RIARA LAW SCHOOL

UNIVERSITY OF EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE

AND

PRE-KENYA SCHOOL OF LAW CORE COURSES COMPLIANCE PROGRAM

AUGUST 2024

UNIT CODE: RLB 315 CONFLICT OF LAWS

INSTRUCTOR: C. MUTUNGI

INSTRUCTIONS

1. This is the final examination in Evidence Law 1. You will earn 70% of your final grade from this final examination and 30% from Continuous Assessment Assignments.
2. This examination has **FOUR** questions. Please answer **QUESTION 1 AND ANY OTHER TWO QUESTIONS.**
3. The examination has 4 pages, including this one.
4. Time allocated for this examination is **TWO HRS** (2) hours. You must stop writing when time is called.
5. Please sign the roll sheet when you turn in you answer sheet. If you fail to sign the roll sheet, we shall have no way of establishing that you sat for this examination and your marks will not be reported.
6. This is a **CLOSED BOOK** examination. This means you are not permitted to bring ANY hard or soft materials to the examination room. You re also not allowed to access materials stored in computers, electronic gadgets or the internet. You should not bring to the examination room any of the following: cell phones, tablets, computers, statutes, notes, outlines, or books. Neither should you bring to the examination room books or materials unrelated to this course. If you need to have medicine or food items with you, please let the invigilator know before the examination begins.
7. This examination is governed by **Riara University Academic Honesty Regulations.** Students who violate those regulations will be penalized. Students have an obligation to report to the invigilator any incidences of academic dishonesty compromising the integrity of this examination.

INSTRUCTIONS: ANSWER QUESTION ONE AND ANY OTHER TWO QUESTIONS

QUESTION ONE

A Judge at the High Court of Kenya has before him a case for determination on the validity of a marriage. The Petitioner Thuo, who was domiciled in France at the time of marriage, married Wandia who was domiciled in Botswana. They celebrated their marriage on March 30th, 2015, at the High Commission of Kenya in France and later on resided in Kenya. During their marriage, they were blessed with one son and one daughter.

In May 2020 Wandia had to relocate to Cot devoir due to work and Thuo being frustrated by the terms of his marriage seeks the Court to determine whether it was valid in the first place.

Evaluate the legal considerations on jurisdiction and choice of law for the Court of Kenya.

(30 marks)

QUESTION TWO

In July 2023, Watson acquired a new Subaru IST for his birthday. His new car had a turbocharged engine producing around 460 bhp which out on the road translated to 0–120 mph acceleration in just 4 seconds and 0–200 mph in 10 seconds. In the craze of testing the speed potential of his car, Watson did a test drive from Nairobi through the Namanga Road crossing the border into Tanzania. He drove negligently and had an accident in Tanzania in which one woman, Maria, who is domiciled in Tanzania was seriously injured.

a) Analyse Watson's situation in the light of the Kenyan choice of law rules in Tort.

(10 marks)

b) Advice Maria who has obtained a favourable Judgement of Kes.2 million in compensation against Watson from the Courts of Tanzania on the enforcement of the Foreign Judgement in Kenya in Kenya. **(10 marks)**

QUESTION THREE

Write Short Notes on any **TWO (2**) of the following

a) Reciprocity

b) Renvoi

c) Characterisation **(20 marks)**

d) Proof of foreign law

QUESTION FOUR

"The local law theory has massacred the development of Conflict of Laws. "Anonymous.

Discuss the Local Law Theory. **(20 marks)**