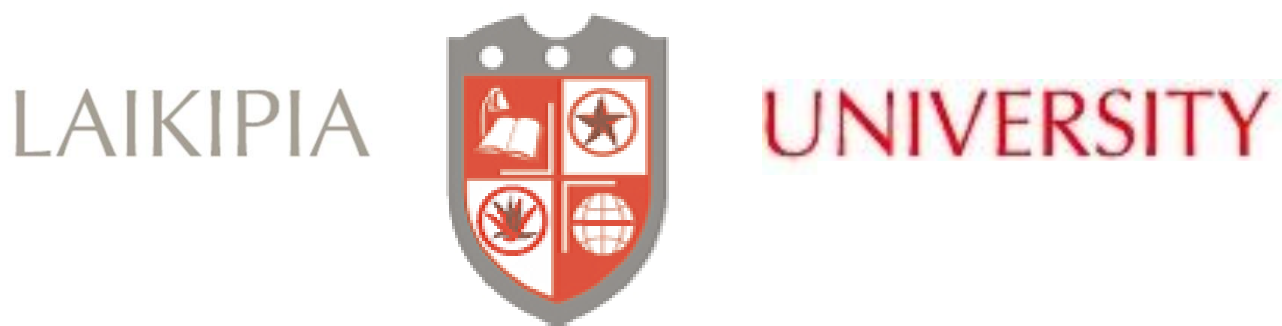




UNIVERSITY EXAMINATIONS

FIRST SEMESTER 2025/2026 ACADEMIC YEAR

THIRD YEAR EXAMINATION FOR THE DEGREE
OF BACHELOR OF COMMERCE

BCOM 312: BUSINESS LAW I

STREAM: R

TIME: 2 HRS

DAY: FRIDAY [8.30 A.M-10.30 A.M]

DATE: 6/02/2026

THIS QUESTION PAPER CONSISTS OF THREE (3) PAGES

PLEASE DO NOT OPEN UNTIL THE INVIGILATOR SAYS SO.

INSTRUCTIONS: Answer question **ONE** and any other **TWO** questions

QUESTION ONE

- a) Negligence is an unconditional breach of duty by the defendant that results in harm of another. Discuss this statement giving the essentials of negligence and relevant examples. (10 marks)
- b) In what way may a contract be discharged. Give case illustrations for each. (10 marks)
- c) Discuss the formalities of making a written will in accordance with the Law of Succession Act. (Cap 160) of the Laws of Kenya (10 marks)

QUESTION TWO

- a) The Doctrine of Equity was established to supplement the rigid procedure of the common law. Define Equity and discuss the defects of the common law that lead to the development of the law of Equity (10marks)
- b) James Maina died intestate leaving no wife or children. His relatives have been fighting for his property and some of them have sort your advice. Advise James Maina's relatives on how his assets shall devolve (10 marks)

QUESTION THREE

- a) Explain the general defences available to a defendant in every action of tort and where they are appropriate. (10 marks)
- b) Jeff Omondi a third-year student of Laikipia University has been in a love relationship with a girl named Joyce Mwende until last month when he discovered that Joyce was in another relationship. He could not stand this "double-dealing" and he decided to have her exposed! He wrote an e-mail in which he accused her of being '*a prostitute number one*' in Laikipia University and its environs. He sent the E-mail to her and copied to her friends named, Scovia Jebet, Njoki, Kamau, Nyagaka and Nzioki. He pressed the send key on his computer and closed it down. He then went out telling his friends that they should wait for the '*bomb*' he had dropped. When the friends did not get to hear anything from anyone, a few decided to know what he meant and approached him at night and he told them that he had thoroughly spoilt the name of the '*foolish girl*' who had behaved badly. One of them informed Joyce Mwende the following day about the story and Joyce being very incensed over the matter decided to sue her former boyfriend. What is the issue therein? Explain what Joyce should prove in the court of law for her case to succeed. (10 marks)

QUESTION FOUR

- a) African customary law is recognized as a source of Kenyan law. Highlight the limitation that has been imposed for the application of African Customary Law. **(5marks)**
- b) F handed H a written offer. The next day F posted a withdrawal of the offer. This was posted between 12 noon and 1 pm, and it did not reach H until after 5pm. In the meantime, H at 3.50 pm posted an acceptance, discuss. **(5 marks)**
- c) Kamau could not find a better car in all the other showrooms visited, and on his way to the office found Acupa driving the car he had reserved at PHT Motors. He quickly went to PHT Motors to demand the car but was told it had been sold. Advise Kamau as to whether he can sue PHT Motors for breach of contract **(10 marks)**

END