



MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY

(MMUST)

MAIN

UNIVERSITY MAIN EXAMINATIONS

2022/2023 ACADEMIC YEAR

SECOND YEAR SEMESTER ONE EXAMINATION

FOR DIPLOMA

IN

BUSINESS MANAGEMENT

COURSE CODE: DBA 201

COURSE TITLE: BUSINESS LAW

DATE: WEDNESDAY, 21ST/12/2022

TIME: 9:00 – 11:00AM

INSTRUCTIONS TO CANDIDATES

Answer QUESTION ONE and any OTHER TWO questions.
Do Not write anything on this paper.

TIME: 2 Hours

MMUST observes ZERO tolerance to examination cheating

This paper consist of 3 printed pages. Please turn over.

Questions 1

- a) Bramwel and his sister Mitchel went to Khetias Supermarket limited as customers. A glass on the 1st floor of the supermarket somehow broke and was fall on Bramwel. Mitchel who was standing close to Bramwel was not to be hit by the falling glass, but reasonably believing her brother to be in danger. She instinctively clutched his arm and tried to pull him from the spot. In doing so she injured her leg.
Mitchel sued Khetias Supermarket Limited in Tort, but Khetias Supermarket Limited contended that Mitchel has voluntarily agreed to take the risk and therefore it was not liable.

Advice Mitchel

(5 Marks)

- b) Explain two circumstances under which a party might challenge an arbitral award in high court (4marks)
- c) In relations to law of person explains the conditions for valid adoption (5 marks)
- d) Discuss essentials of a negotiable instruments (4 marks)
- e) Explain three obligations of a partner to his or her fellow partners (4 marks)
- f) Define the following terms
- i. Qui facit per alium facit perse
 - ii. Invitation to treat and offer
 - iii. res Ipsa loqitor
 - iv. caveat emptor
- g) highlight functions of parliament In Kenya (4marks)

Question 2

- a) what is resale? State four circumstances when the unpaid seller might exercise the right of resale. (6marks)
- b) explain exceptions to the rule regarding considerations in a contract (4marks)
- c) A stranger to a contract cannot sue are their exceptions to this rule? (6marks)
- d) Explain circumstances under which custom can become a law (4marks)

Question 3

- a) Discuss the grounds for summary dismissal in the employment contract (8 marks)
- b) Having regards to the law of agency. Describe ways in which agency relations can arise. (6 marks)
- c) Discuss viating/voidable factors in the law of contract (6 mark)

Question 4

- a) Highlight differences between amendment and repeal (4 marks)
- b) Explain the meaning of the rule '*Nemo dat quod non habet*'. what are the main exceptions for this rule (6marks)
- c) Briefly discuss implied warrantees in the law of contract (4marks)
- d) In relations to the law of contract, explain ways in which a contract may be discharged (6 marks)

Question 5

- a) Give difference between Bill of exchange and A cheque. (4 marks)
- b) Explain the disadvantages delegated legislations as a source of law (4 marks)
- c) Differentiate between assault and battery and proceed to explain two defenses for the same (4marks)
- d) Explain Nature of tortious liability (4 marks)
- e) Explain five circumstances under which agents' actions which was initially unauthorized might be subsequently ratified by his principal so as to become binding (4 marks)