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## **CERTIFIED PUBLIC ACCOUNTANT**

### **FOUNDATION LEVEL 1 EXAMINATION**

#### **F1.2: INTRODUCTION TO LAW**

**TUESDAY: 3 DECEMBER 2013**

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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.**

### QUESTION ONE

- (a) Define the term law. (2 Marks)
- (b) Explain **four** sources of law in Rwanda. (4 Marks)
- (c) Define Statute law and discuss its advantages. (14 Marks)
- (Total: 20 Marks)

### QUESTION TWO

- a) Explain the ways in which the tort of conversion may be committed. (2 Marks)
- (b) Explain the legal principles applicable in each of the cases listed below:
- (i) **B** entered into **C**'s land to recover a tamed rabbit which belonged to **B**'s children. (6 Marks)
- (ii) **H** pasted a poster on **D**'s wall advertising a disco-dance competition meant for raising funds for a local charity. (6 Marks)
- iii) **F** cut down the branches of a mango tree belonging to **G**, his neighbor, which had extended to his land. He picked the ripe mangoes from the fallen branches and gave all of them to children in his vicinity. (4 Marks)
- (Total: 20 Marks)

### QUESTION THREE

(Total: 20 Marks)

The fundamental rights and freedoms of the individual are guaranteed by the constitution but are subject to respect for the rights and freedoms of others and for public interest. With reference to life, liberty, security of the person and protection of law:

- (a) Explain circumstances when a person shall not be regarded as having been deprived of his life in contravention of the provisions of the Constitution if he dies as a result of the use of force (12 Marks)
- (b) Cite instances when a person shall be lawfully deprived of personal liberty. (8 Marks)
- (Total: 20 Marks)

### QUESTION FOUR

- (a) Explain the meaning of a dependant as provided in the Law of Succession Act (4Marks)
- (b) What is a will? (2Marks)
- (c) Explain the ways in which a testator may revoke a written will? (4Marks)
- (d) Explain the duties of a personal representative. (4 Marks)
- (e) Highlight the reasons that may cause a legacy to fail. (6 Marks)
- (Total: 20 Marks)

### QUESTION FIVE

- (a) Explain the meaning of the term "Co-ownership" (2 Marks)
- (b) State the ways in which co-ownership may be terminated. (2 Marks)
- (c) Inventive Mind Co. Ltd. has developed a new drug to be used in the treatment of common cold.

The directors wish to register the trademark for their new product. Outline the items which must be contained in the application form for registration in order for the trademark to be registered. (6 Marks)

- (d) Roy a successful businessman would like to obtain some funds for expansion of his business premises through a mortgage facility. Roy would like to know what options would be available to the bank with regard to the proposed security in the event of his business failing and his being unable to repay the loan. (6 Marks)
- (e) Describe the options available to the bank. (4 Marks)
- (Total: 20 Marks)

### QUESTION SIX

- (a) (i) Explain the legal principal in the Rule in *Rylands Vs. Fletcher*. (4 Marks)
- (ii) Explain the defenses available to a person sued in an action brought against him under the Rule in *Ryland's Vs. Fletcher*. (8 Marks)
- (b) MUNYAKAZI sneaked into Jane Green's compound with the intention of breaking into his car and stealing a radio cassette. As he was walking towards the car park, he fell into a pit which Green had dug to construct a water reservoir. As a result MUNYAKAZI was seriously injured. MUNYAKAZI now seeks your legal advice as to whether he can successfully sue Green. State the legal principles applicable to the above facts and advise MUNYAKAZI. (8 Marks)

### QUESTION SEVEN

Mr. A, a car dealer sells second hand cars. On Thursday last week, he placed an advertisement in a daily newspaper which stated the following:

"Once in a lifetime, opportunity to own a one year old Nissan Caravan, low mileage, Frw. 3,500,000 cash. The offer is valid for only one day and the car will go to the first person who accepts it."

When Mr. **B** saw the advertisement, he immediately posted a letter of acceptance of Mr. **A**'s offer.

Mrs. **C** also saw the advertisement and came to inspect the car after which Mrs. **C** offered Mr. **A** a cheque of Frw. 3,500,000. However, Mr. **A** refused to accept the cheque stating that another potential buyer had already offered to buy the car.

Later in the day Ms **D**, another interested buyer telephoned Mr. **A** informing him that she was willing to buy the car but asked Mr. **A** if he would keep the offer open until she could go to her bank to obtain a loan. Mr. **A** accepted the request. However later, in the day, Mr. **E**, another potential buyer said that he would pay Frw. 4,500,000 in cash for the car. Mr. **A** agreed to sell the car to Mr. **E**.

On Monday morning, Mr. **A** received Mr. **B**'s letter of acceptance. At the same time, Mr. **E** returned to complete the transaction. However, in the afternoon Mr. **E** telephoned Mr. **A** to say that he had second thoughts and he no longer wished to purchase the car.

Citing relevant decided cases where applicable, explain the legal principles in the case in relation to:

- (a) Mr. A (4 Marks)
  - (b) Mr. B (4 Marks)
  - (c) Mrs. C (4 Marks)
  - (d) Ms. D (4 Marks)
  - (e) Mr. E (4 Marks)
- (Total: 20 Marks)**
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**End of question paper**