



# THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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**MAIN EXAMINATION**

**JANUARY – APRIL 2015 TRIMESTER**

**FACULTY OF LAW**

**REGULAR PROGRAMME**

**CLS 419: LAW OF SUCCESSION**

**Date: April 2015**

**Duration: 2 Hours**

**INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions**

Q1. Even though inheritance is a universal concept among human beings, each society has come up with its own laws and guidelines to regulate the devolution of property from a deceased person to his dependants. Kenya consists of diverse ethnic groups each with rules and customs relating to succession. After independence, there was a movement aimed at giving Kenya a uniform law of succession that saw the birth of the current law of succession Chapter 160 Laws of Kenya. However this universality has not been achieved.

In light of the foregoing, discuss the various systems of laws that applied to the different socio-ethnic groups of people in Kenya before Chapter 160 came into force. **(30 marks)**

Q2. A will is an aggregate of testamentary intentions so far as they are manifested in writing and duly executed according to statute. It has no legal effect until the maker dies. While he is alive, it neither limits his rights of ownership nor confers any benefits to anyone. Discuss. **(20 marks)**

Q3. a) Before a will can take effect, it must first be proved as a valid testamentary disposition. Discuss. **(10 marks)**

b) What are the grounds of invalidation of a will? **(10 marks)**

Q4. a) What are the legal mechanisms of making a will? **(8 marks)**

b) Distinguish partial intestacy from intestacy. **(12 marks)**

Q5. Explain the following terminologies as used in the law of succession.

a) Donatio martis causa

b) Survivorship

c) Probate

d) Letters of Administration **(20 marks)**

**\*END\***