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CPA PART I SECTION 1

CS PART I SECTION 1

CCP PART I SECTION 1

BUSINESS LAW

MONDAY: 17 May 2021.

Time Allowed: 3 hours.

Answer any FIVE questions.

ALL questions carry equal marks.

QUESTION ONE

- (a) Explain four features of the civil law system. (8 marks)
- (b) In the context of administrative law, highlight six rights that the administrator might accord any person against whom administrative action is to be taken. (6 marks)
- (c) Explain six rules relating to presentation for acceptance of bills of exchange. (6 marks)

(Total: 20 marks)

QUESTION TWO

- (a) Highlight six disputes which fall under the jurisdiction of the Employment and Labour Relations Court. (6 marks)
- (b) Lilian Pendo walked into a pharmacy and asked Cassandra Kinga, the pharmacist, to supply her with medication that could cure her (Lilian's) sore throat.

Required:

- (i) Describe five terms that are implied by law in the sale transaction above. (10 marks)
- (ii) Summarise four exceptions to the doctrine of caveat emptor. (4 marks)

(Total: 20 marks)

QUESTION THREE

- (a) In relation to the law of insurance:
- (i) Highlight four essential requirements for the contract to exist. (4 marks)
- (ii) List six principles of a contract of insurance, apart from the essentials of a valid contract. (6 marks)
- (b) Identify four common characteristics of law. (4 marks)
- (c) Explain three types of delegated legislation. (6 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) State five grounds for the dissolution of a partnership without the intervention of the court. (5 marks)
- (b) With reference to negotiation as an alternative dispute resolution (ADR) mechanism:
- (i) Identify five qualities of a good negotiator. (5 marks)
- (ii) Outline six objectives of the ADR system. (6 marks)
- (iii) Explain two types of conciliation. (4 marks)

(Total: 20 marks)

QUESTION FIVE

- (a) Explain three ways in which terms might be implied in a contract. (6 marks)
- (b) On 20 January 2021, Joseph Mita entered into a written agreement with Zoa Juma in which Zoa Juma agreed to smuggle some goods into the country for Joseph Mita by the end of March 2021. Joseph Mita promptly paid Zoa Juma the agreed consideration of Sh.500,000 in full, but Zoa Juma has reneged on the deal. Joseph Mita feels aggrieved and intends to sue Zoa Juma.
- Analyse the legal principles applicable in the above case and advise Joseph Mita accordingly. (8 marks)
- (c) Summarise six circumstances under which the principal might unilaterally cancel an agency relationship without being liable to the agent for breach of contract. (6 marks)
- (Total: 20 marks)

QUESTION SIX

- (a) In the context of intellectual property (IP) law:
- (i) Define the term "infringing copy". (2 marks)
- (ii) Identify four works that are eligible for copyright. (4 marks)
- (b) Outline six advantages of a contract of guarantee. (6 marks)
- (c) Explain four conditions which must be satisfied before a defendant can resort to private defence in tort cases. (8 marks)
- (Total: 20 marks)

QUESTION SEVEN

- (a) Outline five rules that govern the completion of a hire purchase agreement. (5 marks)
- (b) (i) Outline four essential ingredients of the concept of strict liability. (4 marks)
- (ii) Highlight three exceptions to the rule of strict liability. (3 marks)
- (c) In the context of the law of contract, explain the meaning of the following terms:
- (i) Discharge. (2 marks)
- (i) Termination. (2 marks)
- (ii) Puff. (2 marks)
- (iii) Representation. (2 marks)
- (Total: 20 marks)
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