



MACHAKOS UNIVERSITY

University Examinations for 2019/2020 Academic Year

SCHOOL OF BUSINESS AND ECONOMICS

DEPARTMENT OF BUSINESS ADMINISTRATION

FIRST YEAR FIRST SEMESTER EXAMINATION FOR

BACHELOR OF COMMERCE

BBA 101: BUSINESS LAW I

DATE: 9/12/2019

TIME: 2.00-4.00 PM

INSTRUCTIONS:

Answer Question ONE and any other TWO Questions.

QUESTION ONE (30 MARKS)

The Knowledge of the basic laws that govern the daily life of each person in Kenya is very crucial. People doing business also require a sound understanding of the general principles of mercantile law in Kenya. Quite a number of people have often found themselves caught up on the wrong side of Law, and when taken to court, they only plead ignorance by arguing that they did not know the provisions of the relevant laws. The golden rule in the administration of justice in Kenya is that ignorance is no defence. For this reason its quite important for every person to have a sound understanding of the fundamental principles of the laws that govern them. There are the personal laws which dictate our day to day lives, the public laws which regulate order in the society and also merchantile which regulate business dealings.

- a) Citing relevant examples, explain the main features of civil law (6 marks)
- b) Discuss the elements of Tort (8 marks)
- c) What factors must one prove to establish a case of Negligence? (9 marks)
- d) Explain supervisory jurisdiction as exercised in Kenya (10 marks)

QUESTION TWO (20 MARKS)

- a) The customs of the people of Kenya have been applied as a source of Law in Kenya. What qualities must a custom possess to be applied as Law in Kenya (12 marks)
- b) Using relevant examples state and explain the reasons for subsidiary legislation in Kenya (8 marks)

QUESTION THREE (20 MARKS)

- a) With use of relevant examples, discuss rules governing acceptance. (10 marks)
- b) Discuss **five** ways through which a contract may be discharged (10 marks)

QUESTION FOUR (20 MARKS)

Write short notes on the following

- a) Obiter Dictum (5 marks)
- b) Statutes of general Application (5 marks)
- c) Doctrine of Ultra Vires (5 marks)
- d) Exemplary damages (5 marks)

QUESTION FIVE (20 MARKS)

- a) State and explain **three** forms of trespass to property (12 marks)
- b) Discuss the elements of defamation (8 marks)