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ATD LEVEL I

DCM LEVEL I

COMMERCIAL LAW

MONDAY: 21 May 2018.

Time Allowed: 3 hours.

Answer any FIVE questions.

ALL questions carry equal marks.

QUESTION ONE

- (a) Explain two differences between “law” and “morality”. (4 marks)
- (b) Identify four classifications of law. (4 marks)
- (c) Describe four disadvantages of case law. (8 marks)
- (d) State four factors that might undermine the rule of law in a country. (4 marks)
- (Total: 20 marks)**

QUESTION TWO

- (a) Summarise four underlying purposes of administrative law. (4 marks)
- (b) Explain two principles of natural justice. (4 marks)
- (c) With reference to the law of agency:
- (i) Explain three circumstances under which an agency relationship might be implied. (6 marks)
- (ii) Describe three ways through which an agency relationship might be terminated by an act of the parties. (6 marks)
- (Total: 20 marks)**

QUESTION THREE

- (a) Outline two characteristics of a joint tenancy. (2 marks)
- (b) Discuss four main types of intellectual property. (8 marks)
- (c) With specific reference to the tort of false imprisonment:
- (i) Explain four defences that could be pleaded against a claim of false imprisonment. (8 marks)
- (ii) Identify two remedies that are available to a person who has been subjected to false imprisonment. (2 marks)
- (Total: 20 marks)**

QUESTION FOUR

- (a) Describe the Court Martial of your country in relation to the following aspects:
- (i) Establishment. (2 marks)
- (ii) Composition. (2 marks)
- (iii) Jurisdiction. (6 marks)

- (b) Highlight four ways through which a person might cease to be a partner in a partnership. (4 marks)
 - (c) (i) Define the term "citizenship". (2 marks)
 - (ii) Describe two ways through which the citizenship of a person who acquired it through registration could be revoked. (4 marks)
- (Total: 20 marks)**

QUESTION FIVE

- (a) Abel Orina took his clothes to Anko Dry Cleaners Ltd. He was issued with a receipt which read in part that "the management shall not be liable for any damage to or loss of the customer's clothes". The clothes were collected by a different customer who cannot be traced. Abel Orina feels aggrieved and seeks your legal advice.

Analyse the legal principles applicable in the above case and advise Abel Orina. (10 marks)
 - (b) (i) Identify two parties to an indemnity contract. (4 marks)
 - (ii) Explain three disadvantages of a contract of guarantee. (6 marks)
- (Total: 20 marks)**

QUESTION SIX

- (a) In relation to negotiable instruments:
 - (i) Explain three advantages of making payments by cheque. (6 marks)
 - (ii) State six characteristics of a promissory note. (6 marks)
 - (b) In the context of the sale of goods, explain two remedies available to an unpaid seller against:
 - (i) The goods. (4 marks)
 - (ii) The buyer. (4 marks)
- (Total: 20 marks)**

QUESTION SEVEN

- (a) State six contents of a hire purchase agreement. (6 marks)
 - (b) Explain four advantages of using negotiation as an alternative dispute resolution mechanism. (8 marks)
 - (c) Highlight six ways through which insurable interest arises. (6 marks)
- (Total: 20 marks)**
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