamali is an advocate of the High court of Rwanda and Rwandan national. He is a practitioner of law in Rwanda. While in a discussion with Owen an advocate of British Majesty court and a national of Britain, Kamali was of the opinion that the same legal system applies both in Rwanda and UK. Owen however argues out that Rwanda is governed by the civil legal system while UK is governed by the common legal system. Reluctantly Kamali agrees but suggests that the civil legal system is better than the common legal system. Owen with the help of examples tries to convince Kamali that the common legal system is the best compared with the civil legal system.

Required:

i) Owen has initiated a lawsuit in France and needs to know the difference between common legal system and civil legal system. As a student of Introduction to law **explain any two (2) difference between common legal system and civil legal system in general with the help of two (2) examples.** (4 Marks)

ii) Kamali, a member of East Africa Law Society, has a client (Uwera Marry) who has a dispute in Uganda and agreed to represent her before Courts of Law of Uganda. **As someone who is familiar with these concepts, and with the help of two (2) relevant examples, explain the difference between common legal system and civil legal system in civil matters.** (2 Marks)

iii) Owen is informed that one of his clients is accused of having committed an offense of using forged documents in Rwanda and needs to know if there is any difference between common law system and civil law system in criminal matters. **As a student of Introduction to Law, with the help of four examples explain such differences.** (4 Marks)

b) Article 61 of the Constitution of Rwanda of 2003 as revised in 2015 provides that there are three branches of the Government: The Legislature, the Executive, and the Judiciary. The three branches are separate and independent from each other but are all complementary. Their responsibilities, organization and functioning are defined by this Constitution. The State must ensure that duties in the Legislature, Executive and Judiciary are entrusted to persons of competence and integrity. In this way, separation of powers ensures the checks and balances. Article 36 of the Law N°30/2018 of 02/06/2018 determining the jurisdiction of courts provides that the specialized chambers of Intermediate Courts for labor and administrative cases, have jurisdiction to try at first instance the following cases related to administrative decisions taken at last instance by the administration.

Required:

i) **Highlights five (5) situations on administrative cases that the specialized chambers of Intermediate Courts for labor and administrative cases can hear and try.** (5 Marks)

ii) In this situation of the judicial control over the executive, the Supreme Court can also take decisions to some cases against the functioning of the Executive. **Explain any five (5) such cases.** (5 Marks)

(Total: 20 Marks)

QUESTION THREE

a) Nzabonimpa a Burundian refugee in Rwanda felt in love with a Rwandese woman Miss Kamana and got married in 2017. After giving birth to a child called Ineza Jenna, they decided to migrate to Belgium in 2020. They now have three (3) children namely, Ganza, John, and Rumuri Greg.

Required:

i) **Define a legal personality of a person.** (2 Marks)

ii) **What are the effects of legal personality?** (2 Marks)

iii) **How a legal personality of natural person can be terminated in Rwanda.** (2 Marks)

iv) **How a legal personality of artificial person can be terminated in Rwanda.** (2 Marks)

b) Nkurunziza has signed a contract with “Association Ubuzima bwiza” (association that promotes good health among Rwandans) for supplying 10,000 mosquito nets with a total price of fifty million (FRW 50,000,000). After delivering the goods as requested, a dispute has arisen based on interpretation of the contract. All amicable settlement mechanisms have failed, and Nkurunziza has decided to lodge a case in a competent court against the Association. The case was registered by the court and Registrar of the court organized the pretrial conference. During the pretrial conference, the representative of the Association informed the Registrar of the court that the Association does not have legal personality and therefore is not subject to be sued due to lack of standing and interest of the parties as provided by Law no 22/2018 of 29/04/2018 relating to the civil, commercial, labor and administrative procedure as complemented by the law of 2022

Required:

i) **Explain the position of law with regard to the above case study and confirm if the respondent has a defense for the rejection of the case.** (2 Marks)

ii) **How can an association without legal personality be sued in courts of Law?** (1 Mark)

iii) **Differentiate the legal personality of the association with the legal personality of members of the association.** (2 Marks)

c) Ganza drove a car heading to Huye District on road at 35km per hour. The maximum speed limit was 40km per hour. He struck and killed a cow that was crossing the road. The owner of the cow sued Ganza for the value of the cow. Ganza said that since he was not driving above the speed limit, there could be no liability for negligence.

Required:

- i) **Define the term negligence under the law of tort.** (1 Mark)
 - ii) **Was the defense of Ganza valid? Explain your position.** (2 Marks)
 - iii) **List the elements required to establish negligence under the law of tort.** (4 Marks)
- (Total: 20 Marks)**

QUESTION FOUR

a) Article 3 of the law n°45/2011 of 25/11/2011 governing contracts provides that contracts are classified into different categories. The classification of contracts helps to know the effects of each contract comparing to others.

Required:

- i) With help of relevant examples, **distinguish**
 - 1. **Unilateral contract from bilateral contract.** (4 Marks)
 - 2. **Valid, void, voidable, and unenforceable contracts.** (8 Marks)
- ii) The contract of donation is said to be unilateral and gratuitous. **Explain why?** (2 Marks)

b) Kalisa sold a motorcycle to Kanamugire for a price of one million five hundred thousand francs (FRW 1,500,000) and after signing a contract, Kanamugire paid the price and went without the property bought because he did not have a driving license. At night, a motorcycle was stolen, and Kalisa feared to inform Kanamugire about the incident. After two days of the contract, Kanamugire came to pick his property and found out that it has been stolen. Kanamugire claimed to be refunded the price of the motorcycle basing on the fact that he does not have the subject matter of the contract and Kalisa refused to refund Kanamugire on the basis that the contract had been already concluded.

Required:

- c) **Explain the position of law with regard to the above case study and confirm who is right between Kalisa and Kanamugire.** (3 Marks)
 - d) **State any three (3) events that may frustrate the performance of the contract.** (3 Marks)
- (Total: 20 Marks)**

QUESTION FIVE

(a) Analyze the cases below and associate each of them with the vitiating factors of contract (vices of consent) and explain why. Also discuss the remedies available for each case.

- i) Peter bought a watch from the supermarket at a higher price having been made to believe that it was made of gold while it was not true. (3 Marks)
- ii) With intention, Peter sold goods to his client promising him that they were of good quality while some were fake. (3 Marks)
- iii) A Medical Doctor dominated the will of the patient at the hospital and the patient agrees to sell his house to the Medical Doctor for a price of fifty million francs (FRW 50,000,000 while the normal value is eight million francs (FRW 80,000,000.) (3 Marks)
- (iv) In all details, contrast mistake and misrepresentation and provide one similarity for mistake and misrepresentation. (5 Marks)

(b) Gahima sold cocaine drug to Muhigirwa for a price of ten Million francs (FRW 10,000,000). In the contract, they agreed that any dispute that may arise will be resolved amicably and if in vain, use national competent court. After paying the price of the contract, Muhigirwa found out that the cocaine drug given was equivalent to five Million francs (FRW 5,000,000) and approached Gahima to settle an issue amicably but he refused and told him to lodge his claim anywhere he wants.

Required:

Advise Muhigirwa on what to do and which competent court can handle such dispute and explain your position.

(6 Marks)

(Total: 20 Marks)

QUESTION SIX

Musa Mudoi is an agent of the insurance company called MYLIFE Plc operating in Rwanda, and he is in charge of marketing its products. When he is on duty he behaves as the staff of the company and all clients treat him as a staff. He is remunerated on the basis of the contract negotiated. Musa Mudoi became a famous and a successful agent to the extent that other insurance companies were competing to recruit him as their agent.

Required:

- a) **Explain the contract of agency.** (3 Marks)
- b) **Discuss how a contract of agency can be created?** (7 Marks)
- c) Because of the demonstrated conflict of interest Musa Mudoi claimed that the principal failed to respect his duties and thus one of the reasons for terminating the contract of agency. **Name at least 2 duties (responsibilities) of the principal in relation with the agent and 5 duties (responsibilities) of the agent to his principal.** (7 Marks)
- d) **Discuss any three (3) ways in which the contract of agency can be terminated.**

(3 Marks)

(Total: 20 Marks)

QUESTION SEVEN

a) Havugimana has bought from Hakizimana a land for agriculture of twenty Hectares (20Ha) located in Nyagatare District, Rwimiyaga Sector for an amount of forty million francs (FRW 40,000,000) and he started exploiting the land as the owner. Hakizimana decided to keep silent on that contract of sale and he sold again that land to another person called Nyandwi. Nyandwi became so cautious and requested Hakizimana for a transfer of land and after four months, a transfer was done in due course.

After a transfer, Havugimana knew that a land was sold again while it is his property and a case started in local authorities claiming that Hakizimana has sold his property as far as he is the one who bought first, and law of Rwanda provides that a contract is concluded, and a transfer is made when the offer has been accepted. Nyandwi said that the property belongs to him as far as he has certificate of registration of that property.

Required:

i) **Explain the position of law with regard to the above case study and confirm the owner of that land?** (3 Marks)

ii) One of my friends told me that if I use in good faith other person's land for a given period of time for my interest, the land may become mine, is it true? **Explain your answer**(3 Marks)

iii) **Discuss any three (3) limitations (exceptions) of the prescription on land.** (5 Marks)

b)

i) **What do you understand that every person has only one patrimony?** (3 Marks)

ii) **Discuss the prerogatives of the ownership right and provide one example to any prerogatives.** (6 Marks)

(Total: 20 Marks)

End of question paper

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