



1. Briefly explain: (30 marks)

- A) What you understand by the term Independent Contractor (5Marks)
- B) To what extent the following are regarded as sources of law in Kenya?
  - i) African Customary Law (2.5 Marks)
  - ii) Islamic Law (2.5 Marks)
- C) The difference between liquidated damages and specific performance (5 Marks)
- D) The different classification of land in Kenya (5 Marks)
- E) When a contractor may be suspended by the Board? (5Marks)
- F) The rights accorded an employee under the Employment Act 2007 (5 Marks)

2. Bob Hatari has just graduated with a first class Honours degree in Construction Management from JOOUST. Bob's uncle, who has been nominated to be the new minister for Foreign Affairs, is so happy with his nephew that he has decided to use his previous connections as ambassador of the Chin Chung Republic to help Bob secure Construction contracts with Chin Chung Housing Corporation based in Nairobi, Kenya. Bob urgently needs to register a business entity for this purpose.

A) Advice Bob on the appropriate type of business association he should register. Give reasons for your advice (10 Marks)

B) Explain the process of registering the identified type of business association (10 Marks)

3. A) As a contractor faced with a dispute with your employer, explain why you would prefer an ADR process as opposed to litigation (10 Marks)

B) What do you understand by the term foreign contractor and what conditions must such a firm fulfil before being allowed to operate in Kenya (10 Marks)

4. A) What do you understand by the term *Quantum Meruit* as used in Construction industry? When may a contractor claim *Quantum Meruit* (10 Marks)

B) Briefly discuss the remedies available to an innocent contractor in the event of breach of contract? (10 Marks)

5. A) Section 44 of OSHA makes it mandatory to have all places of work registered. Briefly discuss the requirements imposed on an applicant seeking registration (10 Marks)

B) Identify any three actors within the construction industry and briefly explain their roles (10 Marks)

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