



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A MAIN EXAMINATION

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MAY – JULY 2018 TRIMESTER

FACULTY OF LAW

SPECIAL / SUPPLEMENTARY

CLS 406: CONFLICT OF LAW

Date: JULY 2018

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

- Q1. a) Oanda, a Kitale manufacturer contracts with B a multinational corporation with its headquarters in Yaunde, armaments to be delivered to B's factory in Arusha, payment to be made in USD under a letter of credit to be issued by a Nairobi Bank. The contract of sale is concluded by an exchange of letters through the post. Under Kenyan Law, an export licence is necessary for which Oanda has not applied. B's Managing Director later writes from his Cape Town Office stating that B wishes to renegotiate the price and is not prepared to arrange for the opening of the letter of credit. Explain the various issues that arise from the above. **(10 marks)**
- b) Explain the meaning and application of the Doctrine of Renvoi. **(10 marks)**
- c) What are the various theories governing the legitimacy of children in conflict of law? **(10 marks)**
- Q2. Discuss the various principles regarding the acquisition and loss of Domicile. Support your answer with well reasoned judgements. **(20 marks)**
- Q3. "The choice of law rules which govern the validity of marriage and which therefore also govern nullity of marriage depend on the particular issue involved". Discuss the foregoing statement with the support of case law. **(20 marks)**
- Q4. Discuss the Doctrine of The Proper Law in the Conflict of Laws. **(20 marks)**
- Q5. Write explanatory notes on the following:

- a) Illegitimacy/legitimation (5 marks)
- b) Enforcement of foreign judgments (5 marks)
- c) Country (5 marks)
- d) The Hague Regulations 2015 (5 marks)

END