

LAIKIPIA



UNIVERSITY

UNIVERSITY EXAMINATIONS

1ST SEMESTER 2023/2024 ACADEMIC YEAR

THIRD YEAR EXAMINATION FOR THE DEGREE
OF BACHELOR OF COMMERCE

BCOM 312: BUSINESS LAW 1

STREAM: BCOM

TIME: 2 HRS

DAY: THURSDAY [14.30-16.30 P.M]

DATE: 14/12/2023

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) Law has been divided into different branches/classes for easy management and administration of the same.

Briefly EXPLAIN the main branches of law most prevalent in our Courts in Kenya
(10 Marks)

- b) Bett called you last week complaining that Mrs. Mwangi had breached a contract they had entered into for sale of a house in Chogoria. Discuss the remedies that are open to him
(10mks)
- c) Explain the nature of the doctrine of Judicial precedent and how it is being applied by our Courts as one of the sources of our Laws in Kenya.
(5 Marks)
- d) 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)

QUESTION TWO

- a) Mary Wangari alleged that standard newspaper published an article that damaged her reputation among the right-thinking members of the society. He filled a suit against the Standard Newspaper claiming that she had been defamed. Advice Mary Wangari on what she need to prove against the Standard Newspaper in order to succeed to recover damages from the Newspaper
(10marks)
- b) With very clear examples explain FIVE differences between criminal wrongs and civil wrongs
(10mks)

QUESTION THREE

- a) Dr Eric Chege prescribed Jane a diabetic patient some weight reducing tablets. He recommended to her Cunjula a new product which would add some vitamins and take away excess calories at the same time. Jane bought the tablets and consumed them in the prescribed manner, but instead she gained several kilos. What remedies if any, does Jael have against Dr Erick
(10mks)
- b) A party's genuine consent is an essential element of a legally binding contract. However, a contract can be affected by a number of factors. Explain at least FIVE factors that can affect consent to a contract.
(10mks)



QUESTION FOUR

- a) Johana Jonabi made a written will bequeathing all his property to his wife Naomi. Subsequently the couple were blessed with a son, David. Recently Johana Janabi died in a road accident. Naomi would like to know whether his son David can inherit his father's property in the light of the will. Advise Naomi **(10mks)**
- b) 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 **(10mks)**

END

