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**CERTIFIED PUBLIC ACCOUNTANT
FOUNDATION LEVEL 1 EXAMINATION**

E1.2: INTRODUCTION TO LAW

DATE: WEDNESDAY 23, AUGUST 2023

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) Mr. Kamanzi, a student of Kigali Secondary School in Senior Six in HEG (History, Economics and Geography) has approached Miss Kamana who is a University Student studying law to request an advice related to law in general and if he can be allowed to study in the faculty of law in the University when he finishes his studies from Secondary School.

Mr. Kamanzi after informing Miss Kamana that he is interested to study in the university under the faculty of law, he asked a question that he needs to know the meaning of the term 'Law' and why every society should have law. If you were together with Miss Kamana:

- (i) How would you define the law? (1 Mark)
- (ii) Why every society should have a law? (3 Marks)
- (iii) While she tried to explain the meaning of the Law, Mr. Kamanzi asked another question and he wanted to know the difference and similarities between Law and Morality. As student of introduction to law, compare and contrast Law and Morality. (4 Marks)
- (iv) Miss Kamana, while trying to compare law and morality, she introduced the term ethics and with curiosity, Mr. Kamanzi asked also if there is any difference between the law and ethics. As the one who has mastered the course, compare and contrast Law and Ethics. (4 Marks)

(b) In the discussion between Mr. Kamanzi and Miss Kamana, Mr. Ngenzi, a neighbor of Miss Kamana joined them and contributed to the discussion and starting to convince them by bringing other topics related to law like the classification and characteristics of law. Mr. Kamanzi became interested to get deep knowledge related to Law.

Required:
As a student of Introduction to Law, discuss the classification of law in Rwanda. (4 Marks)

(c) Mr. Ngenzi after the discussions, he invited them to meet the following day because the time was against them. Mr. Kamanzi as a curious person he accompanied him despite the persistent inquiries on law as he has already chosen to pursue Law in University. Mr. Ngenzi gave deep explanation related to the characteristics of law.

Required:
As a student of Introduction to Law, discuss the characteristics of law (4 Marks)

(Total: 20 Marks)

QUESTION TWO

Miss Uwera was hired to be an Education Officer of the district. Before starting her work on the position with a probation period of six months, she was given an induction course of one week. Miss Uwera was with other staff who were appointed in different posts of the district and lectures were delivered by senior officers of the district. On the second day, the course discussed was the administrative law as the important law that will guide them in their daily activities.

The facilitator told them that administrative law means the law relating to public administration (SA de Smith, Foundations of Law). It is the law relating to the organization, composition, function and procedures of public authorities and special statutory tribunals, their impact on the citizen, and the legal constraints which they are subject. It includes the whole of the law about local authorities and the services they provide, the law relating to nationalized industries, social security and so on.

Required:

(a) Assume that you were a facilitator of that induction course, **discuss six (6) principles of Administrative Law.** (6 Marks)

(b) With the help of relevant examples, **explain any two (2) privileges of administrative Law in Rwanda.** (4 Marks)

(c) The facilitator of the induction course, explained that there are different categories of means of public administration for achieving the objectives of the administration. **As the person who attended the course, discuss three categories of means of administration.** (6 Marks)

(d) Mr. Karenzi who was among the staff attending the induction course, asked the facilitator to explain more on the techniques of management. However, it was the first time the facilitator heard those terms in administrative law and has requested them if anyone present can contribute by providing the explanation of the techniques of management. **As the one who was in attendance, mention and explain two techniques of management.** (4 Marks)

(Total: 20 Marks)

QUESTION THREE

Basing on the provisions of the law n° 30/2018 of 02/06/2018 determining the jurisdiction of courts that provides for the organization of courts and establishes their jurisdiction in terms of territorial and subject matter jurisdiction. **Mention the court that has jurisdiction (competence) to hear/handle each of the cases below and explain why.**

(a) A company was assessed and charged taxes by Tax Administration. However, this company was not contented with the audit results and wants to file a case in court against the Tax Administration. (2 Marks)

(b) Paul and Peter are involved in a dispute over the ownership of a plot land worth FRW 10,000,000. Each of them claims to be the owner of this land. Paul filed a case against Peter and the former lost. He wants to file an appeal to the next court. **Which court heard the case at the first instance? Which court has competence to hear the case at the appeal level?** (2 Marks)

(c) Mss. Mukamana claimed to be abused by her husband and that the latter's acts are beyond bearing. Now she wants to file a case for divorce. (2 Marks)

(d) Copy right over Rukundo's artistic work was allegedly infringed. He wants to sue the wrongdoer. (2 Marks)

(e) Mr. Kaneza is a public servant at one of the public institutions in Rwanda. He was dismissed by the institution for gross misconduct. However, Mr. Kaneza is not happy with this decision as he says that there was unfair dismissal. He wants to file a case to court. (2 Marks)

(f) Two persons were involved into a civil case whose subject matter's monetary value is FRW 50,000,000. The case was heard by the High Court by the second instance (appeal). Since the losing party is not satisfied with the court ruling, he wants to file an appeal to the court of appeal. Do you think the Court of Appeal has jurisdiction to hear this Appeal? **(Explain with legal basis).** (2 Marks)

(g) ABC Ltd got a loan from the bank and defaulted to pay back the money. The bank sued ABC Ltd and the former won. ABC Ltd disagreed with this judgment and intends to appeal against it. Which court will handle ABC Ltd.'s appeal **(Explain with legal basis).** (2 Marks)

(h) Recently Parliament passed an ordinary law in relation to collection of taxes. After promulgation and publication of this law, one of the lawyers read it and highlighted two articles which he thought were unconstitutional. For that reason, he wants to file a petition in court to have those articles removed from the rest of the law. Which court is competent to hear this petition? **(Explain with legal basis).** (2 Marks)

(i) TGS Ltd is a company based in Kigali and deals with food supplies. Recently, the company appointed an external auditor to audit their accounts. The Auditor showed that their financial position was very bad and advised them to file for insolvency; so as to have the court's help in debts payment. Which court is competent to hear this case? **(Explain with legal basis).** (2 Marks)

(j) Mr. Kanuri is pursued for being involved in human trafficking acts. If ever the prosecution finds sufficient charging evidences and hence decide to file a case against Mr. Kanuri, which court will hear this criminal case? (Explain with legal basis). (2 Marks)

(Total: 20 Marks)

QUESTION FOUR

(a) Mr. Michel Kriss a UN staff working in Rwanda with the nationality of France felt in love with a Rwandese woman Miss Umutoni Charity. They are discussing if Rwanda can celebrate their marriage and the laws to be applicable as long as it is implicating the law of France and Rwanda. As an expert of family law, is it possible that Rwanda can celebrate that marriage? Explain your position with legal basis (3 Marks)

(b) After two years of the marriage between Mr. Michel Kriss and Mrs. Umutoni Charity, they give birth of baby girl. The happy family was told that the baby girl has legal personality.

- i) Define a person and a legal personality of a person. (2 Marks)**
- ii) Based on this situation, what are the effects of legal personality? (3 Marks)**
- iii) How a legal personality of natural person can be terminated in Rwanda. (2 Marks)**

(c) After 8 days of birth, the family (Mr. Michel Kriss and Mrs. Umutoni Charity) organized the ceremony of giving names of the baby girl and has invited the extended family and friends to propose the name that the family will approve for the lovely baby girl. As the one of the invited persons, explain to them the characteristics of name. (4 Marks)

(d) Mr. Kanamugire a citizen of Rwandan nationality registered in civil status registers of Gasabo District, City of Kigali living in Italy and France has negotiated a contract of supply worth FRW 50,000,000 with Mr. Muneza a citizen of Rwandan nationality living in Nyarugenge, City of Kigali but registered in civil status registers of Huye District, Southern Province. One of the clauses of the contract was a dispute resolution. They have agreed that when any dispute arises, they will use amicable dispute resolution mechanism and when in vain, national courts of Rwanda will be used. In the execution of the contract, a dispute related to the duration of delivery of goods arose and Mr. Muneza tried to contact Mr. Kanamugire but in vain. Mr. Muneza approached his advocate to provide legal advice on how the issue can be addressed, His Advocate asks his domicile and residence.

- i) Make a difference between a domicile and residence (4 Marks)**
- ii) Which one matters when you file a case to court? (2 Marks)**

(Total: 20 Marks)

QUESTION FIVE

(a) A family composed by Dad, mom and a son of 10 years old was walking near the street. While the parents were discussing on the issues of the family, the son was playing football. By accident, the son kicks a ball to car parked near the street and its rearview mirror was broken. The owner of the car demanded from the parents to replace the rearview mirror which was broken. The parents said that the fault is of a child not them and added that the car was wrongly parked and that's why the owner of the car should accept the loss.

- i) Assume you were passing and found they are arguing how the issue should be resolved, **who is liable for the broken rearview mirror?** (3 Marks)
- ii) **What are the conditions that must be present for the liability of parents for the acts of their children?** (3 Marks)

(b) According to law, the owner of the building is liable for the damage caused by its ruins when the ruins were caused by a result of default of maintenance or a construction defect.

- i) **What are the necessary conditions that must be present to establish the liability of the owner of the building?** (6 Marks)
 - ii) **What are the defenses available to the owner of the building?** (4 Marks)
 - iii) **If it is claimed that it was not the fault of the owner of the building, what are the legal action the owner can exercise against different persons?** (4 Marks)
- (Total: 20 Marks)**

QUESTION SIX

a) There are number of events that the courts have recognized which have rendered a contract radically different from that which was contemplated. When determining whether the doctrine of frustration operates in any particular case, consideration should be given to the terms of the contract, the nature of the event that has occurred and the type of contract involved; then an assessment may be made of whether or not the operation of the contract following the event is radically different from that originally contemplated.

Required:
Discuss the events that may frustrate the performance of a contract. (12 Marks)

b) The Managing Director of ABC Ltd (which is a domestic company registered and established in Nyarugenge District) is doing business of selling different goods from China in Kigali and in all other districts. It has many clients in all corners of Rwanda. Usually, its goods are transported from China to Rwanda depending on their nature and urgency of the stock and demand. ABC Ltd has a business agreement with a China company namely WO Ltd. After signing a contract with WO Ltd, ABC Ltd has approached you to advise it on how to terminate a contract because it has found out that the performance of it can cause a loss to the company. Before taking a decision, it needs to know the various ways of terminating a contract.

Required:
As a student of introduction to law and a shareholder of ABC Ltd, name and explain various ways through which a contract is terminated (8 Marks)
(Total: 20 Marks)

QUESTION SEVEN

(a) Mr. Uwineza Parfait an agent of one Bank located in Kigali whereby he is in charge of receiving deposits and delivering money withdrawn by clients. The Agent had a problem with the client who claims that he had not received money while it has been debited from his account.

Required:

- i) Because of the demonstrated dispute between the agent and the client, do you think the principal is liable on any issue related to performance by the agent? (2 Marks)
- ii) Name at least 2 duties (responsibilities) of the principal in relation with the agent and 3 duties (responsibilities) of the agent to his principal. (5 Marks)
- iii) Discuss any three (3) ways in which the contract of agency can be terminated. (3 Marks)

(b) Mrs. Umugwaneza Gisele is renting her house located in Kicukiro District, Gatenga Sector and had a discussion with her colleagues on the rights and obligations related to her house. One of the colleagues informed them that usually tenants have also rights to the house they rent despite they respect the whole contract.

Required:

- i) As the one who is experienced in property law, discuss the prerogatives of the ownership right and provide one example to any prerogatives. (6 Marks)
 - ii) Discuss the dismemberment of the right of ownership (4 Marks)
- (Total: 20 Marks)**

End of question paper

