



**JARAMOGI OGINGA ODINGA UNIVERSITY OF SCIENCE AND TECHNOLOGY**  
**SCHOOL OF BUSINESS AND ECONOMICS**  
**UNIVERSITY EXAMINATION FOR CERTIFICATE IN BUSINESS MANAGEMENT.**  
**1<sup>ST</sup> YEAR 2<sup>ND</sup> SEMESTER 2023/2024 ACADEMIC YEAR**  
**MAIN CAMPUS /KISUMU CAMPUS**

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**COURSE CODE: BCL 2111**

**COURSE TITLE: INTRODUCTION TO COMMERCIAL LAW**

**EXAM VENUE: MAIN CAMPUS**

**DATE: 24/04/2024**

**EXAM SESSION: 9.00 – 10.30 AM**

**DURATION: 1 ½ HOURS**

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**INSTRUCTIONS**

- 1. Answer questions one and any other three.**
- 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.**
- 4. Show ALL your workings and be as NEAT as possible.**
- 5. Marks allocated to each question are shown at the end of the question.**

### QUESTION 1 (COMPULSORY)

1. a) What is law. Briefly explain. (4 marks)
- b) Mention some 4 Characteristics of law. (4 marks)
- c) What are some of the f functions of law? Mention any 6. (6 marks)
- d) Briefly explain the Distinction between law and morality. (6 marks)
- e) Law can be classified into various categories. mention and briefly explain any 4 (4 marks)
- f) Give any 4 Distinction between civil law and criminal law (4 marks)
- g) What is Substantive law. (2 marks)
- h) Define the procedural law. (2 marks)
- i) Differentiate what is meant by State and international law

### QUESTION 2

- a) Mention and briefly explain any 6 sources of law (12 marks)
- b) What are some of the Advantages of statute law (4 marks)
- c) Mention some of the Disadvantages of statute law (4 marks)

### QUESTION 3

- a) Mention any 4 Circumstances when African customary law is applicable in Kenya (8 marks)
- b) What is the key function of courts (2 marks)
- c) Mention and briefly explain 6 functions of law (6 marks)
- d) When was the Kenyan constitution originally enacted. (2 marks)
- e) When was the Kenyan new constitution promulgated. (2 marks)

### QUESTION 4

- a) Define contract and state the essential of a valid contract. (4 marks)
- b) State the various kinds of contract. (4 marks)
- c) Distinguish between valid, void and voidable contract. (6 marks)
- d) Explain the nature of the law of contract. (6 marks)

### QUESTION 5

- a) "An agreement enforceable by law is a contract "Discuss the definition and bring out clearly the essentials of a valid contact. (8 marks)
- b) Write short notes on. (8 marks)
  - Implied contract
  - Quasi contract
  - Executed contracts
  - Bilateral contracts
- c) All agreements are not Contract but ALL contracts are agreements. Discuss the statement explaining the essentials of a valid contract. (4 marks)