



ATD LEVEL I

PILOT PAPER

INTRODUCTION TO LAW AND ETHICS

DECEMBER 2021.

Time Allowed: 3 hours.

Answer any FIVE questions.

ALL questions carry equal marks.

QUESTION ONE

- (a) (i) Distinguish between substantive law and procedural law. (2 marks)
(ii) State four functions of law in your country. (4 marks)
 - (b) Outline four characteristics for a custom to be relied upon as African customary law. (8 marks)
 - (c) State three ways in which the independence of the judiciary might be actualized. (6 marks)
- (Total: 20 marks)**

QUESTION TWO

- (a) In relation to partnerships, summarise six rules that are applicable in the absence of a partnership deed. (6 marks)
 - (b) Outline four consequences of registering a partnership as a limited liability partnership. (4 marks)
 - (c) With reference to property law:
 - (i) Explain three uses of a trademark as a type of intellectual property. (6 marks)
 - (ii) State four duties of a lessor in a leasehold agreement. (4 marks)
- (Total: 20 marks)**

QUESTION THREE

- (a) In relation to tort law, highlight three differences between libel and slander. (6 marks)
 - (b) Outline four circumstances which might cause the termination of a contract of guarantee. (8 marks)
 - (c) Explain three conditions for the principle of contribution to apply in a contract of insurance. (6 marks)
- (Total: 20 marks)**

QUESTION FOUR

- (a) Explain three characteristics of a public company. (6 marks)
 - (b) One of the principal duties of an agent is expressed by the maxim 'delegates non potest delegare.' State four circumstances under which this rule does not apply. (4 marks)
 - (c) Ben entered into a contract to supply medicine to Angela's chemist. They agreed on all the terms of the contract. Suddenly, Parliament passes a law which outlaws the medicine that was to be delivered. It is considered to be illegal. Angela is insisting that they already had a contract in place and expect delivery. Ben refuses to deliver the medicine as he does not want to get into trouble with the Government. Angela sues Ben for breach of contract.

In light of these facts:
 - (i) Define the term 'breach' of contract. (2 marks)
 - (ii) Advise Ben on the legal position. (8 marks)
- (Total: 20 marks)**

QUESTION FIVE

- (a) In relation to sale of goods law:
- (i) State four conditions that are implied in a sale of goods contract. (8 marks)
 - (ii) Explain three duties of a seller in a sale of goods contract. (6 marks)
- (b) In the context of hire purchase law, explain the duties of a hirer of goods. (6 marks)
- (Total: 20 marks)**

QUESTION SIX

- (a) In relation to solving disputes through alternative dispute mechanisms, outline three disadvantages of cooperative negotiation. (6 marks)
- (b) State three rules relating to presentation of bills of exchange for acceptance. (6 marks)
- (c) With reference to the structure of the court system, outline the jurisdiction of the Environment and Land court. (8 marks)
- (Total: 20 marks)**

QUESTION SEVEN

- (a) With reference to foundation of ethics:
- (i) State two advantages of a code of ethics. (2 marks)
 - (ii) Distinguish between normative ethics and meta ethics. (4 marks)
- (b) Outline four national values and principles of governance outlined in the Constitution of your country. (8 marks)
- (c) Explain three circumstances under which a public officer might be considered to have committed sexual harassment. (6 marks)
- (Total: 20 marks)**
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