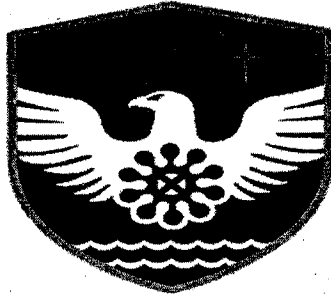


# CENTRAL UNIVERSITY



## END –OF-SECOND SEMESTER EXAMINATIONS, 2020/2021

FACULTY OF LAW  
BACHELOR OF LAWS (LL.B)  
LEVEL 100 & 200  
LAW 102: Legal Methods (3 Credits)

Wednesday, 8<sup>th</sup> September, 2021

TIME ALLOWED: TWO AND A HALF (2 ½) HOURS

### INSTRUCTIONS

1. There are a total of Five (5) questions. Candidates are to answer three (3) questions only.
2. **Question One (1) is compulsory and MUST be ANSWERED by ALL.**
3. Answer Sheets will be provided. Each answer must begin on a fresh page.
4. Any extra answer sheet should be properly fastened to the original answer sheet.
5. Marks will be awarded for good presentation, clarity in legal reasoning and proper use of legal authorities.
6. Please write LEGIBLY.
7. Good Luck.

**DO NOT TURN OVER THIS PAGE UNTIL YOU HAVE BEEN TOLD TO DO SO BY THE INVIGILATOR.**

**EXAMINERS: NICHOLAS FREDUAH KWARTENG, ESQ. & EMMANUEL OPARE WIREDU**

## QUESTION 1

*Answer all of the following questions*

- a. What is the doctrine of separability in arbitration? [4 Marks]
- b. What is the statutory number of arbitrators appointed in a customary arbitration? [2 Marks]
- c. State three circumstances under which the award of a customary arbitration may be set aside. [3 Marks]
- d. State the two (2) components of a bill of indictment. [2 Marks]
- e. State two of the pleas available to an accused person who has been arraigned before a court. [2 Marks]
- f. State two (2) of the factors which a court may take into account in determining the likelihood of an accused person absconding if granted bail. [2 Marks]
- g. Within what time scale is a defendant who has been served with a Writ and Statement of Claim required to file his Notice of Entry of Appearance? [2 Marks]
- h. What is the name of the court official whose responsibility it is to serve the Writ and Statement of Claim on the defendant? [2 Marks]
- i. Within what time scale should a customary arbitrator publish the award of the customary arbitration? [2 Marks]
- j. State the two (2) main modes of trial in a criminal case. [2 Marks]
- k. How are Justices of the Supreme Court appointed? [3 Marks]
- l. State four (4) of the non-arbitrable subject-matters provided for under the ADR Act, 2010 (Act 798) [4 Marks]

[Total: 30 Marks]

## QUESTION 2

In *Amalgamated Society of Engineers v Adelaide Steamship Co Ltd*, (1920) 28 CLR 129, Higgins, J stated thus:

*'The fundamental rule of interpretation, to which all others are subordinate, is that a statute is to be expounded according to the intent of Parliament that made it; ... The question is, what does the language mean; and we find what the language means in its ordinary and natural sense, it is our duty to obey that meaning, even if we think the result to be inconvenient, impolitic or improbable.'*

- a) With the aid of decided cases, evaluate the above statement paying particular attention to the various rules used by the courts to interpret statutes. [6 Marks]
- b) Explain four (4) internal aids to interpretation. [4 Marks]
- c) State and explain three (3) linguistic canons of construction. [5 Marks]

[Total: 15 Marks]

### **QUESTION 3**

The Methodist Youth Fellowship (MYF) of the Resurrection Methodist Church, Adenta has invited you as the main speaker of a seminar it is organizing as part of its Annual Youth Week to give a talk on the theme “**The Criminal Procedure in Ghana**”.

Prepare your speech taking into account the procedure from when the accused is arrested up to the time that the court will convict and sentence the accused, if he is found guilty of the offence charged. **[15 Marks]**

### **QUESTION 4**

*“The Supreme Court may, while treating its own previous decisions as normally binding, depart from a previous decision when it appears to it right to do so; and the Courts lower than the Supreme Court shall follow the decisions of the Supreme Court on questions of law.”* Section 2(3) of the Courts Act, 1993 (Act 459) (as amended).

Discuss the above statutory provision in the light of the concept of judicial precedent and the circumstances under which a lower court may depart from the decision of a superior court. **[15 Marks]**

### **QUESTION 5**

Write concise notes on any three (3) of the following:

- a. Application for Direction
- b. Witness Statement
- c. Notice of Entry of Appearance
- d. Nolle Prosequi
- e. Garnishee Proceedings

**[15 Marks]**