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**CERTIFIED PUBLIC ACCOUNTANT  
FOUNDATION LEVEL 1 EXAMINATIONS**

**F1.2: INTRODUCTION TO LAW**

**DATE: WEDNESDAY 28, FEBRUARY 2024**

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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** should 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

According to Hobbes, the justification for political obligation is this: “given that men are naturally self-interested, yet they are rational, they will choose to submit to the authority of a Sovereign in order to be able to live in a civil society, which is conducive to their own interests”. Hobbes argues for this by imagining men in their natural state, or in other words, the State of Nature.

In the State of Nature, which is purely hypothetical according to Hobbes, men are naturally and exclusively self-interested, they are more or less equal to one another, (even the strongest man can be killed in his sleep), there are limited resources, and yet there is no power able to force men to cooperate. Given these conditions in the State of Nature, Hobbes concludes that the State of Nature would be unbearably brutal.

In the State of Nature, every person is always in fear of losing his life to another. They have no capacity to ensure the long-term satisfaction of their needs or desires. No long-term or complex cooperation is possible because the State of Nature can be aptly described as a state of utter distrust. Given Hobbes’ reasonable assumption that most people want first and foremost to avoid their own deaths, he concludes that the State of Nature is the worst possible situation in which men can find themselves. It is the state of perpetual and unavoidable war.

The situation is not, however, hopeless. Because men are reasonable, they can see their way out of such a state by recognizing the laws of nature, which show them the means by which to escape the State of Nature and create a civil society.

### Required:

- (a) **Make your observation with regard to the above context relating it to the sources of law.** (3 Marks)
- (b) **Relate the above case scenario to the origin of law in Rwanda as it is today.** (3 Marks)
- (c) **Discuss any three sources of law that can be related to the case scenario above.** (9 Marks)
- (d) **Explain with the help of examples, the value of the above three sources that you have identified from the above case scenario.** (5 Marks)

**(Total: 20 Marks)**

## QUESTION TWO

(a) Harrison Rurangirwa recently finished his studies from the college of science and technology, University of Rwanda and secured a job as an ICT Technician in Saudi Arabia. Harrison was excited for the job opportunity and within a short period of time he was able to report to work in his new work station in Saudi Arabia. After few months of working in Saudi Arabia Harrison developed very close ties with Amina Mohaumunna a young lady of Saudi Arabian origin.

The relationship blossomed into a love affair and within a short period of time the two were very intimate. On the 5<sup>th</sup> of January 2024 within the company office the two were found in a very compromising position and they were arrested and taken to court where they have been in police custody awaiting trial.

Harrison is very much frustrated and he strongly feels that he is a victim of racial prejudice and he has appealed to the Government of Rwanda to intervene to have him released from police custody since according to him kissing a girl who is of the age of majority does not violate any law. On the contrary, Harrison is being informed that he violated the religious norms of the country and thus broken the law. Harrison is very confused and frustrated.

### Required:

- (i) As a student of introduction to law, **bring out the issues arising out of the case scenario above and advice Harrison Rurangirwa accordingly.** (2 Marks)
- (ii) In your own assessment from the scenario above, **do you think that Harrison broke in law or it is racial prejudice as alleged by Harrison (Justify your answer).** (2 Marks)

(b) We, the People of Rwanda,

**Honouring** our valiant ancestors who sacrificed themselves to found Rwanda and the heroes who struggled for security, justice, freedom, and the restoration of our national tranquility, dignity and pride;

**Considering** that we enjoy the privilege of having one country, a common language, a common culture and a long-shared history which must enable us to have a common vision of our destiny;

**Conscious** of the genocide committed against Tutsi that decimated more than a million sons and daughters of Rwanda, and conscious of the tragic history of our country;

**Mindful** that peace, security, unity and reconciliation of the people of Rwanda are the pillars of development;

**Committed** to building a State governed by the rule of law, based on the respect for human rights, freedom and on the principle of equality of all Rwandans before the law as well as equality between men and women;

**Committed** further to building a State based on consensual and pluralistic democracy founded on power sharing, national unity and reconciliation, good governance, development, social justice, tolerance and resolution of problems through dialogue;

**Committed** to preventing and punishing the crime of genocide, fighting genocide negationism and revisionism, eradicating genocide ideology and all its manifestations, divisionism and discrimination

**Committed** to upholding our values based on family, morality and patriotism, and ensuring that all State organs serve our common interest;

**Exercising** our sovereign and inalienable right to freely choose the form of Government for our country; based on ethnicity, region or any other ground;

**Required:**

- (i) Trace the text above in relation to the sources of law in Rwanda. (2 Marks)**
- (ii) Explain the position of law on the document containing the above text in relation to sources of law in Rwanda. (2 Marks)**
- (iii) Explain any other two sources of law that immediately follow the document containing the text above in terms of hierarchy. (4 Marks)**

**(c)** “Everyone has a duty to respect State property. State property is composed of public and private property of the State, as well as the public and private property of decentralized Government entities and public institutions with legal personality. Public State property is inalienable unless there has been prior transfer thereof to the private State property in accordance with the law. Any act intended to damage, destroy, embezzle and squander State property is punished by law”.

**Required:**

- (i) Explain the means of administration brought out from the above text. (2 Marks)**
- (ii) Explain any other two means of administration under public administration. (6 Marks)**

**(Total: 20 Marks)**

### QUESTION THREE

(a) Robert Kabera and Umutesi Peace are husband and wife and their marriage is blessed with six children (two boys and four girls). The family is not financially sound and as a result there is a constant conflict between husband and wife. On 22<sup>nd</sup> December 2023 the two children of this family picked a quarrel as a result of the fight among the parents and the quarrel resulted to a death of one year child who was hit with a stick thrown by the elder sister aged twelve (12) years old.

The parents, scared of the legal consequences to follow, they decided to fake the death to save their 12 years old daughter who caused the death of the infant. Notwithstanding, the trouble did not end there for this family because on 26<sup>th</sup> December of the same year the 12 years old daughter accused the father for rape to which the girl's mother was very distressed leading to the murder of the husband. Again, the family faked the death. Subsequently when the mother discovered that her daughter was pregnant, she secured the services of a fake doctor to end the pregnancy which almost killed the young girl.

It is at this point of time that the law enforcement agencies were fully seized of the happenings in the family. They arrested the 12 years old daughter for accidentally killing the infant and the mother for killing the husband and ending the pregnancy of the daughter and the fake doctor for ending the pregnancy of the young girl and endangering the girl's life. The three are awaiting trial in a competent court.

#### Required:

- (i) From the above case scenario, **point out the court that has jurisdiction to try the mother, daughter and fake doctor for the offences committed.** (2 Marks)
- (ii) **What are the offences committed against which the three can be prosecuted by the competent court identified in (i) above.** (3 Marks)
- (iii) **Enumerate any other four offences tried by the competent court identified above.** (4 Marks)

(b) Muhanga Public limited Company is one among well established companies in Rwanda. The company was incorporated in January 2000 and enlisted in the stock market in February 2011. The company has performed exemplary well over a long period of time instilling confidence on its investors.

However, in March 2022 the company directors called for an Extra-ordinary meeting of the shareholders to inform them of the impending challenges the company was facing. The shareholders were told that some suppliers of the company had violated the contractual obligations thus straining the company operations, some creditors of the company issued bouncing checks to the company and the company on the basis of those bouncing checks provided bouncing checks to suppliers and as a result there is a great conflict between the company and several commercial banks.

On the basis of the conflict, some suppliers have declared the company bankrupt and they are seeking the court's intervention to safeguard their interest. The members were further informed

that the Rwanda Revenue Authority is contemplating of taking the company to court because of the huge outstanding tax arrears. Furthermore, some shareholders have written a complaint to Registrar General of companies demanding for liquidation and deregistration of the company and eventual removal from the register of companies.

**Required:**

- (i) One of the shareholders who is not well versed with legal matters has approached you as a student of introduction to law to know the court with competent jurisdiction to handle the matters raised in the above case scenario. **Point to him the legal issues raised and advise him accordingly on the jurisdiction.** (7 Marks)
  - (ii) **Enumerate any other matters other than those arising in the above case scenario that the court you have identified in (i) above has jurisdiction to hear.** (4 Marks)
- (Total: 20 Marks)**

**QUESTION FOUR**

(a) Uwimana Balisanga and Bangutse Andre are wife and husband respectfully. Their marriage is blessed with three children aged 14, 12 and 8 years respectfully. Bangutse Andre has been in Canada for the period of four years while Uwimana Balisanga has been at home in Rwanda taking care of the children. For the period of time that Bangutse Andre was outside, he never communicated to his family nor supported them financially. As a result of lack of communication and financial support, Uwimana Balisanga believed that Bangutse Andre must have married and was raising another family abroad.

On 24<sup>th</sup> December last year, out of the blue Bangutse Andre appeared at home and the wife and children were not ready to receive him back. He tried to explain to them, his predicament leading him not communicating nor providing his family with financial support but Uwimana would hear none of it and according to her Bangutse was not legally his husband and wanted to proceed to court to seek divorce on the grounds of abandonment. However, before she approached the court Bangutse through friends and family members convinced her to have the dispute resolved through arbitration. Arbitration should determine if the marriage is still binding and if the marriage can be salvaged.

**Required:**

- (i) As a student of Introduction to law, **do you think that solving the problem through arbitration was appropriate (justify your answer).** (4 Marks)
- (ii) **Enumerate four significant features of commercial arbitration.** (4 Marks)
- (iii) **How does negotiation differ from mediation.** (4 Marks)

(b) Byiringiro Alexis had woken up well and strong on 25<sup>th</sup> October 2023 and among the activities of the day he was to undertake was to the bank to transfer money to his son studying abroad. On that very afternoon as Byiringiro was about to access the entrance of the gate of Equity Bank, a van carrying the money and guarded by armed security men was fast approaching.

The van stopped near the door and by coincidence Byiringiro was also trying to enter and one of the armed security guards Mutimura Jean opened fire and seriously injured Byiringiro thinking he wanted to robe them. It turned out that Byiringiro was a law-abiding citizen who was going to the bank to transact his business.

As a result of the gun injury, the left leg for Byiringiro was imputed. After six months of stay in the hospital, Byiringiro took Equity Bank and not Mutimura Jean to court demanding that he be compensated for the permanent damage meted to him and on top, that all the medical expenses for the treatment of Byiringiro be made good by the Bank.

**Required:**

- (i) As a student of Introduction to law, **examine the legal issues raised in the above case scenario and advice Byiringiro accordingly.** (2 Marks)
- (ii) In your opinion, **do you think that Mutimura Jean, action of shooting at Byiringiro who was a defenseless citizen was an act of the Bank.** (2 Marks)
- (iii) **What are the conditions that ought to be present in order for the Equity Bank to be held liable for the action of Mutimura Jean.** (4 Marks)

**(Total: 20 Marks)**

**QUESTION FIVE**

(a) Nkubara Seth is the owner of two health German Shepard dogs which he has been raring for the past four years and the dogs have had at any point of time demonstrated any aggressiveness and all the neighbors are aware that the dogs are disciplined. Despite the good attributes of Nkubara dogs, on 10<sup>th</sup> January 2024, Annette Umurerwa was just passing in the nearby street and unaware of the presence of Nkubara dogs and certainly the two big dogs appeared unattended and charged aggressively towards Annette who upon seeing them was shocked and fainted on the spot. The dogs came to where she was lying down but did not touch her. When she regained her concise, she saw the big dogs relaxing next to her and not concerned. She had almost suffered heart attach when she had seen the dogs charging towards her. Annette is very upset and she is contemplating to take action against Nkubara as the owner of the dogs.

**Required:**

- (i) From the scenario above, **do you think Annette has the rationale of taking Nkubara to court (against which law can Nkubara be taken to court if there were needed).** (4 Marks)
- (ii) Assuming that the dogs would have caused bodily injury to Annette and the damage was reparable damage, **explain the characteristics that ought to be exhibited.** (8 Marks)

(b) Rukundo Innocent is a first-year student of the College of Business and Economics, University of Rwanda. Before joining the University, he had called his friend Mugabo David and asked him if he can get accommodation within the five kilometers radius around the University.

Shortly after Mugabo called him and told him that he had actually gotten the accommodation within a three kilometers radius and that the monthly rent was ten thousand francs (FRW 10,000) but in reality, the accommodation was twenty kilometers away from the University. When Rukundo travelled from the Western Province to commence his studies, he was surprised to find out that the accommodation procured for him was too far for him and he is confused on what to do given that the rent had already been paid.

**Required:**

(i) As a student of introduction to law, **advise Rukundo on the nature of the contract entered and the options available to him on the said contract.** (3 Marks)

(iii) **Explain in brief any five factors that render the contract voidable.** (5 Marks)

**(Total: 20 Marks)**

**QUESTION SIX**

(a) A buyer agreed to purchase a full cargo of 22,000 tonnes of maize from a seller in Argentina. The buyer nominated a sub-buyer to nominate a vessel to carry the shipment. The sub-buyer's vessel had a limited capacity of 15,400 tonnes, and would thus be unable to carry the entirety of the agreed cargo. The seller claimed that the buyer was unable to discharge his contractual obligation on the basis of its inability to carry a full cargo. The seller is contemplating to take action in court on the basis of inability to carry the full cargo.

**Required:**

(i) In your own assessment as a student of Introduction to law, **do you think that the seller can convince the court that the buyer is not able to undertake his obligation.** (2 Marks)

(ii) From the above case scenario, **can the seller be discharged from the contractual obligation on the basis of the buyer's inability?** (2 Marks)

(b) Chris Tuyizere enters into a contract with John Nsigaye to marry his sister Brenda Rusanga within one year. However, Chris Tuyizere meets with an accident and becomes insane before the marriage. John Nsigaye does not know what to do.

**Required:**

**Can John Nsigaye still be bound by this contract? If not, how is this contract discharged?** (2 Marks)

(c) Kamana Eric and Alice Mutoni had entered into a contract where Kamana Eric was to supply 50,000 phones to Alice Mutoni within two months from the date of signing of contract. Kamana Eric was to procure the phones from China and deliver the same to Alice. The rate of the phone was FRW50,000/- a piece (inclusive of all taxes and duties). At the time of the execution of the contract, the duty was at 5% (five percent). Immediately after the execution of the Agreement, Rwanda had increased the duties to 100% (one hundred percent). Therefore, Kamana Eric was finding it difficult to sell the phones at the price agreed earlier.



**Required:**

In the circumstances, **advise how can Kamana discharge such a contract and how can Alice Mutoni enforce such a contract?** (4 Marks)

(d) Ngamije Fred met with his good friend Gabo Getty who was taking his cow to the market. After a brief discussion Ngamije felt the need to buy this cow because from the conversation he was convinced that the cow can do his family good. However, since Ngamije was headed to his work place, he requested Gabo Getty to drop the cow in his compound and he promised to pay Ngamije five hundred thousand francs (FRW 500,000) within a period of three days. On the evening of the second day, the cow certainly died before the payment was made by Ngamije Fred. Ngamije was very surprised and would not understand the cause of death. While discussing on what to do with the family, her wife suggested that the cow might have been sick and that is why Gabo Getty wanted to sale it and as a friend he would have informed him so. On the basis of this discussion, Ngamije has decided not to pay. Gabo Getty is taking Ngamije to court demanding for the payment of the price of the cow.

**Required:**

(i) **Bring out the issues arising in the above case scenario that the court may base itself in making a determination and define the arrangement between Ngamije Fred and Gabo Getty.** (1 Mark)

(ii) Assuming that Ngamije Fred had paid the five hundred thousand francs (FRW 500,000) on the spot and the cow died after a day as explained above, **can Ngamije take Gabo to court to recover his money. Is this arrangement between the two the same as in (i) above? If not define this arrangement.** (1 Mark)

(e) Musanze Supper Hotel has entered into a contract with Kigali Samsung Limited Company for the sale of two pieces of 120cm smart television for twelve million francs (FRW 12,000,000) which was paid upfront. Given that this size which is required is not in the stock, it was agreed that upon its importation, Kigali Samsung Limited shall deliver the smart televisions themselves to the premises of Musanze Supper Hotel and will unpack them and have them inspected and be tested to confirm that they meet the specifications and they are fit for the purpose.

On 12<sup>th</sup> January 2024 at 9 PM, Kigali Samsung Limited delivered the two television sets. Given that it was too late, the technicians of Kigali Samsung Limited excused themselves from conducting demos and assured Musanze that they will come the following day for the demos. One week down the line the technicians were nowhere to be seen.

Musanze Supper Hotel decided to unpack the two television sets and test them. It was then that they discovered that one was having a hairlike crack across the face. Upon informing Kigali Samsung Limited of the crack, they refused to acknowledge but blamed Musanze Supper Hotel for unpacking them which might have led to the cracking. They have refused to replace the cracked television set. Musanze Super Hotel is contemplating of taking Kigali Samsung Limited to court.

**Required:**

- (i) **Identify and explain any four elements of the contract above.** (6 Marks)
- (ii) **In your opinion, do you think Musanze Super Hotel was at faulty in unpacking the two smart televisions? Justify your answer.** (2 Marks)
- (Total: 20 Marks)**

**QUESTION SEVEN**

(a) Assuming that there are two separate arrangements between Ngamiye Fred and Getty Gabo in question six above, **explain with the help of examples any six differences between the two arrangements identified.** (12 Marks)

(b) Mark was a new salesperson in an electronics store. He sold a TV to a customer and accidentally gave a 35% discount. His manager told him to be careful next time, but did not contact the customer to correct the sale. Then next day, a friend of the original customer came in and wanted to buy the same TV with the same 35% discount.

**Required:**

**Should the second customer be allowed to receive the same discount? Justify your answer** (2 Marks)

(c) Sam Nzakomeza visited his dentist, Dr. Therese, for his annual cleaning. The cleaning was a routine procedure performed by a dental hygienist, Carol Akayesu, who is employed by Dr. Therese. Ms. Carol Akayesu is trained as a hygienist and is licensed by the government as such. Dr. Therese sets the prices for all services including cleanings by Ms. Akayesu.

Additionally, she employs staff for sending out bills and collecting payments. Ms. Gum is paid a salary by Dr. Therese, but she generally works without supervision in the Office. While she only sees Dr. Therese's patients, she schedules cleaning appointments on her own.

Additionally, she attends annual continuing education programs where she learns new cleaning techniques which she is free to employ in her work for Dr. Therese. Although, most dental hygienists are permitted to tell patients the cost of dental procedures, Dr. Therese has a policy, which she has communicated only to Ms. Akayesu, that only she is allowed to quote such costs.

During Nzakomeza cleaning, Ms. Akayesu negligently damaged one of his teeth. She told Nzakomeza it would only cost FRW 50,000 to repair the tooth instead of the usual fee of FRW 500,000 in light of the fact that she damaged it. Nzakomeza had the repair work performed by Dr. Therese who subsequently sent Nzakomeza a bill for FRW 500,000 for the work.

**Required:**

- (i) **Discuss Nzakomeza 's obligation to pay Dr. Therese for the repair work on his tooth.** (4 Marks)
- (ii) **Enumerate any four requirements for the formation of a contract of agency.** (2 Marks)

**(Total: 20 Marks)**

**End of question paper**

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