

**INDEPENDENT EXAMINATIONS COMMITTEE**  
**GENERAL LEGAL COUNCIL**  
**PROFESSIONAL LAW PART II/ POST CALL COURSE**  
**EXAMINATION (MAIN)**  
**FAMILY LAW AND PRACTICE**  
**11 JUNE, 2021**

Time Allowed: Three (3) hours

10:00 a.m. – 1:00 p.m.

**INSTRUCTIONS TO CANDIDATES**

1. Read the instructions very carefully before beginning your answers.
  2. Answer **QUESTION 1 WHICH IS COMPULSORY AND ANY OTHER THREE (3) QUESTIONS.**
  3. Credit will be given for legible handwriting, clarity of expression and orderly presentation of material.
  4. Do not write your name on the Answer booklet. Write only your seat or Index number.
  5. Adhere strictly to the instructions on the front cover of your Answer Booklet.
- 

**QUESTION ONE (COMPULSORY)**

My Dear Lawyer,

My name is Mrs. Frances Welbeck. I am married to Cecil Welbeck. We got married at the Presbyterian Church Aburi on the 16<sup>th</sup> of June 2005 under Part Three of The Marriages Act 1884-1985 (Cap 127). Reverend Asiedu celebrated the marriage. Before the marriage, I was single and my maiden name was Frances Ofosu. I lived with my parents at

Amonokrom. Cecil was a widower. He lost his wife in a plane crash a few years before we met.

Cecil is an Architect and has his own Consulting Firm. I am a Fashion Designer by profession but gave up work when we had our first child Lydia, who is autistic. After the marriage we resided at Kumasi for four years, Cape Coast for three years and Akropong for one year before we moved to Accra.

We have three children, Lydia, Nancy and James. Lydia is fifteen years old, Nancy is twelve years old and James is eight years old.

I am a Ghanaian and have resided in Ghana ever since I was born thirty six years ago. Cecil was born and bred in the United Kingdom. His mother is a British citizen and his father is a Ghanaian. He returned to Ghana when he was thirty four years old. He is forty years old now and resides at House Number 22/4 Kerk Street, Little Legon, Accra. I left the matrimonial home about six months ago and live with my mother at House Number A/K 46, King George Avenue, Jamestown Accra.

Lawyer, life has not been the same since we moved to Accra about three years ago. Cecil has suddenly become very controlling towards the children and myself. He started coming home late from work and when I complained he slapped me around. I heard that Cecil was having an affair with our next door neighbour and when I confronted him, all hell broke loose. He beat me up mercilessly. On one occasion Cecil spat on my face and threw my belongings outside. He accused me of being a prostitute.

I discovered about eight months ago that the lady at Cecil's work-place was pregnant with Cecil's child. When I confronted him, he rudely admitted that the child was his and retorted that I could leave if I wanted to. That was when I packed my belongings and left the

matrimonial home for my mother's house with the children. Cecil's parents and my parents met a couple of times to try and settle our differences. On each occasion Cecil came in drunk and very disruptive and the meeting had to be called off.

Cecil has three cars, a Nissan Sentra saloon car with registration no GX 1724, a Kia Sportage with registration number GG 1234 X and a Suzuki 4 x 4 with registration no GF 2010 P. He also has a huge banana plantation. Cecil acquired these properties from the money he made when he worked briefly in Dubai with a foreign company and also from his Architectural Practice.

I used the Suzuki 4 x 4 to drop the kids off at school and to run other errands but Cecil took it from me when I left the matrimonial home.

Lawyer, I can no longer continue with the marriage. In fact I do not love Cecil any longer. Please petition for a divorce for me and ensure that I get custody of all the children. I also want some of Cecil's properties. I also need financial support for the children and myself.

Draft the necessary document for filing at the Accra High Court.

**[40 MARKS]**

## **QUESTION TWO**

My name is Patricia. At the age of seventeen I met Jerry, the Organist at my church. Jerry was twice my age. He started buying me gifts and giving me money from time to time. He would sometimes pay my school fees.

When I turned eighteen, he started having sex with me. When I fell pregnant, my mother gave him permission to marry me. Jerry's family and my family met and the customary marriage rites were performed.

Jerry gave me one of his many houses to live in with my mother. As time went on, I gave birth to three children. Jerry did not want me to continue with my

education or to work. He wanted me to be a stay at home mom to take care of the children.

Jerry was a very good man and took good care of my children and myself but he never lived with us. He would only visit and leave.

A few months ago, Jerry became seriously ill and was rushed to the hospital where he subsequently passed away. It was before and during the funeral that I learnt that Jerry married Lizzie, a white lady from the United Kingdom, under the Marriages Act 1885-1985 (CAP127) twelve years before he married me. I also learnt that they have four children.

I have also just learnt that Jerry died intestate. I am confused and sad. I don't know what will happen to my children and myself, now that Jerry is dead. Please lawyer I need your advice.

**[20 MARKS]**

### **QUESTION THREE**

Papa Kofi was a wealthy farmer from the village of Kakomdo. He married Oporebea under customary law. Soon they had two children, Afi and Maabena.

Papa Kofi was desirous of having a male child to take care of his numerous farms after his death. He met Oforiwa at a church gathering and immediately became friends with her. They eventually became lovers. When Oforiwa became pregnant, Papa Kofi became elated when he learnt that Oforiwa was pregnant with twin boys. He named the boys after his father and grandfather respectively.

Papa Kofi continued to live with his wife Oporebea until he met Maafia five years after the birth of the twin boys. Papa Kofi loved the company of Maafia and spent most of his time with her. He bought presents for her and set up a grocery business with her. They also set up a small-scale mining business together.

Maafia could not have children even though she had several miscarriages. Papa Kofi introduced Maafia to his friends and family as his wife. When Papa Kofi became ill, he moved from the house he shared with Oporebea to live with the younger Maafia. Maafia took care of Papa Kofi until he passed away.

The family of Papa Kofi supported Oparebea to perform the necessary burial rites as the lawful wife of Papa Kofi. She was made to shave her hair as custom demanded of a wife upon the death of a husband and to wear black mourning clothes for one year.

It has just been discovered that Papa Kofi died intestate and his successor, Abusua Panyin Nana Ayisi is adamant that the only person who qualifies as a spouse under Law 111 is Oparebea. Therefore only Oparebea and her children are entitled to a portion of Papa Kofi's huge estate.

Advise Oparebea, Oforiwa and Maafia.

**[20 MARKS]**

#### **QUESTION FOUR**

Papa Seidu, a Muslim scholar, entered into a Muslim Marriage with Mariama twenty years ago. They complied with all the requirement for the creation of a valid Muslim marriage. The ceremony was attended by a large crowd of family and friends. Even the Chief Imam graced the occasion with his presence. As the years passed, Mariama gave birth to ten children. Papa Seidu and Mariama failed to register their marriage as required by Part 11 of the Marriages Act, 1884-1985 (Cap 129).

When Papa Seidu passed away, it came to light that Papa Seidu married Amatu after he married Mariama. Amtu gave birth to six children. There was evidence that Papa Seidu registered the marriage between Amatu and himself within one week of the celebration of their marriage. On the forms that Papa Seidu completed for the registration, he stated categorically that he was not married.

Mariama is distraught and has come to you for advice. She wants to know whether or not her marriage to Papa Seidu was valid and therefore entitled to a portion of his estate under The Intestate Succession Act, 1985, Law 111.

**[20 MARKS]**

### QUESTION FIVE

Glen and Katie married under the Marriage Ordinance in the year 2012. Glen is an architect and Katie is a trained <sup>teacher</sup> ~~teaching~~ but gave up work when she gave birth to triplets soon after the celebration of the marriage.

Glen is a hard worker and has acquired several properties since the marriage. Glen's father passed away five years ago and he inherited one house at Obuasi and two cocoa farms in the Bono region.

Approximately four months ago, Glen informed Katie that he impregnated the neighbour's daughter and begged for forgiveness.

Katie is livid and has decided to bring the marriage to an end. She also wants custody of the triplets and some of Glen's properties.

Identify and discuss the areas of law in the above scenario.

[20 MARKS]

### QUESTION SIX

Muina, a Nigerian citizen, married David Bediako a Ghanaian at a society wedding ten years ago in Kumasi. After the celebration of the marriage, Muina returned to Nigeria. She is a Director at one of the big banks in Lagos. David is a Senior Lecturer at the University of Good Hope in Ghana.

It is Muina's claim that she has not heard from David in more than three years. All her efforts to contact him have been futile. She has visited Ghana on several occasions to look for David without success. She has finally decided to file a petition before the High Court in Accra for the marriage between David and herself to be dissolved.

Advise Muina.

[20 MARKS]