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CAMS LEVEL I

INTRODUCTION TO LAW AND ETHICS

MONDAY: 30 August 2021.

Time Allowed: 3 hours.

Answer any THREE questions in SECTION I and any TWO questions in SECTION II. ALL questions carry equal marks.

SECTION I

QUESTION ONE

- (a) In the context of the nature, purpose and classification of law, distinguish between “substantive law” and “procedural law”. (4 marks)
- (b) Outline six essential elements of a valid contract. (6 marks)
- (c) Discuss five exceptions to the doctrine of privity of contract. (10 marks)

(Total: 20 marks)

QUESTION TWO

- (a) With specific reference to the Sale of Goods Act:
- (i) Outline two implied warranties on the part of the seller in a contract of sale of goods. (4 marks)
- (ii) State four categories of unascertained goods. (4 marks)
- (b) In relation to the law of torts:
- (i) Highlight three defences to the tort of negligence. (6 marks)
- (ii) Explain three requirements for a plaintiff to plead *res ipsa Loquitur*. (6 marks)

(Total: 20 marks)

QUESTION THREE

- (a) With reference to the court structure in your country:
- (i) List six subordinate courts. (6 marks)
- (ii) Identify four powers of the Court of Appeal. (4 marks)
- (b) State five advantages of statute law as a source of law. (5 marks)
- (c) Outline five demerits of a partnership. (5 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) Explain the term “domestication of law”. (2 marks)
- (b) List six tribunals found in your country. (6 marks)
- (c) State six equitable remedies. (6 marks)
- (d) Describe the effect of the President not signing a bill passed by Parliament into law. (6 marks)

(Total: 20 marks)

SECTION II

QUESTION FIVE

- (a) With specific reference to the Public Officers Ethics Act:
- (i) List four people to whom a public officer should not award a contract due to conflict of interest. (4 marks)
 - (ii) Explain two obligations of a public officer in relation to the rule of law. (4 marks)
- (b) With reference to Chapter Six of the Constitution of Kenya, 2010 and the Leadership and Integrity Act, 2012:
- (i) Distinguish between a “state officer” and a “public officer”. (2 marks)
 - (ii) State six offences under the Leadership and Integrity Act. (6 marks)
 - (iii) Summarise four guiding principles of leadership and integrity. (4 marks)
- (Total: 20 marks)**

QUESTION SIX

- (a) Describe five ways of promoting a whistleblowing culture in an organisation. (5 marks)
 - (b) Enumerate five examples of ethical behaviours at the workplace. (5 marks)
 - (c) Identify four possible effects of lack of ethics by employees on a business. (4 marks)
 - (d) State six roles of professional bodies in enforcing ethical behaviour of their members. (6 marks)
- (Total: 20 marks)**

QUESTION SEVEN

- (a) Suggest three ways of enforcing a code of conduct against an employee. (3 marks)
 - (b) Summarise four benefits of a code of ethics to an organisation. (4 marks)
 - (c) With the use of an example in each case, explain the terms:
 - (i) Related party transaction. (2 marks)
 - (ii) Arm’s length transaction. (2 marks)
 - (d)
 - (i) Distinguish between “ethics” and “morality”. (4 marks)
 - (ii) State five arguments supporting ethics in business. (5 marks)
- (Total: 20 marks)**
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