



JARAMOGI OGINGA ODINGA UNIVERSITY OF SCIENCE AND TECHNOLOGY
SCHOOL OF ENGINEERING & TECHNOLOGY
UNIVERSITY EXAMINATION FOR THE DEGREE OF BACHELOR OF SCIENCE IN
CONSTRUCTION MANAGEMENT
4TH YEAR 1ST SEMESTER 2015/2016 ACADEMIC YEAR

CENTRE: MAIN CAMPUS

COURSE CODE: TCM 3411

COURSE TITLE: CONSTRUCTION LAW

EXAM VENUE: AH 2

STREAM: BSc. CONSTRUCTION MGT.

DATE: 12/10/15

EXAM SESSION: 9.00 - 11.00AM

TIME: 2 HOURS

Instructions:

1. Answer question 1 (compulsory) and ANY other 2 questions.

2. Candidates are advised not to write on the question paper.

3. Candidates must hand in their answer booklets to the invigilator while in the examination room.

QUESTION ONE (30marks)

- a) Define the following terms commonly applied in construction law (10marks)
- i. Easements
 - ii. Restrictive covenants
 - iii. Tort
 - iv. Workmen's compensation
 - v. Voidable contract
- b)
- i. Explain what privity of contract entails. (2marks)
 - ii. Briefly explain four circumstances under which a contract can be discharged. (8marks)
- c)
- i. Explain why it is necessary for workers in various sectors including the construction industry to form trade unions (2marks)
 - ii. State four major functions of the Industrial Court of Kenya (8marks)

QUESTION TWO (20marks)

- a) Discuss four differences between an incorporated company and a partnership firm (8marks)
- b) Highlight the five main documents required to facilitate registration and incorporation of a company in Kenya (10marks)
- c) Explain the difference between statutory companies and registered companies (2marks)

QUESTION THREE (20marks)

- a) Define the term law (2marks)
- b) Briefly discuss seven fundamental sources of law in Kenya (14marks)
- c) Explain briefly the difference between subsidiary legislation and an act of parliament (4marks)

QUESTION FOUR (20marks)

- a) Distinguish between arbitration and court litigation **(2marks)**
- b) Discuss seven advantages of arbitration over court litigation in dispute resolution **(14marks)**
- c) State four other alternative dispute resolution mechanisms other than arbitration **(4marks)**

QUESTION FIVE (20marks)

- a) State three differences between a tort and a contract **(3marks)**
- b) List the major elements of a building contract agreement **(5marks)**
- c) Clarify the remedies available at the disposal of an aggrieved party where contractual provisions have been breached by the other party **(12marks)**