



JARAMOGI OGINGA ODINGA UNIVERSITY OF SCIENCE AND TECHNOLOGY

SCHOOL OF ENGINEERING AND TECHNOLOGY

UNIVERSITY EXAMINATIONS FOR THE DEGREE IN CONSTRUCTION MANAGENT

4TH YEAR 1ST SEMESTER 2018/2019 ACADEMIC YEAR

CENTRE: MAIN CAMPUS

COURSE CODE: TCM 3411

COURSE TITLE: CONSTRUCTION AND LAW

EXAM VENUE: STREAM: BSc CONSTRUCTION MGT.

DATE: ../12/2018 EXAM SESSION:

DURATION: 2 HOURS

Instructions

- 1. Answer question 1 (Compulsory) and ANY other two questions**
- 2. Candidates are advised not to write on question paper**
- 3. Candidates must hand in their answer booklets to the invigilator while in the examination room**

QUESTION ONE (30 MARKS)

- a. Define the following terms commonly applied in construction law **(10marks)**
 - i. Easements
 - ii. Restrictive covenants
 - iii. Workman's compensation
 - iv. Common law
 - v. Tort
- b.
 - i. Explain what void contract entails **(4marks)**
 - ii. Briefly describe the essentials of valid contract **(6marks)**
- c. Briefly explain how a contract can be discharged **(10marks)**

QUESTION TWO (20MARKS)

- a. Discuss the differences between an incorporated company and a partnership in Kenya **(10marks)**
- b. Explain the process for registration of an incorporation of a company in Kenya **(10marks)**

QUESTION THREE (20MARKS)

- a. How is the supremacy of the constitution as a source of law manifested. **(6marks)**
- b. Briefly discuss fundamental sources of law in Kenya that were borrowed externally **(10marks)**
- c. Explain briefly the difference between delegated legislation and an act of parliament **(4marks)**

QUESTION FOUR (20MARKS)

- a. Explain the differences between court litigation and arbitration **(4marks)**

- b. Discuss four dispute resolution mechanisms other than court litigation and arbitration **(16marks)**

QUESTION FIVE (20MARKS)

- a. Differentiate a tort and a contract **(2marks)**
- b. Under the law of torts state six defenses an accused person could rely on to be set free in a court of Law **(18marks)**