



**MASINDE MULIRO UNIVERSITY OF SCIENCE AND  
TECHNOLOGY (MMUST)**

**MAIN CAMPUS**

**MAIN EXAMINATIONS**

**UNIVERSITY EXAMINATIONS**

**2022/2023 ACADEMIC YEAR**

**SECOND YEAR SECOND SEMESTER**

**FOR THE DEGREE**

**OF BACHELOR OF SCIENCE IN ECONOMICS**

**COURSE CODE: ECO 208**

**COURSE TITLE; LEGAL SYSTEMS AND METHODS**

**DATE: THURSDAY 22/12/2022 TIME: TIME: 12:00 -14:00**

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**INSTRUCTIONS TO CANDIDATES**

- 1. ANSWER QUESTION ONE AND ANY OTHER TWO QUESTIONS**
- 2. DO NOT WRITE ANYTHING ON THE QUESTION PAPER**

**TIME: 2 HOURS**

MMUST observes ZERO tolerance to examination cheating

This Paper Consists of 2 Printed Pages. Please Turn Over. 

### QUESTION ONE

- a. Horex and Jeremy met for a business lunch at a restaurant in town. They were later joined by Joshua, Jeremy's friend. During the discussion, Jeremy informed Joshua that he was Hosea's agent to which Horex did not object. A week later, Jeremy obtained goods on credit from Joshua on behalf of Horex. Jeremy has since disappeared and Joshua is claiming payment for the goods from Horex. Explain the legal principles applicable in this case and advise Joshua. (4 marks)
- b. Explain five duties of an agent (5 marks)
- c. Using illustrations distinguish between executed, executory and past consideration. (6 marks)
- d. You have been appointed as a contract manager in an MNC which has a branch in Kenya and you are required to develop an international contract for supply of goods. Explain the terms you will include in the contract. (5 marks)
- e. Argue the case for delegated legislation as a source of law in Kenya. (5 marks)
- f. Having regards to the case of Salomon v. Salomon and company limited examine five attributes of a company. (5 marks)

### QUESTION TWO

- a. Marvin gets into an argument with his supervisor and quits his job. He lists his employer on his résumé. When a potential employer calls his former employer to verify his employment, his former supervisor says all sorts of harsh and arguably untrue things about Marvin. Marvin does not get the job.
- i. Does Marvin have a legal action against his former employer? Explain (2 marks)
- ii. Explain the conditions of liability that Marvin needs to prove in order to succeed in an action in the instant case (4 marks)
- b. Under what circumstances may a slander be deemed actionable per se? (4 marks)
- c. In relation to the law of succession, explain the factors that a court of law may take into account when making provisions for dependants. (10 marks)

### QUESTION THREE

- a. One of the most significant shortcomings of the common law that led to the development of equity was inadequate remedies. As a result, many would be plaintiffs were left out, however equity increased the remedies.

With reference to the above statement, discuss four equitable remedies. (8 marks)

b. Distinguish between a common law remedy and an equitable remedy. (2 marks)

c. Discuss the vitiating factors under the law of contract. (10 marks)

#### **QUESTION FOUR**

a. Describe five limitations of arbitration as a dispute resolution mechanism (5 marks)

b. Write a note on the constitutional concept of independence of the Judiciary (5 marks)

c. Discuss the reasons why the court may order for dissolution of a partnership. (10 marks)

#### **QUESTION FIVE**

a. In relation to Employment Act of 2007, explain;

i. Rights of an employee (5 marks)

ii. Grounds for summary dismissal (5 marks)

b. Describe four differences between a tort and a crime (4 marks)

c. Make an analysis on the nature of tortious liability with the aid of relevant examples. (6 marks)

