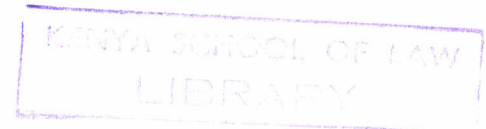


COUNCIL OF LEGAL EDUCATION

EXAMINATION FOR AWARD OF DIPLOMA  
IN LAW (PARA-LEGAL STUDIES)

APRIL, 2010

FAMILY LAW



Instructions

- (a) Answer **QUESTION 1 and ANY OTHER THREE QUESTIONS**
- (b) QUESTION 1 is **COMPULSORY** and carries 25 marks
- (c) All other questions carry 15 marks each
- (d) Marks may be lost for illegibility
- (d) Time allowed is **Two (2) Hours**

1. Jenney is married under the Marriage Act and has five issues out of the said marriage with her husband Samson. He always provided for her and her children. However, in the last few weeks, his conduct has drastically changed for the worse. He has now refused on several occasions to provide money for necessities and is now contemplating stopping school fees payment for their children. Furthermore last Saturday after a football match when his favourite team Arsenal lost 4-0, for the sixth consecutive time, came home drunk and gave her quite a bad beating.

She comes to your chambers for advice telling you that she wants to live apart from her husband.

- (a) Advise her on what relief(s) (if any) she may be able to obtain in a subordinate court. **(15 marks)**
- (b) What difference (if any) would it make to your answer if she frankly confessed that once a few weeks ago, she committed adultery? **(10 marks)**

2. Explain and illustrate:

- (a) The difference between void and voidable marriages under statute and common law. **(8 marks)**
- (b) The legal significance of a marriage being unconsummated. **(7 marks)**

3. On what grounds may a decree of nullity of statutory marriage be granted? **(15 marks)**

4. "Marriage confers onerous obligations, rights and duties to be observed by parties consciously aware of what they are getting themselves into. Parties ought to expect ordinary wear and tear in their relationship towards one another." *Anonymous*

In light of this the above statement, discuss the broad duties and rights to any marriage  
(15 marks)

5. Matrimonial property forms an integral aspect of determining the extent of the rights, if any, of the parties to any marriage during the subsistence of a marriage, upon separation, divorce settlements and during succession in the event of death of a spouse.

With the aid of statutory provisions and decided cases, discuss the main theories on matrimonial property advanced in family law.

(15 marks)

6. Write short but succinct notes on the following:

- |       |   |           |
|-------|---|-----------|
| (i)   | Levaritic Unions                                  | (3 marks) |
| (ii)  | Standard of proof required in divorce proceedings | (3 marks) |
| (iii) | <i>Alimony pendente lite</i>                      | (3 marks) |
| (iv)  | Mahir   | (3 marks) |
| (v)   | Parental Responsibility Agreement                 | (3 marks) |