



KIBABII UNIVERSITY COLLEGE (KIBUCO)

MAIN CAMPUS

**UNIVERSITY EXAMINATIONS
2014 /2015 ACADEMIC YEAR**

FIRST YEAR FIRST SEMESTER EXAMINATIONS

MAIN EXAMINATION

FOR THE DEGREE

OF

BACHELOR OF COMMERCE

COURSE CODE: BCB 106

COURSE TITLE: BUSINESS LAW 1

DATE: 13TH JANUARY 2015

TIME: 8.00-10.00 A.M

INSTRUCTIONS TO CANDIDATES:

Answer Question ONE and any other Two Questions

TIME: 2 Hours

SECTION A

QUESTION ONE

- (a) Write short notes on
 - (i) Criminal law (4 marks)
 - (ii) Tort (3 marks)
 - (iii) Arbitration (3 marks)
- (b) Describe any five essentials of a valid contract (5 marks)
- (c) State and explain four methods of contracting a valid marriage in Kenya (12 marks)
- (d) State any three circumstances under which the High Court can nullify a contract of marriage (3 marks)

SECTION B

QUESTION TWO

- (a) African Customary Law is based on the customs of the indigenous African people. The legal basis of its application is found under section 3(2) of the Judicature Act. Explain any FIVE matters in which judges may apply African Customary Law. (5 marks)
- (b) Describe any five maxims of Equity (5 marks)
- (c) Describe any five sources of Kenyan Law (5 marks)
- (d) Explain what is meant by rule of law (5 marks)

QUESTION THREE

- (a) What is meant by the tort of negligence (8 marks)
- (b) Onyango is employed by Tropical College in Nairobi as a driver while he was transporting some of the college students to the city centre after classes; His attention was diverted when he saw some girls playing netball in a field next to the road. He lost control of the bus which then landed in a ditch and Wafula one of the students aboard was injured. Wafula seeks your advice as to whether he should sue the college or Onyango for damages for negligence. What advice would you give Wafula? (12 marks)

QUESTION FOUR

- (a) A specific offer can only be accepted by the person to whom it is made. With aid of relevant cases, discuss the various modes of a valid acceptance. (10 marks)
- (b) Explain the rule of Rylands V Fletcher 1868 (10 marks)

QUESTION FIVE

Describe what is meant by independence of judiciary and explain why it is important to safeguard the independence of judiciary. (20 marks)