20

(*University of Choice*)

MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY (MMUST)

MAIN CAMPUS

UNIVERSITY SPECIAL /SUPPLEMENTARY EXAMINATIONS 2021/2022 ACADEMIC YEAR

FOURTH YEAR SECOND SEMESTER EXAMINATIONS

FOR THE DEGREE
OF
BACHELOR OF TECHNOLOGY
IN
BUILDING CONSTRUCTION

COURSE CODE: BTB 462
COURSE TITLE: CONSTRUCTION LAW

DATE: 5ᵀᴴ OCTOBER 2022   **TIME: 3 – 5 P.M**

INSTRUCTIONS:
1. This paper contains FOUR Questions
2. Answer question ONE and any other TWO
3. Marks for each question are indicated in the parenthesis.
4. It is in the best interest of the candidate to write legibly
5. Examination duration is **2 Hours**

MMST observes ZERO tolerance to examination cheating

QUESTION 1 (30 marks)

a) Explain arbitration as a method of settlement of claims and disputes in construction industry in Kenya (**10 marks**)

b) Explain undue influence and **unconscionability** as common factors that can impair the legal validity of construction contracts (**10 marks**)

c) Explain cost plus contract and time and material contracts in terms of their benefits and drawback (**10 marks**)

QUESTION

a) With clear examples relevant to construction industry, discuss anticipatory breach and repudiation as methods of contract discharge (**10 marks**).

b) Explain specific performance, quantum meruit and rescission as common methods of remedying contract breach (**10 marks**)

QUESTION 3 (20 marks)

a) Explain with clear and relevant examples to construction industry any **Two (2)** causes of breach of contract (**4 marks**).

b) Discuss force majeure with clear and relevant examples in construction industry (**6 marks**).

c) The National Construction Authority of Kenya currently appears to be a toothless bulldog, discuss this in light of its mandate (**10 marks**).

QUESTION 4 (20 marks)

a) Explain with an example vicarious liability in construction industry and its applications (**8 marks**).

b) Discuss the Rylands V. Fletcher (1868) case law with its relevance to construction industry (**8 marks**)

c) Explain with a relevant example to construction industry how expert determination applies to resolving of construction contract issues (**4 marks**)