

CENTRAL UNIVERSITY



FIRST SEMESTER (RESIT) EXAMINATION – 2022

FACULTY OF LAW

BACHELOR OF LAWS

LAW 406 LEGAL DRAFTING II

MARCH, 2022

INSTRUCTIONS

1. There are a total of seven (7) questions. Candidates are to answer any four (4) questions including
2. **All questions carry equal marks (25 Marks Each)**
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**

QUESTION ONE

'Binding precedent is an undesirable practice leading to rigidity in the common law and resulting injustices.' Discuss.

QUESTION TWO

Some critics have described legal citation as "the tyranny of the inconsequential", and "a distraction" from communication. Do you agree?

QUESTION THREE

What accounts for the drafting style of members of the legal profession?

QUESTION FOUR

Provide appropriate references for the following cases which have been referenced in an article

Miller, a plaintiff in an injunction application against Jackson, reported in the first volume of the Ghana law reports at page 463, and published in 1957, was successful when Justice Kofi Acquah held at page 465 that "the public interest in enabling residents to enjoy the benefit of outdoor recreation should prevail over the defendant's private right to quiet enjoyment". He cited Berk versus Hair (HL, 12 September 1956 at page 45), New Zealand Shipping Co Limited versus Satterthwaite (1975, Court of Appeal, Kings Bench 606), and Republic versus Leeds County Court Queens Bench 523, 1990 from 526-29.

QUESTION FIVE

- I. How are Newspaper articles and Interviews referenced under OSCOLA?
- II. Give the full expression of the following abbreviations GLR, GBR, FCR, ECHR, All ER, SCGLR, WACA, KBD, QBD, and UKHL

QUESTION SIX

What are the cardinal rules in the interpretation of non-statutory documents?

QUESTION SEVEN

Asamoah Addo, a native of Ejisu, is a rich businessman in Kumasi. He is married to Afua Mansah with whom he has three children, Godis Addo, Godin Addo, and Godwill Addo, aged 15, 25, and 30 years respectively. Asamoah has houses in East Legon, Boukrom Estate, and London. He has 4 vehicles, a Range Rover, a Beetle, a Land Cruiser, and a Chrysler. He also has accounts with Barclays and FNB Banks. Additionally, he runs a transport business which he jointly owns with his wife and managed by her. He wants to ensure that his wife and children have a fair share in his estate to avoid disputes after his death. He desires that his friends Reverend Arthur Kennedy and Opanin Aboagye of Nsuta, and Kwamang, respectively will be there to administer his estate, if he predeceases them.

He has approached you for help as a student of Legal Drafting. He came along with Kwame Addo, his younger brother as his witness.

How can you give expression to his intention?