



**JARAMOGI OGINGA ODINGA UNIVERSITY OF AGRICULTURE AND  
TECHNOLOGY**

**SCHOOL OF BUSINESS AND ECONOMICS**

**UNIVERSITY EXAMINATION FOR THE DEGREE OF BACHELOR OF BUSINESS  
ADMINISTRATION**

**2<sup>ND</sup> YEAR SEMESTER ONE 2018/2019 ACADEMIC YEAR**

**KIUMU CAMPUS**

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**COURSE CODE: ABA 208**

**COURSE TITLE: BUSINESS LAW II**

**VENUE: --**

**DATE:**

**EXAM SESSION:**

**TIME: 2 HOURS**

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**INSTRUCTIONS**

- 1. This paper consists of Five (5) questions.**
- 2. Answer question 1 (COMPULSORY) and any other Two questions.**
- 3. Write all answers in the answer booklet provided.**

- 1)
- a) Contracts can be classified in various ways. Explain the manner in which it is classified according to validity. (5 Marks)
  - b) Define the tort of defamation and explain the defences available to a defendant (5 Marks)
  - c) Explain the meaning of the legal maxim '*nemo dat quod non habet*' and any 5 exceptions. (5 marks)
  - d) Define the term 'goods' as used in the Sale of Goods Act and distinguish a contract for the sale of goods and a contract for Hire Purchase. (5 Marks)
  - e) Explain the rules that must be adhered to by a principal when ratifying acts of an agent. (10 Marks)

- 2) a) Define Bankruptcy and State the acts of Bankruptcy.

(8 marks)

- b). Explain the sequences of events to be followed in having a party adjudged Bankrupt.

(12 marks)

3)

- a) What are the general elements of Tort and how far do these general elements relate to the proposition on the liability of minors.

(10 marks)

- b) Enumerate and discuss the remedies available in Equity.

(10 marks)

4)

- (a) What is meant by Negotiable instruments? Explain the manner in which a discharge of negotiable instruments affects the parties to the instruments.

(7marks)

(b) What are the Implied Terms of a Partnership Agreement.

( 7 marks)

(c) What do you understand by the term;-

- i. Endorsements
- ii. Restrictive crossing of a Cheque
- iii. Acceptor for honor

(6marks)

5)

a. Under the Law of Agency by Cohabitation ,the wife ,concubine or mistress is presumed to be an Agent for the Husband to pledge his credit for necessities suitable for his lifestyle, what Limitations if any does the law provide for in this type of Agency/

(10 marks)

b. What are the implied terms of Hire Purchase Agreement?

(10 Marks)