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COUNCIL OF LEGAL EDUCATION

EXAMINATION FOR ADMISSION TO THE ROLL OF ADVOCATES

REGISTRATION NUMBER:

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VENUE: Co-operative University

JKUAT

ATP103: LEGAL WRITING & DRAFTING

Examination Series: April 2025

Date: 17th April 2025

Time: 09:00AM-12:00PM

Duration: 3 hours

Instructions to Candidates:

- a) Enter your registration number and tick the exam venue in the space provided.
- b) Answer **FIVE (5)** questions, including question **ONE** which is **COMPULSORY**.
- c) Question **ONE** contains **20 Marks**. All other questions carry **10 Marks** each.
- d) Attempt each question in the space provided. Additional space is provided at the back of the booklet.
- e) Answers **MUST** be supported by relevant statutory provisions and case law where required.
- f) Do not write your name in the booklet.
- g) Ensure your handwriting is **LEGIBLE**.

FOR EXAMINER'S USE ONLY

| Question Number | Examiner | | Internal Moderator | | External Moderator | | Quality Assurer | |
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| Total Marks | | | | | | | | |



QUESTION ONE

A. Hon. Mtetezi, a member of Parliament for Kusini Constituency, intends to sponsor a legislative proposal to provide for compensation for livestock lost due to disasters such as drought, floods and cattle rustling. The legislative proposal seeks to alleviate the suffering of livestock farmer occasioned by cattle rustlers and adverse weather conditions. Some of the provisions to be included in the legislative proposal are establishment of the Livestock Authority and its Board, the establishment of a Fund, roles of the Cabinet Secretary and county governments, and application of the Fund.

The sources of monies for the Fund include monies allocated by Parliament, revenues from investments made by the Authority, donations and grants, as well as such other lawful sources. Additionally, it is intended that the Fund shall be managed by the Board and used for administrative expenses, compensation for loss of livestock, and provision of water and pasture. Administrative expenses shall be capped at five percent.

You have been assigned the instructions to assist Hon Mtetezi come up with the legislative proposal. Draft a Part of this legislative proposal establishing the Fund to provide for -

- a) Establishment of the Fund;
- b) Sources of funds for the Fund; and
- c) Application of the Fund. (10 marks)

B. Wema, a resident of Maji Mengi, has visited Oak LLP Advocates. He appears a disturbed man. On interrogation, he informs you that the purpose of his visit relates to loss of title to his only property known as Title Number Maji/Mengi/1823. Circumstances surrounding the loss of the title are that on 20th January, 2025 when Wema and his wife went to the market to fend for the family, his house was completely destroyed by fire. He reported the matter to the nearby police stations under Occurrence Book No. 29/20/1/25. As seasoned legal practitioners, you understand what needs to be done to alleviate Wema's suffering. In order to effectively assist Wema, one of the documents that will be required is a statement of facts declaring the truthfulness of his assertions.

Draft the appropriate document. (6 Marks)

C. Rewrite the following sentences using gender-neutral language.

- (i) Juma is a seasoned advocate. He was part of a team of advocates which represented the leaders of the 1982 attempted coup. (2 marks)
- (ii) A person admitting a visitor into the premises must satisfy himself that the visitor knows the house or the occupant he is visiting. (2 marks)



QUESTION SIX

Rech, a coastal county in the Republic of Kuon, has long relied on Lake Rech as a critical resource for its fishing industry. However, recent studies indicate that overfishing has severely depleted the lake’s fishing population, threatening both the environment and the local economy. The county currently operates under *The Rech Fisheries Management and Development Act, 2022*, which was intended to regulate fishing activities in the county. However, this primary legislation has proven inadequate in several respects. Specifically, it lacks clear provisions on fishing quotas, fails to specify the types of permissible fishing gear, and does not include any regulations on the timing of fishing activities, thereby allowing unchecked overfishing during critical periods.

To remedy these deficiencies, the Governor of Rech County, Ruoth Mbuta, has decided to implement more comprehensive regulations through delegated legislation aimed at sustainable fishing practices. As the recently appointed Chief Legal Advisor to the Governor, you are required to undertake the following tasks:

A. Draft the salient provisions of a delegated legislation that will address the inadequacies of *The Rech Fisheries Management and Development Act, 2022*. (6 Marks)

B. I. Revise the sentence below to make it as lean as you can without changing the meaning.

“All fishing activities within Lake Rech shall be conducted in compliance with the established water quality standards. These standards will be reviewed annually, and any violations, including the discharge of pollutants or contaminants into the lake, will result in penalties that may include fine, suspension of licences and possible legal action, depending on the severity of the offence.” (2 Marks)

II. Revise the sentence below to omit biased language.

“Fishing licences shall be issued to individuals who meet the required qualifications and adhere to the regulations set forth, without discrimination based on gender, ethnicity, or socio-economic status.” (2 Mark)

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