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**CERTIFIED PUBLIC ACCOUNTANT**  
**FOUNDATION LEVEL 1 EXAMINATIONS**  
**F1.2: INTRODUCTION TO LAW**  
**DATE: WEDNESDAY 26, NOVEMBER 2025**  
**MARKING GUIDE AND MODEL ANSWER**

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## QUESTION ONE

### Marking Guide

| Sub questions   | Marks     |
|---|-----------|
| a)i) Award 1 mark for any 3 relevant answer (Maximum 3 marks)   | 3         |
| a)ii) Award 1 mark for a well explained of the purpose of the law and 1 mark each well stated example of on the law tries to help in a society. (Maximum 5 marks)                         | 5         |
| b)i) Award 1 mark for any well stated differences between substantive law and procedural law and 1 mark each well stated example of substantive law and procedural law. (Maximum 4 marks) | 4         |
| b)ii) Award 1 mark for any relevant answer (Maximum 2 marks)  | 2         |
| c) Award 1 mark for any well stated sanction possible and 1 mark for any sanction well linked with the case study (Maximum 6 marks)   | 6         |
| <b>Total for this question</b>  | <b>20</b> |

### Model answers

a)

**i) The candidate should demonstrate knowledge and understanding on the meaning of law and its purpose**

- Mukamana is right and Murekatete is wrong;
- Mukamana is right because the servitude is provided for by the law. The law recognizes and protect ownership and enjoyment of the use of property, preserves the existing legal system and protect individuals by maintaining order;
- Murekatete is wrong because the same Constitution provides that right to property shall be encroached only in public interest and in accordance with the provisions of the law. As there is no any other way to do for getting the passage, the law has regulated the servitude as the way to redress such conflict in society.

**ii) The candidate should demonstrate knowledge and understanding on the purpose of the law**

- The establishment of laws in society is necessary to protect the rights of individuals and to ensure the good order, functioning and survival of the society.
- What the law is trying to do is to provide answers to the myriad of everyday problems that can arise in society.
- The solutions to such problems must accord with objectives that are judged by the community to be socially desirable.

- The problems arise in the first place because of the conflicting interests of individuals and groups within the society and the necessity to ensure the functioning and survival of the society itself.

The law in a society tries to:

- Control social relations and behavior;
- Provide the machinery and procedures for the settlement of disputes;
- Preserve the existing legal system;
- Protect individuals by maintaining order;
- Protect basic freedoms;
- Provide for the surveillance and control of official action;
- Recognize and protect ownership and enjoyment of the use of property;
- Provide for the redress (compensation) of harm;
- Reinforce and protect the family;
- Facilitate social change.

b)

i) **The candidate should demonstrate knowledge and understanding on the classification of law especially differencing a substantive law and procedural law**

- Substantive law establishes the rights and duties governing the persons as they act in the society and specifies remedies to back up those rights. Duties tend to take the form of a command. ‘Do this’ or ‘Do that’ or ‘Do not do that’;
- For example, a bouncing cheque is an offence and therefore it is substantive law as it prohibits to issue a cheque if you do not have sufficient fund to satisfy it;
- Procedural law establishes the rules by which substantive law is enforced. It does not define rights or duties, but merely implements them. Rules as to what trials are managed in a court and judgments are handed and enforced are part of procedural law;
- For example, law on criminal procedure regulated the procedures through which a suspect of an offence can be investigated, arrested, pleading up the time of the judging on the case.

ii) **The candidate should demonstrate knowledge and understanding on the classification of law especially that substantive law and procedural law should be respected**

- Yes, the ignorance of the procedural law can be the basis of losing the rights and privileges;
- Kamari Paul was illegally detained because the criminal procedure law was not respected such as to be interviewed by the prosecutor and to request the court for provisional detention;
- The suspect can be detained in Nyarugenge Correctional Facility upon the decision of the court and therefore, the court may release the suspect or accused on the only reason of noncompliance of procedure law.

**c) The candidate should demonstrate knowledge and understanding on sanctions of legal rule**

basing on case scenario, Mr. Karangwa Peter might be punished 3 different sanctions.

- Criminal sanction;
- Civil sanction;
- Disciplinary sanction;
- There might be criminal sanction like imprisonment or fine because Mr. Karangwa committed an offence of assault results into physical injuries (the arm Mr. Kamanzi Jean was broken);
- There might be a civil sanction like compensation because the acts of Mr. Karangwa Peter caused a damage to Mr. Kamanzi Jean (his arm was broken);
- There might be a disciplinary sanction like dismissal because Mr. Karangwa Peter drunk beer in a time of work and he beat Mr. Kamanzi Jean his colleague of work, in a time of work and at the work place.

## **QUESTION TWO**

### **Marking Guide**

| <b>Sub questions</b>  | <b>Marks</b> |
|---|--------------|
| a)i) Award 1 mark for any well-ranked law from the highest to lowest (Maximum 5 marks)  | 5            |
| a)ii) Award 1 mark for a well-explained of way out in case of contradiction between the laws, and 1 mark each for well well-stated example. (Maximum 4 marks) | 4            |
| b)i) Award 1 mark for explaining well the prerequisite condition of enacting an organic law (Maximum 1 mark)  | 1            |
| b)ii) Award 1 mark for any matter well listed that are devolved to the Organic laws by the Constitution (Maximum 4 marks)                                     | 4            |
| c) Award 1 mark for any well explained on custom and 1 mark each essential element well stated (Maximum 6 marks)  | 6            |
| <b>Total for this question</b>  | <b>20</b>    |

### **Model answers**

**a)**

**i) The candidate should demonstrate knowledge and understanding the hierarchy of law**

**The constitution of Rwanda provides the hierarchy of law as follows:**

- Constitution;
- Organic law;
- International treaties and agreements ratified by Rwanda;
- Ordinary law;
- Orders and regulations provided for by a law.

**ii) The candidate should demonstrate knowledge and understanding on how the hierarchy of law should be used**

- A law cannot contradict another law that is higher in hierarchy;
- Example is the international treaty cannot contradict the organic law, if there is contradiction, the provisions of organic law will be used.
- If the two laws that are on the same level, the new law prevails to the old;
- Example, if there are two ordinary laws in which some provisions are contradictory, the ordinary law which new is applicable to the matter;
- If two laws that are on the same level were published the same time and they are contradictory, the specific law prevails;
- Example is the law determining offences and penalties in general and the law relating to the protection of the child on the issue of child abuse.

b)

**i) The candidate should demonstrate knowledge and understanding on how laws are enacted**

- The prerequisite condition of enacting organic laws are those designated as such and empowered by this Constitution to regulate other key matters in the place of the Constitution.

**ii) The candidate should demonstrate knowledge and understanding the matters that are devolved to the organic laws**

The matters are devolved to the Organic laws by the Constitution are:

- Elections;
- Adding or removing an official language;
- Rwandan nationality;
- Establishment and functioning of political organizations, the conduct of their leaders and the conduct of their leaders;
- Functioning of the Chamber of Deputies;
- Functioning of the Senate;
- Benefits of the President and former Heads of the State;

- Benefits of Cabinet members;
- Procedures by which the Parliament obtains information and conduct oversight over the Government;
- General provisions of the public institutions;
- Establishment or removal of a specialized court.

**c) The candidate should demonstrate knowledge and understanding of how a custom can be a source of law**

- A custom is generally defined as a set of people's way of doing things that has acquired an obligatory status in a given social group and which is practiced over a relatively long time period.
- Customs are practices or usages of a given society.
- Customary law is unwritten. It has to be considered as legally binding on (obligatory by) the people in the society.
- A custom is not created as a written law, a unique act, but by a repetition of similar practices, especially with the conception that it has a binding (obligatory) force

The essential requirements of a custom are:

- The usage;
- Binding force;
- The social consensus;
- The time at which it is applicable.

### **QUESTION THREE**

#### **Marking Guide**

| <b>Sub questions</b> | <b>Marks</b>   |    |
|----------------------|--|----|
| a)                   | Award 1 mark for any well mentioned of ordinary courts and specialized courts and 1 mark each court well stated (Maximum 10 marks)                                   | 10 |
| b)i)                 | Award 1 mark for any competent court well stated based on subject matter and territorial jurisdiction of the court and the position well explained (Maximum 3 marks) | 3  |
| b)ii)                | Award 1 mark for the competent court well stated based on subject matter and territorial jurisdiction of the court at the appeal level (Maximum 2 marks)             | 2  |
| c)ii)                | Award 1 mark for any competent court well stated based on subject matter and territorial jurisdiction of the court and the position well                             | 3  |

|                                |  |           |
|--------------------------------|--|-----------|
|                                | explained (Maximum 3 marks)  |           |
| c)ii)                          | Award 1 mark for the competent court well stated based on subject matter and territorial jurisdiction of the court at the appeal level (Maximum 2 marks) | 2         |
| <b>Total for this question</b> |  | <b>20</b> |

### Model answers

**a) The candidate should demonstrate knowledge and understanding on the organization of courts of Rwanda**

- The law determining the jurisdiction of courts establishes ordinary courts and specialized courts.

Ordinary courts are as follows:

- Primary Court
- Intermediate Courts;
- High Court;
- Court of Appeal;
- Supreme Court.

Specialized courts are as follows:

- Commercial Court;
- Commercial High Court;
- Military Court;
- Military High Court.

b)

**i) The candidate should demonstrate knowledge and understanding on the competence of primary court**

- As the issue is the commercial case and the claim is to stay the auction, it is the basis of subject matter jurisdiction;
- Basing on the subject matter jurisdiction, the competent court is primary court because the law relating to the civil, commercial, labour and administrative procedure provides that any interested person may ask the staying of the auction to the primary court which has jurisdiction at the place of the auction;
- Basing on the territorial jurisdiction, the competent court is the Primary Court of Nyarugenge because the mortgage is located in Nyarugenge District in the territorial jurisdiction of Primary Court of Nyarugenge.

ii) **The candidate should demonstrate knowledge and understanding on the competence of Intermediate Court**

- Basing on the subject matter jurisdiction of the appeal, the competent court is the Intermediate Court;
- Basing on the territorial jurisdiction, the competent court is the Intermediate court of Nyarugenge because the microfinance is registered in Nyarugenge District where it falls on the territorial jurisdiction of the court.

c)

i) **The candidate should demonstrate knowledge and understanding on the competence of Intermediate Court, chamber for minors**

- Basing on the subject matter jurisdiction, it is the criminal case committed by a minor and the competent court is Intermediate Court, chamber for minors and family at first instance;
- It is Intermediate Court, chamber for minors because it is provided for by the law that any offence committed by a minor at the time of commission of such an offence, his/her co-perpetrators and accomplices, except those tried at first and last instances by the Supreme Court is tried by Intermediate Court, chamber for minors;

- Basing on the territorial jurisdiction, the competent court is Intermediate Court of Gasabo.

ii) **The candidate should demonstrate knowledge and understanding on the competence of High Court, chamber for minors**

- Basing on the subject matter jurisdiction of the appeal, the competent court is the High Court;
- Basing on the territorial jurisdiction, the competent court is the High Court as the Intermediate Court of Gasabo is in the delimitation of the court where it falls on the territorial jurisdiction of the court.

## QUESTION FOUR

### Marking Guide

| Sub questions  | Marks     |
|--|-----------|
| a)ii) Award 1 mark for any advantage of the arbitration than litigation well cited and explained (Maximum 4 marks) | 4         |
| a)iii) Award 1 mark for any feature of arbitration clause well stated (Maximum 4 marks)                            | 4         |
| a)iv) Award 1 mark for the well explained answer (Maximum 1 mark)  | 1         |
| b) Award 1 mark for any matter well stated that arbitration is not permissible (Maximum 3 marks)                   | 3         |
| <b>Total for this question</b>   | <b>20</b> |

## Model answers

a)

i) **The candidate should demonstrate knowledge and understanding on the difference between arbitration and litigation**

Four advantages of using arbitration than litigation

- Cost and Expediency: The arbitration is cheaper and less time consuming than litigation
- Confidentiality: Awards in arbitral proceedings are confidential and the proceedings are closed to the public while in litigation court proceedings are open to the public
- Flexibility: Parties get to choose their own arbitrators. They have the independence to customize the arbitration proceedings to suit their wishes
- Impartiality: The proceedings of arbitration is based on the assumption that the arbitral tribunal will be fair and impartial and will not take the nationality of the parties into consideration, parties choose arbitration over litigation.

ii) **The candidate should demonstrate knowledge and understanding on arbitration clause in a contract**

The arbitration clause in a contract should contain the following features:

- The agreement to arbitrate;
- The applicable law;
- The choice of arbitrators;
- The decision of the arbitral tribunal;
- The enforcement of the award.

iii) **The candidate should demonstrate knowledge and understanding on the procedures of dispute resolution**

- The case of Ndera Ltd will not be judged by the arbitrator because the applicant has failed to comply with the dispute resolution steps because the first step is the negotiation which he/she missed.

iv) **The candidate should demonstrate knowledge and understanding on the matters that arbitration is not permissible**

Arbitration is not permissible in following matters:

- Matrimonial causes;
- Matters relating to status;
- Criminal cases.
- For the case study, the issue raised is a criminal case which is allowed to be arbitrated.

**b) The candidate should demonstrate knowledge and understanding on the grounds for termination of legal personality**

The Legal personality of a natural person is terminated by the following:

- death or,
- in the event of disappearance, by a declaratory judgment of death;
- in the event of absence, by a declaratory judgment of death.

The procedures are the following:

1. For the death:

- The proof of death is established by a death record issued by the competent authority except where the law provides for any other form of proof
- If it cannot be proved that, of a group of several deceased persons, one survived another or one died first or last, all are deemed to have died at the same time.

2. For the disappearance:

- When a person disappears such that his/her death is established beyond doubt, even if his/her body is yet to be found or has not been identified, any interested person may, by unilateral petition, apply to the court for a declaratory judgment of his/her death;
- When the death is caused by such incidents as shipwreck, air disaster, earthquake or landslides whereby there are grounds to believe that several persons were killed, the death of such persons may be declared in a collective judgment;
- A petition for the declaration of the disappeared person's death is filed with the competent court of the place of the disappeared person's domicile or residence;
- The declaratory judgment of the disappeared person's death orders the civil registrar to issue the disappeared person's death record.

3. For the absence:

- When a person has been absent without having appointed an authorized representative, he/she is presumed to be alive for two (2) years from the day the latest reports of his/her existence are received. If the person has appointed an authorized representative, they shall be presumed to be alive for a period of four (4) years
- The presumption of life for an absentee presumed to be alive ceases when the proof of death is produced. Such death is proved by a death record or a declaratory judgment of death of the absentee presumed to be alive.
- When the presumption of life ceases, any interested person may apply to the competent court of the last domicile or residence of the person presumed to be alive for the declaration of absence.
- When five (5) years have elapsed since the delivery of the declaratory judgment of absence and it is uncertain whether the absentee is alive, any interested person who presumes that the

absentee is dead applies to the court of the last domicile or residence of the absentee for declaration of the absentee's death.

## QUESTION FIVE

### Marking Guide

| Sub questions  | Marks     |
|--|-----------|
| a) i) Award 1 mark for any element for identifying person's status well stated and 1 mark for any element well explained (Maximum 6 marks) | 6         |
| a) ii) Award 1 mark for any basis of identifying a person well stated (Maximum 4 marks)  | 4         |
| b) Award 1 mark for any way an agency can be created well stated and 1 mark for any way well explained (Maximum 10 marks)                  | 10        |
| <b>Total for this question</b>   | <b>20</b> |

### Model answers

a)

i) **The candidate should demonstrate knowledge and understanding on the elements that compose the person's status**

The person's status is composed of the following elements:

- Political;
- Familial;
- Individual.
- The political elements (or the political status) determine the legal status of a person towards the national community. Hence, nationals (or citizens) are distinguished from foreigners within the national community; and foreigners are not systematically accorded similar political rights as citizens. Citizenship gives the right to participate in public life and enables him/her to take part in institutions exercising political power within the state.
- Familial elements of the person's status determine his/her position vis-à-vis his/her family members. The legal status of a person confers upon him/her rights and obligations. The legal status of a person depends on his/her state of a spouse, father, child, brother or sister, married or single, aunt or uncle, grandmother or grand-father, cousin, brother-in-law or sister-in-law
- Individual elements of a person's status depend on factors such as age, gender, and mental state. Such elements influence the person's capacity of exercising his/her rights.

iii) **The candidate should demonstrate knowledge and understanding on the narrow sense of the basis of identifying a person**

- In the narrow sense, civil status is the base of a person's identification; It is at least made up (composed) of the following:
  - A name;
  - Age;
  - Filiations;
  - Gender;
  - Nationality.

**b) The candidate should demonstrate knowledge and understanding on the different ways an agency can be created**

Any agency may be constituted in the following ways such as

- By express agreement;
- By implication in law
  - ✓ Agency by estoppel;
  - ✓ Agency by holding out;
  - ✓ Necessity;
- By ratification.
- **Agency by express agreement:** A contract of agency may be created by an express agreement. When a principal appoints an agent either by words spoken or written to represent and act for him, an express agency is created. No particular form or set of words is required for appointing an agent. When a person gives the power of attorney to another person, an express agency is created;
- **Agency by implication:** The relationship of principal and agent need not be expressly constituted and can arise by implication of law as well. Authority to act as an agent can be inferred from the nature of the business, the circumstances of the case, the conduct of the principal or the course of dealings between the parties;
- **Agency by estoppel:** In many cases an agency may be implied from the conduct of the parties though no express authority has been given. Thus where the principal knowingly permits to act in a certain business in his name or on his behalf, such a principal is estopped from denying the authority of the supposed agent to bind him;
- **Agency by holding out:** Where a person permits the other by a long course of conduct to pledge his credit for certain purposes, he is bound by the act of such person for pledging his credit for similar purposes, though in some cases without the previous permission of his master;
- **Agency by necessity:** Sometimes extraordinary circumstances require that a person who is not a really agent should act as an agent of another. In such a case although there might not have been an express or implied authority to do an act, the law implies such an authority in favour of that person in account the necessity that has arisen;
- **Agency by ratification:** All acts of an agent done in the discharge of his duties and within the scope of his authority is binding upon the principal. Acts performed by an agent beyond the scope of his authority are not binding upon the principal. However the principal may in such case either

adopt or reject the act of the agent. In case the principal adopts the acts of the agent done without his authority, he is said to have ratified that act. On ratification the act of the agent becomes the act of the principal and he becomes bound by the same whether be to his loss or advantage.

## QUESTION SIX

### Marking Guide

| Sub questions  | Marks     |
|--|-----------|
| a) Award 1 mark for any valid answer related to basic requirements for a valid contract and the advice well provided (Maximum 9 marks) | 9         |
| b) Award 1 mark for any valid answer related to undue influence and its legal effect (Maximum 4 marks)                                 | 4         |
| c) Award 1 mark for any valid answer analysis on the consideration in contract and the valid advice (Maximum 4 marks)                  | 4         |
| d) Award 1 mark for any requirement well stated for a promise without consideration to be bound (Maximum 3 marks)                      | 3         |
| <b>Total for this question</b>   | <b>20</b> |

### Model answers

#### a) The candidate should demonstrate knowledge and understanding on the basic requirements for a valid contract

The basic requirements for a valid contract are:

- Mutual assent;
- Capacity;
- Legality of purpose;
- Consideration.
- Requirements relating to the capacity to contract: Everyone is regarded as having legal capacity to enter into contracts unless the law, for public policy reasons, holds that the individual lacks such capacity. It is the case for minors, persons under guardianship, mentally ill or 'defective';
- The mutual assent is so basic requirement that frequently a contract is referred to as an agreement between parties. Mutual assent of parties consists of an offer by one party followed by acceptance by the other party. One party makes a proposal (offer) by words or conduct to the other party who agrees by words or by conduct to the proposal (acceptance). The important thing is what the parties indicate to one another, by spoken or written words, by conduct, electronic means, or even by failure to act in some circumstances;
- Another requirement is the legality of purpose. The purpose of the contract must not be criminal, tortious or otherwise against the public policy. An illegal contract is unenforceable;

- Another requirement is the consideration. It ensures that promises are enforced only where the parties have exchanged something of value in the eye of the law. A performance or a promise by the promisee is a consideration if it is established as such by the promisor and is given by the promisee in exchange for that promise. The consideration exchanged for the promise may be an act, forbearance to act, or a promise to do either of these. The law does not regard the performance of, or the promise to perform a pre-existing legal duty, public or private, as a consideration;
- Linking with the case, that contract of sale of house is voidable because one of the requirements of the capacity as basic requirement was missing;
- A voidable contract on the other hand, is not wholly lacking legal effect. A voidable contract is a contract; however, because of the manner in which the contract was formed or lack of capacity to it, the law permits one or more of the parties to avoid the legal duties created by the contract;
- As Mr. Ganza has only 16 years old, he is a minor therefore, the contract should have been signed through his guardian;
- Mr. Kanamugire Charles should request to get paid back his money or the contract is validated by the guardian of Mr. Ganza.

**b) The candidate should demonstrate knowledge and understanding on undue influence in a contract**

- Yes, it the case of undue influence;
- Undue influence is unfair persuasion of a party who is under the domination of the person exercising the persuasion or who by virtue of the relation between them is justified in assuming that the person will not act in a manner inconsistent with the welfare of the party being persuaded;
- Undue influence may be found in contracts between those in relationship of trust and confidence that is likely to permit one party to take unfair advantage of the other, such as relationships of guardian-ward, trustee-beneficiary, agent-principal, parent-child, attorney-client, physician-patient, and clergy-parishioner. The weakness or dependence of the person persuaded is a strong indicator of whether the persuasion may have been unfair;
- Basing on that it was a relationship between Physician and patient, Mrs. Umutesi Consolata her assent was induced by undue influence by the Dr. Kamana Jane, therefore, the contract of sale of house is voidable by the Mrs. Umutesi Consolata;
- As Mrs. Umutesi Consolata needs to cancel the contract, Dr. Kamana Jane has to accept and claim her money paid.

**c) The candidate should demonstrate knowledge and understanding on consideration in a contract**

- The consideration ensures that promises are enforced only where the parties have exchanged something of value in the eye of the law;

- The consideration for a promise must be either a legal detriment to the promisee or a legal benefit to the promisor. The promisee must give up something of legal value, or the promisor must receive something of legal value in return for the promise;
- Legal benefit means the obtaining by the promisor of that which he had no prior legal right to obtain;
- Basing on the explanation of consideration as provided above, the issue of lacking consideration is not true as everyone has got something of value in the contract of sale;
- Mrs. Umutesi Consolate has received a payment of 40,000,000frw and Dr. Kamana Jane has received the house even if the transfer of ownership not yet done.
- I would advise Dr. Kamana Jane to continue the negotiation of resolving the issue of undue influence and when cleared, not any issue that might be an obstacle of transfer of ownership.

**d) The candidate should demonstrate knowledge and understanding on requirements for a promise without consideration to be bound**

A promise without consideration is binding if:

- It is in a written form and signed;
- The document containing the promise is delivered to the promisee;
- The promisor and the promisee are named in the document or are otherwise identified.

**QUESTION SEVEN**

**Marking guide**

|                            |   |           |
|----------------------------|---|-----------|
| <b>a.i.</b>                | 2 marks for any characteristics of law well mentioned and explained | <b>8</b>  |
| <b>a.ii.</b>               | 1 mark for any rule that is reputed to be prohibitive well stated   | <b>3</b>  |
| <b>b.i.</b>                | 2 marks for any legal system well mentioned and explained           | <b>8</b>  |
| <b>b.ii.</b>               | 1 mark for mentioning the Rwanda legal system                       | <b>1</b>  |
| <b>Total Marks Awarded</b> |   | <b>20</b> |

**Model Answers**

**a)**

**(i) The candidate is expected to demonstrate knowledge and understanding on the characteristics of law**

- The law is obligatory. It is compulsory. However, the intensity of the compulsion differs depending on the prohibitive rule or suppletive rule. Prohibitive rules are those rules which are binding overall and no one can turn around them. E.g. Tax laws while the suppletive rules leave room to the persons to turn around them
- The law is authoritative. It is to respect. It must be observed even by the persons who did not vote for it. The legal rule is a norm whose obligatory force is guaranteed by the actual intervention of the sanctions from the public authority. These include civil sanctions which aim at protecting the private interests of the persons, criminal sanctions protecting the society and disciplinary sanctions aiming at adjusting the conduct of the employees.
- The law is general. It is applicable to all. Individual consideration is not taken into consideration and once the persons are individually considered, the law is applicable to this group in an abstract way.
- **Territoriality:** Laws are usually applicable within a specific geographical jurisdiction unless otherwise stated (e.g., international law).
- Non-compliance with laws results in prescribed penalties or consequences, such as fines, imprisonment, or other forms of punishment
- The law is oriented to the common good. It protects the common good. It deals with the economic, cultural and social development of the members of the society.

**(ii) The candidate is expected to demonstrate knowledge and understanding on types that are reputed to be prohibitive**

Four types of rules are reputed to be prohibitive rules are the following:

- They are some cases where the law contains in itself an indication of prohibitive nature, e.g., ...any inconsistent agreement is void (art. 305 CC.B.III);
- Must also be considered prohibitive the provisions relating to public policy and morality, e.g., criminal law, laws relating to sexual behavior, laws relating to the respect of natural person.
- Law organizing the conditions for legal acts, e.g., see art. 7 of the Law governing contracts in Rwanda 2011.
- Protecting rules of a defined group of persons, e.g., law relating to the protection of the child, the woman, Law n° 66/2018 of 30/08/2018 regulating labor in Rwanda as amended by Law n° 027/2023 of 18/05/2023.

**(b)**

**(i) The candidate is expected to demonstrate knowledge and understanding on different legal systems**

The different legal systems are the following:

- **Common law system.** The common law family embraces the law of England and Wales. Its wide expansion throughout the world came as a result of colonization or expansion. It is basically judge made law or Precedent-based system. The common law was formed primarily by judges who had to resolve individual disputes. Secondly, the legal rule in the common law system is one which seeks to provide the solution to the case in hand. It does not seek to formulate a general rule of conduct.
- **Civil law system.** Originating from continental Europe, the civil law system has spread to the countries of Latin America, Francophone and Lusophone African countries, the countries of the near East, Japan and Indonesia. Colonization and voluntary reception contributed for this wide spread. The main features of the civil law system are that firstly all civil law jurisdictions adopted the legal technique of condition and secondly, the legal rule seeks to formulate a general rule of conduct as opposed to address the case in hand.
- **Socialists' legal system.** Prior to 25th October 1917 (the October Revolution) Russian law could be said to belong to civil law family. Since then, law in Russia has taken a different path based on Marxism-Leninism. So that today, it is current to speak of socialist legal theory; a socialist law with its own distinctive structure and system of administering justice. The primary function of Soviet law is to organize the nation's economic forces and to transform the behavior and attitude to an infringement on the interests of private persons or an insult to the code of morality. This position is bound to change when states previously subject to soviet law have adopted European Union market economic policies
- **Muslim legal system.** Muslim law is not an independent branch of knowledge or leaning. It is only one of the facts of Islamic religion itself; Islam is first of all a religion, then a state, and finally a culture. The Islamic religion includes, firstly, theology which established dogma and states exactly what a Muslim must believe. Secondly It includes the 'sharia' ('the way to follow') which lays down rules of behavior for believers. Since Muslim law is an integral part of the Islamic religion no authority in the world is qualified to change it.
- Each legal system can be the best depending on the expected results;

**(ii) The candidate is expected to demonstrate knowledge and understanding on**

- Nowadays, no one country you can find as a pure civil law system or a pure common law system and so on. A mixture of all systems help to borrow the best practices.
- Rwanda even if it is former civil law system and customary law, it has borrowed best practices from common law system and culture.

**END OF MARKING GUIDE AND MODEL ANSWERS**