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**CERTIFIED PUBLIC ACCOUNTANT**  
**FOUNDATION LEVEL 1 EXAMINATIONS**  
**F1.2: INTRODUCTION TO LAW**  
**DATE: WEDNESDAY 29, NOVEMBER 2023**

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**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) Seth Mugabe, Jean Paul and Uwimana Grace are both students undertaking introduction to law course under ICPAR. In the class discussion about law, Jean Paul suggested that law is obligatory and that once it is made, every person must comply with it. On the contrary, Seth Mugabe and Uwimana Grace were of the opinion that the intensity of compulsoriness differs depending on whether a law is prohibitive or superlative. There was a very heated discussion on this matter to the extent that Uwimana Grace suggested that they call a colleague who has completed his law degree from the University of law to settle the discussion

### Required:

- (i) Assuming you are the colleague, **explain to Seth Mugabe, Jean Paul and Uwimana Grace whether law is obligatory in nature or there are those laws that are not obligatory.** (3 Marks)
- (ii) With the help of examples, **explain any two prohibitive rule.** (4 Marks)

(b) Kabera John and Rafiki Fred are good friends and business partners. From time to time, they do enter into a contract and they each perform their obligations without any problem. In the year 2019, they entered into a contract in which Kabera was to supply Rafiki Covid-19 related materials worth twenty million francs (FRW 20,000,000). Kabera asked Rafiki to pay a down payment of ten million francs (FRW 10,000,000) which Rafiki paid without hesitation based on the relationship between them. Due to the Covid-19 restriction on the transport sector and prohibition of movement by the Government, Kabera was unable to supply the materials. When Rafiki asked him to refund back the money, Kabera does not have the money to return. Rafiki does not know how to approach this dispute and to which authority he should report the matter to.

### Required:

**Explain to Rafiki where to report the matter and the type of legal sanction which may apply to the matter raised in the above case scenario.** (3 Marks)

(c) Sinqopile Best and Noka Elisee are officers of the Rwanda National Police stationed at Muhima Police Station. On 25<sup>th</sup> October 2022 while on duty a conflict arose between these two officers and they serious fought each other and both sustained minor injuries. Sinqopile Best feels offended and want to take action but she does not know how to go about it.

### Required:

**Explain to Sinqopile the legal sanction which will apply to the case and what are the sanctions which may be imposed to the party which may be found culpable.** (4 Marks)



**(d)** Darlington and Mutabaruka are students of ICPAR and are about to sit for their introduction to law Paper in December 2023. In their discussion about the application of law, Mutabaruka suggested that law is one and the same for the whole world. Going by the bible he argued that law like the ten commandments of God apply the same everywhere in the world. Darlington did not agree with the argument put forward by Mutabaruka, he instead suggested that the law in Rwanda may not be the same with the law in Kenya, for example. He continued to explain that the world is divided into different legal families to which Mutabaruka vehemently opposed.

**Required:**

- (i)** With the help of examples, **explain to Darlington and Mutabaruka the correct position concerning legal systems** (3 Marks)
  - (ii)** In your understanding, **explain the legal family to which Democratic Republic of Congo, Kenya and Saudi Arabia belong** (3 Marks)
- (Total: 20 Marks)**

**QUESTION TWO**

John Bagabe and Umugore Sandrine are husband and wife and they have been married for twenty years. Last year December, a marital dispute arose between them. The dispute was in relation to conjugal rights. Bagabe strongly felt that since they are married, he cannot be denied his conjugal rights. On the contrary, Umugore argues that she cannot not be forced into sex without her willingness. They tried to find a solution but all in vain. On night in December, Bagabe forced himself to Umugore and enjoyed his conjugal rights. Umugore was very upset and wanted to go to the police and report Bagabe for rape. However, before doing so Bagabe requested that they call their church pastor for counselling because according to him there was no way, one can rape his wife. When the pastor came, and having listened to them keenly, he asked them to think about arbitration of this matter first before resorting to any other mechanism of dispute resolution.

**Required:**

- (a)** As a student of introduction to law, **do you think that the pastor's advice was correct or erroneous? Support your answer.** (2 Marks)
  - (b)** **Explain any three matters that are excluded from arbitration** (6 Marks)
  - (c)** **Explain any three features of arbitration** (6 Marks)
  - (d)** **Explain any three differences between arbitration and litigation** (6 Marks)
- (Total: 20 Marks)**



### QUESTION THREE

Umubyeyi Chantal is a resident of Rwamagana and Ntoto the name of her house help. Ntoto has worked for Umubyeyi for the last five year and during the period Ntoto was so good that Umubyeyi was not concerned to know the other names of Ntoto. Last year November, Umubyeyi had applied for a loan of ten million Francs (FRW 10,000,000) which she succeeded to get. Since she wanted to construct a restaurant, she withdrew all the money and carried it home and kept it at her cupboard in the sitting room. While Ntoto was doing her normal duty of cleaning she came across this money and immediately arranged and stole the money and escaped. During lunch time, Umubyeyi went to kitchen to see how far lunch and discovered that Ntoto is nowhere. She tried to call her but she is nowhere something which has never happened for the very many years of her service in the house. In the meantime, Umubyeyi remembered that her money is not kept well and she found out that the money is missing when she went to check on it. She immediately rushed to Rwamagana Police Station which was only 500 meters away from her house, to report the matter.

#### Required:

- (a) As a student of introduction to law, **explain any three elements which are necessary for identifying Ntoto.** (6 Marks)
  - (b) **Explain any three reasons the legislator gives to justify why a personal name is maintained instead of a family name in Rwanda.** (6 Marks)
  - (c) With the help of relevant examples, **explain the two legal effects related to gender and age.** (4 Marks)
  - (d) With the help of relevant examples, **explain three characteristics of a name.** (4 Marks)
- (Total: 20 Marks)**

### QUESTION FOUR

(a) Holly Nadya is a student of ICPAR and she will be writing her exams in June 2023 and she is supposed to pay three hundred thousand francs (FRW 300,000) for three papers. Nadya was recently laid off from her job and therefore, she does not have money to pay for the papers. In December 15<sup>th</sup> last year, she decided to sale her Frisian milking cow for three hundred and fifty thousand francs (FRW 350,000). Fabngamije Viera a former workmate accepted to buy this cow but he promised to pay her on 15<sup>th</sup> January 2023 to take it effect. However, on 10<sup>th</sup> January 2023, while Fabngamije was crossing the road taking the cow to graze, the cow was knocked down by a speeding car and the cow died instantly. Fabngamije was very much shocked and she informed Nadya of the accident but Nadya informed him that she is not ready to entertain any story but she wants Fabngamije to pay her the three hundred and fifty thousand francs (FRW 350,000) on the basis that the cow died in the hands of Fabngamije due to carelessness. On his part, Fabngamije is not ready to pay for the death cow.



**Required:**

- (i) Analyze the case scenario above and explain to Nadyne and Fabngamije which law shall be applied to solve this case and inform them their obligations and who shall bear the loss as a result of the accident.** (4 Marks)
- (ii) Can the above said case scenario reflect a contract? If your answer is yes, explain any three characteristics of the contract.** (7 Marks)

**(b)** Assume that in the case scenario in (a) above Fab ngamije had paid Nadyne three hundred and fifty thousand francs (FRW 350,000) in December 15<sup>th</sup> 2022 and promised to come to take the cow before January 15<sup>th</sup> 2023. While Nadyne takes the cow for grazing, the cow is knocked down by a speeding lorry and it dies on the spot.

**Required:**

**Who do you think will suffer a loss and why? Explain any four differences arising from the case scenarios above (a and b).** (9 Marks)  
**(Total: 20 Marks)**

**QUESTION FIVE**

Gatete James, Mbanda Alex and Mutoni Alice are business partners at Kigali City market running ANYZ Pharmaceuticals. They deal with pharmaceutical products worthy billions of Rwandan francs. Two years ago, there was a fire outbreak and many people suffered great loss more especially those without insurance cover. Fortunately, the fire did not spread to the wing where ANYZ Pharmaceuticals is situated since too, their products were not insured. After this fire debacle ANYZ Pharmaceuticals are contemplating to take an insurance policy but they are not very informed on the law governing insurance. While they were trying to piece together information about insurance law, a friend Murekatete Jane informed them that the good thing of insurance is that you will be compensated even when you were careless. This made the three very excited. She further informed them that they can receive ten times compensation although they have only paid for one month instalment towards the insurance company and finally Murekatete informed them that it does not matter what causes the loss (fire, theft, water etc.) for, they will be compensated.

**Required:**

- (a) As a student of Introduction to law, define to Gatete James, Mbanda Alex and Mutoni Alice a contract of insurance and confirm to them if all what Murekatete Jane told them is true** (5 Marks)
- (b) Explain any three characteristic of a contract that you can pick from the case scenario above** (6 Marks)
- (c) A contract of insurance is like gambling but with slide differences. Explain the similarities and differences between gambling and a contract of insurance** (3 Marks)



- (d) Explain to Gatete James, Mbanda Alex and Mutoni Alice any three categories of insurance and which category of insurance fits their business** (6 Marks)  
**(Total: 20 Marks)**

### **QUESTION SIX**

**(a)** Jane Mbabazi, Annette Uwase are workers of Ndera hospital. Jane Mbabazi is a resident of Rwamagana while Annette Uwase is a resident of Kicukiro. A conflict arose at the work place which led to a serious fight resulting to broken limb for Annette Uwase. It became serious to the extent of the police being called to arrest Jane Mbabazi who had become very hostile. Jane Mbabazi was later released on bond from Ndera police station pending the court determination. Annette Uwase was informed that the moment the court will be ready she will be informed accordingly. Annette Uwase is confused as to the jurisdiction which shall hear and determine this case.

#### **Required:**

- (i) Explain to Annette Uwase the territorial jurisdiction with regard to the court or courts which will hear and determine the case above.** (6 Marks)  
**(ii) Discuss briefly the territorial jurisdiction on civil matters with regard to physical persons.** (4 Marks)

**(b)** Sent Nkubara who resides in Rwimbogo cell of Ndera Sector of Gasabo District is accused for meticulously planning to kill his immediate neighbor Rita Anita. If this accusation is proofed sent Nkubara is supposed to be imprisoned for a period not exceeding ten years. Ndazaro Peter advised Rita Anita to approach the primary court within Ndera to deal with the case in question. Rita Anita on her party want to approach the Mediation committee sitting at Rwimbogo cell to settle this case.

#### **Required:**

- (i) As a student of introduction to law, explain to Rita Anita which is the right jurisdiction for the case above and explain any two offences tried by primary courts under the subject matter jurisdiction.** (4 Marks)  
**(ii) Explain any three primary jurisdictions of the primary courts tried in the first instance on civil matters.** (6 Marks)  
**(Total: 20 Marks)**



## QUESTION SEVEN

Nzakomeza and Umukobwa are husband and wife and they own several properties in the city of Kigali and outside the city of Kigali. Among the properties they own are six apartments situated at Nyarutarama, three five stars in Kiyovu and four apartments in Kabuga. They also own twenty acres of land at Rwamagana and thirty acres of land at Huye. In addition, they own several coaster buses plying on various routes in Rwanda. All the aforesaid houses are on rent and few are with their grown-up children, Nkusi, Shema and Disan. All the sons are married and have children. Sometimes, they collect the rent on behalf of their parents and they use them to enjoy life and misuse it seriously. They are equally well educated but they don't want to work. The parents gave them a notice to vacate the apartments but they refused claiming that the apartments are their property too. In the meantime, one Joshua Mugabo a tenant of one of the apartments in Nyarutarama without the permission of Nzakomeza and Umukobwa overhauled the apartment rooms to suit his test claiming that he has a right to do so because he is paying the rent. Nzakomeza and Umukobwa are not educated and therefore they don't understand the law of property are the rights attached to the property.

### Required:

- (a) As a student of Introduction to Law, **provide any four definitions from different authors so that Nzakomeza and Umukobwa will understand the meaning of property.** (6 Marks)
  - (b) **Explain to Nzakomeza and Umukobwa whether it is true that their property is also the children property and they therefore have rights to collect rent and use.** (4 Marks)
  - (c) **Explain to Nzakomeza and Umukobwa if the action of Joshua Mugabo of overhauling the rooms to suit his test was justified because of the rent paid.** (4 Marks)
  - (d) **Explain to Nzakomeza and Umukobwa the meaning of Usus, Fructus, and Abusus in relation to property.** (6 Marks)
- (Total: 20 Marks)**

**End of question paper**



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