

CENTRAL UNIVERSITY



END-OF-SECOND SEMESTER EXAMINATION – 2017/2018

FACULTY OF LAW
BACHELOR OF LAWS (LL.B)
LEVEL 100 & 200
(February Cohort)
LAW 102: LEGAL METHODS

Wednesday, 23rd August, 2018

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

INSTRUCTIONS

1. There are a total of six (6) questions. Candidates are to answer three (3) questions only.
2. **Question One (1) is COMPULSORY and MUST be answered by all students.**
3. Answer Sheets will be provided. Each answer must begin on a fresh page.
4. Any extra answer sheet should be properly tied 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: JUSTICE ALEXANDER OSEI TU TU & MRS. EUNICE APPIAH-ASARE

QUESTION 1

In January this year, Avive World Airlines had an agreement with 'Friends of Awoyo', a social association, to organise for Friends of Awoyo a flight trip to Agile islands in the Caribbean's. The terms of the agreement included a compensation package of GH¢55,000 for Friends of Awoyo if Avive World Airlines do not honour their side of the agreement.

The flight to Agile was scheduled on 18 July 2018. The members of Friends of Awoyo got to the airport only to be told their scheduled flight was going to delay for four hours. After waiting for four hours, they were told the flight had been cancelled and no further explanation was given.

Koopia, the chairman of Friends of Awoyo, approached one of the grounds attendants of Avive World Airlines for further clarification. Unfortunately, an argument ensued between them, and the grounds attendant pushed Koopia about. Before on lookers could get to the aid of Koopia, the grounds attendant had hit him hard with an umbrella causing him to pass out. Koopia was rushed to the hospital where he recovered later.

The Friends of Awoyo and Koopia, seek your advice, as a trainee lawyer, on how to initiate proceedings against Avive World Airlines and the grounds attendant. They also want to know the other means they can use to resolve their matter, if they decide not to go to court. Avive World Airlines is a Ghanaian owned company with their head office in Kumasi.

With the aid of relevant authorities, explain how the matter between Friends of Awoyo and Koopia can be resolved. **[30 Marks]**

QUESTION 2

The Constitution of the Republic of Ghana 1992 provides that the Judiciary shall have jurisdiction in all matters civil and criminal, including matters relating to this Constitution and such other jurisdiction as Parliament may, by law, confer on it.

Referring to this Constitution, detail the jurisdiction of the various courts in Ghana.

[15 Marks]

QUESTION 3

In this regard, no one principle is without limitations or superior to the other. Some cases would involve competing interpretation aids, or possibly an overlap, thus calling for a decision as to weight to be put on each... The authorities show a clear shift from the purely strict or literalist or mechanical approach in constitutional interpretation, towards a more purposive approach. – Per Wood CJ (as she then was) in *The Republic v. High Court (Fast Track Division) Accra, Ex parte CHRAJ* [2007-2008] SCGLR 213 at page 224.

Discuss the above dictum in the light of the various approaches to the construction of statutes and list three (3) linguistic canons of construction. **[15 Marks]**

QUESTION 4

In Dontokrom in the Central Region of the Republic of Ghana, Nana Yaw Oduro III a true royal was installed as chief. He had his name registered in the register of both the Regional and National House of Chiefs after swearing the oaths of allegiance to the Omanhene of his traditional area, Nana Daakye Ababio IV at Kotipo and has exercised all functions as a chief.

In 2012, Nana Yaw Oduro III has an altercation with his linguist in public and slapped the linguist. The youth of the town are upset and as this is a destoolable offence in customary law, they have consulted your law firm, Dantex Chambers. Your senior partner has referred this matter to you to write a legal opinion for the youth of the town to enable them get rid of this incorrigible chief who on countless occasions had committed more serious destoolable offences but has refused to change regardless of the admonitions by the kingmakers of Dontokrom.

Your legal opinion should certainly focus on how the chief could be destooled, the forum for hearing the case, up to the last forum where the case may ultimately end. **[15 Marks]**

QUESTION 5

- a. With the aid of relevant illustrations and examples, discuss how mediation differs from arbitration? **[6 Marks]**
- b. When is Alternative Dispute Resolution (ADR) not the most appropriate and convenient means to resolve a matter? **[9 Marks]**

[Total: 15 Marks]

QUESTION 6

Write concise notes on the following:

- a. The doctrine of separability **[3 Marks]**
- b. Kompetenz kompetenz **[3 Marks]**
- c. Statutory statement **[3 Marks]**
- d. Ouster clauses **[3 Marks]**
- e. Mini trial **[3 Marks]**

[Total: 15 Marks]