

2903/106
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BUSINESS LAW
July 2017
Time: 3 hours



THE KENYA NATIONAL EXAMINATIONS COUNCIL

**DIPLOMA IN SUPPLY CHAIN MANAGEMENT
DIPLOMA IN BUSINESS MANAGEMENT
DIPLOMA IN CO-OPERATIVE MANAGEMENT
DIPLOMA IN INVESTMENT MANAGEMENT**

MODULE I

BUSINESS LAW

3 hours

INSTRUCTIONS TO CANDIDATES

*This paper consists of **SEVEN** questions.
Answer any **FIVE** questions in the answer booklet provided.
All questions carry equal marks.
Candidates should answer the questions in English.*

This paper consists of 3 printed pages.

Candidates should check the question paper to ascertain that all the pages are printed as indicated and that no questions are missing.

1. (a) (i) Outline **four** features of each of the following types of contracts:
 - (I) Simple contracts;
 - (II) Contract of record.

(8 marks)
- (ii) State **four** contracts that must be supported by written evidence. (4 marks)
- (b) Explain the following classes of agents:
 - (i) Factor;
 - (ii) Del credere agent;
 - (iii) Universal agent;
 - (iv) Special agent.

(8 marks)
2. (a) (i) Explain each of the following defences against tort:
 - (I) Private defence;
 - (II) Inevitable accident;
 - (III) Statutory authority.

(6 marks)
- (ii) Jared was standing next to a shop at 10.00 p.m., when he was arrested by a policeman on suspicion of being a thief. Outline a suitable line of defence that Jared may use in a court of law. (4 marks)
- (b) (i) Outline **two** distinctions between statute law and common law. (4 marks)
- (ii) Outline **three** factors that have encouraged the application of judicial precedents in Kenya, in determining court cases. (6 marks)
3. (a) (i) Highlight **three** ways of safeguarding the validity of a written will. (6 marks)
- (ii) Explain **three** ways by which a testator may revoke his will. (6 marks)
- (b) Outline **five** functions of the President as stipulated in the Constitution of Kenya. (8 marks)
4. (a) (i) Distinguish between:
 - (I) real property and personal property;
 - (II) public property and private property.

(8 marks)

- (ii) Explain the process of acquiring property through the following ways:
- (I) Operation of law;
(II) Accession. (4 marks)
- (b) Explain **five** reasons why the High Court of Kenya may order an inferior court to present to it the records of proceedings. (8 marks)
5. (a) Describe the operation of the law of tort with regard to diplomats. (10 marks)
- (b) Highlight **five** responsibilities of an employer under a contract of employment. (10 marks)
6. (a) Explain **five** characteristics of a valid offer, (10 marks)
- (b) Explain **five** differences between a bill of exchange and a cheque. (10 marks)
7. (a) (i) Explain **four** rules that govern the validity of gifts in contemplation of death. (8 marks)
- (ii) Laswa contemplated death following an illness and therefore decided to leave his property as a gift to two relatives just in case. State the effect if:
- (I) Laswa later committed suicide;
(II) Laswa finally recovered from the illness. (4 marks)
- (b) (i) Outline the remedies available in a civil wrong. (6 marks)
- (ii) State **two** kinds of civil wrongs. (2 marks)

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