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**CERTIFIED PUBLIC ACCOUNTANT  
FOUNDATION LEVEL 1 EXAMINATIONS**

**F1.2: INTRODUCTION TO LAW**

**DATE: WESNESDAY 26, APRIL 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) The prosecution at the Primary Court located in Kigali filed a criminal case against Mr. Kavuyo to have committed an offence of assault or battery. Mr. Kavuyo was tried while he is free and the pleading of the case become interesting when he said he has not violated any law. He continued saying that to him the law is any misbehavior that causes a damage to others while for his case he was drinking a beer and someone came and started to insult him. At that time, he became angry and slapped him. He said he believes that it is not an offence as far as there is no misbehavior in the situation and he was provoked. Mr. Kavuyo pleaded also that there is no importance of law as far as he has been insulted and he is the one who is accused of the offence while the offender is free. As he does not know law, he continued talking about objective law and subjective law and requested the Judge to link him with his case so that as he decides, he is not convicted of the offence. The prosecution started by defining what is a law before linking the case to the Law determining offences and penalties in general and explained that a law is a set of rules of conduct prescribed by a controlling authority and which has a binding force. The prosecution said also that it is the offence as what happened and done is prohibited by articles 120 and 121 of the Law N°68/2018 of 30/08/2018 determining offences and penalties in general.

**Required:**

**Comment on the following statement linking it with the case: “a Law is a set of rules of conduct prescribed by a controlling authority and which has a binding force” (4 Marks)**

b) In the Courtroom, the Prosecutor was requested by the Judge to explain the importance of law so as to convince him why the accused should be convicted of the offence. **Explain the importance of law and list seven examples of what the law does, in attempting to prevent and resolve conflicts in society. (10 Marks)**

c) **Differentiate objective law and subjective law and provide one example each. (6 Marks)**

**(Total: 20 Marks)**

## QUESTION TWO

a) Mr. Amani a foreigner living in Rwanda was arrested at the International Airport of Rwanda for carrying out acts related to the use of narcotic drugs or psychotropic substances. An investigation was done and the suspect interrogated for the offences. When the interrogation started, Mr. Amani said that he should not be tried by Rwandan courts and if the Rwandan courts have the jurisdictions, international law will be applied as long as the situation he is being arrested includes international interventions and law. He continued saying that United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 was ratified by Rwanda and therefore it should not be used for his case as far as Rwanda is a party to the convention and he does not know Rwandan laws. He added that in his country, Narcotic Drugs and Psychotropic Substances are allowed and requested to use custom (as a source of law) so as he should be released.

### Required:

- i) As the one given the case as investigator, after listing the hierarchy of law focusing on national primary sources of laws, explain if International Convention prevails over the Organic Law. (5 Marks)
- ii) The suspect insisted even to use general principle of law on his case because he thought it will be beneficial to him. Explain if general principle of law can be used for this case and provide two examples of it. (4 Marks)
- iii) Define custom, list the elements of a custom and explain when custom can be used in courts of Law. (8 Marks)

b) Mss Umurerwa is in a discussion with Mr. Habimana on the use of laws and how different laws are adopted in Rwanda. Mss Umurerwa is of the opinion that a Decree Law is above all laws and seconded by the Ordinary Law and those laws are adopted by both chambers of Parliament. Mr. Habimana is saying that Mss Umurerwa is wrong as far as all mentioned laws are not accepted in Rwanda especially a Decree Law. He adds that what he knows is that an Ordinary Law is above a Decree Law which is adopted by the Chamber of Deputies. After one hour of a debate there was none of them was accepting that he/she was wrong, they agreed to call Mr. Bwenge to explain to them the difference between a decree and an ordinary law

### Required:

Assume that you are Mr. Bwenge, explain to them the difference between Ordinary Law and a Decree Law. (3 Marks)

**(Total: 20 Marks)**

**QUESTION THREE**

a) Mr. Kalib from UK has a business in energy sector and when a Rwanda day was organized in UK, he attended the event and was showed opportunities to invest in Rwanda in that sector. As in his business plan, he plans to expand his business in Eastern Africa through a country whereby it attracts foreign business, he decided to visit Rwanda first for the purpose of knowing how business is registered and is monitored, information related to taxes, laws related to different categories of business including the Court system. He is now inviting different persons of different expertise to share a cup of coffee while asking different questions for his trip.

**Required:**

You are approached as the one who has knowledge on court system of Rwanda, **discuss on the organization of courts in Rwanda.** (5 Marks)

b) As he is more interested to know about the organization of courts and jurisdiction of courts, he has heard from a friend of him who is living in UK that in Rwanda a second appeal is allowed in some circumstances and he is trying to link the Court of Appeal of UK with the one of Rwanda in terms of a second appeal, **List five situations whereby a second appeal to Court of Appeal is allowed.** (5 Marks)

c) He is convinced that he has to invest in Rwanda and started to request information on energy sector. After a certain time of discussion, he remembered that he has not asked a question related on knowing if a company has a business problem, to which competent court will be used. **Respond to him on the competent court to try disputes linked to business activities and provide him five jurisdictions of that Court.** (5 Marks)

d) **List the territorial chambers of High Court.** (5 Marks)

**(Total: 20 Marks)**

#### QUESTION FOUR

a) A dispute arose when Mr. Mutobo who was walking during his break time at 12 noon when he saw a bird near him. Thereafter he took a stone to kill it but accidentally he broke a windscreen of the car. The owner of the car immediately attacked Mr. Mutobo with a slap but the people who were around them came and tried to resolve the dispute. Mr. Mutobo said that it was an accident because the windscreen was broken unintentionally and nothing should be paid rather the car insurance should be responsible. The owner of the car, however, said that from the situation there is a damage that was caused and the car should be repaired by Mr. Mutobo and he added that he has to pay three hundred thousand francs (FRW 300,000) for the windscreen including fifty thousand francs (FRW 50,000) being the labor cost and one hundred thousand francs (FRW 100,000) for the time spent and moral damage.

#### Required:

After two hours of dispute without amicable settlement, the owner of the car filed a case to competent court to try the case. After pleadings, a Judge informed the parties that a decision will be pronounced after one month at 14h00. **As you are a judge, explain the conditions of liability of personal acts as a motivation and take a decision on the case.** (10 Marks)

(b) According to Art. 260 (3) CCIII, a master/”commettant” is liable for acts of the domestic (home maid) and agent (worker), if the acts fall within the functions for which they were employed. A “commettant” is a French word meaning someone who asks another to do something on his behalf. **List the conditions for the liability of a master/commettant for wrongs of a domestic worker.** (4 Marks)

(c) The heavy rain of April 2022 caused the destruction of a house of Mr. Kamanzi and the destruction caused the damage to his neighbor’s wall valued at two million francs (FRW 2,000,000). The owner of the house said that the ruins were caused as a result of a force majeure but the expert concluded that it was caused by the default of maintenance or a construction defect. The neighbor needs his wall to be repaired by Mr. Kamanzi in whatever means or ways.

#### Required:

The neighbor feel that the case should be tried by competent court and the law is on his favor. He comes to you for a legal advice. **Comment on the case and advise him.** (6 Marks)

**(Total: 20 Marks)**

### QUESTION FIVE

a) In a class of introduction to law, Mutoni told her classmates that she is a Bank agent who does every day a business of receiving deposits of clients and providing money for those who request to withdraw their money. She said that, usually, every day she undertake 400 hundred transactions in which 250 transactions are based on deposits and 150 of withdrawals. From that business, she can pay school fees for herself and she is planning to buy a car and a plot. After the story, Kamali becomes so interested to do such a business because he thought that it is an easy business that a person can do while studying at the university since Mutoni is an intelligent student although doing the business. Kamali needs more information on the law of agency

#### Required:

Assume that you are Mutoni and you have an experience on the law of agency, **Define an agency relationship?** (4 Marks)

b) Suppose now Kamali knows the definition of agency relationship, he too wants to know the types of agency relationship so as it can be easy for him to choose the type which is the best for him. **Explain the types of agents.** (8 Marks)

c) Kamali becomes happy for the business and he decides that he will create an agency but he does not know how to do it. **Discuss how an agency is created.** (8 Marks)

**(Total: 20 Marks)**

### QUESTION SIX

a) A Foreigner investor doing business in agriculture sector want to invest in Rwanda. When he arrived, he approached different authorities that will facilitate him to invest in Rwanda. He was asked to mention the facilities he needs and how Rwanda can benefit from his investment and he said that he needs hundred Hectares of land. The Officials of the Government of Rwanda gives you instruction to draft a paper explaining all matters related to the request for land and focus on explaining if a foreigner can be given a land for investment, if so which category of land he can be given for investment purposes, the rights that he will enjoy and so on.

#### Required:

As you are in charge of attracting investors and facilitating them, basing on Law N° 27/2021 of 10/06/2021 governing land, **List and explain the rights a Foreigner can get on land.**

(5 Marks)

b) **Discuss the classification of State lands and provide three examples of each.**

(10 Marks)

**c) After getting a response on procedures, a foreigner investor decides to work with a Rwandan so as it will be easy to get a land as they will buy from the citizens without referring to the Government Officials. Before buying eighty hectares of land that they have agreed with some citizens, he needs to know if land rights can be transferred from citizens to them, discuss how land rights are transferred between persons. (5 Marks)**

**(Total: 20 Marks)**

### **QUESTION SEVEN**

**a) Miss Mutesi was hired by one of the district in Rwanda and appointed to a post related to taking different decisions on complaints referred to the District. After giving her an induction course, she was provided an Office and different materials that will help her to serve. On her second day of work, one citizen came complaining that his land has been used for power plant construction while the land used was the only one, he had for surviving. He complained that even if his neighbors are rich and have big chunks of land, his only land in the village was taken and he was given unfair compensation. Miss Mutesi became confused because she does not understand why they used a land of poor citizen while his neighbors who are rich with many chunks of land were not taken. Miss Mutesi remembered that the expropriation done is in administrative law and called a workmate to provide more explanation to the citizens why such action has been taken.**

#### **Required:**

**You have been taught introduction to law, including administrative law, define it. (4 Marks)**

**b) The citizen believes that to use his only piece of land, is an injustice because his neighbors are rich and have big chunks of land which were not used for the project, discuss the general principles of administrative law and link it with the case. (6 Marks)**

**c) Administrative law provides privileges that help to achieve the objectives of the administration. List three privileges and explain the privilege that has been used for the case study. (4 Marks)**

**d) Discuss the means of administration and link with the case study. (6 Marks)**

**(Total: 20 Marks)**

**End of question paper**

