

Table of Contents

LDC PRE- ENTRY LEGAL FRAMEWORK..... iii

HOW TO PASS LDC PRE-ENTRIESv

Appreciation.....vi

2010 EXAM2

2011 EXAM 22

2012 EXAM 43

2013 EXAM 72

2014 EXAM 100

2015 EXAM 126

2016 EXAM 152

2017 EXAM 174

2018 EXAM 196

LDC PRE- ENTRY LEGAL FRAMEWORK

The Law Council through the medium of Committee on Legal Education and Training, it's empowered with general supervision and control over professional legal education in Uganda including continuing legal education for persons qualified to practice law in Uganda as per Section 3 of The Advocates Act, 2002. Section 6C of the Advocates Act 2002 prescribes that the committee will prescribe the professional requirements for admission to the post graduate Bar Course and qualifications necessary for eligibility for enrollment. Rules 3 and 4 of the Advocates Act Legal Notice 17 of 2007, prescribe qualifications for admission to the Bar Course; that is, Holder of law degree from a university in Uganda; chartered or licensed under the laws of Uganda. Wherefore, LDC PRE-ENTRIES are set by The Law Council under The Advocates (Professional requirement to Post – Graduate Bar Course) Notice, Legal Notice No.17 Of 2007 as amended by Legal Notice No.12 Of 2010. Therefore LDC pre-entries are set by the Law Council under the exercise of its powers and it's a requirement for any qualified person seeking to join Law Development Centre for a Post Graduate Diploma in Legal Practice to first sit and pass pre-entries.

SUBJECTS EXAMINED

It's the mandate of the Law Council to select subjects but of record, the paper contains Legal Methods, Law of Contract, Law of Torts, Constitutional Law, Law of Evidence, Civil

Procedure, Criminal Law, Criminal Procedure, Aptitude and Values.

In this book therefore, an opinion is offered on all the questions in all the course units examined save for the Aptitude and values.

WHAT IS THE PASS MARK?

The pass mark is determined by the Law Council from time to time, but from the previous pre-entries, the pass mark has always been 50%

HOW TO PASS LDC PRE-ENTRIES

There is no set formula for passing Ldc pre-entries but the only advice I can give is that just prepare, consult, discuss with friends, read all past papers and possible answers thereto and pray to God. Advising you out of experience, it's not about your performance at LLB, social class, age, university, connections, number of times you have sat pre-entries. It's all about how prepared you are.

Some people do not because they don't know; it's because of some factors such as pressure, fear, failure to manage time, question interpretation and over confidence. You are good enough, you can pass pre-entries.

My learned friends; I have compiled this book to guide you in your preparations for Ldc pre-entries. Therefore I advise you to consult more in your preparations, attend discussions and the opinion answers herein don't work as or conclusively mean Law Council pre-entry marking guide.

It's my prayer that you make it to LDC. For any inquiry about pre-entries, feel free to contact me at Email: ayiga@ldc.ac.ug / yiga.allan31@gmail.com. Tel: +256706578185.

Appreciation

Thanks and appreciations goes to my fellow lawyers who guided me much in preparation of this book but mention; Kitamirike Puis, Banya Trisha, Nyamungu Dorcus, Rwakatete Martin and Odongo Fred; your grate contribution can never go without recognition and appreciation.

Special thanks go to my family members for their selfless support, Eng. Ssenkungo Fred, Eng. Kasozi Stephen and Ms. Nakiyingi Lydia to mention but a few, thank you very much for your selfless support. In a special way, much thanks to COM SIGNS LTD for the great contribution in the stationary, designs and printer.



INDEX NUMBER

COMMITTEE ON LEGAL EDUCATION AND TRAINING
OF THE LAW COUNCIL
THE ADVOCATES (PROFESSIONAL REQUIEMENTS TO
POST – GRADUATE BAR COURSE) NOTICE, LEGAL NOTICE
NO.17 OF 2007 AS
AMENDED BY LEGAL NOTICE NO.12 OF 2010

PRE-ENTRY EXAMINATION FOR ADMISSION TO THE POST
GRADUATE BAR
COURSE, 2010/2011

Date : Wednesday 1st September, 2010 Time: 9.00am – 1.00 p.m

INSTRUCTIONS:

1. The examination is closed book.
2. Answer all questions.
3. All answers must be written in the space provided on the examination paper.
No extra or additional paper may be used in answering any questions in the Examination.
4. For the objective –type questions, circle the letter representing the correct answer.
5. Ensure that your handwriting is legible.
6. Do not write your name anywhere on the examination paper.

For examiners' use only

A	B	C	D	E	F	G	H	I	J	TOTAL

2010 EXAM

SECTION A LEGAL METHODS

1. Define what you understand by the term common Law systems.
 - **This is the body of law that developed in England primarily from judicial decisions based on custom and precedent, unwritten in statutes or code and constituting the basis of English legal system.**
2. State one doctrine of Equity.
 - **Doctrine of Election**
 - **Doctrine of Satisfaction**
 - **Doctrine of conversion**
3. What are courts of record?
 - **These are courts whose proceedings are captured, preserved and their decisions are authority and binding to the same court and other lower courts in hierarchy.**
4. Explain the meaning of this citation:[1970] 1 W.L.R 725 at 729
 - **The citation means that the particular information being referred to is recorded in Volume 1 of the 1970 Edition of the Weekly Law Reports, in a case which starts to be recorded at page 725, but this particular information is found at page 729.**
5. What is meant by the expression **per incuriam**?
 - **It connotes to a mistake either in law or facts**

6. Explain the meaning of the golden rule of statutory interpretation.
 - **It is a rule of statutory interpretation that allows departing from the ordinary and literal interpretation of word (s) in order to avoid an absurdity.**
7. The Evidence Act is cited as Cap. 4. What is the meaning of the citation?
 - **The citation means that the Evidence Act is found in Chapter 4 of the Revised Edition of the Laws of Uganda that was finalized in 2000.**
8. Distinguish between principal and subsidiary legislation.
 - **Principal legislation connotes to the laws that are enacted by the main legislative body which is the Parliament in Uganda's context, whereas,**
 - **Subsidiary legislation connotes to the laws that are enacted by subordinate authorities such as local governments.**
9. If an author makes a reference to "Ibid" in a foot note, what does it mean?
 - **The reference to "Ibid" means that the information being referred to in that particular footnote has been acquired from the authority cited in the immediate preceding footnote**
10. What is the Bar?
 - **The Bar is a body of lawyers who are duly enrolled on the roll of advocates and are certified to practice law in a particular jurisdiction.**

SECTION B
CONSTITUTIONAL LAW

11. What is a republican Constitution?
 - **A republican Constitution is one that provides that a sovereign State or country is to be organized with a form of government in which power resides in the elected individuals representing the citizenry and government leaders are to exercise power according to the rule of law.**
12. Give one distinction between federalism and decentralization
 - **In federalism powers are constitutionally divided into central government and other political units or states, whereas**
 - **In decentralization the central government derogates some of its authority to the local administrative bodies (local government)**
13. Define collective responsibility of cabinet
 - **Collective responsibility is a principle that all members of the government cabinet must publically support all governmental decisions made in cabinet, even if they do not privately agree with them.**
14. What is dual citizenship?
 - **Dual citizenship is being a citizen of two countries concurrently.**
15. Explain what you understand by Presidential assent to a bill.
 - **I understand Presidential assent to a bill as the signing of a bill passed by parliament by the**

president of the country as a form of assent to it and it thereby becomes law.

16. State one remedy of a person who alleges that legislation is unconstitutional.

➤ **Declaration that such a legislation is unconstitutional upon Petitioning the Constitutional Court on that effect.**

17. Name one right in the Constitution which is non derogable.

➤ **Right to a fair hearing as provided for under Article 44 of the Constitution of the Republic of Uganda**

18. How did the 1995 Constitution deal with the problem of untitled occupants of land?

➤ **The Constitution of the Republic of Uganda, 1995 dealt with the problem of untitled occupants of land by providing that Parliament must make a law to regulate the relationship between the untitled occupants of land and the titled occupants of land. The Constitution added that until Parliament made such a law referred to above, the untitled occupants of land were to enjoy security of occupancy on land.**

19. State the doctrine which is now generally accepted as an alternative to the strict separation of powers between the organs of the state.

➤ **The doctrine of checks and balances**

20. Outline one Constitutional provision meant to ensure the independence of the Judiciary.

- **In exercise of its powers, the Judiciary is not subject to the control or direction of any authority.**

SECTION C

LAW OF CONTRACT

21. If offer and acceptance are made by e-mail, where is the contract concluded? Give a reason.
- **The contract is concluded at the place where the offeree accepts the offer made to him/her, reason being a contract to be concluded there must be acceptance to the offer made.**
22. Why is it that as a general rule a stranger to a contract cannot enforce it?
- **A stranger to a contract cannot enforce it since a contract is formed of rights and duties. Therefore a stranger does not have any right or duties under the contract reason being s/he is not a party to that contract.**
23. Name one relationship in which the law will presume undue influence to a contract.
- **Pastor-follower relationship**
 - **Parent – child**
24. Distinguish between a void and avoidable contract.
- **A void contract is a contract which cannot be enforced by either party to the contract, whereas;**
 - **A voidable contract is an enforceable contract but can be treated as void by the innocent party.**
25. Illustrate the meaning of unilateral mistake.

- **Unilateral mistake means an instance whereby one party to a contract is mistaken as to the subject matter or the terms contained in the contract.**

26. Explain the meaning of **restitution in integrum**

- **Restitution intergrum is a latin term which means restoration to original condition.**

The term is considered in the ward of damages for breach of contract as it was observed in the case of Uganda Telecom v Tanzanite Corporation [2005] E.A 351, wherein court observed that in contract, the general intention of the law of the giving of damages for breach of contract is that the plaintiff should be placed in the position he or she would have been in had the contract been performed.

27. What is the remedy of **quantum meruit**?

- **The remedy of quantum meruit is a redress awarded to a party in a contract in cases of part performance of the obligations in the contract or where the consideration in the contract is not well stipulated, a party is entitled to a reasonable amount for the quantum or portion performed.**

28. Define what is meant by express terms of a contract.

- **Express terms of a contract are such terms that are expressly provided and agreed upon by the parties to a contract before the contract is concluded.**

29. Outline one rule governing exclusion clauses.

- **Any ambiguity in an exclusion clause is interpreted against the maker of the exclusion clause.**
30. State one way by which a contract can be discharged.
- **Performance**
 - **Accord and satisfaction**

SECTION D

LAW OF TORTS

31. What must a plaintiff who has been defamed prove in court in order to succeed in that cause of action?
- **A plaintiff defamed must prove that the defendant published an untrue statement about the plaintiff and it has lowered his reputation in the society.**
32. John has erected a building on land belonging to Peter. What is Peter's cause of action against John?
- **Trespass to land**
33. In your own words, explain the rule in **Rylands V Fletcher**.
- **The rule in Rylands V Fletcher is that a person who for his own purposes brings on his lands and collects and keeps there anything likely to do mischief if it escapes, must keep it in at his or her peril, and, if he or she does not do so, is prima facie answerable for all the damage which is the natural consequence of its escape.**
34. What are the most important ingredients of the tort of Negligence?

- **Duty of care**
- **Breach of duty of care**
- **Damage**

35. Bosco is a gardener of mama Tina. While mowing her lawn, a stone flew and broke a neighbor's window pane. On what principle would mama Tina be liable for Bosco's acts?

- **Mama Tina would be responsible for Bosco's acts on the principle of vicarious liability.**

36. A driver of a motor vehicle tries to cross a railway line as a hooting train approaches. His motor vehicle is knocked by the train and is damaged beyond repair. What defense is available to the owner of the train?

- **Voluntarily assumption of risk (Volenti non fit injuria)**
- **Contributory negligence**

SECTION E

CIVIL PROCEDURE

37. Name (4) four types of orders that can be granted by the High Court in judicial review.

- **Mandamus**
- **Certiorari**
- **Injunction**
- **Prohibition**
- **Declaration**

Refer to section 36 (1) of the Judicature Act Cap 13.

38. An infant must file a suit in court through:

- **Next of friend or;**
- **Guardian ad litem**

39. While in criminal cases, prosecution must prove a case beyond reasonable doubt, in civil suits, the plaintiff must prove the case

➤ **On balance of probabilities**

40. The following are the conditions which must exist before a court of law can grant a temporary injunction to a litigant.

- **A pending suit filed with prima facie case**
- **Need to maintain the status quo**
- **That the applicant is likely to suffer irreparable damage**
- **If the court is in doubt of the above conditions, then balance of convenience is considered.**

Refer to the case of James Musisi Senkaaba V Ruth Kalyesubula HCMA 329 of 2001 where Justice Lugayizi mentioned the above conditions.

41. Name three instances in which a review of judgment or order can be made by the High Court. What is the procedure for making an application for review?

- **In case of discovery of new and important matter or evidence which after the exercise of due diligence, was not within the knowledge of the applicant or could not be produced by him or her at the time when the decree was passed**
- **In case of a mistake or error apparent on the face of the record**
- **In case of any other sufficient reason such as**

Refer to Section 82 of the Civil Procedure Act Cap 71, Order 46 of the Civil Procedure Rules SI 71-1

The procedure is by way of motion on notice as provided for under Order 46 rule 8 of the Civil Procedure Rules SI 71-1

42. Identify the different ways through which a matter can be taken to the constitutional court for determination.

- **By Petition**
- **By referring to the constitutional court(by reference).**

43. A defendant who is served with summons in a suit under summary procedure must take the following essential steps in court to safeguard his or her interest otherwise a default judgment may be obtained against him or her:-

- **The defendant apply for leave of court to appear and defend**
- **If the leave is unconditional, then the defendant should appear on the dated scheduled for hearing and defend, and;**
- **If the leave is conditional, then the defendant should fulfill the required condition(s) before appearing to defend.**

Refer to Order 36 rule 3 of the Civil Procedure Rules SI 71-1

SECTION F

LAW OF EVIDENCE

44. “Any written or oral statement, or communicative conduct made by persons otherwise than in testimony at the proceeding in which it is offered, is inadmissible if such statement or conduct is tendered either by proof of the assertions implicit therein.”

- (a) State the rule of evidence represented in that statement.

➤ **Parole evidence rule**

- (b) Briefly explain the rationale for the rule.

➤ **The rationale of this rule is that since parties have reduced their agreement into a single and final writing, then extrinsic evidence of past agreements or terms should not be considered.**

45. “Evidence of opinion or belief of a witness is irrelevant hence inadmissible. The witness testifies as to fact and it is the role of the court to form its opinion from the facts.”

- (a) State one exception to the rule.

➤ **Expert opinion**

- (c) Mention one situation where that exception will apply.

➤ **In case a situation such as proving hard writing where a hand writing expert will be required to give expert opinion in that regard.**

46. A suspect in a murder case was tortured after arrest as a result of which he confessed to a police constable. On the basis of that confession, the suspect led the police to the place where the body of the deceased was found, hidden in a thicket in a remote place.

Explain whether or not any of that evidence will be admissible against him at the trial.

➤ **Evidence acquired through illegal means is inadmissible at the trial.**

47. A court is conducting trial of an accused for the offence of assault. The advocate representing the accused intends to

call the accused's employer to testify that for five years he has known the accused as a peaceful and pious person.

Explain whether or not that evidence will be admissible at the trial.

- **Yes, that evidence will be admissible at the trial since evidence of good character is admissible.**

48. Give three situations when is secondary evidence admissible.

- **In case the primary evidence is destroyed**
- **In case of a certified copy**

SECTION G

CRIMINAL LAW

49. There are four categories of culpable mental states as listed hereunder in random order. Arrange them in order of degree of blameworthiness from the lowest to the highest and briefly define what is involved in each of them.

- a) Recklessness
- b) Knowingly
- C) Intentionally
- d) Criminal negligence

- **Criminal negligence**
- **Recklessness**
- **Knowingly**
- **Intentional**

Criminal negligence

A person is criminally negligent for the result of his/her conduct when he or she ought to be aware of a substantial or unjustifiable risk that the circumstances exist or the result will occur.

Recklessness

A person is reckless and liable for the result of his or her conduct if he or she is aware of the likely effect of his/her conduct but consciously disregards a substantial and unjustifiable risk that circumstances exist or the result will occur.

Knowingly

A person acts knowingly, or with knowledge with respect to the nature of his/her conduct or to circumstances surrounding his or her conduct when he or she is aware of the nature of his or her conduct or that the circumstances exist.

Intentionally

A person acts intentionally, or with intent with respect to the nature of his or her conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.

50. Briefly explain three different circumstances in which a person can be found criminally liable for the acts of another.

- **In case of compulsion**
- **Joint offenders**

51. Distinguish between the defence of insanity and that of diminished responsibility.

- **The defence of diminished responsibility is based on the belief that certain people because of their mental impairment, disease are incapable of possessing the mental state required to commit an offence. It is a partial defence and reduces the sentence or the offence, therefore it cannot lead to a verdict of not guilty.**
- **Insanity is a complete defence and the accused will be acquitted if successful. The defence of**

insanity is in two forms. First, where it is claimed that the accused committed the crime when he or she is insane at the material time of its commission.

Secondly it can be raised at trial that the accused is insane and therefore cannot understand the charges against him or her and hence not imposition to defend him/herself.

52. Explain what you understand by the term “Inchoate offences” and mention two categories of such offences.

- **Inchoate offences are preliminary crimes or crimes committed as a preparation for committing another crime. Categories of inchoate offences include: Attempt to commit a crime, Conspiracy, Solicitation among others.**

53. Mistake of fact is a defence only if it;
(Circle the correct answer).

- a) **Is subjectively reasonable**
- b) Involves the harm element
- c) Is proven on the preponderance of evidence
- d) Negates an element of the crime
- e) Involves an inchoate offence
- f) None of the above

SECTION H

CRIMINAL PROCEDURE

54. Afande has been charged with assault in a Magistrate’s court. On what grounds would he be released on bail?

- **Presenting substantial surit(ies)**

- **Ground that he is presumed to be innocent before he pleads guilty or pronounced guilty by Court of competent Jurisdiction.**
- **Having a fixed place of abode in Uganda or within the Jurisdiction of Court**
- **That he will not interfere with the investigations**

55. Give three instances in which offenders may be tried together on the same charge sheet.

- **If the offenders are charged of the same offence committed in the course of the same transaction.**
- **If the offenders are charged of an offence and also persons accused of abetment or of an attempt to commit that offence.**
- **If they are accused of different offences committed in course of the same transaction.**

56. List all the different pleas available to an accused person in response to a charge.

- **Plea of guilty**
- **Plea of not guilty**
- **Plea of previous conviction or acquittal**
- **Plea of pardon**

57. A magistrate tried, convicted and sentenced an accused person to seven years' imprisonment. The convict then insulted the Magistrate whereupon the Magistrate increased the sentence to ten years. Explain whether or not the ten year sentence was lawful.

- **The increase of the sentence to 10 years was unlawful since after passing the sentence of 7 years, the magistrate thereby became fuctus officio, she could not legally change the sentence.**

SECTION I
APTITUDE

58. Section 8 (8) of The Advocates Act, as amended, lists the persons eligible for entry of their names on the roll of advocates for Uganda as follows:

(8) This section applies to a person who-

(a) is the holder of a degree in law granted by a university in Uganda; or

(b) is a Uganda citizen and –

(i) a holder of a degree in law obtained from a university or other institution recognized by the law Council in a country operating the common law system; or

(ii) has been enrolled as a legal practitioner by whatever name called, in any country operating the common law system and designated by the law Council by regulations; or

(iii) holds a qualification that would qualify him or her to be enrolled in any country operating the common law system and designated by the common law Council by regulations.

Which of the following statements is false in respect to the above provisions? (Circle the correct answer)

- A. Any Kenyan who holds a degree in law granted by Uganda University is eligible.
- B. A Ugandan Barrister practicing in England is eligible.
- C. A Tanzanian with an LLB degree from Makerere University can be enrolled.
- D. An Indian with a degree in law granted by a university in a country operating the common law system may be enrolled.

- E. A Ugandan who is already qualified to be enrolled in any country which does not operate the common law system is not eligible for enrolment in Uganda.

59. “Take down any volume of the published law reports and look at the beginning of a case. At the head are what are called the catchwords, indicating briefly what the case is about. They enabled the reader to make sure that the case is relevant to the point of current concern. Then comes the headnote, which is again not part of the report but simply a summary written by the reporter. Occasionally inaccurate, it is nevertheless useful as a guide to the judgments. Sometimes the first judgment is delivered by the senior member of the court when dissenting; if the student reads it without having consulted the headnote, the reader will for quite a time labour under a misapprehension as to what was decided. Obviously, it is better to read the judgment of the majority first, though dissenting judgments may be valuable because they find favour in higher court if the point is carried further, or because the dissenter may express a particular point upon which he is not dissenting in a particularly illuminating way”.

(Adapted from Glanville Williams: Learning the Law, London, Sweet & Maxwell, 2006)

Which of the following statements is accurate in relation to the above extract? (Circle the correct answer).

- A. The dissenting judge delivers his judgment first.
 - B. Headnotes are misleading.
 - C. A dissenting judge may agree with the other judges on an issue.
 - D. The reader of a law report can only know what the case is about by reading the catchwords.
 - E. Dissenting judgments are favoured by higher courts.
60. “..... there must be a curriculum designed to produce broadly-educated lawyers. The students must clearly be

taught to think like lawyers, but the purpose of a university law training should be to produce lawyers who can not only handle legal plumbing, but are also capable of performing as legal architects through evaluating the policies underlying legal doctrines. In short the LL.B. syllabus must ensure that the students see law as part of the Uganda society, and are exposed to law in terms of the historical, economic, social and political influences in their country. Thus the LL.B. students will acquire the most important legal skill-the ability to think legally-and sufficient knowledge of substantive law to ensure their ability to perform with credit during their year at the Law Centre.....”

(Adapted from Gower, et al, Legal Education in Uganda, Government Printer, Entebbe, 1969).

Which of the statements below best captures Gower’s argument in the above extract? (Circle the correct answer).

- A. Law should be combined with other courses.
- B. Law should be studied in context.
- C. Law students should be introduced to architecture at the university.
- D. It is impossible to teach law in its pure form.
- E. Lawyers should be policy makers.

61. Last year Hadija Muyonjo got a job as a manager. She is entitled to two days of paid leave for every month worked. Days when she is off duty to attend to personal matters are not counted in computing her annual leave entitlement. Hadija has worked continuously for the last twelve months, except when she was away for the whole June on her honeymoon. Hadija’s leave entitlement is therefore: (Circle the correct answer).

- A. 24 days
- B. 12 days
- C. 2 days
- D. 11 days
- E. 22 days

62. **Situation:** The government of Zamunda charges a lot of money for tourist visas in order to raise money to develop tourist attractions.

Analysis: The greater the success in achieving the first objective, the less will the success in achieving the second objective.

In which of the following additional situations would the above analysis be equally appropriate? (Circle the correct answer).

- A. A city charges very high parking fees in order to discourage motorists from entering the city centre. The money raised shall be used to fund the widening of roads.
- B. A prestigious university charges high tuition fees in order to limit the size of classes to a manageable number. The extra money raised is used to pay good salaries to lecturers.
- C. Alcohol should not be sold in sachets containing less than 100ml. Less students will be able to afford and consume alcohol.
- D. Secondary education is free. More students will therefore proceed to university.
- E. The farmer shall not replace the stolen cows. The ext pasture now available shall be used to improve the nourishment of the existing cows in order to increase milk production.

SECTION J

VALUES

63. Assuming you were an advocate instructed to represent terrorism suspects involved in the 7/11 Kampala bombings, would you take up the instructions? Give reasons for your answer.

64. Give at least three reasons why you would like to pursue the Bar course.

-END OF EXAMINATION-

2011 EXAM

SECTION A LEGAL METHODS

1. State what you know about the “reception date”.
 - *The reception date is the date when the laws that were in force in England gained force in Uganda by virtue of the 1902 Order in Council.*
2. Explain the meaning of the statement “equity aids the vigilant but the indolent”.
 - *It means that an adversary can lose evidence, witness, and a fair chance to defend himself or herself after the passage of time from the date that the wrong was committed. Therefore, equity aids those who advocate for their rights but not those who sit on their rights.*
3. What is an unreported case?
 - *An unreported case is a decided case which has not been recorded in a law report.*
4. “Lord Denning, MR”, What does MR stand for?
 - *Master of Rolls*
5. How do you distinguish a case?
 - *I distinguish a case by comparing a decided case to a given set of facts or another decided case and hence coming up with a difference between the two.*
6. What is a dissenting judgment?
 - *A dissenting judgment is a judgment of Court that is contrary to the majority judgment.*

7. *The civil Procedure Rules are cited as S. I 71-1. What is the meaning of that citation?*

- ***The citation means that the civil Procedure Rules are the first Statutory Instrument of the Act of Parliament cited as Cap 71.***

8. *Explain what you understand by an adversarial system of justice.*

- ***Adversarial system of Justice also known as adversary system is a legal system used in common law countries where two advocates represent their parties' case or position before an impartial person or group of people, Usually a judge, Justices or a jury, who determine the truth and pass a judgment accordingly.***

9. *What are Halsbury's Laws of England?*

- ***Halsbury's Laws of England is an authoritative encyclopedia of law in the England and Wales, arranged by subject, with several indexes and updating services.***

10. *Is it possible to have customary criminal law Uganda? Give reasons for your answer.*

- ***No, it's not possible. The reason is that according to Article 28 (12) of the Constitution of the Republic of Uganda, 1995, except for contempt of Court, a person can only be convicted of a criminal offence which is prescribed by the law and the penalty is well provided for. As for Customary law, it's not written.***

SECTION B

CONSTITUTIONAL LAW

11. Distinguish between “the constitution” and “constitutionalism”.

- *The Constitution a written or unwritten law that sets out the aspirations of the people of a given nation, the way they want to be governed and it's always the supreme law, Whereas,*
- *Constitutionalism is the spirit of natives of a particular State that calls for adherence to the Constitutional Principles and guidelines.*

12. State one country with an unwritten constitution.

- *England*

13. Briefly explain the contribution of Hans Kelsen to constitutional law.

- *Hans Kelsen propounded the principle of ‘pure theory of law in that the legal system must be ‘pure’ that is, self-supporting and not dependent on extralegal values. The validity of each law, or legal norm, is traced to another legal norm. Ultimately, all laws must find their validity in the society’s basic norm known as grundnorm.*

14. What is meant by entrenched articles of the constitution?

- *Entrenched Articles of the Constitution are provisions or Articles of the Constitution that cannot be amended by parliament but rather need a referendum to be amended. In Uganda, Article 260 (2) provides for the entrenched Articles of the Constitution of the Republic of Uganda, 1995.*

15. Define a secular republic.

- *A secular republic is a Republic that does not have a State religion.*

16. Briefly state the advice you would give to the Minister of Foreign Affairs if the presidential and foreign affairs committee of Parliament ordered him to establish a Uganda Embassy in Somalia.

- ***The minister is appointed by the President, therefore he or she is accountable to the President of Uganda not parliament.***

17. Distinguish between a presidential and parliamentary system of government.

- ***In a Presidential system of government the President is the leader of the executive/cabinet and is directly voted upon by the people, whereas***
- ***In Parliamentary system of government the executive leader is the Prime Minister, whom is elected from the legislative branch directly (Parliament).***

18. What is a constituent Assembly?

- ***A constituent Assembly or constitutional Assembly is a body or assembly of popularly elected representatives composed for the purpose of drafting or adopting a document called the Constitution.***

19. Define universal adult suffrage.

- ***This is a concept also known as general suffrage or common suffrage, consists of the right to vote of all adult citizens, regardless of property ownership, income, race, sex, or ethnicity, subject to democratically accepted exceptions.***

20. What is a regional tier?

- *A regional tier is a regional government of two or more districts that are wishing to cooperate with each other; however the regional government is always under the central government. Article 178 of the Constitution of the Republic of Uganda, 1995 provides for the regional governments.*

SECTION C

LAW OF CONTRACT

21. *A shop keeper displayed mobile telephones on the shop shelves. Dalausi walked in and bought two telephones. Between the two, who made the offer, and who accepted?*

- *Dalausi made the offer and the shop Keeper accepted the offer. Goods displayed in a shop are invitation to treat, inviting people to make an offer.*

22. *The grocer overcharged a widow by selling to her a kilogram of sugar at shs. 10,000. Advise whether the widow has a cause of action.*

- *No, the widow has no cause of action. This based on the Principles of consideration that consideration need to be adequate but not sufficient,*
- *and also the principle of freedom of contract.*

23. *Distinguish between misrepresentation and non disclosure.*

- *Misrepresentation is a false statement made prior to the conclusion of a contract and induces another party to enter into a contract, whereas,*
- *Non disclosure is where a party does not disclose or bring to the attention of the other party an*

important aspect or defect in the subject matter of a contract.

24. State one category of contract which is not illegal but common law considers it void on grounds of public policy.

➤ ***A contract ousting the jurisdiction of Court.***

25. Mr. Kifaalu purchased a computer and was issued with a receipt after paying the price. Give your opinion on whether the receipt is a contractual document.

➤ ***No, the receipt is not a contractual document. Reason being that any term that is brought at the attention of the parties after conclusion of the contract does not bind the parties. In the instant case, the receipt was brought after concluding the contract (paying the price) hence it's not a contractual document.***

26. A policeman deployed a dog to track down a thief after being promised lunch by the L.C.1 chairman. No lunch was provided. Advise the policeman

➤ ***The policeman cannot recover from the L.C.1 chairman since he was exercising his duty as a police man, and it was done in the course of employment.***

27. When are parties to a contract said to be in *pari delicto*?

➤ ***Parties are in *pari delicto* when they are both in equal fault***

28. Explain the meaning of novation.

➤ ***Novation means a situation whereby the obligations in a contract are transferred to a third party.***

29. *State the ordinary common law remedy for breach of contract*

➤ *Damages*

30. *Illustrate the meaning of accord and satisfaction*

➤ *Accord is the agreement by which the obligation is charged; for instance in a contract to supply to supply beans, the parties agree to supply maize, whereas,*

➤ *Satisfaction is the consideration which makes the agreement operative; therefore the supply of maize is the satisfaction*

SECTION D LAW OF TORTS

31. *In your own words explain the “neighbor principle”.*

➤ *Neighbor principle states that you must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbor.*

This Principle was laid down in the case of Donoghue V Stevenson (1932) AC 562

32. *Explain the meaning of remoteness of damage.*

➤ *Remoteness of damage relates to the requirement that the damage must be of a foreseeable nature. Remoteness of damage also connotes to the fact that damage must be a direct consequence of the defendant’s breach of duty of care.*

See the case of Wagon Mound no 1 [1961] AC 388 where the House of Lords held that the principle in Re Polemis should no longer be regarded as good law. A test of remoteness of damage was substituted for the

direct consequence test. The test is whether the damage is of a kind that was foreseeable. If a foreseeable type of damage is present, the defendant is liable for the full extent of the damage, no matter whether the extent of damage was foreseeable.

33. *List the claims which a plaintiff can make in a suit under the Law Reform (Miscellaneous Provisions)*

Act.

- ***Loss of earnings/expectations***
- ***Loss of services***
- ***Loss of services of a child***
- ***Loss of consortium***

34. *Malaika took her wedding gown to the drycleaner for cleaning, but he donated it to his fiancée. What would be Malaika's cause of action against the drycleaner?*

- ***Detinue***

35. *Betty telephoned her lawyer and told him that "all lawyers are thieves, including yourself". Advise if those words are actionable.*

- ***No, the words are not actionable. They word have been actionable in defamation if they were published; that is, communicated to a third party.***

36. *Petero was admitted to hospital for a hernia operation. Immediately after performing the hernia operation the surgeon on his own volition also circumcised Petero allegedly to lower his risk of contracting HIV. Does Petero have a cause of action? Give a reason for your answer.*

- ***Yes, Petero has a cause of action that is, trespass to the body. This is so because the doctor did not seek consent of Petero before circumcising him.***

SECTION E

CIVIL PROCEDURE

37. What is joinder of parties?

- *Joinder of Parties is whereby all persons who are parties to a subject matter who share a right or relief arising out of the same transaction or series of acts or transactions, before the same court, with same questions of law and fact are joined in one case.*

See Order 1 rule 1 of the Civil Procedure Rules SI 71-1

38. The Attorney General has been served with a plaint in which the alleged cause of action is stated to be “an accident caused by the negligent driving of an army vehicle on 1st January 2011 in the northern part of Uganda”. What step can the Attorney General take to be able to prepare a meaningful defence?

- *Seek for further and better particulars.*

39. Define a representative suit.

- *A representative suit is a suit brought by one party with permission of court on behalf of numerous persons having the same interest in the same suit.*

See Order 1 rule 8 of the Civil Procedure Rules SI 71-1

See Ibrahim Buwembo, Emmanuel Sserujogi and Zubairi Muwwanika for and behalf of 800 Others V UTODA Ltd HCCS No.664 of 2003

Note: Unlike joinder of parties, representative suits are applicable where the plaintiffs or defendants are numerous in number.

40. What is the meaning of the phrase “costs follow the event”?

- ***The phrase “costs follow the event” means that a successful party to a suit is entitled to costs spend in the suit.***

41. State three possible remedies available to a party aggrieved by a decision of a magistrate.

- ***Review***
- ***Revision***
- ***Appeal***

42. A defendant was served with summons on 31st July 2011, giving him 15 days to file a defence. He just put the papers in his drawer and forgot about them. What advice would you give him today?

- ***I would advise him to apply for extension of time to file a defence upon showing sufficient reasons for extension.***

Section 96 of the Civil Procedure Act Cap 71 and Order 5 rule 2 the Civil Procedure Rules SI71-1 is instructive on this matter.

44. What steps must a successful litigant take in order to realize the fruit of the judgment?

- ***Extract a decree***
- ***Apply for execution of a decree***
- ***Procure execution order***
- ***Then execute the decree***

SECTION F

LAW OF EVIDENCE

45. *Explain the basis on which courts distinguish between relevant and irrelevant evidence.*

- ***The basis is proving or disproving a fact in issue.***
- ***Relevant evidence is such evidence that proves or disproves a fact in issue, whereas***
- ***Irrelevant evidence is such evidence that does not prove or disprove a fact in issue.***

46. *Distinguish between an admission and a confession.*

- ***An admission is the acknowledgement of a statement or a fact in the case, whereas,***
- ***A confession is an unequivocal plea accepting the guilt, liability for the commission of the offence.***

46. Which of these factors is not relevant to the determination of the competence of a witness to testify in court? (Circle the correct answer)

A. Advanced age

B. Personal interest in a case

C. Mental state

D. Infancy

E. Illiteracy

47. *Explain what you understand by taking judicial notice of a fact.*

- ***I understand judicial notice of a fact as a situation whereby Court allows a fact to be introduced into evidence if the truth of that fact is so notorious or well known, or so authoritatively attested, that it cannot reasonably be doubted.***

48. *Illustrate the meaning of corroboration.*

- ***An illustration of corroboration can be whereby there is a case of rape and the only eye witness is a child of tender years, a child's evidence can be***

supported/corroborated with evidence of other witness who heard a lady shouting out for help, or any other evidence in support.

49. *The mother of a defilement victim testified during examination in chief by the prosecuting attorney that her daughter was 19 years old at the time of the alleged offence. What would call the mother?*

➤ *Hostile witness*

50. *Define a leading question.*

➤ *A leading question is a question that suggests a particular answer.*

51. *In your own words explain the parole evidence rule.*

➤ *Parole evidence rule is a rule which excludes extrinsic evidence by documentary evidence. The rule prevents the introduction into evidence of prior or contemporaneous negotiations and agreements that contradict, the terms of a written agreement when the written agreement is intended to be a complete and final expression of the parties' agreement.*

52. *Distinguish between burden of proof and standard of proof.*

➤ *Burden of Proof is the onus of proof. For instance the Burden of Proof in criminal matters is on the Prosecution whereas in Civil Matters the Burden of Proof is on the Plaintiff.*

➤ *Standard of proof is the degree of proof required to prove a particular matter; for instance in criminal matters the Standard of Proof is 'beyond reasonable doubt' whereas in civil matters the standard of proof is 'balance of probabilities'*

53. *Name one instance in which a non author of a document may be allowed to tender it in evidence to prove its contents.*

- ***In case the author of the document is dead or missing***

SECTION G

CRIMINAL LAW

54. *Explain the difference between theft and robbery*

- ***The difference between theft and robbery is that whereas in both offences there is stealing, if a person at or immediately before or after the time of stealing uses or threatens to use actual violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, then it amounts to robbery.***

55. *What characteristics renders inchoate offences punishable yet having a mere evil intention is not?*

- ***The characteristic of “beyond mere preparatory”***

56. *Under what circumstances is the use of deadly force upon or toward another person justifiable?*

- ***In case of self defence, defence of other or defence of property provided that the force used is reasonable in the circumstances.***

57. *State a circumstance in which intoxication can be a defence*

- ***In case the level of intoxication barred a person from understanding what he or she was doing.***

58. When an offence is of strict liability, which of these defences cannot be raised? (Circle the correct answer).

- A. Accident**
- B. Possession of a valid license
- C. Mistake of fact
- D. Medical presentation
- E. Provocation
- F. Immunity

59. A visitor from Rwanda was found driving on the right hand side of the road in Uganda. When he was charged and tried for careless driving he pleaded that in Rwanda they drive on the right hand side so he thought it was the same in Uganda

Advise him on the likely decision of the court.

- **The Court is likely to pass a decision against that visitor since ignorance of the law is not a defence**

60. Distinguish between a felony and a misdemeanor

- **A felony is an offence which is declared by law to be a felony or, if not declared to be a misdemeanor, is punishable, without proof of previous conviction, with death or with imprisonment for three years or more (Section 1 (e) of the Penal Code Act Cap 120), whereas,**
- **A misdemeanor is any offence which is not a felony (Section 1 (n) of the Penal Code Act Cap 120). It's worth noting that a misdemeanour is always punishable with three years or less than three years.**

61. Bob wrote a reminder in his diary to steal property from children returning home for school holidays. He forgot the diary in a taxi and it ended up with the police as a lost and found property. When the police read the diary Bob was charged with conspiracy to commit the offence of the theft.

Advise him on his criminal liability.

- **Bob is not criminally liable since for conspiracy, there must be two or more persons that have the same intention of executing an unlawful act. More so, the actions of Bob were not beyond mere preparatory.**

62. Malevu's daughter was defiled. He accepted a gift of a goat from the suspect in order to settle the matter in the village without reporting the case to the police. Explain whether Malevu committed any offence.

- **Malevu committed an offence of accessory after the fact contrary to Section 393 of the Penal Code Act Cap 120; since he assisted the suspect he well knew that he is guilty of an offence of defilement enabling him to escape punishment.**

63. State anything you know about the McNaghten rules.

- **McNaghten rules is a test applied to determine whether a person accused of a crime was sane at the time of its commission and, therefore, criminally responsible for the offence committed.**

SECTION H

CRIMINAL PROCEDURE

64. Which of the following four statements about bail is true? (Circle the correct answer)

A. The constitution guarantees that accused persons must be granted bail

B. Bail lapses once an accused person is committed to the High Court for trial

(Note that this position changed)

C. Upon conviction, an accused person forfeits or loses his or her bail money

D. Treason is not a bailable offence

Note: the above position changed.

65. Briefly state the different outcomes of a *voire dire*

➤ ***Giving of sworn evidence***

➤ ***Giving unsworn evidence***

66. Name the courts in respect of which the Director of Public Prosecutions has no authority to commence or direct prosecutions.

➤ ***Court martial***

67. Explain what is meant by serving sentences concurrently.

➤ ***It means that the convict is serving all sentences at the sometime.***

68. What is an equivocal plea?

➤ ***An equivocal plea is one that is contradictory, where the accused pleads guilty, but adds something that indicates a defence.***

69. Explain what you understand by confirmation of a sentence

➤ ***Confirmation of a sentence is when a sentence passed by the magistrate court is forwarded to the***

***High Court for confirmation as provided for under
Section 173 of the Magistrates Courts Act***

70. State any preferential treatment which is available to children charged with criminal offences, but not to adult offenders.

- ***Their names are not indicated in the citation of the case***

71. A magistrate tried a person for murder and sentenced him to death. Should the convict appeal or apply for revision? Give a reason for your answer

- ***The convict should appeal against the conviction since the magistrate exercised powers that he or she did not have, and hence the accused has a right of appeal. However, revision is applicable whereby the intention is to examine again in order to remove any defect or irregularity in the judgment or in the proceedings.***

***SECTION I
APTITUDE***

72. Order LI rule 9 of the Civil Procedure Rules provides as follows:

(1) Service of pleadings, summonses, other than summonses on complaints, orders, rules and other proceedings shall normally be effected before the hour of six in the afternoon. Except on Saturdays when it shall normally be effected before the hour of one in the afternoon.

(2) Service effected after the hour of six in the afternoon on any weekday except Saturday shall, for the purpose of computing any period of time subsequent to the service, be deemed to have been effected on the following day; service effected after the hour of one in the afternoon on Saturday

shall for the like purpose be deemed to have been effected on the following Monday.

Which of the following statements is false in respect to the above provisions? (Circle the correct answer)

- A. Service of summonses on complaints can be effected at any time*
- B. Service can be effected on Saturday evening*
- C. Service on Friday at 7:00 p.m is deemed to have been effected on Saturday*
- D. Service can effected at 6:00 a.m on Monday.*
- E. Service cannot be effected after one o'clock on Saturday*

73. "Write in a way that draws the reader's attention to the sense and substance of the writing, rather than to the mood and temper of the author. If the writing is solid and good, the mood and temper of the writer will eventually be revealed and not at the expense of the work. Therefore, the first piece of advice is this; to achieve style, begins by affecting non-that is, place yourself in the background. A careful and honest writer does not need to worry about style. As you become proficient in the use of language, your style will emerge, because you yourself will emerge, and when this happens you will find it increasingly easy to break through the barriers that separate you from other minds, other hearts-which Is, of course, the purpose of writing, as well as its principal reward. Fortunately, the act of composition, or creation, disciplines the mind; writing is one way to go about thinking, and the practice and habit of writing not only drain the mind but supply it, too."

(Adapted from William Strunk JR and E.B White: The Elements of Style, 4th edition, Longman, 2000).

Which of the following statements best describes the author's views in the above extract? (Circle the correct answer)

- A. *The mood and temper of a writer are not important*
- B. *Writing supplies new ideas to the mind*
- C. *A writer should not adopt any style*
- D. *Good writing will easily communicate the author's style, temperament and ideas to the reader*
- E. *Without composition and creation the mind becomes indisciplined*

"... A prince, however should be slow to believe and to act nor should he be too easily alarmed by his own fears, and should proceed moderately and with prudence and humanity, so that an excess of confidence may not make him incautious, nor too much mistrust make him intolerant. This then, gives rise to the question 'whether it be better to be beloved than feared, or to be feared than beloved'. It will naturally be answered that it would be desirable to be both at the same time, it is much more safe to be feared than to be loved, when you have to choose between the two. For it may be said of men in general that they are ungrateful and fickle, dissemblers, avoiders of danger, and greedy of gain. So long as you shower benefits upon them, they are all yours; they offer you their blood, their lives and their children, provided the necessity for it is far off; but when it is near at hand, then they revolt. And the prince who relies upon their words, without having otherwise provided for his security, is ruined; for friendships that are by rewards, and not by greatness and nobility of soul, although deserved, yet are not real, and cannot be depended upon in time of adversity".

(Adapted from Machiavelli, the Prince, Wordsworth classics of World Literature, London, 1997).

Which of the statements below is false in respect of the above extract? (Circle the correct answer).

- A. A ruler should implement decisions slowly.*
- B. It is good for a ruler to be feared and loved by the people*
- C. The people's fear is more useful to the ruler than their love*
- D. Opportunists are not loyal*
- E. A rule should take time before making a decision*

75. The following is an extract from the call tariff structure of the Banana Telephone Network;

“From 0700 hrs to 2359 hrs – 2 shillings per second”

“From 0000 hrs to 0659 hrs – 1 shillings per second”

A made a call to B at 12 noon and it lasted 2 minutes. He made another call to C at 11:00 pm and it lasted 1 minute. Compute the total cost of those two calls.

(Circle the correct answer).

- A. 120 shillings*
- B. 60 shillings*
- C. 180 shillings*
- D. 360 shillings*
- E. 240 shillings*

76. The discovery of oil in some African countries led to the decline of the agricultural sector. Oil production in Uganda may therefore lead to: (Circle the correct answer)

- A. Famine*
- B. Drought*
- C. Increased food prices*
- D. Agriculture contributing more to GDP*
- E. Ugandans consuming oily foods*

SECTION J
VALUES

77. Briefly outline your views on the proposal in Uganda that persons charged with murder, treason, rape, rioting and economic sabotage should not have a right to apply to be released on bail until after six months

78. Lawyers are sometimes accused of being elitists. In what ways can a lawyer make himself/herself relevant to society in a developing country like Uganda?

END OF EXAMINATION

SECTION A
LEGAL METHODS

1. What is the relevance of the website www.ulii.org?
 - www.ulii.org provides Uganda legal information such as Laws (Acts of Parliament), decided cases from the Courts of Record and other legal information.
2. Explain the meaning of “the meaning of “applied law”
 - **Applied law means the provisions of law such as Acts of Parliament, Rules, regulations, case law or other laws that are relevant and applicable on the facts in issue or support a particular proposition.**
3. Of what relevance to Uganda was the Judicial Committee of the Privy Council until 1964/1967?
 - **The Judicial Committee of the Privy Council had jurisdiction over appeals from the Court of Appeal for Eastern Africa.**
4. Is a 1974 decision of the Court of Appeal for East Africa binding on the High Court of Uganda/ Give a reason for your answer.
 - **No, it is not a Court of record above the High Court, therefore it’s only decisions from the Court of Appeal and Supreme Court of Uganda that are binding on the High Court of Uganda.**
5. In some law reports, you will find the statement “The house took time for consideration”.

SOMETIMES THE Latin abbreviation cur.adv.vult. is used. What is the meaning?

➤ **It means that the House or Court took time off to think about a particular matter or a situation whereby the Court takes time for deliberation after hearing counsel's submission.**

6. Which theory of law best explains the basis for the offence of being idle and disorderly? Give a reason for your answer.

➤ **The preventive theory of law explains the basis for the offence of being idle and disorderly.**

7. In legal terms, the preparation of the 2000 Edition of the Laws of Uganda consisted of:

A. Renaming Decrees as statutes

B. Law revision

C. Law reform

D. Amendment of existing statutes

E. Binding red and blue volumes

8. Which of the following expressions is correct?

A. Two counsel

B. State Antony

C. First Parliamentary Council

D. Learned counsels

E. Learned council

9. How can an international convention become law in Uganda?

➤ **An international convention becomes law in Uganda upon being ratified and domesticated.**

10. Who is the head of the Ugandan Bar?
- **The President Uganda Law Society**

SECTION B

CONSTITUTIONAL LAW

11. What was the Legco?
- **The Legco (The Uganda Legislative Council) was the predecessor of the National Assembly of Uganda and it was the Legislative body of Uganda prior to Uganda's independence from Britain.**
12. Explain the meaning of "abrogation of the Constitution?"
- **Abrogation of the Constitution means abolition of the Constitution.**
13. Comment on a proposal for the Parliament of Uganda to declare a national day of prayer for the nation.
- **Uganda is a secular Country with no State religion. Therefore such declaration by Parliament will be inconsistent with Article 7 of the Constitution of the Republic of Uganda, 1995.**
14. What is the consequence if a Member of Parliament who was elected on a party ticket becomes an "independent"?
- **Such a person shall vacate his or her seat in parliament.**

See Article 83 (1) (g) of the Constitution of the Republic of Uganda, 1995.

See the Case of Hon. Theodore Ssekikubo & 4ors Vs The Attorney General and 4ors Constitutional Petition No.1 of 2015.

15. Under the Constitution of Uganda, a new district is created by:

- A. An Act of Parliament.**
- B. Decision of Cabinet
- C. A resolution of Parliament
- D. A presidential order
- E. A statutory instrument by the Minister of Local Governments.

16. State one option available to the president if he is opposed to a bill which has been passed by parliament.

- **Return the bill to Parliament with a request that the bill or a particular provision of it be reconsidered by Parliament.**
- **Notify the speaker in writing that he or she refuses to assent to the bill.**

See Article 91 (3) of the Constitution of the Republic of Uganda.

17. State any decided constitutional case from Uganda or any country in the commonwealth.

- **Hon. Theodore Ssekikubo & 4ors Vs The Attorney General and 4ors Constitutional Petition No.1 of 2015.**

18. Nanguzi was arrested at 7:00am and charged in court at 9:00 am with abuse of office. Prosecutions was ready with its witness, who duly testified. The magistrate then ruled that Nanguzi had a case to answer and required her to give her defence, which she did at 2:00 pm Judgment was delivered the following day whereby the accused was convicted. Did Nanguzi get a fair trial? Give a reason for your answer.
- **No, Nanguzi did not get a fair trial. According to Article 28 (3) (c) of the Constitution, an accused person has to be given adequate time and facilities to prepare for his/her defence.**
19. State at least one resource under chapter Fifteen of the Constitution (Land and Environment) which the Government holds in trust for the people Uganda
- **Minerals**
20. The amendment of the 1995 Uganda Constitution can be effected by
- A. A Constitutional Review Commission
B. Constituent Assembly
C. A referendum
D. A majority of the District Councils
E. An Act of Parliament

SECTION C

LAW OF CONTRACT

20. The Contracts Act 2010 has codified the law of Contract state one advantage **or** disadvantage of such codification.
- **The advantage is that it provides for certainty and consistency of the law.**

- **The disadvantage is that codification makes the law non flexible**

21. State one exception to the general rule in Pinnel's case (1602)

- **Part payment of a debt will constitute valid consideration if it's accompanied by another form of consideration such as goods.**
- **Payment of a debt may also be sufficient if it has been given in a different form, time, or place**

22. If a person makes a written pledge to contribute money towards a friend's wedding, is that agreement enforceable? Give a reason for your answer.

- **No, that agreement is not enforceable, since an important ingredient of Contract that is consideration is missing.**

23. A motorist asked a pump attendant at a fuel station to fill his car tank with petrol. The attendant instead filled the tank with diesel, which damaged the engine. When the motorist asked the station management to compensate him, they referred him to a notice which was prominently displayed at the entrance to the station and reading that cars are fueled at owners' risk. Advise the motorist

- **The motorist has a cause of action in negligence or breach of contract against the fuel station since an exemption clause cannot go to the root of a contract. Therefore the notice displayed is unenforceable.**

24. What is a simple contract?

- **A simple contract is a contract which is not reduced down into writing.**
25. State one factor which is considered in determining whether goods contracted for by an infant are necessities.
- **The age of a child**
 - **The social class of a child**
26. Define innocent misrepresentation.
- **Innocent misrepresentation is a false statement made by one party who had reasonable grounds for believing that his/her false statement was true.**
27. Briefly explain the contra proferentum rule.
- **Contra proferentum rule is a rule in contract law which states that any clause considered to be ambiguous should be interpreted against the interests of the party that requested that the clause be included in the contract.**
29. Mapengo received a job offer from Malibu and she accepted it. Malibu then purported to withdraw the offer after 2 days. Mapengo therefore sued Malibu for breach of contract. Since then Mapengo spends all her time at home reading novels. Comment on the likely consequence on her conduct.
- **Because of his conduct and failure to mitigate damages, Mapengo is likely not to get consequential damages.**
30. Malala was booked to sing at a beach for 1,000,000 but he cancelled the show due to a cholera outbreak in the area. Give your opinion as to whether he is liable for breach of contract.

- **No, Malala is not liable for breach of contract since the contract was frustrated by the cholera outbreak in the area.**

SECTION D

LAW OF TORTS

31. Name one consideration for determining whether a person can bring an action for breach of Statutory Duty.

- **Whether such a person has a right of action or locus standi under the Statute**

32. What do you understand by the term “Standard of Care”?

- **Standard of care is the degree of care required of an ordinary person in the same circumstances.**

33. Mr. Swagga, an unemployed graduate, was knocked down by a car on his way to attend a job interview, and was admitted to hospital for two days. He missed the interview and the job was given to the only other applicant. Advise Mr. Swagga whether in an action for negligence against the driver of the car, he can recover damages for the salary he would have earned from the job he missed.

- **No, the salary he would have earned amounts to pure economic loss and hence Court is not likely to order for damages for the salary he would have earned.**

34. Pilato bought a retired elderly police dog for his children as a home pet. Recently the dog bit a passerby near his home. Advise Pilato about his liability or otherwise

- **Pilato can be sued under a tort of dangerous animals. Where a person keeps an animal or specie which is naturally dangerous that is; its capable of causing harm, he or she is liable for the damage or injury caused by that specie or animal to any person (Scienter rule). Since dogs are naturally capable of causing harm and they indeed caused harm to a passerby, he is liable for the injury caused.**

35. Name one “economic tort”.

- **Passing off**

36. Kawuna bought a plot of land near a municipal rubbish dumping site. He built thereon his dream home and occupied it. He now complains that the smell from the dumping site is unbearable and wants to sue the municipal council. Assess his chances of success.

- **He can sustain an action in nuisance**

37. It is said that trespass to land is a continuing tort. What does that mean?

- **It means that as long as the trespasser chooses to remain on a plaintiff's land or fails to remove any matter from that land, the plaintiff can bring a number of actions against the defendant. As long as the plaintiff continues to suffer, there is a fresh cause of action.**

In the case Holmes v Wilson & Ors (1839) 10 Ad & El 503 the defendants erected a buttresses to support a sinking road,

necessitating trespass onto the claimants land. The claimant sued and recovered damages, but the defendant failed to remove the buttresses so the claimant sued again. See also the case of Oola Lalobo vs Okema Jakeo Akech HCT 02 CV 0020 2004 before Hon. Justice Remmy K. Kasule.

38. During a quarrel, Charlie pointed a toy gun at Akot and told her that if this was a real gun, I would have shot you. Advise Akot whether a tort was committed against her.

- **No, there was no tort committed against her. There would have been an action of assault if in the circumstance a reasonable person would apprehend infliction of immediate harm, however telling her that “if this was a real gun, I would have shot you” negates the fact of apprehension of infliction of immediate harm.**

39. In your own words, explain what you understand by occupier’s liability.

- **The law imposes a duty on a person who is in control of land or property to conduct him/herself in a certain manner, in order to avoid injury on others that may be caused by the dangerous or defective nature of the property or premises**

40. Who is a tortfeasor?

- **A tortfeasor is a person who has committed a tort.**

SECTION E

CIVIL PROCEDURE

41. How can a club which is unincorporated be used?

- **It can be sued through its members trading as t/a**

42. The plaintiff sued the defendant for trespass, seeking an eviction order. The defendant did not file a defence. There is an affidavit of service on record. What step should the plaintiff take?

- **Move Court to issue a default judgment**

43. Olympia filed a suit but on the day she had fixed it for hearing she was absent from court because a taxi drivers' strike had paralyzed public transport. The magistrate dismissed the suit for want of prosecution. What should she do?

- **She should apply for reinstatement of the suit.**

44. A magistrate grade 1 has dismissed a defendant's application to amend his defence. The defendant is dissatisfied with the decision. Which of the following is the best course of action for the defendant to take?

- A. Appeal to the Chief Magistrate
- B. Appeal to the Court of Appeal
- C. Apply to the trial magistrate for leave to appeal to the High Court
- D. File a fresh application for amendment**
- E. Appeal to the High Court

45. Define misjoinder of causes of action

- **A misjoinder of causes of action connotes to the wrongful joining of causes of action in one suit.**

See Order 2 rule 4 of the Civil Procedure Rules SI 71-1 on joinder of causes of action

46. An application for an interim order pleaded that if the application was not granted, the main suit would be “rendered nugatory”. What did he mean?

- **It meant that the main suit would be useless**

47. An American company with no assets in Uganda has sued your client. After filing a defence, what step would you take to safeguard your client’s interests in the event that the suit is dismissed?

- **Apply for security for costs.**
See Order 26 rule 1 of the Civil Procedure Rules SI 71-1 on Security for Costs.
See NAMBOLO & Anor Vs Kala [1975] HCB 315, Where in Sekandi J observed that the main consideration in an application for security for costs are:
 - Whether the applicant is being put to undue expense by defending a frivolous & vexatious suit**
 - That the applicant has a good defence to the suit**
 - That the applicant/defendant is likely to win****Also read GM Combined V Ak Detergent C.A No.7 of 1998**

48. What is to compromise a suit?

- **An agreement between two or more persons, who, to avoid a lawsuit, amicably settle their differences, on such terms as they have agreed upon.**

49. Define taxation of a bill of costs

- **Taxation of a bill of costs is the determination of costs payable by one litigant by another and it's done before the taxing master.**

See Bank of Uganda V Bance Arabe Espanol
C.A No.23/1999: File bill costs in the registry, serve the bill to each party, no alteration after the bill is filled.

50. A plaintiff filed an application by motion instead of summons in chambers as prescribed by the relevant rule. Is the mistake fatal? Give a reason for your answer.

- **No, the mistake not fatal. As long as the mistake will not lead to a miscarriage of Justice or affect the defendant, the Court can invoke its inherent powers and also Article 126 (2) (e) to ensure that justice is administered without undue regard to technicalities.**

SECTION F

LAW OF EVIDENCE

51. In a land dispute, the plaintiff called 10 witnesses. The defendant called only 1 witness. The plaintiff now submits that considering the number of witnesses he called to prove

his case, judgment should be given in his favor. What is your comment on that submission?

- **There is no particular number of witnesses that are required in any case for proof of any fact. Therefore Court can give a judgment in favour of a party that called only one witness. See Section 133 of the Evidence Act Cap 6**

52. By which of the following is admissibility of evidence determined? (Circle the correct answer)

- A. Evidentiary hearing
- B. Preliminary hearing
- C. **Scheduling conference**
- D. None of the above

53. “In order to be admitted, it must be shown to be authentic and the person offering it must be able to show the chain of custody from the original creator or place of recovery”. Name the category to which it applies.

- **Electronic evidence**

54. What is an exhibit?

- **An exhibit is any item or anything that has been tendered and admitted by Court to be relied on as evidence in a case.**

55. A nurse comes home and tells his wife, “I am worried for my health; this morning I attended to a patient who had ebola symptoms”. Later that night he dies after sudden bleeding and fever. At a trial to get death benefits, the wife seeks to prove that his death was caused by an occupational disease, by testifying as to what her husband told her. The defendant hospital objects on the basis of hearsay. Outline a

reason you would present in an argument aimed at persuading the court to admit that evidence.

- **The statement made by the nurse amounts to a dying declaration. Dying declaration is an exception to the rule against hearsay. The statement was made under a settled hopeless expectation of death; therefore the wife is competent to testify in the matter. See Section 30 (a) of the Evidence Act Cap 6 on dying declaration. See *Jasunga V R* (1954) 21 E.A.C.A 21 33, *Mbinga V Uganda* 1965 E.A 71**

56. Eve has been charged with theft of fruits. Her husband Adam has offered to testify for the prosecution. State your opinion about the admissibility of his evidence.

- **Yes, the evidence is admissible. Section (1) (a) of the Evidence Act Cap 6; in criminal proceedings the wife or husband of the accused person shall be a competent (but not compellable) witness for the prosecution without the consent of the accused person. Since Adam was not compelled in that he just offered himself to give evidence, his evidence is admissible.**

58. A magistrate is conducting a *voire dire* to determine whether a child should testify. The child says he does not know the meaning of an oath. What should the magistrate do next?

- A. Ask the child if he knows the difference between the truth and lies
- B. Discharge the child

C. Ask the prosecution to call an adult witness

D. Allow the child to testify not on oath

E. Allow the child to testify after affirming instead of swearing

58. Dan sues Sara over a contract. At trial, Dan offers what he asserts to be a photocopy of the original. Sara objects that the photocopy is not an accurate reproduction of the original, claiming that it includes clauses that were not in the original. Dan testifies that he made the copy directly from the original. Should the judge allow the photocopy into evidence? Explain.

- **No, the Judge should not allow the Photocopy of a contract into evidence. This is because documents must be proved by primary evidence as provided for under Section 63 of the Evidence Act Cap 6.**

59. At Mufere's criminal trial for forgery of a cheque, the investigating police officer testifies that the handwriting on the cheque appears to belong to Mufere. When questioned on the basis for her opinion, the witness states that, "since I started the investigation of this case, I have seen the accused's handwriting hundreds of times and so I am familiar with it". Is this evidence admissible? Explain.

- **No, the evidence is inadmissible. The police officer is not a handwriting expert under the provision of Section 43 of the Evidence Act Cap 6.**

See Hassan Salum V R (1964) E.A 126, Hussein V R 1957 E.A 844

60. Jindu, a laws student, was charged with stealing a bottle of liquor from a bar. The theft occurred during class time. As part of Jindu's defence, he stated that he was too busy attending a lecture to steal the liquor because law school is so demanding. Jindu asked the Magistrate to take judicial notice of the fact that law school takes at least 40 hours a week of his time. The Magistrate, remembering his law school days, agreed. Was the Magistrate justified? Explain.

- **No, the magistrate was not justified. It is not so notorious or clearly established that a law student cannot get time to steal.**

See Section 56 of the Evidence Act Cap 6 on Judicial Notice,

Note: save for the above in Section 56, Court can take Judicial Notice on Legal matters, Constitutional matters and customary matters.

SECTION G

CRIMINAL LAW

61. State at least the one policy reason behind the principle of legality

- **It avoids charging or convicting a person on a non-existing offence.**

62. Which of the following offences does NOT require proof of a specific intent? (Circle the correct answer)

- A. Murder**
- B. Arson
- C. Robbery
- D. Burglary

- E. Forgery
- F Attempt

63. Name one characteristic of a strict liability offence.

- **There is no requirement of mens rea or guilty mind/intention.**

64. Which of the following defences is limited only to specific offences and is not a general defence to all offences? (Circle the correct answer)

- A. Voluntary intoxication
- B. Infancy or immature age
- C. Insanity
- D. Involuntary intoxication**
- E. None of the above

65. In which of the following situations will the first person named NOT be responsible for the resultant death? (Circle the correct answer)

A. A woman wishing to poison a neighbor's baby leaves a poisoned "medicine" bottle with her neighbor's housemaid who puts in on the shelf, thinking the "medicine" unnecessary. Later, another child finds it and feeds it to the baby. The baby dies.

B. During one night a husband beats his wife who runs towards her parents' house. Fearing embarrassment, she stops along the way and instead hides in a thicket where a hyena attacks her and mauls her to death.

- C. R, while drunk drives a car in which P is a passenger. Because he is drunk, R crashes, killing P. P would not have died had he been wearing his seatbelt
- D. None of the above

66. In which of the following situations will accessory liability NOT arise? (Circle the correct answer)

A. A wife knowingly concealing evidence of her husband's crime

B. An unexpected outcome arising from the assistance given

C. The act committed was a probable consequence of the abetment

D. The act was committed at one's instigation or in pursuance of a conspiracy

E. When there is a shared common criminal intent

F. None of the above

67. Half a dozen young men from one village, while herding their cattle, met and fought a group of other young men from the neighboring village. They intended to scare them away from the grazing land. One of the young men involved in the attack suddenly produced a knife he had concealed and stabbed one of the opponents to death.

Explain what has to be proved before the entire group may be treated as accomplices in causing the death

- **Common intention to prosecute an unlawful act with one another, and that stabbing of the opponents to death was a probable consequence of prosecution of that unlawful act.**

68. X desires to burn down the offices of his former employer. At which of these stages will his conduct constitute an attempt to commit the offence? (Circle the correct answer) A. He throws the burning newspaper onto a stack of files which begin to burn

B. He buys a box of matches, old newspaper, and kerosene

C. He pours kerosene over the newspaper and lights it up with a match

D. He walks into the building with the matches and other combustible materials

E. He tells his wife about his intention

69. Outline the elements of the offence of burglary

- **Breaking and entering any building, tent, or vessel used as a human dwelling**
- **Intention to commit a felony in it**
- **Or: having committed a felony in in any such building, tent or vessel, breaks out of nit**
- **The events should have happened at night that is; the interval between half-past six o'clock in the evening and half-past six o'clock in the morning.**
- **Participation of the accused in the commission of the offence**

See Section 295 (1) & (2) of the Penal Code Act Cap 120

70. Gita and Tendo have a history of not getting along. As Gita was walking along the stairs on the tenth floor of a building in Kampala, he met Tendo and walking in the opposite direction. After an exchange of insults, Tendo punched Gita in the face. Gita reacted by pushing Tendo over the edge of the stairs, where he fell to his death 50 feet below. May Gita properly claim self-defence? Explain

- **No, the force used was unreasonable**

SECTION H
CRIMINAL PRODECURE

71. Which of the following terms does NOT relate to proceedings that take place before the commencement of a criminal trial? (Circle the correct answer)

- A. Arraignment
- B. Charging
- C. Mention
- D. Challenging for cause
- E. Case to answer**
- F. Complaint on oath

72. Which of the following takes place at a preliminary hearing? (Circle the correct answer)

- A. Determining whether or not the crime occurred within the court's jurisdiction**
- B. Determining whether or not there are reasonable grounds to believe the accused committed the offence
- C. Determining whether or not the accused is guilty as charged
- D. None of the above

73. A convict is sentenced to two years in prison, but the entire sentence is suspended and the offender is allowed to live in the community but under supervision of court. The convict is said to be on. (Circle the correct answer)

- 1. Probation**
- 2. Bail
- 3. Conditional release
- 4. Community service
- 5. None of the above

74. Which of the following standards of proof is not required in any criminal trial? (Circle the correct answer)

- A. Preponderance of the evidence
- B. Absolute certainty**
- C. Balance of probability
- D. Beyond reasonable doubt
- E. Moral certainty

75. For which categories of offences will an advocate be appointed and assigned to defend an accused person who cannot afford one?

- **In capital offences, offences tried by the High Court.**

76. When an accused does not have to post any bail, but promises to appear in court, he or she is. (Circle the correct answer)

- A. Being conditionally released
- B. Being released on unsecured bail
- C. Posting a deposit bail
- D. Being released on recognizance**
- E. None of the above

77. After being acquitted of the offence of murder on account of the court having not found a case to answer, an accused was immediately re-arrested and charged with the offence of manslaughter. Explain why this may be improper.

- **It would be improper since it would amount to double jeopardy since the accused would be charged on the same facts.**

78. A suspect is accused of having robbed three different motorcycles, one from Masaka in December 2011, another from Luwero in February 2012 and the last from Kampala in July 2012. Explain whether or not those offences can be joined on one charge sheet.

- **No they cannot be joined on one charge sheet**

79. Which of the following is not a mode of commencing a criminal prosecution? (Circle the correct answer)

- A. Charge and caution
- B. Arrest and charge
- C. Charge and issue criminal summons
- D. Complaint on oath**
- E. Charge and issue warrant of arrest

80. One person is charged with treason and another with defilement of a 17 year old girl. Each makes an application for bail. Explain how different those applications will be, if at all

- **For the Bail in a charge of treason, the applicant must prove exceptional circumstances since treason is triable by the High Court, whereas in defilement bail application, there is no need to prove exceptional circumstances since defilement is triable by the Magistrates Court.**

SECTION I **APTITUDE**

81. “The purpose of Council of Legal Education Act is inter alia to uphold the best possible educational standards for those who qualify to be advocates. There is no evidence that the challenged decision is not within the policy and objectives of the Act. If the council has considered four (4) other attempts as the maximum permissible for all candidates except for illness or any other just cause, a court of law would have no reason to interfere with the merit of the decision reached within the four corners of the Act and the relevant regulation. A candidate who fails to satisfy the requirements has only fate to blame and not the council of Legal Education. Surely all manner of candidates would want to qualify to become lawyers if given say 10 years or a

lifetime to pass the exams but is this the purpose of the Act that is supposed to regulate such a crucial profession that demands certain minimum standards for all candidates to attain so as to render the best service to the nation? By analogy the attempts at sitting the exams are equivalent to the university entry – cut off points. Whoever said that the courts could interfere in such matters and for what reasons. As said before the youth see visions and the old dream dreams. In real life however very few visions are ultimately achieved or realized. It is not every student who can become a lawyer or a doctor but this is not the end of life or livelihood for those who fail to meet the requirements. There are other professions where they can equally excel. Even the old do not all see the realization for their dreams. Confining ourselves only to the ability to earn a livelihood in a particular career and as a result disregarding educational standards is not proper and a sense of proportionality and balance is called for including giving proper weight to policy matters”.

Prof J.G Nyamu J, in Republic v The Council of Legal Education, Ex Parte James Njuguna & Ors, Kenya High Court Misc. Civ. Case 137 of 2004

Which of the following is accurate in respect to the above extract?

- A. The council of Legal Education Act has 4 parts
- B. The applicants wanted to be given 10 years to pass their exams
- C. The old people never see the realization of their dreams
- D. The impugned decision of the Council of Legal Education was Intra Vires
- E. Candidate should pass their examinations after 4 attempts

82. A Ugandan law school has built its reputation for academic excellence largely on significant contribution from wealthy alumni who always accompany the school's "Moot Court Team" to the annual competitions. Although the team has won more international **moot** court competitions over the years than any other team in east Africa, this year it did not even win the regional title, and so the law school can expect to see a decline in alumni contributions next year.

The above argument relies on which of the following assumptions about the law school? (Circle the correct answer)

- A. The law school's reputation for academic excellence depends on the performance of its "Moot Court team".
- B. Contributions from alumni are needed for the law school to produce a winning "Moot Court team"
- C. Some alumni contribute to the law school because they enjoy seeing its "Moot Court Team" win
- D. The law school's "Moot Court Team" will continue its losing streak next year
- E. As a group, the law school's alumni will have at least as much discretionary money to give away next year as this year

83. This year, the performance of senior six leavers from government aided secondary schools in Wakiso District at the University Law School pre-entry exams was worse than that of their peers from Kampala District government aided schools. In recent years, more and more Wakiso District residents have been enrolling their children in private secondary schools, where the teacher-to-student ratio is traditionally lower than in government aided schools. This enrollment trend is expected to continue. Enrollment in Wakiso District's government aided secondary schools has

dwindled as a result. There is no fresh recruitment of teachers in both private and government schools

Based ONLY on the information above, a parent residing in Wakiso District and concerned about his or her child's academic future should pursue which of the following courses of action?

(Circle the correct answer)

- A. Enroll his or her child on one of Wakiso District's government aided schools
- B. Stay in Wakiso District and enroll his or her child in a private school
- C. Provide coaching for his or her child rather than enroll the child in either a government aided or private school
- D. Move away from Wakiso District and enroll his or her child in a private school
- E. Move to Kampala District and enroll his or her child in one of that District's government aided schools

84. The Income Tax (Amendment) Bill, 2012 proposes to amend the third Schedules to the Income Tax Act by prescribing the following new income tax rates for residents individuals.

Chargeable income	Rate of tax
Not exceeding Ushs 2,820,000	Nil
Exceeding Ushs 2,820,000 but not Exceeding Ushs 4,020,000	10% of the amount by which chargeable income exceeds Ushs 2,820,000
Exceeding Ushs 4,020,000 but not Exceeding Ushs 4,920,000	Ushs 120,000 plus 20% of the amount by which chargeable income exceeds Ushs 4,020,000

Exceeding Ushs 4,920,000	<p>A. Shs 300,000 plus 30% of the amount by which chargeable income exceeds shs 4,920,000 and</p> <p>B. Where the chargeable income of an individual exceeds shs 120,000,000 an additional 10% charged on the amount by which chargeable income exceed 120,000,000</p>
--------------------------	--

Compute the income tax which would be payable by a resident individual whose chargeable income is Ushs. 4,200,000 (show your calculations)

85. Study the following sections 84, 85 and 86 of the Prisons Act, 2006

84. Remission of part of sentence of certain prisoners

[1] A convicted prisoner sentenced to imprisonment whether by one sentence or consecutive sentences for a period exceeding one month may by industry and good conduct earn a remission of one third of his or her sentence or sentences

[2] For the purpose of giving effect to subsection [1] each prisoner on admission shall be credited with the full amount of remission to which he or she would be entitled at the end of his or her sentence or sentences if he or she lost or forfeited no such remission.

85. Loss of remission

A prisoner may lose remission as a result of its forfeiture as a punishment for an offence against prison discipline and shall not earn any remission in respect of any period spent in hospital through his or her own fault or while malingering or while undergoing confinement as a punishment in a separate cell.

86. Grounds for grant of further remission by the President

[1] The Commissioner General may recommend to the Minister responsible for justice to advise the President under article 121(4) (d) of the Constitution to grant a further remission on special grounds

[2] The Commissioner General may restore forfeited remission in whole or in part

[3] For the Purpose of calculating remission of sentences, imprisonment for life shall be deemed to be twenty years imprisonment.

Which of the following statements is false in respect to the above provisions?

- A. A person sentenced to imprisonment for 27 days is not entitled to remission
- B. The Commissioner General may advise the President to grant further remission
- C. A sentence of 21 years imprisonment may be more severe than imprisonment for life
- D. A remand prisoner is not entitled to remission
- E. Learning a craft is beneficial to a convicted prisoner

SECTION J **VALUES**

86. What specific pro-Uganda provisions would you like to be included in legislation and policies governing the exploration, production and sale of petroleum in Uganda?

87. “Ethical values are nurtured in the family. They cannot be taught in Law School”. Do you agree? Outline reasons for your opinion.

END OF EXAMINATION

2013 EXAM

SECTION A LEGAL METHODS

1. What qualification will you be awarded if you successfully complete your studies at the Law Development Centre?
 - **Post Graduate Diploma in Legal Practice**
2. What do you understand by the term bibliography?
 - **Bibliography is a list of sources of information used in research and compilation of particular paper, Article, or any other writing.**
3. Explain the meaning and significance of a lead judgment.
 - **A lead judgment is a judgment of one of the members of the bench for which all other majority judgments concur with.**
4. Which of the following came first in time? (Circle the correct answer).
 - A. East Africa Court of Appeal**
 - B. East African Court of Justice
 - C. Court of Appeal for Eastern Africa
 - D. Court of Appeal of Uganda
 - E. Supreme Court of Uganda
4. In very brief terms, compare and contrast law and morals.
 - **In comparison, both laws and morals regulate the behavior of persons in a given society or community.**
 - **In contrast, laws are legally binding whereas morals may not be legally binding.**

6. Which of the following expressions is correct? (Circle the correct answer).

A. Justice of the court.

B. **Justice of Appeal.**

C. Judge of the Supreme Court.

D. Judge of the Court of Appeal.

E. Chief Justice of the Supreme Court.

7. State one way through which a case can cease to be binding precedent

➤ **In case a precedent is overruled**

1. State any law journal you know.

➤ **Oxford law journal**

8. Which of the following can make a bye-law? (Circle the correct answer).

A. **A district council.**

B. A village council.

C. A parish council.

D. The Minister of Local Governments.

E. Parliament.

7. What does the abbreviation JJA stand for?

➤ **Justices of Appeal**

SECTION B **CONSTITUTIONAL LAW**

11. What was the National Consultative Council?

➤ **The National Consultative Council was Uganda's interim Parliament after the overthrow of the military regime in 1979.**

12. State one provision which you consider to be unnecessary detail in the constitution of Uganda. Give a reason for your opinion.

- **Article 3 of the Constitution of the Republic of Uganda, since according to Kelson theory, even an unlawful revolution can result into abrogation of the Constitution and promulgation of a new constitution provided that such a revolution is successful.**

13. As a way of promoting food security, a certain district wishes to enact a law prohibiting anyone who owns less than 2 acres of land from engaging in commercial sugar cane growing? What Constitutional issue do you see arising from such a law?

- **Inconsistent with the right to own property protected under Article 26 of the Constitution of the Republic of Uganda**

14. Article 99 of Uganda's constitution vests the executive authority of Uganda in the President.

In Kenya, Article 130 of the constitution vests the executive authority of Kenya in the

President, Deputy President and the rest of the cabinet. In your view, what is the practical?

Significance of the difference in the two Articles?

- **Article 99 of Uganda's Constitution is more practical since it creates an orderly flow of authority in the cabinet.**
- **The significance is of Article 99 of Uganda's constitution is that the President is the sole head of the executive and all other members and**

entities of the executive are answerable to him/her.

- The significance of Article 130 of Kenya's constitution is that the executive authority is headed by both the President, Deputy President and the rest of the cabinet, therefore they are not answerable to the president.

15. Which of the following is justifiable before the Constitutional court? (Circle the correct answer).

- A. National objectives and Directive principles of State policy.
- B. A Bill whose provisions are perceived to be unconstitutional.
- C. **Ex post facto criminal legislation.**
- D. Under funding of the Agricultural sector.
- E. Poor feeding of prisoners.
- F. None of the above.

16. In Uganda, the following is supreme: (circle the correct answer).

- A. The Constitution.
- B. The President.
- C. **The people.**
- D. The Supreme Court.
- E. The commander in chief

17. List the land tenure systems recognized by the Constitution of Uganda.

- **Mailo**
- **Freehold**
- **Leasehold**
- **Customary**

18. Samanya was made pregnant by her boyfriend who was a fellow university student. She was expelled from the university on grounds of “immorality” and “absence of facilities for pregnant Students”. The boyfriend was allowed to complete his studies. What constitutional provision(s) could have been violated? Give a reason for your opinion.

- **Equality and freedom from discrimination protected under Article 21 of the Constitution of the Republic of Uganda**

19. State at least one difference between an election and a referendum.

- **In an election there is a direct vote in which all the electorates cast a vote in support of a particular candidate for a given post, whereas,**
- **In a referendum, the decision of the people may result into the adoption of a new constitution, a constitutional amendment, a law or any pertinent matter in a country.**

20. The Constitution of Uganda is divided into :(circle the correct answer).

Articles and sub-articles

B. Sections and sub-sections.

C. Articles and sections.

D. Articles, paragraphs and clauses.

E. **Articles, clauses and paragraphs.**

SECTION C

LAW OF CONTRACT

21. Is a tender an offer or invitation to treat? Give a reason for your opinion

- **The general rule at common law that a tender can be defined as an invitation to negotiate (invitation to treat) not as offer as per the case of *Spencer v Harding* (1870) LR 5 CP 561.**
22. What is a peppercorn consideration?
- **A peppercorn consideration is a metaphor for a very small payment, a nominal consideration, used to satisfy the requirements for the creation of a contract.**
23. What do you understand by the blue pencil test?
- **Blue pencil test is a judicial standard that the courts use to decide whether to invalidate the whole contract or only the offending provisions, clauses or words.**
24. A lawyer is in the process of buying a car from his client. What caution would you give to the lawyer, and why?
- **That he or she should specifically describe the type and functionality of a car he wants to buy. If a car delivered does not correspond to the description or it's not sound and fit, then he can ably enforce breach of a major term of a contract.**
25. X saw Y feeding a big bull and immediately offered to buy it at shs.2, 000,000. Y agreed to sell and X immediately paid. Y knew that the bull was blind but did not mention it to X. Can X recover his money if he later finds out about the blindness of the bull? Give a reason for your opinion.
- **Yes, non-disclosure of the defects in the subject matter of the contract.**

26. A district local government gave loans to some youths to enable them complete their

University studies. The loans were repayable within 3 years. More than 3 years have now elapsed. The borrowers claim that they cannot pay because none of them has found a job.

Do you think they can avoid liability? Defend your answer.

- **No, they cannot avoid liability since getting a job is order to pay back the money was not a condition or a term in the contract.**

27. The ordinary and usual remedy for breach of contract is damages. In what circumstances

Can you pursue court to grant specific performance?

- **In case damages are not likely to compensate the plaintiff adequately for the breach of contract.**

See Tusabagha Enterprises V Nyanza Textiles H.C.C.S. No. 51/88 (1989) KALR. 115;

Held:

- 1. A mere difficulty of performance or an increase in prices or expenses or unprofitableness is not enough to relieve one party from carrying out the contract.**
- 2. Specific performance is an equitable remedy in the discretion of court granted where damages are not likely to compensate the plaintiff adequately for the contract. Where court can determine the amount of profit lost by the plaintiff, such damages would be awarded since they would adequately cater for the situation**

See Haji Lutakome V Sentongo (1988-90) H.C.B 96

Mukanza Ag. J Held:

Specific performance is normally enforced where the plaintiff cannot be compensated by way of damages.

28. Raja was signed up by a football club as a professional footballer. The contract provides that “football matters shall not be taken to courts”. Briefly comment on the enforceability of that clause.

➤ **The contract is not enforceable since it ousts the Jurisdiction of Court hence contrary to public Policy**

See Matia Wamala V Uganda Press Trust Ltd (1982) H.C.B 114.

Allen J held.

A contract which purports to deprive the courts of jurisdiction which they would normally have is illegal as it is contrary to public policy.

- 29 What do you understand by the principle that damages for breach of contract are compensatory innature?

➤ **The principle means that damages for breach of contract should place the plaintiff in the position he or she would have been in had the contract been performed.**

See Uganda Telecom v Tanzanite Corporation [2005] E.A 351,

Held

In contract, the general intention of the law of the giving of damages for breach of contract is that the plaintiff should be placed in the position he or she would have been in had the contract been performed.

30. Teen Stars, a famous singing group, asked the police to deploy 100 policemen and 10 sniffer

Dogs at their album launch. They agreed to pay the policemen some allowances. After the show Teen stars refused to pay, arguing that policemen are paid salaries by the government. Assess the police's chances of recovering the promised money from tee stars.

- **The policemen are less likely to recover the promised money since they were performing their duties as policemen.**

SECTION D **LAW OF TORTS**

31. What tort would be committed if all patients in hospitals were subjected to a mandatory HIV the test? Justify your answer.

- **The hospital will be liable for a tort of trespass to body.**

32. What do you understand by the term “ancient lights”?

- **Ancient lights is the right of a building or house owner to the light received from and through windows. Windows used for light by an owner for 20 years or more could not be obstructed by reaction of an edifice or by any other act by an adjacent landowner.**

33. After the end of term examinations, a certain private boarding school prevented a pupil from going home until his parents had paid all the outstanding school fees. Explain whether he has any Cause of action.

- **The child has a cause of action for unlawfully imprisonment.**

34. The driver of a government ambulance offered to drive some nurses back to their homes in the ambulance. He drove very fast and the ambulance crashed into a stationary truck. The nurses were all injured. Assess their chances of succeeding in a suit for negligence against the Government.

- **The nurses are less likely to succeed in a suit for negligence against the government. This is so because the ambulance is not meant for driving transporting passengers or nurses therefore the act of transporting the nurses was outside the scope of the ambulance driver's employment.**

**See Jovelyn Barugabare V Attorney General
S.C.C.A No.28 of 1993**

Manyindo D.C.J

- 1. In a suit where the plaintiff relies on the doctrine of vicarious liability and the defendant contests the fact that the servant is in his employment, then the plaintiff has the burden to prove that the alleged servant is a bonafide servant of the defendant.**
- 2. In a suit founded on vicarious liability, the plaintiff must establish the identity of the servant and that he was acting in the course of his employment at that material time.**
- 3. Where the relationship of master and servant has not been established the plaintiff claim must be dismissed**

35. Who has a right to sue in respect of a fatal accident under the law Reform (Miscellaneous

Provisions) Act?

- **Administrator**
- **Executor**
- **Members of the family**

36. A celebrity was seen entering a bank. He spent several hours inside. A tabloid newspaper

Falsely reported that he was begging for a loan. He wants to take legal action against the

Tabloid. Advise him.

- **He can take an action in the tort of defamation provided that the publication injured his reputation by lowering him in the estimation of the right thinking members of the society that caused him to be regarded with feelings of hatred, ridicule, fear and dislike.**

See John Nagenda V The Editor of the Monitor Publications SCCA 5/1994 (Unreported)

Held,

Defamation is the publication of a statement which has a tendency to injure the reputation of the person to whom it refers by lowering him/her in the estimation of the right thinking members of the society generally and in particular to cause him to be regarded with feelings of hatred, ridicule, fear, dislike/disesteem or which tends to make them shan / avoid that person.

37. What is the standard of care required of medical personnel in the performance of their duties?

- **The standard of care required of a medical personnel is that of a reasonable medical personnel in the same circumstances**

38. A private school dormitory collapsed because of poor construction. When Hannah heard the

News on radio, she was hospitalized for two weeks and treated for shock. However, her child was not among the injured pupils. Do you think she can successfully sue the school?

- **Yes, she can successfully sue the school under a tort of nervous shock**

39. Matu regularly visited a popular discotheque to dance. Since the music was always played at the Maximum volume, his ear drums were damaged. He has now developed a hearing impairment.

Consider whether he has any remedy against the discotheque.

- **No, it was voluntary assumption of risk (Volenti non fit injuria)**

40. Mention one circumstance in which court may award exemplary damages to a plaintiff.

- **where there has been oppressive, arbitrary, or unconstitutional action by the servants of the government;**
- **where the defendant's conduct has been calculated by him to make a profit which may well exceed the compensation payable to the plaintiff; or**
- **Where some law for the time being in force authorises the award of exemplary damages.**

See Rookes V. Barnard (1964) A.C 1129

SECTION C

CIVIL PROCEDURE

41. What is the purpose of an interim order?
- **The purpose of an interim order is to preserve or maintain the status quo, pending the determination of the application for a temporary injunction.**
42. A defendant has been sued for damage to the plaintiff's car through negligent driving. The Defendant has a comprehensive insurance policy with Trusty Insurance Company. A part
- From filing a defense, what other step would you advise the defendant to take?
- **Should apply to Court for the insurance company to be joined as a co-defendant**
43. What is the slip rule?
- **Slip rule is a rule that allows a judicial officer such as a judge or magistrate to make some clerical corrections in the judgment such as spelling errors provided the corrections do not change the judgment.**
44. "Appeal is a creature of statute" What does that statement mean?
- **The statement means that an appeal has to be conferred by statute.**
45. State one consideration for granting leave to appeal.
- **Whether the trial court made an error in law or fact**

46. Why is that an application for a garnishee order nisi is never served on judgment debtor?

- **An application for a garnishee order nisi is never served on the judgment debtor since the proceeding is between the judgment creditor and the garnishee (third party) whereby an order nisi if issued it creates an equitable charge and a garnishee cannot pay the debt to the judgment debtor.**

See Section 38 (c) of the Civil Procedure Act Cap 71 on Garnishee / attachment of debts

See Order 23 of the Civil Procedure Rules SI 71-1 on Garnishee / attachment of debts

See Kampala Capital City Authority V Stanbic Bank, DFCU Bank, Johnson Mugisha and 2 Ors High Court Misc. Appeal No. 290 of 2012,

Lady Justice Elizabeth Musoke Held,

“...Garnishee proceedings are separate proceedings between the judgment creditor and the garnishee, regardless of the fact that the judgment debtor may be examined before or after the making of an order for attachment of debts”

47. Distinguish between attachment and sale in execution.

- **Attachment involves the physical taking of property of judgment debtor who fails to satisfy a decree,**
- **Whereas sale in execution is the act of disposing of property of a judgment debtor as a way of satisfying the decree.**

See Section 44 of the Civil Procedure Act Cap 71 on attachment of property

**Read Order 22 Rule 61 – 86 of the Civil
Procedure Rules SI 71-1 on sale in execution
Read Standard Bank of South Africa Ltd V
Senkubuge 1960 E.A 13**

48. State one circumstance under which a judgment debtor may be released from civil prison.

- **Upon satisfying the decree such as paying the sum required in the decree**
- **Upon lapse of 6 months while in prison.**

49. Differentiate between arbitration and mediation.

- **Arbitration is a form of alternative dispute resolution which is presided over by an arbitrator(s) selected by the parties and the decision reached upon by the arbitrator is binding on all the parties, whereas,**
- **Mediation is a form of alternative dispute resolution presided over by a mediator(s) selected by the parties and the decision reached upon by the parties in mediation is not binding on the parties.**

50. List the courts to which the civil procedure rules ordinarily apply.

- **The supreme Court**
- **The Court of Appeal**
- **The High Court**
- **The Chief Magistrates Court**
- **The Magistrates Court Grade 1**

SECTION F
LAW OF EVIDENCE

51. “Tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind

will not necessarily render a person incompetent to testify as a witness”

Briefly explain whether or not the above statement is true.

- **Yes, the above statement is true. Such persons are competent to testify unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions.**

See Section 117 of the Evidence Act Cap 6

52. Which of the following statements is **TRUE** about spouses as witnesses? (Circle the correct answer).

A. Both spouses are competent but not compellable to testify against each other in controversies between them

B. A spouse may call the other in all suits, even if the other spouse does not want to testify.

C. One spouse cannot be compelled to testify against the other without the consent of both.

D. In any criminal trial where the child is the victim, either spouse may be compelled to testify.

53. In which of the following situations are leading questions NOT permitted? (Circle the correct answer)

A. To lay the foundation, regarding matters which are introductory or undisputed, or which have been already sufficiently proved and are not in controversy.

- B. During examination-in-chief if they are not objected to by the adverse party.
- C. When dealing with a person not called as an adverse witness, but who turns hostile on the stand.
- D. None of the above.**

54. A Rule of law which provides that when a particular group of facts has been established,

Another fact is also deemed established thereby shifting the burden of producing evidence

Is.....?(Circle the correct answer).

- A. Circumstantial evidence.
- B. An inference.**
- C. A presumption.
- D. Estoppels.

55. At a police station, a suspect has admitted to an Assistant Inspector of police that he is the owner of and was in recent possession of the knife which caused a death.

Explain whether or not this amounts to a confession.

- **No, it does not amount to a confession, it's admission of ownership and possession of a knife which cause a death but not guilt of causing death. A confession is a voluntary admission of guilt made by the accused person before a magistrate or a police officer of or above the rank of assistant inspector.**

See Sections 23 -27 of the Evidence Act Cap 6 on confessions

Read Festo Androa Asenua & Anor V Uganda SCCA No.1 1998

56. Two persons suspected of murder went voluntarily with police officers to a room in which, unknown to them, there was a microphone connect to a tape-recorder in another room. They were left alone in the room. They proceeded to have a conversation in which Incriminating remarks were made. The conversation was recorded on the tape. At their trial, counsel for both accused objected to the admissibility of the tape recording on the ground that it was a confession obtained by deception.

Respond to that objection.

- **According to Section 26 of the Evidence Act Cap 6, if a relevant confession does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practiced on the accused person for purpose of obtaining it.**

57. Having come to know the names of the alleged assailant from the victim's recorded dying declaration, the police could not find the alleged assailant at his home but rather arrested him four days later in a deserted house locked from inside. The defense counsel now argues that his client cannot be convicted on basis of an uncorroborated dying declaration.

Respond to that argument.

- **Corroboration of a dying declaration can be found in the conduct of the accused as it was observed in the case of Mbinga V Uganda 1965 E.A 71, therefore in the instant case; the assailant's disappearance**

from his home to a deserted house corroborates the dying declaration.

58. A victim of rape recorded a statement with the police. However, five months later, having failed to withstand the humiliation to which she was subjected on account of the rape, she committed suicide before the trial started. Explain whether or not her statement will be admissible at the trial.

- **Yes, such a statement is admissible in evidence since it's relevant to the facts in issue.**
- **See Sections 20 and 30 of the Evidence Act Cap 6**

59. Rose is married to Timothy. Timothy wrote from Nairobi, a letter to Rose who was then residing with her parents in Kampala which, it is claimed, contained defamatory imputations concerning Moses. On basis of that letter, Moses has filed a suit in a chief magistrate's court in Kampala, against Timothy claiming damages for libel. On what basis can the admissibility of that later be challenged in those proceedings?

- **Spousal privilege**

62. State any presumption you know in the law of evidence

- **Rebuttable presumption**
- **Irrefutable presumption**

SECTION G

CRIMINAL LAW

61. Briefly explain what ONE of the following theories of punishment means;-

(a) General deterrence,

- **It's a theory of punishment that deters the entire public from committing of any offence**

(b) Specific deterrence

- **It's a theory of punishment that deters the public from committing a particular offence.**

63. A man, who over a period of one month has on numerous occasions telephoned a woman using Obscene and filthy language calls has been charged with the offence of “An act tending to injure public morality”. Is the man likely to be convicted? Explain.

- **No, the man will not be convicted since the offence and penalty he is charged with is not specified by the law. This is inconsistent with Article 28 (12) of the Constitution of the Republic of Uganda, 1995.**

63. Section 286 (3) of the penal code act defines a deadly weapon as “any instrument made or adapted for shooting, stabbing or cutting.....”

The word “adapted “as used in that section can have two meanings-

- (a) Suitable for that purpose, OR
 - (b) Modified or altered for that purpose.
Explain which of the two meanings is most favorable to an accused person.
- **Suitable for that purpose means that it may not be adopted for shooting, stabbing**

or cutting but it can be used for shooting, stabbing or cutting amounts to a deadly weapon.

- **Modified or altered for that purpose means that such instrument which is changed for the purpose of shooting, stabbing or cutting amounts to a deadly weapon.**

64. “Once it is shown that somebody has died through the act of another, that is presumed to be murder, unless the person who has committed the act can satisfy court that what happened was something less e.g. accidental, Manslaughter or justifiable “Is this a correct statement? Explain.

- **No, any person accused of an offence is presumed to be innocent and the burden rests on the prosecution to prove the guilt of the accused person beyond reasonable doubt. Therefore it's the prosecution that has to prove the element of malice aforethought in a murder case.**

65. Without the consent of the owner, a man entered a partly constructed, unoccupied, dwelling house through an open doorway.

Did the man commit any offence? Explain.

- **No, for such an act to amount to an offence there must be a law that provides for the offence and specify the punishment thereof.**

66. Which of the following statements is NOT correct concerning the **Actus Reus** of an offence? (Circle the correct answer).

A. Failure or omission is insufficient

B. A positive act is needed to make a person guilty of a crime.

C. It can be a continuous act of the accused.

D. It may be constituted by a duty imposed by law.

67. By which of the following can mens rea be proved?
(Circle the correct answer)

A. By presumption of law that a person intends the natural consequences of his or her acts.

B. By inference that he did foresee and intend the natural consequences of his or her acts.

C. By commonsense where the risk was so obvious

D. None of the above.

68. A fisherman was arrested by a fisheries officer for being in position, for the purpose of using, a poison for killing of fish. He was unaware that the substance was a poison until the officer pointed it out. He was nevertheless convicted and fined. What type of offence is this? Explain.

➤ **It's a strict liability offence**

69. A "queen dancer" is charged with offences related to dancing naked before an audience in a night club. At her trial, she intends to raise the defense that she was advised by a lawyer friend that it was her fundamental Right to dance in the nude in a private night club and that therefore when she did so she was infract under a mistaken but honest belief that there was nothing wrong with her conduct. Is her defence likely to succeed? Explain.

- **No, ignorance of the law is not a defence as per Section 6, more so according to Section 9 (2) of the same, operation of the defence of mistake of fact can be excluded by the express or implied provisions of the law relating to the subject matter.**
70. Which of the following defenses does not offer a complete acquittal to an accused person? (Circle the correct answer).
- A. Self defense.
 - B. **Accident.**
 - C. Insanity.
 - D. Doli Incapax.

SECTION H

CRIMINAL PROCEDURE

71. Which of the following powers of the Director of Public Prosecutions CANNOT be delegated? (Circle the correct answer).
- A. Withdrawing a charge.
 - B. Sanctioning a charge.
 - C. Directing a criminal investigation.
 - D. **Ordering confiscating of documents.**
72. Which of the following has nothing to do with the criminal jurisdiction of a court? (Circle the correct answer).
- A. Its geographical location.
 - B. The age of the accused person.
 - C. **The value of the property involved.**
 - D. The grade of the presiding magistrate.

73. Is it proper to proceed with a trial where the charge sheet bears only one count which in part reads as Follows, “receiving and retaining stolen goods?” Explain.
- **No, the charge sheet should the statement of the offence, which states the section of the Act contravened and the Particulars of the offence.**
74. A person charged with the offence of “insisting violence” responds; “It is true I advised the people to rise and defend the constitution by all means, be they violent.” What plea should be recorded and why?
- **Plea of not guilty, because according to Article 3 (5) a person who defend the Constitution commits no offence.**
75. When court is satisfied that an accused person has, without justifiable cause, absconded/ jumped bail, one of the following will NOT be an immediate consequence. Which one is it? (Circle the correct answer).
- A. Arrest and imprison of the surety.
B. Forfeiture of bond by the accused.
 C. Issuance of a warrant of arrest for the accused.
 D. All the above.
76. Explain any one method by which the duration of pre-trial remand for offences triable by magistrate’s courts is regulated by law.
- **By setting a period restriction of pre-trial remand. According to Section 76 of the**

Magistrates Courts Act, pre-trial remand is restricted to 240 days.

77. What is the standard of proof required for the establishment of prima facie case in a criminal trial?

- **That any reasonable tribunal or Court properly directing it's self to the law and evidence would convict if no defence is submitted.**

78. At a trial for the offence of defilement, during examination in chief, the State Attorney asked the victim whether the accused in the dock committed the act. The victim replied, "it is not him, it was another man who defiled me". What should the State Attorney do?

- **Move Court that the witness should be considered hostile**

79. In what circumstances may the accused person be subjected to cross-examination in a criminal trial?

- **In case the accused is a defence witness and offers his/her examination in chief, he or she can be subjected to cross-examination**

80. The procedure by which a court exercises its power to call for the record of other courts within the Local limits of its jurisdiction in order to satisfy itself of the correctness, legality and propriety of any finding or order passed or recorded and the regularity of any proceedings of such court is known as ?(circle the correct answer).

A . Review.

- B. Revision.**
- C. Confirmation.**
- D. Appeal.**

81. The plaintiff filed a suit on 30th June 2010 claiming special damages of shillings.12,000,000,general damages And costs . Judgment was entered for the plaintiff on 1st July, 2012 for special damages of shs.12,000,000 With interest thereon at 20% per annum from the date of filling. General damages of shs 4,000,000 were also awarded, with interest thereon at the rate of 10% per annum from the date of judgment. The plaintiff was also a Awarded half the tax costs. The costs were subsequently taxed and allowed at 4,200,000. Compute the total sum which would have been payable by the defendant on 1st July 2013. Show your calculations.

SECTION H

APTITUDE

82. “The concept of aptitudes and the procedure of aptitude testing are based on critical assumptions about the structure of human ability. From the outset, the structure of human intellectual ability has been one of the most Researched topics in the science of psychometrics. The fundamental question here is whether there is a general Construct of cognitive ability, with some people more able than others in a wide range of intellectually demanding Areas, or, conversely, whether people differ with respect to specific and relatively independent types of cognitive Ability (e.g. verbal and numerical).This issue has very considerable practical as well as theoretical importance. Put simply, if people differ broadly in terms of the degree to which they are intellectually able in many areas, a notion Captured by

the term “general cognitive ability” and often abbreviated to g, there is little point in developing tests of intellectual aptitude to match the ability profiles of people to specific jobs, roles, or training programmes. However, if verbal, spatial, numerical, and other types of intellectual ability are independent of each other, a clear Rationale is available for the development of aptitude tests to measure these particular dimensions and match them to the needs of different jobs, roles, and training programmes”. Per Dr. Chris Dewberry, Aptitude Testing and the legal profession, Birkbeck, University of London, June 2011. What, according to the author, is the major premise upon which aptitude tests are based?

Which of the following statements is true about the extract above?(circle the right answer).

- A. Aptitude tests for selecting people who wish to be educated and trained in the legal and other professions has gained momentum in recent years.
- B. There has been a substantial increase in the proportion of a level students awarded the highest grades in recent years, making attempts to discriminate between candidates problematic.
- C. Aptitude refers to the extent to which an individual has the psychological and behavioral characteristics necessary to perform at a high level in a particular environment.
- B. Aptitudes tests for selecting people who wish to be educated and trained in the legal and other professions

- C. Has gained momentum in recent years.
- D. None of the above.

SECTION I
VALUES

83. From the viewpoint of a lawyer, what do you consider to be the pros and cons of free movement of professionals? In particular, and workers generally, within the East African Community states

-END OF EXAMINATION-

SECTION A

LEGAL METHODS

1. How does a tutorial add the learning of law?
 - **It helps learners to enhance their intellectual, communication and social skills.**
2. Which of the following is in the category of private law?
 - A. The Contracts Act**
 - B. Administrative law
 - C. The Land Act
 - D. The Official Secrets Act
 - E. Environmental law
3. What is the usefulness of a glossary in a text book?
 - **It contains a list of various terms used in the book and their definitions.**
4. Which of the following expressions is correct?
 - A. Role of Advocates
 - B. Diploma in Bar Course
 - C. Bachelor of Law
 - D. Principle Judge
 - E. Principal Judge**
5. Illustrate the meaning of the doctrine that “He who comes to equity must come with clean hands”.
 - **It bars a relief for anyone guilty of improper conduct in the matter at hand. An illustration can be inferred from a situation whereby a child kills**

a parent in order to succeed the property; such a person has no clean hands before equity.

6. Is a judicial decision by a chief magistrate binding on a grade II Magistrate? Give a reason for your answer.

➤ **No, it is not a court of record.**

7. Which of the following has power to make law?

A. The High Court

B. The Speaker of Parliament

C. The Local Council I Executive Committee

D. The General Court Martial

E. None of the above

8. In your view, is it useful to study a dissenting judgment? Give a reason for your Opinion.

➤ **Yes, it is useful to study a dissenting judgment since dissenting judgment have reasons and other principles of law that may be important in other set of facts.**

9. Which of the following is the proper way to cite a text book?

A. Author; Title; Edition; Publisher; Year of Publication

B. Title; Publisher; Author; Edition; Year of Publication

C. Author; Title; Edition; Publisher; Year of Publication

D. Publisher; Title; Edition; Author; Year of Publication

E. Author; Title; Publisher; Year of Publication; Edition

10. Explain the meaning of a subject index in a law report.

- **A subject index in a law report is where cases are listed to according to their subject matter.**

SECTION B

CONSTITUTIONAL LAW

11. Mention any key milestone in Uganda's constitutional history

- **The promulgation of the Constitution of the Republic of Uganda, 1995**

12. State one relevance of citizenship in constitutional law

- **Citizenship determines some rights such a right to contest for the Presidency of Uganda, land ownership among others.**

13. In some states in U.S.A. judges are elected by the people. In Uganda, they are appointed. In your view, which of the two mechanisms is best suited to ensure the independence of the judiciary? Give a reason for your opinion

- **Election of judges is best suited to ensure the independence of the Judiciary since the judiciary will only be answerable to the people of the State. Reason against appointing is that if the appointing authority disagrees with the judiciary then he or she can appoint or change the members of the judiciary hence meddling with the independence of the Judiciary.**

14. In a federal constitution, which of the following should ideally be a responsibility of the central government?

- A. Education
- B. Marriage registration
- C. Regional common market**
- D. Water and sanitation
- E. Immunisation

15. Explain one principle of constitutional interpretation.

- **Literal rule, it means that words used in the provision should be given their ordinary meaning.**

16. How does the Constitution of Uganda enable the people to choose how and by whom they are governed?

- **By providing for periodic, free and fair election of their leaders.**

17. Which of the following provisions of the Constitution does not require amendment in order to restrict the right to apply for bail for some offences.

- A. Presumption of innocence
- B. Right to a fair trial
- C. Equality before the law
- D. Maximum period of pre-trial remand**
- E. None of the above

18. Explain what you understand by recall of a member of Parliament.

- **Recall of a member of parliament is to petition to the speaker of parliament by at least two-thirds of the registered voters of the constituency or of the interest group calling the vacation of a certain member of parliament from his or her seat in parliament.**

See Article 84 of the Constitution of the Republic of Uganda, 1995

20. Which of the following is established by the Constitution of Uganda?

- A. Industrial Court
- B. District Land Board**
- C. Government universities
- D. East African Community
- E. Uganda Revenue Authority

SECTION C

LAW OF CONTRACT

21. Why is a receipt not generally considered a contractual document?

- **This is because it's generally issued after the contract has been concluded.**

22. Mr. Lovemore paid Shs. 200,000 to a salon to style his bride's hair. When the bride went to the saloon the morning of the wedding day, the salon owner declined to attend to her, saying that they had too many bookings. The bride improvised by wearing a hat on her wedding day. Mrs. Lovemore now wants to sue the salon. Assess her chances of success.

- **Mrs. Lovemore has little chances of success since she was privy or not party to the contract between Mr. Lovemore and salon owner. However since Mrs. Lovemore was a beneficiary to the contract, she can succeed with suing the salon owner for the breach of a contract.**

23. During an argument in a bar between X and Y, X predicted that an African team would win the football world cup. He promised to pay Y Shs. 1,000,000 if the prediction

turned out to be wrong. As you might know, no African team even reached the quarter finals. Advise X if he is liable to pay Y.

- **X is not liable to pay Y since such a contract is void. Section 24 (1) of the Contracts Act, 2010 provides that agreements by way of an unlicensed wager is void. Section 24 (2) goes ahead to define wager as a promise to pay money or other consideration on the occurrence of an uncertain event.**

24. A farmer has loaded 100 off-layer chicken on his pick-up truck and parked at a busy market. He has placed a sign-board at the top the truck and on which are written the words “buy one, get one free”. In your opinion, if a customer buys one chicken, is he or she entitled to another one free of charge?

- **No, it's just a Commercial puff**

25. Which of the following statements is accurate?

- A. Money paid under an illegal contract may be recoverable in some circumstances.
- B. All illegal contracts are unsupported by consideration.
- C. All illegal contracts are void because they are prohibited by statute.**
- D. All illegal contracts involve commission of a crime.
- E. Parties to an illegal contract are always in pari delicto.

26. The words goods carried at owner's risk are written in big letters on the side of a truck for hire. Assess the legal effect of those words.

➤ **It excludes the liability of the car owner.**

27. Miriam paid a radio station to advertise her album launch. After she had paid, the station manager assured her that this station reaches millions of listeners and you will see thousands at your album launch. The advertisements were aired but the show flopped. Only a handful of people turned up. Advise Miriam if she has any remedy against the radio station.

➤ **No, she has no remedy against the radio station. The contract was for advertising the album launch which the radio station did, more so, the assurance that the station reaches millions of listeners was made after the contract was concluded.**

28. In which of the following circumstances does the law not presume undue influence to contract?

- A. Apparent authority
- B. Real authority**
- C. Fiduciary relationship
- D. Domination of the will of another to obtain unfair advantage
- E. None of the above

29. Which of the following concerns adequacy of consideration rather it's sufficiency?

- A. Anything of value
- B. Any forbearance
- C. Any currency
- D. Overcharging**
- E. None of the above

30. Which of the following is an equitable remedy in the law of contract?

- A. **Exemplary damages**
- B. Special damages
- C. Specific performance
- D. Declaration
- E. Costs

SECTION D

LAW OF TORTS

31. A newspaper published a photograph of a prominent politician apparently sleeping during a national ceremony. The caption above the picture read sleeping champion. The politician claims he was not sleeping but merely meditating. He wants to sue the newspaper for libel. In that case, would you prefer to be counsel for the politician or the newspaper? Give a reason for your choice.

- **I would be counsel for the newspaper since it was a true statement or publication that he was sleeping and there is no evidence that the statement injured his reputation by lowering him in the estimation of the right thinking members of the society that caused him to be regarded with feelings of hatred, ridicule, fear and dislike. For the politician to succeed, the false publication should injure his reputation by lowering him in the estimation of the right thinking members of the society that caused him to be regarded with feelings of hatred, ridicule, fear and dislike.**

See John Nagenda V The Editor of the Monitor Publications SCCA 5/1994 (Unreported)

Held,

Defamation is the publication of a statement which has a tendency to injure the reputation of the person to whom it refers by lowering him/her in the estimation of the right thinking members of the society generally and in particular to cause him to be regarded with feelings of hatred, ridicule, fear, dislike/disesteem or which tends to make them shun / avoid that person.

32. Mwajuma is very religious and always wears a veil. She went shopping at guard asked her to take off her veil for checking. She refused and the guard plucked it off.

A. What tort, if any, could have been committed?

➤ **Trespass to a person**

B. Assuming a tort was committed, whom should Mwajuma sue, and why?

➤ **The employer of the security guard. This is based on the principle of vicarious liability whereby the employer can be liable for the actions of the employee done during the course of employment. Also considering the fact that the employer may have more money than the employee, I will inclined to sue the employer.**

See Jovelyn Barugabare V Attorney General S.C.C.A No.28 of 1993

Manyindo D.C.J

In a suit where the plaintiff relies on the doctrine of vicarious liability and the defendant contests the fact that the servant is

in his employment, then the plaintiff has the burden to prove that the alleged servant is a bonafide servant of the defendant.

In a suit founded on vicarious liability, the plaintiff must establish the identity of the servant and that he was acting in the course of his employment at that material time.

Where the relationship of master and servant has not been established the plaintiff claim must be dismissed

33. Whenever there is an unlawful arrest there is automatically false imprisonment also. Do you agree? Explain.

- **No, I don't agree. Unlawful arrest is different from false imprisonment. Unlawful arrest is the detention or confinement of a person without a legal justification, whereas false imprisonment can be justified whereby a person arrested is innocent of the crimes for which he or she is arrested of.**

34. A school stocked 100 rats to be used for dissection in biology classes. All the rats managed to escape. Within a few months, the neighborhood has become infested with thousands of rats due to rapid reproduction. The rats have become a menace. Can the school be sued under the rule in Rylands v Fletcher? Advise.

- **Yes, the school brought onto land rats that are likely to do a mischief, the rats escaped and caused damaged to the community.**
- **The rule in Rylands V Fletcher is that a person who for his own purposes brings on his**

lands and collects and keeps there anything likely to do mischief if it escapes, must keep it in at his or her peril, and, if he or she does not do so, is prima facie answerable for all the damage which is the natural consequence of its escape.

35. Which of the following is not relevant in a claim under the Law Reform (Miscellaneous Provisions) Act?

- A. Death must have occurred
- B. Funeral expenses**
- C. Duty of care
- D. Dependency
- E. Payment received from an insurer

36. Briefly state the duty owed to visitors by an occupier of premises.

- **A duty to conduct him/herself in a certain manner, in order to avoid injury on others that may be caused by the dangerous or defective nature of the property or premises.**

37. On being sued for trespass to land, a defendant pleaded that he did not know that he had encroached on the plaintiff's land; it was a mistake to extend his fence into the plaintiff's land. It was not intentional. Is that defence likely to succeed? Explain.

- **No, trespass to land is actionable per se**

38. Which of the following does not amount to conversion of goods?

- A. Selling without the owner's permission**
- B. Retaining without the owner's permission

- C. Receiving without the owner's permission
- D. Loss or destruction which a bailee has allowed to happen in breach of a duty of care to his bailor
- E. None of the above

39. A truck carrying beer was negligently driven and it overturned. The local villagers looted and drank all the beer. Some drunk youth then began stoning passing vehicles. The owners of the damaged vehicles want to sue the truck owner for the damage caused. Suggest a possible defence for the truck owner.

- **Remoteness of damage, the truck owner can raise a defence that the loss suffered was too remote to recoverable since the loss was not a direct consequence of the truck owner and more so, the damage caused was unforeseeable**
- **The privy Council in Overseas Tankership (UK) Ltd V Morts Dock and Engineering Co Ltd (The Wagon Mound No.1); Established the test for remoteness, the essential factor in determining liability is whether damages are of such a kind as the reasonable man would have foreseen.**

SECTION E

CIVIL PROCEDURE

40. Distinguish between an interlocutory injunction and a permanent injunction.

- **An interlocutory injunction is granted during the pending of the suit before determination of the entire case.**
- **A permanent injunction is granted/given at the end of the suit.**

41. The High Court can carry out judicial review of:

- A. Decisions of inferior tribunals**
- B. Acts of Parliament
- C. Judgments of courts of record
- D. Per incuriam judgments
- E. None of the above

42. It is said that alternative dispute resolution is cheaper and faster than litigation. Do you agree? Give a reason for your answer.

- **Yes, parties don't incur much expenses as they would have incurred in a full trial, it's also faster since it's upon the parties to set a date of solving their conflict, hence not subject to case backlog**

43. Explain what you understand by amendment of pleadings.

- **Changes in the pleadings of documents in the suit.**

44. In your own words, describe an affidavit.

- **A written statement confirmed by Oath or affirmation for use as evidence in courts.**

45. A group of voters have threatened to sue their member of Parliament if she does not seek re-election. What would be the likely defect in their plaint?

- **The plaint may not disclose a cause of action**

46. When is a suit said to be time barred?

- **A suit is said to be time barred when the same has not been filed within the set time in the statute from the time which the cause of action happened.**

47. What is the purpose of a bill of costs?

- **It shows the costs that a successful party is entitled to.**

48. Explain the meaning of the expression appeal is a creature of statute.

- **It means that for one to appeal there should be a provision in the statute that provides for it. Short of that, an appellant should apply for leave of court to file an appeal.**

49. Mention any advantage of joining parties and causes of action in one suit.

- **It avoids multiplicity of cases**

SECTION F

LAW OF EVIDENCE

50. One of the exclusionary rules of the law of evidence is that a confession is not admissible in evidence unless it is voluntary" This term voluntary denotes that the confession must be;

- A. Volunteered
- B. One which the suspect desires to make
- C. Made in exercise of the free will to speak or remain silent**

- D. Calculated to express the views of the suspect
- E. Truthful

51. In a trial for the offence of burglary, which of the following is direct evidence?

- A. A piece of torn cloth from the accused's striped shirt found in the residence that was burglarised.
- B. A cell phone photograph of the accused burglarising the residence.
- C. Testimony from an eyewitness that she saw the accused go into the backyard of the burglarised residence.**
- D. Closed Circuit Television surveillance camera footage of the accused purchasing burglar tools
- E. None of the above

52. A man is on trial for assault of an elderly woman. In court, he looks like a clean, upstanding young man. The prosecutor, however, has evidence on the police file which shows that the man has six prior arrests for robbery, three prior convictions for assault: and two prior convictions for perjury. Is that evidence admissible during the prosecution case? Explain.

- **The general rule is that evidence of bad character is inadmissible.**

53. In which of the following instances may the evidential burden not shift to the accused?

- A. Defence of alibi**
- B. Proof insanity as a defence
- C. Self defence, where grievous bodily harm on a victim has been established by the state
- D. Proving circumstances which bring the case within any exception to the law creating the offence

E. None of the-above

54. What inference may be drawn by the court if the prosecution omits to call a very, material witness to testify?

➤ **An inference that the witness was going to give evidence against the prosecution.**

55. Which of the following is false in relation to a voire dire?

- A. It can determine if the child is possessed of sufficient intelligence to give evidence
- B. It can determine if the child knows the difference between truth and falsehood
- C. It can determine if the child knows the meaning of swearing
- D. It can determine if the child was able to identify the accused**
- E. It can determine if the child has a religious belief

56. In which of the following cases is corroboration required?

- A. Murder
- B. Unsworn evidence of an accused person
- C. Sworn evidence of a child of tender years
- D. Testimony of an accomplice**
- E. None of the above

57. Nandongo is on trial for careless driving. She has asked the magistrate to issue witness summons to the American ambassador, whom she claims was at the scene and can corroborate her testimony that she was not over speeding. Do you think the magistrate should issue the witness summons? Give a reason for your opinion.

➤ **Diplomatic immunity**

58. Okalo was hit on the head with an iron bar at night. He collapsed and was found by the police the next morning. He was taken to hospital where he regained consciousness after two days. A police detective asked him who attacked him and he answered that it was Ninjaman who did it. Okalo died ten days later due to the severe injuries he had sustained. Explain whether the statement Okalo made to the police is admissible in the prosecution of Ninjaman for murder.

- **No, the statement wasn't made in expectation of death.**

59. Give an example of a situation where a witness may not be obligated, against his or her wish, to give evidence at a trial.

- **In a criminal trial, a spouse may not be obligated to give evidence against his/her spouse.**

SECTION G

CRIMINAL LAW

60. Which of the following is NOT prohibited by the constitution of the Republic of Uganda, 1995 in relation to retroactive criminal legislation?

- A. To render persons triable for criminal offences who show that they were pardoned in respect of those offences.
- B. To change the rules of evidence to the detriment of accused persons.

- C. To make criminal an act which when done was not criminal.
- D. **To aggravate a crime or increase the punishment thereof.**
- E. None of the above

61. Give an explanation why ambiguities in criminal statutes are construed in favour of the accused.

- **It's based on the rule of lenity reasoning being that individuals should not be punished for their acts or omissions when the law fails to clearly communicate to the public that such acts or omissions are forbidden.**

62. Of two persons; an accessory before and an accessory after the fact, who will be charged with the substantive offence? Explain.

- **Accessory after the fact, it stands alone and is not dependent on another offence**

63. Proof beyond reasonable doubt means:

- A. Proof without a shadow of doubt
- B. Proof that it is more probable than not
- C. Proof with credible evidence
- D. **Proof that no other logical explanation can be derived from the evidence except that the accused committed the offence**
- E. None of the above

64. What: element distinguishes the offence of murder from that of manslaughter?

- **In the offence of murder, malice aforethought and actus reus has to be proved while in**

manslaughter, only actus reus is required to convict an accused person.

65. A man is charged with the offence of obstructing police officers while performing their duties. They were plain clothed policemen whom he prevented from impounding his car. He claims he did not know they were police officers performing their duties. The prosecution submits this is an offence of strict liability. Is there substance in the defence? Explain.

- **Yes, there is a substance, the man is not claiming intention (that he did not intend), he is claiming that the police officers were plain clothed hence connotes to a defence of mistake.**

66. The deceased had an altercation with his wife. He attempted to hit her with a pestle. She grabbed it from him and hit him on the head. He suffered a fractured skull and died. At the wife's trial for murder. She has claimed that she hit him in self defence. Is there merit to this argument? Explain.

- **No, the force used was unreasonable**

67. Explain what you understand by common intention.

- **It is a pre-arranged plan and action in concern pursuant to that plan.**

68. State one element of the defence of compulsion.

- **Immediate threat**

69. Of the following, which one is not among the objectives of punishment?

64. Recidivism / relapse

- 65. Deterrence / prevention
- 66. Retribution / vengeance**
- 67. Reformation / rehabilitation
- 68. None of the above

SECTION H

CRIMINAL PROCEDURE

70. Which of the following does not have the power to commence a prosecution in Uganda?

- A. The Inspectorate of Government
- B. The Director of Public Prosecutions
- C. The Criminal Investigations and Intelligence Directorate (C.I.I.D)
- D. Court Martial prosecutor
- E. Immigration Officer**

71. Which of the following CANNOT determine the place where a criminal trial will be held?

- A. Presence of the accused within the territorial jurisdiction of court
- B. Consent of the parties to the prosecution
- C. The offence was wholly or partly committed within jurisdiction
- D. Discretion of the Director of Public Prosecutions**
- E. None of the above

72. Briefly explain how the law prevents the arrest or prosecution of persons for flimsy reasons.

- **By providing that a person shall not be charged or convicted for an offence which is not provided for by the law and the penalty prescribed.**

73. From the nature of the investigation going on it appears impracticable to bring a person arrested before an appropriate magistrate's court within forty eight hours. What should the police do with the suspect?

- **Give a police bond to the accused person**

74. Mention one circumstance where court may issue criminal summons.

- **Where the accused is properly charged with an offence and, or where the accused person fails to appear and attend or answer the charges against him or her.**

75. Musoke was charged with inciting violence. The particulars of offence stated in the charge sheet read as follows; "Musoke and others at large, while on a radio talk show, decampaigned the government identity card registration process. Is this appropriate as an expression of particulars of offence? Explain.

- **No, the particulars of the offence did not state the elements of the offence. It's a requirement that an accused person should be able to tell from the chargesheet the precise nature of the charges against him/her so as to be in position to prepare his/her defence and evidence in answer of the charges.**
- **In *Kubansi V R* (1965) E.A 572, it was held that a charge would be incurably defective if it contains the wrong ingredients of the offence or if it omits an essential ingredient of the offence.**

76. An accused person was tried for the offence of theft and in the alternative receiving stolen property. He pleaded guilty on both counts and was sentenced to one year's imprisonment on the count of theft and six months' imprisonment on the count of receiving stolen property, to run concurrently. Were these proceedings properly conducted? Explain.

- **No, the proceedings were not properly conducted. An accused person cannot be legally convicted and sentenced on both the main offence and alternative offence.**

77. According to sections 146 and 147 of the Magistrates Courts Act, when a person is charged with an offence and facts are proved which reduce it to a minor cognate offence, he or she may be convicted of the minor offence although he or she was not charged with it. With an example, explain what a minor cognate offence is within the context of those provisions.

- **A minor cognate offence is a lesser offence that is related to the greater or major offence because it shares several of the elements of the major offence and is of the same class or category.**

78. Explain the purpose of committal proceedings.

- **Committal proceedings are held for a purpose of determining whether there is sufficient evidence to justify sending the accused to stand trial before a judge of the High Court.**

79. Which of the following is among the considerations for the selection of assessors?

- A. Citizens of Uganda

- B. Between the ages of twenty one and sixty
- C. Understanding of the local dialect
- D. Ability to follow the proceedings**
- E. None of the above

SECTION I

APTITUDE

80. “ What is the argument on the other side? Only this, that no case has been found in which it has been done before. That argument does not appeal to me in the least. If we never do anything which has not been done before, we shall never get anywhere. The law will stand still whilst the rest of the world goes no; and that will be bad for both”. Per Denning L.J in Parker v. Parker P.15 at 22.

According to Denning, what will “bad for both”?

81. ‘Violence on women (VAW) continues to form the largest component of GBV (Gender Based Violence) incidences in many societies. Groups of perpetrators include people who are close to the victim such as the spouses, father/guardian, boy/girlfriend, brother, uncle, neighbor, and a guest who comes to the home. The perpetrators in those group have power and authority over their victims because they command respect as their elders (in the case of a father, brother, and uncle). The other group includes people within the community, who are not too close but have power and authority over the victim’s welfare, such as humanitarian

worker, the police, soldiers, doctor, teacher, religious leader, traditional leader, and local councilors (LC1). Finding of GBV incidences with highest proportions were indicated to be Hitting, and Pushing/Shaking or throwing something at the victim are executed by someone with much strength.....customs have socialized men to use their strength to inflict hitting and other bodily harms on errant wife in the home. Very unfortunately, both males and females in these regions accepted that a man hitting his wife was acceptable, thus condoning “hitting incidences” within communities. Due to the fact that the main perpetrator of GBV incidences in the society are men, they therefore need to understand and appreciate the adverse negative effect of GBV perpetration against women and children. It is only through this appreciation that men could make a turning point and cooperate by changing their attitudes and behaviors and stop generating GBV incidences in the homes and communities’. **Adopted from Uganda National Action plan on Gender Based Violence.**

Which of the following statements is accurate?

- A. All gender based violence is against women
- B. Strong women cannot be subjected to gender based violence
- C. Men who perpetuate gender based violence command respect as elders
- D. Dependency creates fertile ground for gender based violence
- E. Men hot their wives because it is considered acceptable in some regions.

82. The Table below shows the Uganda Wildlife Authority park entrance fees for category ‘A’ Parks.

AGE/CLASS	U.S \$	UGX
-----------	--------	-----

	FNR	FR	EAC
Adults	40	30	15,000
Children	20	10	5,000
School children Groups	NA	NA	2,500

Abbreviations:

FNR – Foreign Non Residents

FR Foreign Residents

EAC – East African Citizens

US \$ = United States Dollar

UGX = Uganda Shillings

Children are those persons aged 15 years and below

Which of the following statement is false?

- A. A single child accompanied by her parent pays more than a child in a school group
- B. UGX 2,500 is applicable to only East African school children in groups
- C. School children in groups pays U.S. \$ 20
- D. A 16 year old foreign nonresident pays U.S \$ 20
- E. Foreign resident adults pay less than foreign nonresident adults.

83. ‘For young children, the period from conception to their second birthday is characterized as the 1,000 days of opportunity to effectively and sustainably address malnutrition. Interventions to prevent malnutrition have the greatest benefit during these 1,000 days. Interventions after the second birthday can make a

difference but often cannot undo damage done by malnutrition during the first 1,000 days’

(Adapted from Uganda Nutrition Action Plan).

The above passage suggests that the effects of malnutrition before the age of two cannot be reversed:

- A. True
- B. False
- C. Cannot tell

84. ‘Uganda ended 2013 with a population of 36,824,000 people, which represents an increase of 478,140 people compared to 2012’. Per www.countryeconomy.com

a) Write the 2013 population in words.

B calculate the 2012 population

SECTION J

VALUES

85. Using examples and justify some African customs and values which you think should be infused into our laws and system of legal education

- END OF EXAMINATION-

2015 EXAM

SECTION A

LEGAL METHODS

I. State the body which regulates the legal profession in Uganda.

The Law Council

2. A village Local Council 1 (L.C 1) court is constituted by:

- A. All members of the executive committee of the village council.
- B. The Local Council 1 chairperson.**
- C. The village chief.
- D. A Justice of the peace.
- E. A grade 1 magistrate.

3. What is a moot?

- **A moot is a legal question, fact, or any issue that has not been settled therefore subject to debate, or argument.**

4. Which of the following is not a Neutral citation?

- A. [2000] EWCA Civ 1.

- B. [2002] UKI-IL 1.
- C. [1998] IJGSC 5.
- D. [1975] E.A 1.**
- E. None of the above.

5. Explain the meaning of adjectival law.

- **Adjective law means the type of law that prescribes the procedure by which substantive law is enforced or made effective.**

6. A magistrate in Uganda is faced with two conflicting authorities. One is by the High Court of Uganda. Another is from the House of Lords in the United Kingdom. Which of the two should she follow? Explain.

- **She should follow that of the High Court, since its court of record and its decisions are binding on the lower courts, whereas the decisions from the House of Lords are persuasive; not binding.**

7. If a statute confers on the Chief Justice power to make certain rules of procedure, such rules would fall in the category of;

- A. Secondary legislation.**
- B. Primary legislation.
- C. Judge made law.
- D. Principal legislation.
- E. Civil Procedure Rules.

8. A local government Ordinance imposed a levy on processors of maize, sorghum, millet and other produce. A cotton processor wishes to object to a demand for payment under the Ordinance. Which rule of statutory interpretation would you invoke to support his interpretation? Explain.

- **Ejusdem Generis**, which means that where a class of things is followed by general wording that is not itself expansive, the general wording is usually restricted to things of the same kind as listed items.
In the instant case, maize, sorghum, millet are all cereals, therefore of the same class and hence cotton cannot be considered to be under the provision of the Ordinance.
9. What is contained in a Table of Cases in a law text book?
- **Full citations of the cases used in the text book**
10. Briefly state and illustrate any legal theory you know.
- **The Keelson theory**; which states that a legal order (basic norm) underlies every legal system in turn consists of legal norms (binding rules of conduct). A legal order determines legal norms, which are valid as long as they are in accordance with the legal order establishing them.
An illustration is drawn in an instance where the Constitution is abrogated and anew one is formed, all the laws that derive from the Constitution are valid as long as they are consistent with the Constitution.

SECTION B

CONSTITUTIONAL LAW

11. In your opinion, was there constitutional order in pre-colonial African Societies? Explain.

- **Yes, there was constitutional order. The pre-colonial African societies have an orderly system of governance with the King as the supreme, the societies had with laws (norms and customs). The elders made the laws and among them were those with judicial powers to solve any issue or controversy. Any person dissatisfied with the judgment of the elders had a right to appeal to the King.**

12. The preamble to the [B] Uganda Agreement of 1900 states: We, the undersigned, to wit, Sir Henry Hamilton Johnston, K.G.D; Her Majesty's Special Commissioner, Commander-in-Chief and consul -General for the Uganda Protectorate and adjoining Territories, on behalf of Her Majesty the Queen of Great Britain and Northern Ireland, Empress of India, on the one part and the under-mentioned Regents and chiefs of the Kingdom of Uganda on behalf of Kabaka (King) of (B)Uganda, and the chiefs and people of Uganda on the other part; do hereby agree to the following articles relative to the government and administration of the kingdom of Uganda. Applying your knowledge of Constitution making, do you think the regents, chiefs, the King and the people can be deemed to have agreed as stated?

- **I think that the regents, chiefs, the king agreed but the people did not agree to the [B] Uganda Agreement of 1900. Whereas the King was young, but the regents represented him, the regents and the chiefs represented the people of Uganda but it was necessary to first consult the people before consenting to the agreement. Since the people were not consulted, they did not agree to the [B] Uganda Agreement of 1900.**

13. What is the relevance of the Lancaster House conference of 1961 in Uganda's constitutional development?

- **The relevance of the Lancaster conference of 1961 is that; it's a day when delegates from Uganda had a conference with the British at Lancaster in Britain to discuss the granting of independence to Uganda and the relationship of post independence between Uganda and Britain.**

14. Between January 1971 and April 1979, the legislature of Uganda was:

- A. The National Assembly.
- B. **The Military Council.**
- C. The Cabinet.
- D. Parliament.
- E. The Military Head of State,

15. In your opinion, is it constitutional for law enforcement agencies to parade suspects before the media for purposes of informing the public?

- **No, it's not constitutional. Article 28 of the Constitution provides that a person accused or charged of any criminal offence is presumed to be innocent until he/she pleads guilty or pronounced guilty by Court of competent jurisdiction. Parading suspects before the media and informing the public infringes on the suspect's right to presumption of innocence**

16. Which of the following actions does not require an enabling Act of Parliament in Uganda?

- A. Imposition of a tax.
- B. **Declaration of a state of war.**

- C. Compulsory acquisition of land.
- D. Creation of a new court.
- E. Creation of a new criminal offence.

17. Article 78 (2) of the Constitution of Uganda requires that upon the expiration of ten years after the commencement of the Constitution and every five years thereafter, Parliament must review the special representation of women, the army, youth, workers, persons with disabilities and other groups. The review is for purposes of retaining, increasing or abolishing such representation. State your opinion on whether the representation of the above categories should now be retained increased or abolished.

- **it's my opinion that such representation should be maintained however, the representation of the army in Parliament should be abolished since the army has now stabilized and do not need any other special representation; therefore the representation is now an unwanted burden on the economy of Uganda**

18. Article 72 (4) of the Uganda Constitution provides that any person is free to stand for an election as a candidate, independent of a political organization or political party.

(a) State one advantage which such a candidate may enjoy.

- **He or she is not subject to the party's rules and laws**

(b) State one disadvantage which such a candidate may suffer.

- **Lack of political party's support**

19. Article 3(4) (a) of the Uganda Constitution requires all citizens of Uganda to defend the Constitution. Suggest any way through which you, a law student can defend the Constitution.

- **A law student can defend the Constitution by challenging any unconstitutional act or omission before the Constitutional Court.**

SECTION C

LAW OF CONTRACT

20. What do you understand by the expression meeting of the minds in the law of contract?

- **Parties voluntarily, out of their own consent agree on the terms and conditions of their contract.**

21. During campaigns for the 2011 elections in Uganda, a certain Member of Parliament promised in his manifesto that he was standing for the last time. He has now changed his mind and is going to stand in the 2016 elections. Can the electorate sue him for breach of contract? Explain.

- **No, it was not a contract and did not have the elements of the contract such as consideration**

22. Yesterday, a shop keeper supplied a 15 year old pupil with 5 text books on credit. He has however learnt that under the Contracts Act, the age of contractual capacity is 13. What should he do in the circumstances?

- **If it was a contract for necessities, the child can be sued**

23. An agreement to oust the jurisdiction of the courts is:

- A. Illegal.
- B. Voidable.
- C. Unconscionable
- D. Unenforceable**
- E. Unfair.

24. A parent signed a contract with her daughter's class teacher to provide "coaching" to the girl after class hours. The parent refused to pay, saying that the teacher was merely doing her duty. Advise the teacher if he has any remedy.

- **The teacher can sue for breach of contract since it was outside the course of employment**

25. Mulefu received his first salary and headed to the bar. After drinking several bottles of beer, he stood on the bar counter and offered free drinks to "all the ladies in the house". The bar man accordingly served the ladies with drinks of their choice. Mulefu was given the bill. He refused to pay. He has now received a notice of intention to sue from the bar owner. Advise Mulefu on his liability, if any.

- **Mulefu can only be liable to pay for the drinks if at the time of offering the free drinks was able to understand what he was doing and its consequences. For a contract to be binding both parties must have contractual capacity.**

Section 12 (1) of the Contracts Act, 2010 provides that a person is said to be of sound mind, if at the time of entering into the contract, that person is capable of understanding the contract and forming a rational judgment as to its effect upon his or her interests.

In the case of Gore v Gibson (1845) 13 M & W 62, a contract made by a person so intoxicated as not

to know the consequences of his acts is not binding on him if his condition is known to the other party.

26. A politician contracted a famous singer to compose, sing and record for her a campaign song at a fee. The singer did the work but before he could deliver the song, the politician was disqualified from the election due to lack of minimum academic qualifications. The politician has refused to pay the singer, citing frustration of the contract. Advise the singer.

- **The singer can sue the politician for breach of a contract. The contract was cannot be said to have been discharged by frustration since the disqualification of the politician was due to his fault. He well knew that he has no minimum academic qualification but went ahead to enter into a contract with the singer for a campaign song.**

Frustration occurs where it is established that, due to a subsequent change in circumstances, the contract has become impossible to perform, or it has been deprived of its commercial purpose.

Taylor v Caldwell (1863), the courts relented, and held that if the contract became impossible to perform due to some extraneous cause for which neither party was responsible, then the contact would be discharged

See section 66 of the Contracts Act on discharge of a contract by frustration

27. Illustrate how an injunction can assist the innocent party in a case for breach of contract.

- **An illustration can be drawn from an instance where an employee is under a serious threat of being terminated in an unfair way, the Court can issue an injunction to the employer to restrain from terminating the contract of an employee without a justification.**
28. Which of the following is false about novation:
- A. May revive a void contract.
 - B. May substitute an old obligation with a new one.
 - C. May replace an original party with a new one.
 - D. May discharge a previous contractual obligation.
 - E. May transfer contractual duties to a new party.**
29. Very briefly, define "freedom of contract".
- **Freedom of a contract is the freewill of the parties to voluntarily enter into any terms or conditions of any agreement as they wish but subject to the law; and such agreement should be interpreted according to the wishes of the parties as reflected in the contractual agreement.**

SECTION

LAW OF TORTS

30. (a) State one similarity between a tort and a criminal offence.
- **Both tort and a criminal offence are wrongs prohibited in the society**
 - **Both tort and a criminal offence can be of absolutely liability.**

(b) State one difference between a tort and a criminal offence

- **A tort may not be written down in any statute for it to be enforced, whereas, a criminal offence must be provided for by the law and the penalty prescribed for it to be enforced.**

31. In which of the following relationships is vicarious liability least likely to arise?

- A. Principal and agent.
- B. Parent and child.**
- C. Master and servant.
- D. Lawyer and client.
- E. Employer and employee.

32. A fatal accident under the Law Reform (Miscellaneous Provisions) Act is one that results in;

- A. Injury.
- B. Loss of dependency.
- C. Death.**
- D. Disability.
- E. Orphans.

33. A railway company seeks your advice as to whether train drivers owe a duty of care to stubborn people who walk on the railway tracks.

34. Suzy is a university student and socialite. Her father recently gave him a car. A tabloid newspaper falsely reported that car was a gift from her boyfriend. Suzy has no boyfriend. Advise Suzy.

- **Suzy can sue for defamation if the false report should injured her reputation by lowering her in**

the estimation of the right thinking members of the society that caused her to be regarded with feelings of hatred, ridicule, fear and dislike.

35. Mama Kali is a boarding school matron who believes in the proverb "spare the rod and spoil the child". She recently administered five strokes of the cane on a pupil for stealing Shs. 1,000. The pupil's mother is enraged and wants to file a suit as next friend for assault and battery. Assess the chances of success.

- **The mother is less likely to win, since in Uganda, reasonable punishment of a child (chastisement) is accepted as a way of disciplining the child. However, the age of a child on whom strokes were administered and the force used will be considered to ascertain whether the punishment was reasonable and whether it was excess, if it was unreasonable then the mother is likely to win.**

36. You must have read the case of *Donoghue v Stevenson* [1932] UKHL 100. What contaminated commodity was served to Ms. Donoghue, leading to the litigation against the manufacturer?

- **Ginger beer**

37. Numerous politicians have pinned their campaign posters and banners on Aisha's

Shopping mall without her permission. Advise if she has a cause of action.

- **Aisha can sue the politician for trespass**

38. Mention one tort of absolute liability.

- **Product liability**

SECTION

CIVIL PROCEDURE

39. Explain what you understand by pleadings.

- **These are written/formal documents containing the allegations of what is affirmed on the one side or denied on the other disclosing to the court**

40. What is the relevance of a Commissioner for Oaths in litigation?

- **To administer any oaths or take any affidavit for the purpose of any court matter in Uganda**

41. State any way through which the civil procedure laws encourage alternative dispute resolution after suit has been filed.

- **Mediation as a form of alternative dispute resolution is mandatory in all civil cases**

42. What do you understand by conditional leave to appear and defend in summary procedure?

- **Conditional, where a court attaches a condition to the grant of leave to defend**
- **Unconditional, granted with no attached condition**

43. What is a second appeal?

- **An appeal based on matters of law, questions of great public importance arisen (Certificate of Importance)**

44. Which of the following is not a proper remedy for a judgment debtor who has been committed to civil prison in execution of an ex parte decree?

- A. **Application for bail.**
- B. Application to set aside the decree.
- C. Application for stay of execution.
- D. Payment of the decretal sum.
- E. Application for release on the ground of serious illness.

45. Explain what you understand by "court vacation".

- **It is the time between the end of one term of court and the beginning of another. In Uganda, during this period, the courts do not handle civil cases. Rule 4 of the Judicature (court vacation) RS ST 13-20. However, court can handle urgent civil cases.**

46. Araali sued Akiiki the High Court at Arua for trespass to his land at Fort Portal. Akiiki wants to raise a preliminary objection of lack of geographical jurisdiction. What should Araali do in the circumstances?

- **Araali should raise a defence that the High Court has unlimited jurisdiction**

47. Which of the following is not a concern of the court in judicial review?

- A. The decision making process.
- B. **The correctness of the decision**
- C. Natural justice.
- D. Jurisdiction.
- E. Existence of alternative remedies

48. Explain the purpose of a hearing notice.

- **Informs the parties of the exact time and place where the court will seat to determine the matter.**

SECTION F

LAW OF EVIDENCE

49. Which of the following, even when established, will render a person incompetent to testify as a witness?

- A. Inability to observe.
- B. Inability to remember.
- C. Inability to communicate orally.
- D. **Inability to understand the obligation to tell the truth.**
- E. All of the above.

50. A spouse may not, without his or her consent, testify against the other. Give one exception to this rule.

- **An exception is in civil matters related to domestic relations and property.**

51. Leading questions may be asked in all but one of the following situations. Which one is it?

- A. **During cross-examination.**
- B. During examination of a hostile witness.
- C. When examining on introductory matters.
- D. When not objected to.
- E. None of the above.

52. Witnesses ordinarily are permitted to testify as to what they have perceived, e.g., seen, heard, felt, tasted, or smelled, without testifying as to their opinions derived or

inferred from perception. Name one exception to this requirement.

➤ **Expert Evidence**

53. An out-of-court statement presented before court is hearsay in all but one of the following situations. Which one is it?

- A. **If offered to prove the truth of the matter contained in the statement.**
- B. If offered for any relevant purpose other than the truth of the matter asserted.
- C. If the content of the statement needs to be believed in order to for the statement to be relevant.
- D. If the declarant has "1 first-hand knowledge" of the hearsay.
- E. None of the above.

54. Odong is on his death bed and says: "I am aware of my impending death. I have personal knowledge that Ongwen had nothing to do with the Barlonyo massacres. He was framed by Kony." Will that statement be admissible as a dying declaration at Ongwen's trial if indeed Odong died within five minutes of making it? Explain.

➤ **Yes the statement can be admitted as a dying declaration since it was made in the hopeless expectation of immediate death.**

55. Which of the following would require proof before a court of law?

- A. Facts judicially noticeable.
- B. Facts admitted.

C. The commencement, continuance and termination of the National Resistance Army guerrilla war.

D. The Constitution of the National Resistance Movement Organization (NRMO).

E. None of the above.

56. State one irrefutable / irrebuttable presumption.

➤ **Presumption of law**

57. If a matter has any tendency to make a fact, of consequence, in determining the case, more or less probable than it would be without the evidence then it is;

A. Probative.

B. Relevant.

C. Material.

D. Proof.

E. None of the above.

58. Which of the following statements is correct?

A. Confessions are to criminal cases as admissions are to civil cases.

B. A confession must always be made in the presence of a magistrate or police officer of or above the rank of assistant inspector.

C. A confession must be made in writing.

D. Judgment is entered against a party who makes any admission in a civil case,

E. A confession by a co-accused is taken into consideration even against the accused who did not confess.

SECTION G

CRIMINAL LAW

59. "A criminal act, omission to act, and criminal intent are elements or parts of a crime that must be proved as part of every offence." is this a true statement? Explain.

- **Yes, mens reus, actus reus or omission must be proved for a criminal offence except for strict liability offences**

60. "A crime is an act committed in violation of a law prohibiting it or omitted in violation of a law ordering it. In general, the criminal law must be enacted before the crime is committed," is there an exception to this? Explain

- **Yes, contempt of Court,
See Article 28 (12) of the Constitution**

61. Becky and Linda go on a shopping spree. Linda insists that they visit a supermarket. Moments after they enter the lingerie section, Linda surreptitiously places a bra in her purse. Becky watches, horrified, but does not say anything, even though a security guard is standing nearby. Has Becky committed any offence? Explain.

- **Yes, the offence of Neglect to prevent a felony contrary to Section 389 of the Penal Code Act.**

62. Which of the following is not a proper classification of offences?

- A. Felonies.
- B. Misdemeanours.
- C. Infractions
- D. **Malum in Se.**
- C. None of the above.

63. John kills Daniel, is prosecuted and sentenced to one year in prison. Did John commit a felony or a misdemeanour? Explain.

- **Yes, Felony** *a felony is defined is an offence which is declared by law to be a felony or, if not declared to be a misdemeanor, is punishable , without proof of previous conviction, with death or with imprisonment for three years or more (Section 1 (e) of the Penal Code Act Cap 120). Murder is an offence punishable with death hence qualifies to be a felony.*

64. A suspect viciously attacked his pregnant ex-wife intending to kill her, but only her baby died in the womb, and was thereafter stillborn. Should the suspect be charged with murder? Explain.

- **No, suspect did not kill a person**

65. Due to the increased spate of fatal bar-brawls, Parliament enacts a statute that criminalizes "gang attire in public places." Omara, a law enforcement officer, arrests Cindy for 'wearing a bandana at a restaurant since in his belief, the attire violates the Act. On what basis can Cindy challenge her prosecution?

- **The law does not define what constitutes a gang attire**

66. In which of the following situations will vicarious criminal liability arise?

A. Owner of shop / shop attendant.

B. Company / Directors of the company.

C. Site Engineer/ Mason.

D. Driving instructor / learner driver.

E. None of the above.

67. All but one of the following defences requires an accused to adduce some evidence. Which one is it?

A. Alibi.

B. Self defence.

C. Provocation

D. Intoxication.

E. None of the above.

68. Tina is stopped by traffic police for speeding. Tina claims her speedometer is broken, so she was mistaken as to her speed. If true, is she likely to be acquitted? Explain.

- **No, traffic offences are strict liability offences therefore only actus reus without mens rea is enough to convict.**

SECTION

CRIMINAL PROCEDURE

69. Court: Mr. Witness, do you believe in God?

Witness. No, I don't.

Court: Mr. Witness, we appreciate your honesty, however you are not competent to testify.

Is this a correct decision? Explain

- **No, the decision is not correct the witness would have given unsworn testimony**

70. A prosecution witness has testified during examination in chief; the court adjourns the case a week during which the witness unfortunately dies. What should the court do at the next hearing?

A. Expunge that evidence from the record /disregard the evidence.

B. Issue a criminal summons for the accused.

C. Cancel the accused's bail.

D. Start hearing the case afresh.

E. None of the above.

71. Which of the following is INCORRECT regarding the finding of a prima facie case against an accused person?

A. The burden of proof shifts to the accused.

B. The accused may be convicted if he offers no evidence in rebuttal.

C. The court may take the case as established against the accused.

D. The court may consider the case as proved beyond a reasonable doubt unless there is contrary evidence.

E. None of the above.

72. A magistrate has conducted a voire dire and made the following finding;

"The witness does not understand the nature of an oath but is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth." This witness should therefore,;

- A. Give evidence on oath.
- B. Not be cross-examined.
- C. Be found incompetent to testify.
- D. Give unsworn testimony.**
- E. None of the above.

73. At the commencement of a criminal trial, it becomes apparent that the accused's mental state has incapacitated him from understanding the charges against him, and from being able to assist in his defence. What should the Magistrate do?

- **Stay the proceedings until the accused become of sound mind. The magistrate should go ahead and refer the accused to a mental hospital.**

74. From the moment when a person is notified that he or she is recognized as a suspect, such person has all but one of the following rights. Which one is it?

- A. Receive a copy of the charge sheet.
- B. Invite a defence counsel.**
- C. To refuse to say anything.
- D. Detention at an authorized place.
- E. None of the above.

75. Name the cardinal duty of an accused person when granted bail by a court of law.

- **To return to Court on the date mentioned that s/he should return for further hearing of the matter.**

76. Name the situations where the participation of a defence counsel is mandatory in criminal proceedings.

- **Capital offences**

77. A search warrant is required in one of the following situations. Which one is it?

- A. When objects will be sought and seized.**
- B. When a delay may cause evidence to be destroyed.
- C. For search of a person arrested.
- D. Where a person being sought may escape.
- E. None of the above.

78. A complainant is dissatisfied with the decision of the Director of Public Prosecutions, declining to initiate prosecution for the reason that there are no grounds for the initiation of criminal proceedings. Advise the complainant.

- **A complainant can commence prosecutions against the accused.**

SECTION I

APTITUDE

1. Study the following extract section 23 of the Higher Education Students Financing Act, 2014 and

propositions which follow. Then circle the correct answer.

23. Repayment of student loan

(1) A person who has received a student loan shall start paying the loan with the specified interest at least one year after completing the higher education for which the loan was given.

(2) For avoidance of doubt, subsection (1) shall apply whether the person is employed or not.

(3) Without prejudice to subsection (1) a person who has received a student loan may start repaying the loan before the time specified in subsection (1).

(4) The Board shall within thirty days after the time specified in sub section (1), in writing inform the person who received a student loan to start repayment as required by this Act.

(5) Where a person has no income for the repayment of student loan, the person shall within fourteen days after receiving the notice under subsection (4) in the prescribed manner, inform the Board accordingly.

(6) The Board .may after verifying the information contained in the notice under subsection (4), extend the time under subsection (1) in respect of that person.

Propositions:

- (1) Repayment of the loan before the due date saves on interest payments.
- (2) A person who fails the higher education program is not liable to repay the loan.
- (3) Whoever informs the Board that he or she has no income to repay the loan is entitled to an extension of time.
- (4) A student may repay the loan in full before completing the higher education for which the loan was given.

- (5) Delayed release of final results gives a student loan, the person shall within fourteen days after receiving the notice under subsection (4), extend the time under subsection (1) in respect of that person.
- All the above propositions are correct
 - Only proposition (2) and (4) are correct
 - Only proposition (1), (4) and (5) are correct
 - Only proposition (1) and (4) are correct
 - Only proposition (3) and (4) are correct.
2. “My Lords, in my opinion, the House decline to hear this appeal on the ground that there is no issue before us to be decided between the parties. I do not think that it would be a proper exercise of the authority which this House possesses to hear appeals if it occupies time in this case in deciding an academic question, the answer to which cannot affect the respondent in any way. If the House undertook to do so, it would not be deciding an existing list between the parties who are before it, but would merely be expressing its view on legal conundrum which the appellants hope to get decided in their favour without in any way affecting the position between the parties”.
- Per Viscount Simon, LC. In *Sun Life Assurance Company of Canada v Jervis* [1944] A.C 111
- According to Viscount Simon, what would be wasted if the House were to hear the appeal?
3. The table below shows the monthly average exchange rate between the United States Dollar and the Uganda Shilling during the period from November 2014 to July 2015. The data has been extracted from the Bank of Uganda website.

Month	Nov.14	Dec.14	Jan.15	Feb.15	Mar.15	Apr.15
Rate	2,734.2	2,768.8	2,860.7	2,868.8	2,951.6	2,995.6

- a) What is the best month in which to buy Dollars?

b) Round off the exchange rate for February 2015 to the nearest hundred.

4. "Society cannot live without morals. Its morals are those standards of conduct which the reasonable man approves. A rational man, who is also a good man, may have other standards. If he has no standards at all he is not a good man and need not be further considered. If he has standards, they may be very different; he may, for example, not disprove of homosexuality or abortion. In that case he will not share in the common morality; but that should not make him deny that it is a social necessity. A rebel may be rational in thinking that he is right but is irrational if he thinks that society can leave him to be rebel".

Per Lord Devlin in his essay 'Morals and Criminal Law'

Which of the following statement is false concerning Lord Devlin's argument?

- A. Morals are a necessity for good people in society.
- B. Good people may disagree with what society considers to be immoral
- C. A rational person without morals is a bad man.
- D. Unreasonable people cannot be relied on to set moral standards in society
- E. A rebel is entitled to believe that he is right.

SECTION J

VALUES

5. “Replacing government sponsorship with student loans may lead to unethical practices among young lawyers who will seek quick money in order to repay the loan”. Outline reasons for either agreeing or disagreeing with this statement.

-END OF EXAMINATION-

2016 EXAM

SECTION A

LEGAL METHODS

1. The Uganda Gazette is a:
- A. Newspaper.**
 - B. Magazine.
 - C. Journal.
 - D. Textbook.
 - E. Website.
2. Which of the following may apply customary law?
- A. Only Local Council Courts.
 - B. Only the High Court.
 - C. Magistrates' Courts.

D. All courts.

E. Courts of first instance

3. Explain how you apply the law to the facts.

➤ **In applying law to the facts, you state what the law provides for; thereafter merge the law with the relevant facts that show how the facts are supported or against the law.**

4. Which of the following statements is correct?

A. Footnotes, side notes and endnotes essentially serve the same purpose.

A. Footnotes must be in small print.

B. Footnotes contain less important information.

C. Footnotes are written before endnotes.

B. Footnotes, side notes and endnotes contain obiter dicta.

5. What is meant by a case being on all fours with another case?

➤ **It means that the case as almost similar legal issues with another precedent**

6. State:

a) Any legal problem you have handled in a coursework

➤ **I handled a hypothetical problem of a man who slashed the neighbor's bush without the permission of the owner; his claim that he felt unsafe because of the bush.**

b) Your conclusion regarding the legal problem.

- **My conclusion was that the man who slashed the bush was liable for trespass; since he encroached on the neighbors land without a permission or reasonable justification.**
7. Which of the following statements is false?
- A. The High Court can try any criminal offence.
 - B. The High Court has unlimited original jurisdiction.
 - C. The High Court has limited appellate jurisdiction.**
 - D. In civil matters the High Court can handle a case where the value of the subject matter is less than fifty million shillings.
 - E. None of the above.
8. Who of the following is a Law Officer?
- A. Minister of Justice and Constitutional Affairs.
 - B. Chief Registrar of the Courts of Judicature.
 - C. Secretary to the Law Council.
 - D. Speaker of Parliament
 - E. Solicitor General.**
9. Explain the date of commencement of an Act of Parliament.
- **The date of commencement is the date when a particular Act of Parliament is deemed to start operating**

SECTION B

CONSTITUTIONAL LAW

1. Which of the following statement is correct with regard to the 1902 Uganda Order in Council?

- A. It was enacted by the first British Governor of Uganda.
 - B. It was enacted by the Legislative Council of Uganda.
 - C. It was the first Ordinance enacted in Uganda.**
 - D. It was enacted by the King of the United Kingdom in his Privy Council.
 - E. It made Uganda a British protectorate.
2. In your view, why does the Uganda Constitution prohibit a state religion?
- **Uganda is predominantly found with many religions, having a particular State religion may lead to the infringement of the rights of other religions**
3. Which of the following is not a function of Parliament?
- A. Appropriation.
 - B. Disciplining corrupt civil servants.**
 - C. Oversight.
 - D. Approval of a declaration of a state of war.
 - E. None of the above.
4. State one salient feature of the Movement Political system.
- **Non patriotism, democracy, accountability and transparency**
5. Which of the following statements is correct regarding a parliamentary system of government?
- A. The Prime Minister is the head of state.**
 - B. There is no President.
 - C. There is no universal adult suffrage.
 - D. There must be a republic.

- E. None of the above.
6. Suggest any constitutional issue which may arise from organs of the East African Community exercising any jurisdiction over Uganda.
- **Whether the instrument that the organ of the East African Community is exercising its powers from has been ratified and domesticated.**
7. What purpose is served in having an opposition in Parliament?
- **Advise the ruling party**
8. Suggest a reform for strengthening the independence of the Electoral Commission.
- **It should be accountable to the people**
 - **It should be independent from the executive**
9. Which constitution of Uganda was the most short lived?
- **The 1966 Constitution/ interim Constitution**
10. Explain what is meant by the principle that the constitution has to be read as an integrated whole.
- **It means the provisions of the constitution should be read as a whole each supporting each other but not destroying each other.**

SECTION C

LAW OF CONTRACT

1. What is a party invited to do in an invitation to treat?

➤ **To make an offer**

2. In what circumstance can a person be liable as a party to a contract which was entered into even without his or her knowledge or presence?

➤ **In case of Agency –principal relationship. The principal can be liable**

3. In your opinion, is there a contract between a university and every student that each course will be taught according to the syllabus? Explain.

➤ **Yes, since the student makes an offer.**

4. How has your study of the law of contract provided a foundation for the study of any other law subject?

➤ **The law of contract provided a foundation in the study of the law of agency since for there to be and a principal – agent relationship, there must be a valid contract.**

5. Some youth are in the habit of cleaning car windscreens when-motorists stop at traffic Lights. In your view, are those youth entitled to payment?

➤ **No, because there is no proof of consideration**

6. Which of the following statements is correct?

- A. Consideration must be adequate.
- B. Consideration must be in monetary form.
- C. **Consideration must be sufficient.**
- D. Consideration must be paid before a contract can be enforced.

E. Consideration is furnished by the promisee.

7. Zala, a school boy, did not report to school on the first day of the term because his mother had not given him school fees. He decided to try his luck in a sports betting shop. He placed a bet with ten thousand shillings and won one million shillings. The shop proprietor however refused to pay, arguing that the school boy's presence was contrary to public policy. Advise Zala.

- **Whereas Zala has no capacity to contract as a child, he cannot contract for necessities for which school fees is a necessity, however a betting contract with a school child is void since it's contrary to public policy**

8. Explain what is meant by the damages for breach of contract being compensatory in nature.

- **It means that the damages for breach of are intended to place the innocent party in the position he or she would have been in had the contract been performed. But not to enrich the innocent party.**

See a case of Uganda Telecom v Tanzanite Corporation [2005] E.A 351, wherein court observed that in contract, the general intention of the law of the giving of damages for breach of contract is that the plaintiff should be placed in the position he or she would have been in had the contract been performed.

It means that the aggrieved party should be put back to his or her original position as if the damage or breach did not occur

9. Which of the following statements is correct?

- A. Exemplary damages can be awarded for every breach of contract.
- B. Every breach of contract results in damages.
- C. The quantum of aggravated damages is higher than that of general damages.
- D. Specific performance which requires court supervision is unlikely to be granted.**
- E. None of the above.

10. A hairdresser's contract of employment contains a term that if her employment terminates, she will never work for a competitor of her current employer. Give your opinion on whether that term is enforceable.

- **Such a term is not enforceable since it is not reasonable; it is unreasonable to restrain a hairdresser from working for any other competitor of her former employer. The restraint term tends to prohibit the employee from working for any other competitor for her life time and in whatsoever distance that is unreasonable. See Section 21 of the Contracts Act, 2010.**
- In Foster v Suggett (1918) a works manager was instructed in certain confidential methods of glass-making. The contract forbade him from being interested in any other glass-making concerns within the UK for five years. It was held that the restriction was valid**

SECTION D

LAW OF TORTS

1. If an act or omission is both a tort and a criminal offence, what is the advantage, if any, of proceeding against the culprit in tort rather than criminal law?

- **Criminal case requires a higher burden of proof which is proof beyond reasonable doubt, unlike in tort in which standard of proof is on balance of probabilities**

2. Briefly illustrate how the law of torts can be used to safeguard your natural environment.

- **Tort law provides for actions such as nuisance for pollution of the environment, such an action can be public or private nuisance.**

3. In Uganda, the age of criminal responsibility is twelve years. In your view, is there an age below which a child can be said to be incapable of committing a tort? Explain

- **No, a child of any can be liable for tort; however, the objective test of reasonability will be invoked to ascertain liability.**

4. In a part of Uganda, some local officials stormed homesteads and immunized children amidst their parents' objections, which were based on religious belief. Were any tort(s) committed by the authorities? Explain.

- **The tort which would have been committed is trespass to a body, however the need to immunize the children is a justifiable defence.**

5. You might have noticed that, sometimes, when the floor of a public building is being cleaned, a sign is displayed to warn that the floor is slippery. What is the relevance of such a sign in the law of torts?

- **The law of torts imposes a duty on a person who is in control of land or property to conduct him or her in a certain manner, in order to avoid injury on others that may be caused by the dangerous or defective nature of the property or premises. Failure to such requirements, a person can liable for occupier's liability.**

6. Which of the following does not amount to a tort?

- A. Publishing inaccurate news about someone.
- B. Driving someone's car without her permission.**
- C. Domestic violence.
- D. Maliciously enticing away a servant from his employer.
- E. Stubbornly continuing to occupy a house after expiration of the tenancy.

7. A shop owner is threatening to sue a noisy street preacher for nuisance. Assess his chances of success.

- **The shop owner can succeed in an action of nuisance, since the noisy street preacher was interfering with the shop owner's quiet enjoyment of land.**

Private nuisance is a continuous, unlawful; and indirect interference with the use or enjoyment of land, or some right over or in connection with it.

Lord Lloyd in Hunter V Canary Wharf [1997] 2 All ER 426, observed that private nuisance are of three kinds, they (1) Nuisance by encroachment a neighbor's land, (2) nuisance by direct physical injury to a neighbor's land; and (3) nuisance by interference with a neighbor's quiet possession of his land.

8. A bee keeper seeks your advice on his liability if the bees sting a passerby.

- **The bee keeper is liable under the liability of keeping animals of dangerous species. Where a person keeps an animal or specie which is naturally dangerous that is; its capable of causing harm, he or she is liable for the damage or injury caused by that specie or animal to any person (Scienter rule).**

9. Mulaalo looked on with bemusement when his goat strayed into the neighbour's garden and trampled upon the crops. The neighbor confiscated the goat. What tort, if any, was committed by:

a) Mulaalo.

- **Negligence**

b) The neighbor.

- **Conversion,**
- **And or chattel trespass**

SECTION E

CIVIL PROCEDURE

1. Define and illustrate the meaning and purpose of a preliminary objection.

- **A preliminary objection is an objection passed against the case at its opening for instance raising a claim that the court has no jurisdiction to**

entertain the case, or the claimant has no locus standi.

2. What is the usefulness of discovery in civil proceedings?

➤ **Discovery reveals more documents of the case**

3. Why is a party not permitted to depart from his or her pleadings?

➤ **To put a limit on pleadings otherwise pleadings will be infinite**

➤ **Avoid trial by ambush**

4. Which of the following documents does not require the signature of the applicant or counsel to be valid?

A. Notice of motion.

B. Complaint.

C. Written statement of defence.

D. Chamber summons.

E. None of the above.

5. In what circumstances may court enter judgment on admission?

➤ **If the party to a case accepts any fact in issue as per Order 13 rule 6**

6. In your view, is it possible to apply for judicial review of a High Court decision? Explain.

➤ **No, the High Court is not a quasi judicial body.**

7. A court with supervisory civil jurisdiction over a lower court may:

A. Write judgments for the lower court.

- B. Discipline judicial officers of the lower court.
 - C. Appoint judicial officers of the lower court.
 - D. **Draft rules of procedure for the lower court.**
 - E. None of the above.
8. Who makes the decision in a mediation?
- **The parties with guidance of the mediator**
9. How may lawyers assist in the promotion of alternative dispute resolution?
- **Sensitization**
 - **Opt for ADR before opening a suit in court**
10. State a method of alternative dispute resolution which is adjudicatory.
- **Arbitration**

SECTION E

LAW OF EVIDENCE

1. Facts in issue means:
- A. Proved facts.
 - B. Relevant facts.
 - C. **Contested facts.**
 - D. Admissible facts.
 - E. All of the above.
2. Who of the following is incompetent to testify?
- A. A person of very advanced age
 - B. **A hostile witness.**
 - C. A child of tender years.
 - D. The spouse of an accused person.

C. None of the above.

3. A formal application for bail was supported by an affidavit to which was annexed a photocopy of a birth certificate to prove the advanced age of the applicant. The prosecutor has objected to the photocopy, arguing that under the Evidence Act, documents must be proved by primary evidence. Is the objection sustainable? Explain.

➤ **Yes, however in absence of an original, a certified photocopy may be relied on**

4. Which of the following is the correct sequence for leading a witness?

A. Oath; cross-examination; re-examination; examination in chief.

B. Oath; re-examination; examination in chief; cross - examination.

C. Oath; examination in chief; re-examination; cross-examination.

D. Oath; affirmation; examination in chief; cross-examination; reexamination.

E. B. Oath: examination in chief; cross- cross-examination; reexamination.

5. Which of the following is direct evidence that a gun was used in a robbery?

A. The testimony of a neighbor who says he did not see the shooting but heard the sound of gunshots coming from the victim's house at the time of the alleged robbery.

B. A newspaper report which quotes an eye witness to the shooting.

- C. The testimony of a member of the public who saw a police sniffer dog leading the police to the home of the accused.
 - D. A scanned version of the medical examination report of the victim.
 - E. None of the above.
6. State an example of:
- a) A minor contradiction in identification evidence.
 - **A contradiction as to the exact time (exact hour and minutes) of identification**
 - b) A major contradiction in identification evidence.
 - **A contradiction as to the familiarity of the assailant or a person identified. As to whether the person identifying knew the assailant before or not.**
7. What kind of evidence is an expert able to give, which other witnesses are generally not permitted to give?
- **Opinion evidence**
8. Which of the following does not amount to documentary evidence?
- A. A blank paper.**
 - B. A traffic sign indicating a speed limit
 - C. A counterfeit bank note.
 - D. A wedding invitation card.
 - E. None of the above.
9. Suggest any reform you deem necessary required for the law of evidence to catch up with modern information technology.

➤ **Admission of soft copy documents in evidence**

SECTION G

CRIMINAL LAW

1. In the case of Woolmington v Director of Public Prosecutions [1935] AC 462:

- A. The accused had raised the defence of accident at his trial.
- B. The trial judge properly directed the jury on the burden and standard of proof in criminal cases.**
- C. The Director of Public Prosecutions appealed against the accused's acquittal.
- D. The accused killed his mother-in-law.
- E. The House of Lords ruled that the appellant was innocent.

2. In a subjective test for recklessness as mens rea:

- A. Any reasonable person must have been able to foresee that the particular kind of harm would arise from the act or omission.
- B. There is an act or omission which the accused knows will create a serious risk of injury to the person or of substantial damage to property.**
- C. The accused does an act or omission which creates a probable risk.
- D. The accused does an act or omission without giving any thought about the risk.
- E. The accused does an act or omission without recognizing the risk.

3. "Motive is completely irrelevant in determining criminal responsibility". Do you agree? Explain.

- **Motive is the cause that moves people to a certain action**

4. "A person cannot be charged with a criminal offence unless the offence and its penalty are prescribed in the Penal Code". Do you agree? Explain.

- **Yes, Article 28 (12) of the Constitution provides that except for contempt of court, no person shall be convicted of a criminal offence unless the offence is defined and the penalty for it is prescribed.**

5. The particulars of offence in a charge for simple defilement state that the accused Kafesi "on 1st January 2016 at Katwe in the Kampala district performed a sexual act with Angel Malaika, a primary school girl". Do these particulars disclose an offence? Explain.

- **No, the age of the victim should be well stipulated in the particulars of the offence of defilement in a charge sheet**

6. A truck driver stopped at a trading centre and parked at a bar where he drank 5 bottles of beer. He then entered his truck but failed to start it because the fuel tank was empty. The traffic police found him still trying to start the vehicle and upon testing found that his alcohol level was beyond the maximum allowed for driving. May this driver be charged with attempting to drive with blood alcohol concentration above the prescribed limit?

- **Yes, the driver's actions were beyond mere preparatory**

7. To which offence is the defence of diminished responsibility applicable?

➤ **Murder**

8. State an essential ingredient in an offence involving conspiracy.

➤ **Common intention or agreement between two or more people to commit a crime**

9. In transferred malice:

A. The offender kills the wrong person.

B. The offender induces another person to commit a crime.

C. An innocent bystander is the victim of the crime.

D. An offender is annoyed by one person but he ends up attacking an innocent person.

A. The offender has the mens rea of a particular offence and does the actus reus of the offence, even, though the outcome differs in some way from what he intended.

10. A university student was admitted on government sponsorship but he told his mother that he had been admitted on private sponsorship. The mother gave him tuition money which he spent on for activities. Explain whether he can be charged with any criminal offence.

➤ **Obtaining money by false pretences contrary to Section 308 of the P.C.A**

SECTION H

CRIMINAL PROCEDURE

1. In what circumstances may an accused person be convicted without the prosecution adducing any evidence?

- **In case the accused pleads guilty of the charges read to him or her.**

2. Gangstaman was indicted for treason but the prosecution evidence has not proved the offence of treason. However, the evidence adduced has proved the offence of terrorism to the required standard. May the court convict him of terrorism? Explain.

- **No, Terrorism is not a minor offence of the Treason; the accused was not given a chance to defend himself on the offence of terrorism, therefore it would be contrary to right to fair hearing if the accused is so convicted.**

3. "A warrant of arrest is always necessary before arresting any suspect". Do you agree? Explain.

- **No, a warrant of arrest is not always necessary.
Section 10 of the Criminal Procedure Code Act sets out the circumstances under which a police officer may arrest without an arrest warrant. These are; any person whom he or she suspects upon reasonable grounds of having committed a cognisable offence, an offence under any of the provisions of Chapter XVI of the Penal Code Act or any offence for which under any law provision is made for arrest without warrant.**

4. Which of the following must take an oath at a trial?

- A. Magistrate.
 - B. Court clerk
 - C. Court interpreter.**
 - D. Counsel.
 - E. None of the above.
5. Which of the following is not a sentence?
- A. Compensation.
 - B. Community service.
 - C. Caution.**
 - D. Fine.
 - E. None of the above.
6. Explain to an accused person the meaning of his release on "non-cash bail of shillings one million".
- **A non-cash bail of shillings one million means that one-million is may not be deposited in court day and then for a bail order to be enforced.**
7. After a sentence of imprisonment, the convict is:
- A. Placed in detention
 - B. Remanded to prison.
 - C. Allowed to mitigate sentence.
 - D. Committed to prison.**
 - E. Given the option to pay a fine.
8. Which of the following has criminal jurisdiction over children?
- A. All courts of judicature.
 - B. Only family and children courts.**
 - C. Only local council courts.
 - D. Remand homes.

E. Probation and social welfare officers.

9. State one role of magistrates' courts in handling capital offences.

- **Mentioning the charges against the accused and committing him or her to the High Court for trial.**

10. Explain what you understand by a "diversion program" in criminal justice.

- **Diversion program means a process that is undertaken to resolve a criminal matter with necessarily going through the normal criminal trial procedure.**

SECTION I

APTITUDE

	MONTH	AUGUST				SEPTEMBER				OCTOBER			
	WEEK	1	2	3	4	1	2	3	4	1	2	3	4
	Concept of law												
	Legal Systems												
	Sources of law												
	Courts hierarchy												
TOPIC	Language of the law												
	Statutory interpretation												
	Case analysis and precedent												

	Legal research													
	Tutorials													

1. The table above shows a teaching assistant's proposed schedule for covering a subject during a semester.
 - (a) Identify the subject
 - (b) How many week it will take to cover the subject?
 - (c) In which month and week will two topics be taught concretely?
 - (d) What topics are those in (c) above?
 - (e) Which topic(s) will take the most time to teach?
 - (f) Identify the word(s) which is misspelt.
 - (g) Write the correct spelling of the word(s) you have identified in (f) above.s
 - (h) What are the most difficulgt topics?
 - A. Language of the law.
 - B. Court hierarchy, language of the law, and statutory interpretation.
 - C. Statutory interpretation
 - D. Tutorisls.
 - E. Cannot tell.
 - (i) Of the months featured in the table, which ones have 31days?

SECTION J

VALUES

1. Outline what you consider to be the most important skills you have acquired from your undergraduate legal education.

2017 EXAM

SECTION A

LEGAL METHODS

1. Describe how you find, on internet, recent developments in Uganda election petition appeals.
 - **I open the web browser such as Google chrome, type in Uganda Legal Information Institute, then check in the Judgments.**
2. How does coursework help in skill a law student?

- **Course work helps in shaping research and presentation skills of a law student.**
3. Which of the following statements is correction?
 - A. Uganda has one High Court.**
 - B. Uganda has a High Court in most of the major towns.
 - C. The High Court does not apply customary law.
 - D. The Principal Judge exercises supervisory jurisdiction over High Court Judges.
 - E. All the above
 4. State one useful piece of information you would find in the long title of an Act.
 - **The scope of applicability and the major purpose for which and Act was promulgated.**
 5. Describe the content and purpose of a reading list.
 - **A reading list contains the subject and the topics to be covered, the authorities relevant. Its purpose is to guide in research.**
 6. What do you understand by “repugnancy” in the context of customary law?
 - **I understand repugnancy in the context of customary law that any custom which is inconsistent/repugnant with the law or nature justice is void to the existent of its inconsistency.**
 7. Explain one danger of plagiarism.
 - **Plagiarism can lead to legal sanctions since it’s prohibited by the law**
 - **Plagiarism can affect the critical skills of a person**

8. The purpose of the Bar Course is to:
 - A. Provide professional legal training.
 - B. Enable academic and professional legal education.**
 - C. Enable the Law Development Centre to admit lawyers to the Bar.
 - D. Enable lawyers to obtain a diploma in law
 - E. All the above.
9. Explain what you understand by the case method
 - **A case method is a teaching approach that uses decision-forcing cases to put students in the role of people who were faced with difficult decisions at some point in the past**
10. Suggest one way in which social media can be used in legal education
 - **It can be used as a platform for group discussions and sharing of information.**

SECTION B

CONSTITUTIONAL LAW

1. On 9th October, 1962, Uganda ceased to be.
 - A. A protectorate of the United Kingdom.**
 - B. A colony of the United Kingdom.
 - C. A Dominion of the United Kingdom
 - D. A federal State
 - E. All the above
2. How many constitutions has Uganda had?
 - A. Three.
 - B. Two
 - C. Five
 - D. Four**

E. Six

3. Why, in your opinion, does the Uganda Constitution permit Members of Parliament to determine their own remuneration?

- **In my opinion, the Uganda Constitution permits Members of Parliament to determine their own remuneration since they have powers to legislate or enact any law. Therefore even where they had no powers, they could enact a law conferring such powers to them.**

4. (a) What rights, if any, would be violated if a local government were to ban street preachers?

- **Right to freedom of religion and expression as protected under Article 29 of the Constitution of the Republic of Uganda, 1995**

(b) What defence, if any, would be available to the local government if sued for violation of that right.

- **The right to freedom of religion and expression is not absolute therefore it can be limited as provided for under Article 43 of the Constitution if it's in public interest.**

5. State anything you know about Albert Venn Dicey (A.V) Dicey

- **Albert Venn (A.V) Dicey is the author of introduction to the study of the Constitution (1885)**
- **He popularized the Doctrine of Rule of Law**

6. Which of the following would require an amendment of Uganda's

Constitution?

A. Alteration of the boundaries of Uganda

B. Abolition of the death penalty.

C. Increasing the number of Districts.

D. Increasing the number of cabinet ministers,

E. None of the above.

7. Would you recommend a bicameral legislature for Uganda? Explain,

➤ **I would recommend a bicameral legislature for Uganda since it would grant a deeper assessment of the laws before they are promulgated, both chambers will have to assess the laws that they intend to pass.**

A bicameral legislature is the lawmaking body of a system of government where authority is shared between two separate houses, or chambers, that work together to make laws.

8. State one way in which the judiciary can defend the constitution.

➤ **By declaring and nullifying acts, omissions or provisions of the law that are inconsistent with the provisions of the Constitutions**

9. Who is the ombudsman in Uganda's constitution?

➤ **The Inspector General of Government**

SECTION C

LAW OF CONTRACT

1. How may someone accept an offer which is made to the whole world?

➤ **By acting in accordance with the description or conditions in the offer.**

2. Sande recently offered to sell his car to Mande if Mande could raise shs. 10,000,000 within seven days. Mande is frantically looking for the money Before seven days expire. Sande has however changed his mind about Selling the car. Does Sande have any remedy?

➤ **Yes, an offer can be revoked at any time before it's accepted.**

3. Mzee Kika sold his land very cheaply because he thought it was in a Wetland. He later found out that it was actually not in a wetland and Attempted to refund the purchase price, arguing that the contract was Vitiating by mistake. What is your view?

➤ **In my view, the mistake didnot vitiate the contract. A unilateral mistake ordinarily doesn't render a contract void, exceptions such as clerical error that did not result into gross negligence, reliance on a statement of another about material fact that the second party knew or ought to have known must be proved.**

4. How is the law of agency relevant to contract?

➤ **The law of agency defines a principal and an agent as well as circumstances under which the agent actions in a contract can bind the principal.**

5. Define a contract of indemnity.
- **A contract of indemnity is a legally binding agreement under which a party undertakes to compensate the other in case of the occurrence of a loss agreed upon in the agreement.**
6. Which of the following events does not discharge a contract?
- A. Performance
 - B. Nonperformance
 - C. Frustration
 - D. Accord and satisfaction**
 - E. None of the above
7. A parent enrolled her daughter in a private school but failed to pay the Tuition. The parent and the school have worked out an arrangement whereby the parent will supply 10 bags of maize every term in lieu of paying tuition.
- a) Identify the accord in the transaction.
- ***The agreement between the school and the parent that the parents will supply 10 bags of maize in lieu of tuition is the accord in the above transaction.***
- b) Identify the satisfaction in the transaction.
- ***The maize and actual supply of maize is the consideration in the above transaction.***
8. What is the relevance of having a force majeure clause in a contract?
- **A force majeure clause discharges the parties to the contract their obligations in case an event that makes the performance of a contract impossible happens.**

9. Ms. Pretty booked D.J Wifi to perform at her wedding in December this year. D.j Wifi has cancelled the booking and want to refund the deposit,claiming that he has rescheduled his album launch for the same day.Mspretty wants to sue D.J WiFi for specific performance.

Assess her chances of success.

- **Ms. Pretty can successfully sue D.J Wifi for specific performance it is still practicable for Dj. Wifi to perform at the wedding.**

SECTION D

LAW OF TORTS

1. Which specific sector or institution in Uganda would you like to sensitize about the law of torts, and why?

➤ **The health sector; since may of the doctor's and nurses in Uganda handled clients negligently notwithstanding the fact that they owe them a duty of care.**
2. A lawyer advised his client basing on a law which has been recently Repealed. The client relied on the advice and entered into a land transaction which turned out tone unenforceable. Advise the client.

➤ **The client can sue the lawyer for professional negligence**
3. Nandi hired a private security company to guard her house. The guard who was deployed would make some extra money by washing Nandi's car every morning. One day, he carelessly sprayed water into

the engine and alleged that they were vicariously liable for their employee's negligence.

Assess Nandi's chances of success.

- **Nandi is not likely to succeed, since the acts of the guard were outside the scope of employment.**
4. In the United States case of *Liebeck v McDonald's Restaurants* (1994), the Plaintiff purchased hot coffee from a McDonald's restaurant but suffered burns when she accidentally spilled the coffee in her lap. She argued that the coffee was defective because it was too hot and likely to cause serious injury. The jury awarded her damages, would this case have been decided differently in Uganda. Explain.
- **No, it would not be decided differently in Uganda since liability was based on a tort of negligence for which the same principles still apply in Uganda.**
5. In a defamation case, the plaintiff's witnesses conceded that on reading the alleged defamatory newspaper article, they immediately knew it was false and their opinion of the plaintiff did not change at all. Is the plaintiff likely to succeed in that suit? Explain.
- **No the plaintiff is not likely to succeed in that suit, the false publication should injure his reputation by lowering him in the estimation of the right thinking members of the society that caused him to be regarded with feelings of hatred, ridicule, fear and dislike. In the instant cases, the witnesses confirmed that they knew that the publication was false and their opinion of the plaintiff did not change at all, therefore there was no defamation.**

See John Nagenda V The Editor of the Monitor Publications SCCA 5/1994 (Unreported)

Held,

Defamation is the publication of a statement which has a tendency to injure the reputation of the person to whom it refers by lowering him/her in the estimation of the right thinking members of the society generally and in particular to cause him to be regarded with feelings of hatred, ridicule, fear, dislike/disesteem or which tends to make them shun / avoid that person.

6. In which of the following torts is vicarious liability applicable?
 - A. All torts
 - B. Negligence
 - C. Torts committed by employees.**
 - D. Negligence and battery
 - E. None of the above
7. A tourist was bitten by mosquitoes in a hotel room and contracted Malaria. She wants to sue the hotel under occupiers' liability, she claims that the hotel ought to have warned her about the presence of mosquitoes in Uganda. Advise her.
 - **Although the hotel owner had a duty of warning the tourist about the presence of mosquitoes in Uganda, the presence of mosquitoes in equatorial regions for which Uganda falls is so obvious that the tourist was ought to know.**

See Cotton V Derbyshire Dales Dc (1994) Times LR 20, the defendant did not warn about dangerous cliffs on high path since the danger was obvious to the visitors.

8. Bonny loves chocolate. As a result of consuming large quantities for a long Period of time, all his teeth are decayed. He is considering suing the chocolate manufacturers under product liability. He claims that they failed to print warning about tooth decay on their products. Asses the likely outcome of Bonny's case.
 - **Bonny is likely to succeed since the manufacturers had a duty of warning their clients that excessive consumption of chocolate may cause tooth decay, however the manufacturers can also raise a defence of contributory negligence.**
9. Abar owner has purchased a large sign which reads We Are Not Responsible For Safety of Your Valuables
 - a) What is the purpose of such a sign.
 - **Such a sign excludes the liability of a bar owner in that the bar owner is not responsible for the safety of any person's valuables.**
 - b) Where should the bar owner place the sign? Why?
 - **The bar owner should place the sign at a place where it's visible by everyone, such as the entrance of the bar.**

SECTION E

CIVIL PROCEDURE

1. What is your understanding of the expression rules of procedure are handmaidens of justice.

- **Rules of procedure are not meant to defeat justice rather to ensure justice, therefore court can divert from rules of procedure in case justice of the case demands.**

2. Who of the following has absolutely no capacity to be a defendant to a suit?

- A. A diplomat
- B. A child of tender years
- C. A person of unsound mind**
- D. A company in receivership
- E. None of the above.

3. State one principle to be taken into account during the taxation of costs.

- **Whereas the successful party is entitled to costs, such costs should not be so exorbitant so as to bar the poor litigants from Court.**

4. Which of the following reliefs is interlocutory?

- A. Dismissal for want of prosecution
- B. Mandamus
- C. Striking out a plaint
- D. Permanent injunction
- E. None of the above**

5. Who is a process server?

- **A process server is a person who is legally entitled to serve court process**

6. What is meant by balance of convenience when determining whether to grant injunctive relief?

- **It means that when court can look at the party which is most likely to be inconvenienced in case an injunction is not granted. If the applicant is most likely to be inconvenienced then court will order an injunction, whereas if the respondent is most likely to be inconvenienced, court will not order an injunction.**

7. What is the rationale of awarding interest on a judgmental sum?

- **It leads to quick satisfaction or payment of a judgmental sum**

8. Explain the meaning of an arbitration clause.

- **An arbitration clause means that incase of any dispute between the parties, the dispute shall be settled before an arbitrator.**

9. It is said that a successful mediation results in a win – win situation for both parties. Do you agree? Explain.

- **Yes, I agree, it's because in mediation the parties are guided by the mediator to reach their judgment or agreement**

10. What is the function of a memorandum of appeal?

- **It sets down the grounds of appeal**

SECTION F

LAW OF EVIDENCE

1. Evidence is about:

A. Means of proving or disproving facts under investigation

- B. Disputed facts
- C. Facts which need to be proved
- D. Oral testimonies and documents.
- E. Proof which can be perceived by senses.

2. A prisoner on remand was advised by the investigation officer to confess to the offence so that his case can be expeditiously handled under the plea bargain initiative. The prisoner proceeded to record a confession before the officer in charge of the prison. Is that confession admissible? Explain.

➤ **No, the confession is not admissible since a confession should be done before a magistrate or an officer at a rank of or above assistant inspector of police.**

3. A witness has refused to take an oath because he says he is an atheist. What should the magistrate do?

➤ **The magistrate should allow the witness to give unsworn evidence**

4. How does the law of evidence protect communications between advocates and their clients?

➤ **The communication between advocates and their clients is considered to privileged information.**

5. “In what grade did you pass P.7?” Is this a leading question? Explain your answer.

- **No, the question does not suggest a particular answer**

6. Under section 29 (2) of the Computer Misuse Act, a person seeking to introduce a data message or an electronic record in any legal proceeding has the burden of proving its authenticity. This is done by evidence capable of supporting a finding that the electronic record is what the person claims it to be.

- a) What type of burden is featured in the above legal provision?

- **Evidential burden**

- b) Suggest a way of introducing into evidence a text message stored in a mobile phone.

- **The text message should be transferred to a CD by an expert in that field of information technology, then that person should swear an affidavit showing how he transferred the text message from the phone to a CD**

- **See the case of Amongin Jane Francis vs. Lucy Akello & Electoral Commission)
HCT-02-EV-0001-2014)**

7. The issue before a rural magistrate's court is whether the defendant supplied the plaintiff with a diseased cow. The cow had died a few days after it was delivered. The plaintiff has presented his herdsman as an expert to testify that the cow was suffering from food and mouth disease. The herdsman has been in that occupation for 30 years. Should the

herdsman be allowed to testify as an expert?

- **No, the herdsman is not an expert in cow disease or as a veterinary doctor, whereas expertise can of experience, the 30 years experience of the herdsman is not in cow diseases.**

8. What is evidence of character?

- **This is the evidence which proves that a person acted in a particular way on a particular occasion based on the character or disposition of that person.**

9. A politician's academic qualifications are being contested in court and you have advised him to present a certified copy of his university transcript. Explain to him the practical steps he should take.

- **Make a photocopy pout of the original transcript**
- **Pay the relevant fees (certification fees) if any required**
- **Present the photocopy with the original transcript to the transcript office or any other office charged with certification of transcript**
- **Then ask for certification, and**
- **A photocopy will then be certified**

SECTION C

CRIMINAL LAW

1. Which of the following laws do not create a criminal offence in Uganda?

- A. The Constitution
 - B. Statutes
 - C. Statutory instruments**
 - D. Ordinances
 - E. None of the above
2. Some rural children seek your advice as to whether they are liable for theft if they pick and eat sugarcane which fall from moving trucks.
- **No, they are not liable for theft, since such sugarcane which fall off the moving trucks and are not claimed are considered to be abandoned property, hence cannot be said to have been stolen.**
3. A night watchman at a school was under strict instructions by the headmaster to shoot any intruder on sight. One day, a student who had escaped from school attempted to climb over the school fence and enter. The watchman thought the student was an intruder. He shot him dead.
- a) Did the watchman commit murder? Explain.
 - **Yes, the night watchman had malice aforethought (transferred intention) of killing a person and by his actions went ahead to shoot a student to his death.**
 - b) Suggest and possible defence to the offence.
 - **Compulsion, since he was under strict instruction of his master (headmaster)**

4. Section 167 (a) of the Penal Code Act provides that any person who, being a prostitute, behaves in a disorderly or indecent manner in any public place shall be deemed to be an idle and disorderly person. Outline what the prosecution must prove to secure a conviction under that cited provision.
 - **That a person was a prostitute**
 - **Disorderly or indecent behavior**
 - **That the behavior was in public**
 - **Participation of the accused**

5. “The accused person does not have a duty to prove an alibi”. Do you agree”
Give a reason for your answer.
 - **Yes, the burden of proof in criminal matters is on the prosecution**

6. Busungu is contesting with Busagwa in a parliamentary by-election one evening, Busungu found Busagwa defacing Busungu’s campaign posters. Busungu pulled Busagwa by the collar and violently pushed him away. Busagwa fell down and lost a tooth. Busungu has been charged with assault. He claims that what he did was in defence of property. Do you agree?
 - **No, the force used was unreasonable**

7. Asses the criminality liability of a person who commits a crime while sleepwalking. (Somnambulism).
 - **For a person to be criminally liable both mens rea (Guilty mind) and actus reus (Guilty act) must be present. In the case of sleepwalking, a person lacks the mens rea (guilty mind) or the intention to commit a crime. Therefore it’s my submission**

that a person who commits a crime while sleepwalking is not criminally liable.

8. An internet cafe attendant routinely printed emails for a regular customer. The emails concerned a plot to wage war against the Government. She read the emails but did not report to any authority. Did she commit any offence?

➤ **Yes, misprision of treason contrary to Section 25 of the Penal Code Act, Cap 120**

9. A husband and wife were shopping in a supermarket. The husband ordered the wife to hide a bottle of whiskey in her handbag. As they were exiting the supermarket, both were arrested and charged with theft. Suggest a defence for the wife, if any.

➤ **Defence of compulsion as provided for under Section 14 of the Penal Code Act Cap 120**

10. A government official has threatened that people who borrowed funds from the youth livelihood and failed to pay back will be arrested and prosecuted. Comment.

➤ **There is no law that provides for that offence and prescribe a punishment. Therefore the people who borrowed funds from the youth livelihood and failed to pay back cannot be successfully prosecuted in a criminal case; however they can be sued in a civil case.**

SECTION H

CRIMINAL PROCEDURE

1. What is the difference between a trial with assessors and a trial by jury?

- **In a trial by assessors, the assessors give their opinion after hearing the case, the opinion is not binding, whereas**
 - **In a trial by the jury, the jury gives a verdict or judgment**
2. Mr. Kaos is on trial for assault. He has presented to court a letter from the complainant wholly withdrawing the case and forgiving the accused.
What should the magistrate do?
- **The magistrate should dismiss the case and therefore acquit the accused**
3. State one function of the prosecution in a criminal trial.
- **To prove its case against the accused to a standard of beyond reasonable doubt**
4. Which of the following statement is correct?
 - A. Bail is a constitutional right.**
 - B. Release on bail is not possible after conviction.
 - C. A magistrate's court may in some circumstances release on bail a person charged with a capital offence.
 - D. Denial of bail is appealable.
 - E. All the above
 5. A criminal case was dismissed for want of prosecution. However, the newly freed person was immediately re-arrested outside the court and charged a fresh with the same offence. Advise if this was lawful.
- **No, that amounts to double jeopardy. Accordingly, section 18 of the Penal Code**

prohibits punishing a person twice for the same offence

6. When the court has ruled that the accused has a case to answer:
 - A. The accused must defend himself or herself.**
 - B. The accused must call witnesses
 - C. The accused is likely to be convicted.
 - D. The accused must be remanded
 - E. The accused can refuse to say anything.
7. Why is it necessary for the prosecution to disclose their evidence to the accused side before the trial begins?
 - **It's a right to trial hearing and it helps the accused to know the case against him or her and adequately prepare a defence.**
8. A public servant is on trial for diversion of public resources contrary to the Anti- corruption Act. What steps can the prosecution take to ensure that the accused does not dispose of his ill-gotten wealth before the trial is concluded.
 - **Make an application for Mareva Injunction**
9. How does the law protect the privacy of children who are on trial before a family and children court?
 - **The case may be heard in chambers and the name of the child is not used, the word Juvenile may be used.**

10. Propose and justify a suitable form of community service which can be conveniently done by a university student.

➤ **Cleaning a road**

SECTION I
APTITUDE

FUNDING/INCOME	SEMESTER 1	SEMESTER 2
Employment	3,000,000	1,500,000
From Parents	970,000	970,000
Loans	700,000	300,000
From Scholarships	300,000	110,000
Transfer from savings	200,000	0
Total FUNDING/INCOME	5,170,000	2,880,000
EXPENSES		
Tuition	970,000	970,000
Fees (parking, library, etc)	180,000	180,000
Rent	500,000	500,000
Food	650,000	380,000
Cell Phone and Internet Bill	780,000	90,000
Transport	450,000	300,000
Entertainment	750,000	100,000
Medical care	30,000	30,000
Charitable Donations	200,000	0
Clothing	600,000	300,000
Total EXPENSES	5,110,000	2,850,000

1. The above table is a record of a student's income and expenditure during a past academic year. The community was presented to her parents.
 - (a) How many rows are in the table?

 - (b) How many columns are in the table?

 - (c) Why do you think funding from parents is 970,000 per semester?
 - (d) Suggest a reason why the expenses for semester 2 are lower than those for semester 1.
 - (e) How much money was left unspent by the end of the academic year?

SECTION J

VALUES

1. "There are many roles through which a trained lawyer can serve society without necessarily practicing law". Do you agree or disagree? Give your reasons.

- **END GOOD LUCK-**
-

2018 EXAM

SECTION A

LEGAL METHODS

1. What do you understand by the expression a leading authority?
 - **A leading authority is a principle of law, decision or legal provision that is considered as the guiding principle in a particular aspect or area of law.**
2. Which of the following is a publisher of legal materials?
 - A. LexisNexis**
 - B. Glanville Williams
 - C. Halsbury's Laws of England
 - D. Winfred and Jolowiz
 - E. All the above
3. What must a student consistently do in order to qualify for a certificate of due performance?
 - **The student must satisfy or fulfill all the requirements of the course or programme in order to qualify for a certificate of due performance.**
4. State what you know about a tutorial assistant.
 - **A tutorial assistant conducts lessons to students (especially university students) for purposes of explaining and classifying what has been covered by the main lecturer in a particular subject, topic or course unit.**
5. How may customary law be proved in court?
 - A. Submissions of learned counsel
 - B. Testimony of any old people
 - C. Professional witnesses
 - D. Evidence of persons who are familiar with the custom in issue**

- E. Citing the Judicature Act and the Magistrates Courts Act.
6. What is a saving provision in an Act?
- **A saving provision in an Act is a provision, section or subsection that exempts of a specific thing out of the general things mention in an Act.**
7. A student in your discussion group has cited a case which she says was decided by the British House of Lords in 2017. What would your comment be?
- **My comment would be that such a decision is persuasive but not binding. This because the British House of Lords is not a Court of record of Uganda.**
8. Which of the following is a quasi –Judicial tribunal?
- A. Disciplinary Committee of the Law Council**
 - B. Constitutional Court
 - C. Commissions of inquiry
 - D. None of the above in A,B and C
 - E. All the above in A, B and C
9. Briefly describe the procedure for borrowing or using a book in your law school library.
- **Upon reaching the borrowing section, you state that you what to borrow a book, mention the name of the book, author, version or edition and year of publication.**
Thereafter the librarian will look for it.
Upon getting it he or she asks for your registration number, enters your name as a borrowers.

She or he informs the timeline within which you are required to return the book.

10. By what ceremony does a lawyer become an advocate in Uganda?

➤ **Enrollment ceremony**

SECTION B

CONSTITUTIONAL LAW

11. Upon the imposition of the British rule, the Chief executive of the Uganda Protectorate was:

A. The Commissioner.

B. The Legco.

C. The Imperial British East Africa Company.

D. The Regents of the infant Kabaka of Buganda.

12. The Preamble to the 1995 Constitution begins as follows – We the people of Uganda: Recalling our history which has been characterized by political and constitutional instability. State how any provision of the 1995 Constitution was intended to ensure that there would not be a repeat of political and constitutional instability.

➤ **The Constitution of the Republic of Uganda, 1995 under Article 3 prohibits any person or group of persons to take or retain control of the Government of Uganda except in accordance with the Constitution. Any person who, singly or in concert with others, by violent or unlawful means, suspends, overthrows, abrogates or amends the constitution or it or attempts to do any such act, commits the offence of treason.**

13. What do you understand by constitutional conventions in constitutional law?

➤ **In constitutional law, constitutional conventions means the rules for determining the mode in which the government shall exercise its powers.**

However, a constitutional convention is a duly constituted assembly of delegates or representatives of the people of a particular state, nation or country for the purpose of framing, revising or amending its Constitution.

14. The Constitutional of Uganda permits limitation of the enjoyment of rights and freedoms to the extent acceptable and demonstrably justifiable in a free and democratic society. What test, in your view, can a court use in order to determine whether a specific limitation of rights and freedoms is acceptable and demonstrably justifiable in a free and democratic society?

➤ **The Court can consider whether such limitation of the enjoyment of rights and freedoms is in public interest.**

15. What value, if any, do political parties add to democratic and good governance?

➤ **Political parties nominate persons of various skills, experience and talent to stand for political positions for the good governance of the Country.**

16. In the case of *Jowett Lyaboga v Bakasonga and Others* [1963] E.A 57, the High Court declared that the first six defendants were not lawfully elected

members of the Busonga District Council and that the seventh defendant was not lawfully the Kyabazinga of Busonga. Parliament reacted by enacting The Busonga (Validation) Act of 1963 to validate the impugned elections and appointment. Would such a law pass constitutional muster under the 1995 Constitution of Uganda? Explain.

- **No, such a law would not pass constitutional muster under the 1995 Constitution of Uganda wherein Article 92 provides that Parliament shall not pass any law to alter the decision or judgment of any court as between the parties to the decision or judgment.**

17. Explain the meaning of the following functions of parliament:

(a) Appropriation

- **Appropriation also known as budget approval means a function tasks Members of Parliament to analyse and pass or approve the national Budget every financial year.**

(b) Oversight

- **Oversight means a function that tasks Members of Parliament to monitor and bring to the attention of ministers and the public, government misuse of funds, violations of rule of law and unlawful activities.**

18. What is to ratify a constitutional amendment?

- **To ratify a constitutional amendment is to approve or accept a proposed amendment to the Constitution.**

19. Under the Constitution of Uganda, any person who alleges that an Act, other law or anything in or done under the authority of any law; or any act or omission by any person or authority, is inconsistent with or in contravention of a provision of the constitution, may petition the constitutional court for a declaration to that effect, and for redress where appropriate. But in the United States, a plaintiff must have standing i.e he or she must demonstrate Injury-in-fact; Causation and Redressability.

Which of the two approaches would you prefer? Give your reason.

- **Uganda's approach is better than the approach of United States since a Constitutional petition is made in public interest and it doesn't need to have a standing since such a petition restrains further actions or omissions that are contrary to the Constitution.**

SECTION C

LAW OF CONTRACT

20. At common law, breach of a promise to marry someone is actionable. In your view, does such a promise amount to a contract?

- **No, such a promise to marry does not amount to a contract since it doesn't encompass all the ingredients of a valid contract. Ingredients such as consideration and intention to be legally bound by are always lacking in a promise to marry.**

21. In the case of Fisher v Bell [1961] 1 QB 394, it was held that the display of goods in a shop amounts to an invitation to treat but not an offer to sell.

(a) What item had the defendant displayed in the window of his shop?

➤ **A Flick Knife**

(b) In this information Age, we have the internet phenomenon of a “shopping cart” which is e-commerce software that allows visitors to an internet site to select items and place them in a “basket”. The software calculates the total payment of the order, including shipping and handling charges, and applicable taxes. In your view, is the principle in Fisher v Bell applicable to an online shopper who selects goods and places them in the “Basket”? Explain.

➤ **Yes, the principle Fisher v Bell is applicable, display of goods on internet only amounts to an invitation to treat but not an offer, then if an online shopper selects goods and places them in the basket then he or she makes the offer to the shopkeeper, where it may be accepted by the entity or a person that displayed such goods on internet.**

22. A certain gentleman moves around several villages on a bicycle while announcing that he is prepared to buy any old batteries, flat irons and other junk electrical appliances presented to him. Does this announcement amount to an offer? Explain.

➤ **No, it does not amount to an offer. It amount to an invitation to treat calling up the persons with such electrical appliances to make an**

offer which may be accepted by that gentleman making announcements.

23. A bodaboda rider was charged with unlawful assembly and granted cash bail of shs. 2,000,000, which he does not have. He has therefore decided to sell his new motorcycle at shs. 500,000 in order to raise the cash bail. Would you buy that motorcycle if you had money? Explain.

➤ **Yes, I would buy that motorcycle reason being that consideration must be sufficient but need not be adequate. Therefore consideration must be having some value (sufficient) and need not have the same value or equal value of the exchange in an agreement but the law will take it as consideration as adequate if the parties have agreed to the exchange.**

24. Charity guaranteed the payment of a loan taken by her room-mate. The room-mate defaulted and the lender immediately demanded that Charity do pay up. Charity has rejected the demand on the ground that no consideration moved to her from the lender and that the purported contract of guarantee is therefore unenforceable. Advise the lender.

➤ **Charity is liable to pay since in a contract of guarantee there need be no direct consideration between the guarantor and a guarantee, Section 70 of the Contracts Act No.7, 2010 clearly states that anything done, or any promise made for the benefit of a principal debtor, may be sufficient consideration to a guarantor to give a guarantee.**

Note: Section 68 of the Contracts Act No.7 of 2010, a contract of guarantee means a contract to perform a promise to perform or discharge the liability of a third party in case of default of that third party, which may be oral or written.

Section 71, the liability of a guarantor is to the extent to which a principal debtor is liable and liability of a guarantor takes effect upon default by the principal debtor.

25. Which of the following statements is correct?
- A. An infant does not have any capacity to contract.
 - B. A contract must be between two parties.
 - C. An illiterate person cannot enter into a written contract.
 - D. Consideration must be stated in legal tender.
 - E. None of the above**
26. In *Esso Standard (U) Ltd v Semu Amanu Opio*, S.C.C.A No.3 of 1993, the High Court had awarded the respondent Shs. 15,000,000/= as general damages for breach of contract and the damage included an element of punitive damages. On appeal, the Supreme Court held that exemplary or aggravated damages may not be awarded for breach of contract.
- (a) What, in your view, is the rationale for such a principle?
- **The rationale is to restore the aggrieved party in the position he or she would have been in had the contract been performed. (Restitution intergrum)**
- (b) Do you agree with the principle? Explain.

- **Yes, since in contract the general intention of the law of the giving of damages for breach of contract is that the plaintiff should be placed in the position he or she would have been in had the contract been performed. More so for court to award punitive damages, should either prove that there has been oppressive, arbitrary , or unconstitutional action by servants of the government, where the defendant's conduct has been calculated by him to make a profit which may exceed the compensation payable to the plaintiff or where the law for the time being authorizes the award of exemplary damages,**

27. What do you understand by “ratification” in the law of agency?

- **In the law of agency, ratification is when the Principal accept, confirms or assent to a contract or any dealing done by his/her agent who exceeds his/her authority or any person who had no authority to act acted as if he or she had the authority.**

SECTION D

LAW OF TORTS

28. Ms. Softy, who is a very emotional person, went to the cinema to watch SPIRITS, a new movie. It turned out to be a horror movie. The movie traumatized her so much that she had to seek counseling services. She wishes to be advised as to whether the cinema had a duty to warn clients that SPIRITS was a scary horror movie.

- **Yes, the cinema had a duty to warn its clients that *Spirits* was a scary movie since it was reasonably foreseeable that the movie could traumatize some clients hence causing damage or injury.**
29. Doctor Sharp of Sharp Medical Clinic instructed his nurse to inject Naka with a dose of quinine but the nurse administered an over-dose because she misread the doctor's poor handwriting. Naka suffered permanent health conditions.
- (a) What is Naka's cause of action, if any?
 - **Naka's cause of action is negligence**
 - (b) Whom should Naka sue? Explain.
 - **Naka should sue the employer of the nurse who is either Sharp Medic Clinic or Doctor sharp. This is premised on the principle of vicarious liability wherein the employer or master is liable for the damage cause by his/her employees or servants.**
30. During the transfer season, a football acquired a player at Shs. 100,000,000. A prominent sports blogger posted a picture of the player with the caption reading "The Most Expensive Junk in the World". Both the club and the player are aggrieved by the publication.
- (a) Advise the club.
 - **Whereas the club is aggrieved by the publication, it has no cause of action since the publication did not in any way refer to the club.**
 - (b) Advise the player.

- **The player has a cause of action in defamation; he can therefore sue the blogger who published the defamatory statement. However the player has to prove that the statement published injured his reputation in the estimation of the right thinking members of the society generally and in particular caused him to be regarded with feelings of hatred, ridicule, fear, dislike/disesteem or which tends to make them shan / avoid him.**

See John Nagenda V The Editor of the Monitor Publications SCCA 5/1994 (Unreported)

Held,

Defamation is the publication of a statement which has a tendency to injure the reputation of the person to whom it refers by lowering him/her in the estimation of the right thinking members of the society generally and in particular to cause him to be regarded with feelings of hatred, ridicule, fear, dislike/disesteem or which tends to make them shan / avoid that person.

31. The police preferred a charge of “theft of a motor vehicle” against a suspect in their custody. The resident state attorney, on perusing the file, advised that it was a civil matter between the complainant and the suspect. He directed the immediate release of the suspect. What tort could the complainant allege if he decides to pursue a civil remedy? Explain.

- **The complainant can allege a tort of Detinue. Detinue is an action in tort seeking to recover for the wrongful taking of personal property**

and it should be initiated by a person who claims to have a right to possession of such property/chattel.

32. Munafu was part of a delegation which visited Trial and Error Mixed Farm to learn modern farming methods. While at the farm, a swarm of bees escaped and stung Munafu. While he was running away, he fell into a deep pit which had been left uncovered without any warning signs. Munafu now seeks your advice about taking legal action against Trial and Error Mixed Farming respect of “dangerous” animals and “occupier’s liability”.

Advise Munafu on his chances of success in respect of:

(a) The “dangerous animals”

- **Munafu can succeed in a tort of dangerous animals. Where a person keeps an animal or specie which is naturally dangerous that is; its capable of causing harm, he or she is liable for the damage or injury caused by that specie or animal to any person (Scienter rule). Since bees are naturally capable of causing harm and they indeed caused harm to Munafu then Trial and Error Mixed farm is liable for the injury caused.**

(b) “Occupier’s liability”.

- **Munafu can succeed in an action of occupier’s liability against Trial and Error Mixed Farm since the law imposes a duty on a person who is in control of land or property to conduct him/herself in a certain manner, in order to avoid injury on others that may be caused by the dangerous or defective nature of the**

property or premises. Therefore Trial and Error Mixed Farming liable for any accidents caused by defective or dangerous nature of its firm and in the instant case the farm is liable for the injury inflicted on Munafu when he fell into a deep uncovered pit at the farm.

33. An excited father was preparing his home to host the daughter's traditional marriage ceremony. He noticed that the neighbour's homestead was shabby and would convey a negative impression to the visitors. He therefore instructed his workers to trim the neighbour's trees and repaint her house. They trimmed the trees and repainted her house in a bright yellow colour. When the neighbor returned to her home in the evening, she was not amused by the unsolicited trimming and repainting. Advise her.

➤ **She can sustain an action under trespass to land against the father of the girl since he instructed his workers to enter and trim, and paint her house without permission or lawful excuse.**

34. A young lady ventured into the taxi park while dressed in very skimpy clothes. She was almost lynched by hoodlums. The police rescued and kept her at the police post for two days "pending further investigations". Does she have a cause of action against the police? Explain.

➤ **Yes, she has a cause action of false imprisonment against the police. False imprisonment is the unlawful restraint of someone which affects the person's freedom of movement. Since the police had no action or any suspected crime done by the lady, it was**

unlawful and unjustifiable for the police to detain the lady.

SECTION E

CIVIL PROCEDURE

35. Why is it important to issue a notice of intention to sue?

- **A notice of intention to sue informs the adverse party about the claims or allegations against him or her hence avoids trial by ambush.**
- **It allows the parties to settle their disagreements amicably without resort into litigation.**
- **Failure to serve a notice of intention to sue, a party may be denied costs.**

See Regulation 39 of the Advocates (Remuneration and Taxation of Costs) Regulations SI267 -4 (As amended), DFCU Bank V Nasalo Faridah HCMA No. 74/2007, Failure to serve a notice of intention to sue, no advocate shall be allowed to costs except with an order of court.

36. Who of the following is a party to the suit?

- A. Guardian ad litem.
- B. Next friend.
- C. **Counter Defendant.**
- D. Counsel.
- E. None of the above.

37. Is it possible to resolve an election petition through alternative dispute resolution? Explain.
- **Yes, an election petition can be resolved by alternative dispute resolution since an election petition is civil in nature and there is no law that bars parties to an election petition to settle their grievances out of court.**
38. Who is an Umpire?
- **An Umpire is a third party appointed by the arbitrators to settle differences between arbitrators.**
39. How can witness statements help in expediting a trial?
- **It saves courts time since the court will not be required to conduct the long process of examination in chief where the witness statement is admitted as the witness's testimony.**
40. What should be the ideal duration of an interim order? Explain.
- **The ideal duration of an interim order should be 30 days but subject to extension by Court. This is because if a reasonable duration is not awarded, a party that benefit from an interim injunction may treat it as a permanent injunction, abandon the case at the detriment of the adverse party.**
41. A very relevant witness has declined to appear in court to give evidence on behalf of the defendant. What should the defendant do?

- **Seek an adjournment and pray that the witness be summoned or compelled to appear before Court.**

42. What are disbursement in a bill of costs?

- **Disbursements in a bill of costs are other legal expenses other than advocates fee such as filing fees, orienting and photocopying charges.**

43. What must a court bailiff file in court after executing a warrant of attachment and sale?

- **A court bailiff is supposed to depositing Court all the proceeds of his or her execution thereafter submits his or her bill of costs.**

See Rule 15 of the Judicature (Court Bailiffs) rules S.I 13-16

44. Why, in your opinion, does the law restrict appeals from orders?

- **In my opinion, the law restricts appeals from orders since orders do not dispose of all issues presented by a litigant as it is in a judgment which dispose all issues before Court**

SECTION F

LAW OF EVIDENCE

45. Credibility of evidence concerns:

- A. Whether the evidence is believable.**
- B. Whether the evidence is relevant.
- C. Whether the evidence is admissible
- D. Whether the evidence is direct
- E. Whether the evidence is recorded

46. Sally recently became a born-again Christian and gave a testimony in her church that she had been soliciting and receiving bribes in her government job. The police have picked interest in her testimony. Advise the police as to whether this testimony is admissible in evidence as a confession.

➤ **No, the confession is not admissible since a confession should be done before a magistrate or an officer at a rank of or above assistant inspector of police and in the instant case it was made before the congregation.**

47. A magistrate wishes to determine whether a child should be allowed to give evidence.

(a) Suggest one question which the magistrate should put to the child.

➤ **Do you why you should not tell lies?**

(b) How is the answer to that question helpful in determining whether the child should be permitted to give evidence in court?

➤ **The question helps to ascertain whether the child understands the duty of telling the truth.**

48. Just before he breathed his last, the deceased is reported to have whispered to his neighbor the following words: "Tell Kasokoso that I have forgiven him".

(a) Advise the prosecution as to whether that statement is admissible at the trial of Kasokoso for the murder of the deceased by gun shots.

➤ **No, the statement would have been admissible as a dying declaration but it does not state anywhere that Kasokoso shot the deceased,**

the deceased might have forgiven Kasokoso for a different occurrence but not murder.

(b) Kasokoso is also planning to bring witnesses to testify that he is a very devout Christian. Advise him as to whether such evidence is relevant.

➤ **No, the fact that Kasokoso is a very devout Christian does not prove or disprove a fact in issue, however evidence of good character is admissible.**

49. What do you understand by the demeanour of a witness?

➤ **I understand demeanour of a witness as the manner in which the witness gives his or her testimony and this includes his or her facial expression, gestures, tone of voice and carriage.**

50. A university student was charged with rioting. The trial magistrate took judicial notice of the fact that “students are known to riot whenever tuition is increased”. The student was accordingly convicted. The convict thinks that the trial magistrate misdirected himself regarding the law of evidence. Do you agree? Explain.

➤ **Yes, the trial magistrate misdirected himself regarding the law of evidence since it is not so notorious or clearly established that students are known to riot whenever tuition is increased. Therefore there was need for the prosecution to prove beyond reasonable doubt that the accused are guilty of the charges against them.**

See Section 56 of the Evidence Act Cap 6 on Judicial Notice,

Note: save for the above in Section 56, Court can take Judicial Notice on Legal matters, Constitutional matters and customary matters.

51. Bobby is on trial for robbery. He however claims that on the day in question he was at home with his wife, and that on her phone there is a “selfie” they took together.
- (a) Can court order Bobby’s wife to appear and testify?
- **Yes, she can be ordered to testify in support of the husband but she cannot be ordered to testify against the husband.**
- (b) How can the “selfie” on the phone be tendered in evidence.
- **The photo (selfie) should be retrieved, printed and tendered into evidence by person who has retrieved the selfie. Such a person should swear an affidavit showing the foundations of how he or she retrieved the selfie.**

SECTION G

CRIMINAL LAW

52. A statute has provided that any “person who contravenes any provision of this Act commits an offence and is liable for imprisonment”. However, the term of imprisonment is not specified. Advise the police as to whether they could initiate under that statute.

- **No, the Article 28 (12) provides that exempt for contempt of court, no person shall be charge or convicted for an offence which is not prescribed for by the law and the penalty not prescribed. Therefore since the penalty is not provided for, the police should not initiate charges under that statute.**

53. A witch doctor told a patient to bring all his cash for “cleansing”. The patient handed over shs. 10,000,000 for that purpose. One year later, the witch doctor has not returned the money. He has now been charged with theft and obtaining money by false pretences in the alternative.

Asses the prosecution’s chances of securing a conviction on the charge of:

- (a) Theft; and
- **The prosecution’s chances of securing a conviction on the charge of theft are low since it will be hard to prove beyond reasonable doubt that the witch doctor intended to use the money at the will of the patient.**

See Sections 254 (2) (e), of the Penal Code Act Cap 120.

- (b) Obtaining money by false pretences.
- **The prosecution can secure a conviction on the offence of obtaining money by false pretences since the elements as mention under 305 of the Penal Code Ac t Cap 120 can be proved. The elements are that the witch doctor obtained money, it was by false pretence and that he intended to defraud.**

See: Chour Mohammed Vs Uganda HCCA No. 0123 of 2015, wherein the elements of obtaining money by false pretence was stated to include:-

- Obtaining or taking away something capable of being stolen**
- Taking must be by false pretence**
- There must be intent to defraud**
- That the accused person participated in the commission of the offence.**

54. Mama Su passed by her daughter's university hostel one evening and found Su seated on the lap of a young man who was smoking marijuana, and he confidently introduced himself as the boyfriend. Mama Su administered several slaps to the young man. Mama Su has been charged with assault. She has raised the defence of provocation. Assess her chances of success.

- **Mama Su can succeed if she proves that the act or insult was of such a nature as to be capable of depriving an ordinary person of his/her power of self-control and induce her to commit the assault to the person whom did or offered the act or insult.**

She has to prove that the provocation was done in heat of passion before the accused has had time to cool down as it was held in Ikuku alias Maina Nyaga Vs Republic [1965] EA 496.

In the instant case, since Mama Su is in immediate care of her daughter, she can succeed on proving that the act induced her to commit assault.

Provocation is defined under Section 188 (1) of the Penal Code Act Cap 120.

See Okwang William v Uganda CACA No. 69 of 2002

55. Under section 120 of the Traffic and Road Safety Act, it is an offence to aid, abet, counsel or procure any person to drive a motor vehicle at a speed in excess of a speed limit lawfully imposed.

(a) In your opinion, is it necessary for the accused person to be aware that a speed limit has been imposed?

➤ **No, such offence is a strict liability therefore Mens area or intention is not necessary for a person to be criminally liable.**

(b) If a master tells his driver to “hurry up”, and the driver over-speeds, has the master committed an offence? Explain.

➤ **Yes, the master is liable for aiding and abetting his driver to over speed**

56. (a) State one offence in any anti-corruption legislation in Uganda or elsewhere.

➤ **Causing Financial loss contrary to Section 20 (1) of the Anti- Corruption Act, 2009**

(c) Outline the ingredients of the above offence.

➤ **Proof that:**

- **The accused is an employee of government**
- **He did or omitted to do an act he had knowledge would cause Financial Loss**
- **The loss occurred**
- **That the accused participated in commission of the offence**

57. A village girl aged 17 was found to be pregnant. She revealed to her parents that her boyfriend was one Mr. Bodaman. Bodaman was immediately arrested by the police on a charge of defilement. A few days later, the girl's parents requested the police to release Bodaman so that he could work and support their daughter and her baby. Bodaman was released and he has since then been financially supporting the pregnant girl.

(a) Do the above facts disclose the offence of defilement by Bodaman?

- **Yes, there was carnal knowledge with a girl below the age of 18 years, and whether the Bodaman is liable, according to his conduct, it supports the assertion that he is responsible for the pregnancy.**

(b) Do you think the parents committed a criminal offence?

- **Yes, the offence of accessory after the fact.**

SECTION H

CRIMINAL PROCEDURE

58. In a private prosecution the parties are:

- A. Complainant and Accused
- B. State and Accused**
- C. State, Complainant and Accused.

- D. Director of Public Prosecutions and Accused.
- E. All the above.

59. Can a company be an accused person in a criminal case? Explain.

- **No, a company cannot be an accused in a criminal case. One of the purpose of criminal law is to punish the accused by conviction and a sentence follows. A company is incapable of being imprisoned in its legal capacity or performing any sentence such as community service.**

60. Explain what you understand by discharge of sureties.

- **Discharge of sureties means releasing or discharging person(s) who are under a duty or obligation of ensuring that of the accused returns to Court to attend trial from their duty or obligation of guarantying the return of the accused to Court.**

61. An accused person having presented his defense, the state has filed a withdrawal of the charges. What order should the trial court make?

- **The trial court should make an order of acquittal, acquitting the accused from the charges against him/her.**

62. The accused was charged with obtaining money by false pretences. After the testimony of the complainant, the prosecutor is of the opinion that the accused should be charged with theft instead. Advise the prosecutor.

- **The prosecutor should pray for leave of court to amend the charge sheet. Since theft is not a**

minor offence of obtaining money by false pretence, and if the safe was not stated as an alternative offence, the prosecutor cannot successfully shift from obtaining money by false to pretence to theft.

63. What risk does a refractory witness face?
- **A refractory witness faces a risk of being imprisoned, however their evidence is still treated with caution, only used for where there is sufficient corroboration and the weight placed on such evidence is low as it was held in Patrick Macharia alias Machaa vs Republic C. A No.41 of 2012 (High Court of Kenya).**
64. State one factor which the court may take into account when determining the amount of a fine to be paid by a convict.
- **Expenses such as medical expenses incurred by the victim or complaint**
 - **Court should consider the fact that criminal proceedings are not to enrich the complaint but to convict and sentence the accused.**
65. An accused person was released on bail but he is now reported you be offering scholarship to the prosecution witnesses so that they can travel abroad for further studies. Advise the prosecution.
- **The prosecution should apply to court to cancel the bail and remand the accused to prison since he is interfering with evidence and investigations.**
66. A foreign fugitive in Uganda is wanted in his home country to face charges of sedition and misprision of

treason. Advise the government of that country on the possibility of extradition.

- **The extradition may not be possible since the charges against the fugitive are of political nature.**

67. Fundi has applied for bail pending an appeal. One of his grounds for seeking bail is that there is a presumption of innocence. Assess his chances of success.

- **Fundi's chances of success are low since a person only enjoys the right to presumption of innocence if he or she has not pleaded guilty or pronounced guilty by Court. In the instant case, Fundi was convicted and therefore he was pronounced guilty of the offence committed. Therefore presumption of innocence cannot be used as a ground for bail application.**

SECTION I **APTITUDE**

68. Read the following and answer the questions below.

Instructions:

1. A maiden name (if any) should appear immediately before the surname
2. Use uppercase to fill the form
3. After filling the form online, print it in quadruplicate

4. Attach passport size photographs measuring 50 mm x 50 mm.
5. Use legible handwriting.
6. Do not enclose original academic transcripts at this stage
7. Do not forget to pay the application fee of £ 5.50. There is a discount of 10% if any payment is made by credit card. If you choose to pay in Uganda shillings, the exchange rate is shs. 5,000.
8. Think about the environment before printing of the instructions.

- (a) What is the nexus between the environment and printing of the instructions?
- (b) Which of the above instructions is superfluous? Why?
- (c) To which category of people would a maiden name apply
- (d) What do you understand by uppercase?
- (e) What do you understand by quadruplicate?
- (f) Calculate the area (in square centimeters) of the required passport photograph.
- (g) What could be the alternative to submitting original academic transcripts?

- (h) Write £ 5.50 in words.
- (i) Calculate the amount payable by an applicant who has chosen to pay cash in Uganda shillings.
- (j) Calculate the amount payable an applicant who has chosen to pay by credit card in Uganda Shillings.

SECTION 1 **VALUES**

“Legal education and practice should focus more on socio-economic transformation of Africa that idealistic notions of rule of law and democracy”. Outline your reasons for disagreeing or disagreeing with this proposition.

-GOOD LUCK-