INTERNATIONAL UNIVERSITY OF EAST AFRICA
'Learning to Succeed'

FACULTY OF LAW

END OF SEMESTER EXAMINATIONS - APRIL 2025

PROGRAMME: LLB
YEAR/SEM: YEAR 2/SEMESTER 2
COURSE CODE: LLB 2207
NAME: FAMILY LAW I

DATE:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

The question is compulsory

Question 1:

In April 2017, Luke Jones and Anna Maria executed a customary marriage under the customs of the Baganda in Uganda which was not registered. At the ceremony, they were gifted with land situate at Munyonyo measuring 20 acres. The couple settled in the residential home in Kabalagala and had one son named Lebron. They also executed a church marriage in 2016 at come to me church but shortly after the wedding, Luke Jones saw messages showing that Anna Maria has been adulterous with a one Ezra in fact, when he took Lebron for DNA, results revealed that the child was not his. Anna Maria admitted to the facts and claimed to be in love with Ezra. She revealed to him that their marriage was a sham as it was officiated by Kellen a friend to Ezra who is a motor dealer and without marriage banns. Anna Maria has been cruel and continues to sleep with Ezra. She left the main house and encouraged Bella to sleep with Luke Jones. Luke Jones married Bella at All Saints Cathedral in a church marriage and settled her in the house in Bugolobi and she is utilizing the land in Kabalagala.

Anna Maria is furious and wants to get her property but also wants to move on with Ezra. Luke Jones also appears to be fed up with Anna Maria.

Advise the parties on the legal issues arising and their possible remedies. (25 marks)

Question 2:

Onen met Brenda in 2019 while both were law students at KPM college. After watching Onen campaign for guild at their 2019 Guild election Brenda couldn't help but fall in love with him immediately. A hot love affair developed between them. Brenda and Onen graduated and immediately thereafter, they both got good jobs.

In April 2020, Brenda introduced Onen to her parents in a traditional ceremony (usual among the baganda) where Onen presented gifts including a kanzu, gomesi, a big cock, 5 sacks of sugar, 10 crates of soda, a limb of a cow, sofa sets and a Toyota Harrier which were considered full payment of bride price but the marriage was never registered. At the function, Brenda's parents were happy and gifted the couple with 2 acres of land in Makindye as their

start off. Onen purchased a residential house in Bugolobi where he settled his beautiful bride. In October, 2021, Onen wedded Brenda at “He reigns church” in Busia. The couple was in 2022 blessed with a son named Alister.

One evening, while Brenda was in the bathroom, she received a message on her mobile phone. Onen read the message which stated as follows “*I wish you were here tonight; missing you is driving me crazy” Your love Hamisi.”* Brenda rushed to the bed room and found a furious Onen. Despite his inquires, Brenda refused to answer saying after all her phone is private property and Onen earlier refused to buy her Nokia 23.

It later turns out that Brenda and Hamisi had been lovers since high school but since Onen would splash money on Brenda, they agreed that Brenda marries him so that they can get money from him and run away together. That is why they stage managed the wedding at “He reigns church” in Bukesa. The function was presided over by Charles a motor dealer friend to Hamisi who married the couple without marriage bans. Upon learning of this, Onen decided to take baby Alister for DNA and found out that the child was not his. Brenda confirmed it to be true saying the boy was Hamisi’s son. She spoke to him harshly in public at all times and always referred to him as a *half a man* in front of his family and relatives. This went on for three years and made him feel emotionally distressed. Brenda could not handle Onen’s depressed conduct so she decided to sleep in the boy’s quarters of their house in Bugolobi which would enable her meet up with her Hamisi when they wished. Infact Brenda always persuaded their house help Amina to sleep with Onen to give him *company* at night.

The love bond between Onen and Amina blossomed so he decided to marry Amina in a *real wedding* at All Saints Cathedral Kampala and the function was presided over by the Bishop who declared them husband and wife on 14th February 2023. Amina and Onen now live in the house in Bugolobi. and since Amina is energetic and ready to farm, Onen asked her to farm on the 2 acres in Makindye where she has big gardens of cassava and yams.

Brenda has learned of this and is angry at Onen’s actions and wants Amina out of what belongs to her! She calls Onen adulterous and a property thief. She has resolved to move on with her life and intends to marry her sweet Hamisi at the Registrar’s office. Onen on the other

hand also believes Brenda is a fraud and a jealous opportunist.

Discuss all the legal issues and advise the parties on available remedies. (25 marks)

SECTION B

Choose any 1 from 2 questions

Question 1:

Write relevant short notes on each of the following (25 marks)

a) Habyarimana v Habyarimana [1980] HCB 159

b) The discretionary bars in a divorce petition

c) Constructive desertion as a ground divorce

d) Fusion of oneness

e) Domicile by choice

Question 2:

Write relevant short notes on each of the following (25 marks)

a) Advantages of cohabitation

b) Absolute grounds of divorce

c) Uganda Association of Women Lawyers (FIDA) & others v Attorney General Constitutional Petition No.2 of 2003

d) Remedies for promise to marry

e) Essential requirements for Islamic marriages

Question 3:

Write relevant short notes on each of the following (25 marks)

a) Julius Rwabinumi v Hope Bahimbisomwe Supreme Court Civil Appeal No. 10 of 2009

b) Elements for breach of a promise to marry

c) Talak in Islamic marriages

d) Special licences under the Marriage Act

e) Restitution of conjugal rights

Question 4:

Write relevant short notes on each of the following (25 marks)

a) Right to use spouse name

b) Legal impact of Mifumi (U) ltd & 12 others V AG SCCA 2015

c) Role of the registrar of marriages under the Marriage Act

d) Marriage notices under the marriage Act

e) Age as a requirement in customary marriages

SECTION C

Choose any 2 from 4

Question 1:

With reference to marriages under the marriage Act, examine the applicability of the definition of marriage according to Hyde V Hyde and Woodmanse L & R 1P.D 130 (25 marks)

Question 2:

"The law is keen on dissolution of marriages; it is not absolute. Most often, parties will not be given an automatic ticket out of a legally valid marriage. Parties must satisfy court that several grounds exit to warrant termination." Discuss (25 marks)

Question 3:

You are a newly appointed legal officer at the Registrar of Marriages office; in a detailed memorandum address the chairperson of Kansanga Market women's group on the law relating to separation in Uganda. (25 marks)

Question 4:

The effect of a decree of nullity is that it renders the marriage executed by the parties void. It is treated as one that has never existed. With reference to legal authorities analyse the factors that make marriage void and voidable. (25 marks)

Question 5:

Kato and Betty are so much in love and intend to marry however, they have failed to decide on whether they should get married under customary marriage or church marriage. Using relevant legal authorities, advise the intending couple on the legal guidelines surrounding their desired marriages. (25 marks)