



MACHAKOS UNIVERSITY

University Examination 2022/2023
SCHOOL OF BUSINESS AND ECONOMICS
DEPARTMENT OF - TVET
SECOND YEAR FIRST TERM EXAMINATIONS FOR
DIPLOMA IN BUSINESS MANAGEMENT

MODULE TWO

COMMERCIAL AND ADMINISTRATIVE LAW

DATE: 28/3/2023

TIME: 8:30 – 11:30 AM

INSTRUCTIONS: ANSWER ANY FIVE QUESTIONS

1. (a) Explain four circumstances when the unpaid seller might exercise the right of resale. (8 marks)
(b) Outline six exceptions to *nemo dat quod non habet*. (12 marks)
2. (a) Explain five reasons why parliament delegates legislative power. (10 marks)
(b) In relation to the law governing sale of goods, explain five remedies available to the buyer against the seller who is in breach of a contract of sale. (10 marks)
3. (a) Explain five acts that may be held to be within the implied authority of a partner in a trading partnership. (10 marks)
(b) In relation to the law of bankruptcy, explain the disabilities of an undischarged bankrupt. (10 marks)
4. (a) In relation to the law of bailment:
I. Explain two duties of a bailee. (4 marks)
II. Explain three duties of a bailor. (6 marks)
(b) Outline five rights of a guarantor against a creditor. (10 marks)
5. (a) In relation to the law of carriage, highlight five duties of a common carrier (10 marks)
(b) Explain five reasons that may make a court of law order for the dissolution of a partnership (10 marks)

6. (a) There are several stages in the process of declaring a debtor bankrupt. Explain six such stages. (12 marks)
- (b) common carrier is liable to make good all loss and damage whether caused by his negligence or not. Outline four exceptions to this rule. (8 marks)
7. (a) A bill of exchange may be discharged in various ways. Out five such ways. (10 marks)
- (b) Explain the grounds on which administrative action may be subject to judicial control. (10 marks)