



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: 2025-04-16

TIME: 2:00-5:00PM

INSTRUCTIONS TO CANDIDATES:

1. Read the instructions very carefully
2. The time allowed for this examination is STRICTLY three hours
3. Read each question carefully before you attempt and allocate your time equally between all the Sections
4. Write clearly and legibly. Illegible handwriting cannot be marked
5. Number the questions you have attempted
6. Use of appropriate workplace examples to illustrate your answers will earn you bonus marks
7. Any examination malpractice detected will lead to automatic disqualification.

DO NOT WRITE ANYTHING ON THE QUESTION PAPER

Section A The question is compulsory

Question 1:

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 inquiries, 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)

- Habyarimana v Habyarimana [1980] HCB 159
- 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) 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:

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)

Question 2:

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 3:

• 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 exist to warrant termination. • Discuss (25 marks)

Question 4:

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)