



JARAMOGI OGINGA ODINGA UNIVERSITY OF SCIENCE AND TECHNOLOGY

SCHOOL OF BUSINESS AND ECONOMICS

DEGREE OF BACHELOR IN BUSINESS ADMINISTRATION

FIRST YEAR 2ND SEMESTER 2022/2023 ACADEMIC YEAR

KISUMU CAMPUS

COURSE CODE: BEB 1202
COURSE NAME: BUSINESS LAW I
DATE: 21/12/2022 SESSION: 15.00-17.00PM
TIME: 2 HOURS

1. Answer question ONE(COMPULSORY) and ANY other two 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.

1)

- a. Onyango and Kalonzo have entered into a contract of sale of a motor vehicle. Onyango is 17 years old while Kalonzo the buyer is 20 years old. Kalonzo has threatened Onyango with dire consequences if Onyango does not sell the Motor vehicle at Kenya Shillings One hundred thousand only (KShs. 100,000/=). Onyango is asking for Kenya Shillings Three Hundred Thousand (KShs.300,000/-) Onyango has come to you for a legal advice on the validity of a contract. Advice Onyango

(10 Marks)

- b. Define the term “Tort”

(5 Marks)

- c. How can a contract be terminated?

(7Marks)

- d. Discuss the jurisdiction of the high court under the constitution of Kenya 2010

(8 Marks)

2)

- a. The principles aim of the Law of Tort is to compensate the victim; discuss therefore the various objectives of tort. (10Marks)

- b. Contract is an agreement between two parties; enforceable by law, highlight therefore the differences between a tort and a contract.(10Marks)

3)

- a. Define the tort of defamation and explain the defences available to a defendant .
(10 Marks)

- b. What is the scope of the African customary law and under what circumstances may the court be guided by it.(10 Marks)

4)

- a. Distinguish between the common law, statute law and the doctrines of equity and how are they applicable in Kenya.(10Marks)
- b. The High court of Kenya is established under article 165 of the Kenyan constitution.Explain the high court of Kenya's jurisdiction as exercised against subordinate courts and other administrative authorities through the *writ of Habeas Corpus*, *writ of Certiorari* and *the writ of Mandamus*.(10marks)

5) Write short notes on the following:

- a. *Res Ipsa Loquitur* (5marks)
- b. *Volenti non fit injuria*. (5marks)
- c. Consideration.(5marks)
- d. Statutory Authority.(5marks)