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# **KIBABII UNIVERSITY**



## **UNIVERSITY EXAMINATIONS**

**2019/2020 ACADEMIC YEAR**

### **FIRST YEAR SECOND SEMESTER**

**FOR THE BACHELOR OF BUSINESS MANAGEMENT**

**COURSE CODE: BBM 124**

**COURSE TITLE: BUSINESS LAW 1**

**DATE: 16/02/2021**

**TIME: 11.00AM -1.00PM**

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#### **INSTRUCTIONS TO CANDIDATES**

Answer **ALL** questions in **Section A** and Any other **TWO (2)** Questions from **section B**

## SECTION A

### QUESTION ONE

- a) Rashid sneaked into Shaban's compound with the intention of breaking into his car and stealing his radio cassette. As he was walking towards the park, he fell into a pit which Shaban had dug to construct a water reservoir. As a result Rashid was seriously injured.

Rashid now seeks your advice as to whether he can successfully sue Shaban.

State the legal principles applicable to the above facts and advise Jerald.

(5 marks)

- b. What are the advantages, from a legal point of view, of converting a business carried on as a partnership into a registered company limited by shares? (5 marks)

- c. Explain ways in which a foreigner may acquire citizenship in Kenya. (5 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. State and explain the terms you will include in the contract. (10 marks)

- e. Explain five advantages of delegated legislation. (5 marks)

## SECTION B

### QUESTION TWO

- a. Explain the advantages and disadvantages of arbitration as an alternative dispute resolution system. (10 marks)

- b. Outline 5 essentials of a valid adoption

(5mks)

- c. A contract without consideration is void. Are there exceptions to this rule?

(5mks)

### QUESTION THREE

- a. Examine the concept of legal personality and describe the various kinds of corporations, giving examples of each. {6 MARKS}

- b. Using illustrations discuss the vitiating factors. (10 marks)

- c. Explain the jurisdiction of High court of Kenya. (4 marks)

#### **QUESTION FOUR**

a. Explain the following terms as used in law of succession (5 marks)

i. Testator

ii. Intestate succession

iii. Administrator

iv. Executor

v. Testate succession

b. In relation to law of succession, explain the factors that the court will consider when making provisions for dependants not provided for in the will. (5 marks)

c. Using illustrations discuss the general defences under the law of tort. (10 marks)

#### **QUESTION FIVE**

a. Discuss ways in which a contract may be discharged. (10 marks)

b. A contract which is prohibited by the common law is usually described as being "contrary to public policy" (i.e. the court is of the view that it is in the public interest that the contract should not be enforced). Outline examples of such contracts. (5 marks)

c. Discuss the forms of employment relationships. (5 marks)