



UNIVERSITY OF EMBU

2019/2020 ACADEMIC YEAR

FIRST SEMESTER EXAMINATIONS

FIRST YEAR EXAMINATION FOR THE DEGREE OF BACHELOR OF COMMERCE

BBA 111: BUSINESS LAW

DATE: JANUARY 15, 2020

TIME: 8:30 AM – 10:30 AM

INSTRUCTIONS:

Answer Question ONE and ANY Other TWO Questions.

QUESTION ONE (30 MARKS)

- a) Define Statute law and discuss its advantages. (6 marks)
- b) Identify the factors that may undermine the rule of law in a country. (4 marks)
- c) Distinguish the following:
- i) Law and Morality, (2 marks)
 - ii) Public and Private Law (2 marks)
 - iii) Common Law and Equity (2 marks)
 - iv) Substantive Law and Procedural Law (2 marks)
 - v) Ratio Decidendi and Obiter Dicta (2 marks)
- d) Explain the following types of precedent:
- i) Declaratory Precedent; (2 marks)
 - ii) Original Precedent; (2 marks)
 - iii) Distinguishing Precedent. (2 marks)
- e) In relation to the law of persons, explain the following:
- i) Corporation sole: (2 marks)



ISO 27001:2013 Certified *Knowledge Transforms*



ISO 9001:2015 Certified

- ii) Corporation aggregate. (2 marks)

QUESTION TWO (20 MARKS)

- a) Explain the nature and advantages of commercial arbitration as a means of settling disputes. (10 marks)
- b) Describe the advantages of carrying on business as a limited liability company as opposed to a partnership. (10 marks)

QUESTION THREE (20 MARKS)

- a) Name the courts that have jurisdiction to hear the following cases and give reasons for your answer.
- i) A trial for murder. (2 marks)
- ii) A divorce case involving Asha and Mohammed both who confess Islamic faith. (2 marks)
- iii) An appeal case by Yusuf who has been convicted by a Chief Magistrate's court for committing a robbery with violence and sentenced to death. (2 marks)
- b) In relation to sources of law in your country:
- i) State and explain four reasons for delegated legislation. (8 marks)
- ii) Explain four circumstance under which African customary law will be applicable in the courts. (6 marks)

QUESTION FOUR (20 MARKS)

- a) In relation to the Law of Contract, explain six ways in which a contract may be discharged. (12 marks)
- b) Janet and Mary entered into a contract in which Janet was to sell a car to Mary, for Sh. 250,000. Unknown to the parties, the car which had been parked at John's garage had been burnt down that morning following a fire outbreak at the garage. Mary had paid Janet Sh. 100,000 as deposit. She now intends to sue Janet for breach of contract. Advise Janet. (8 marks)



QUESTION FIVE (20 MARKS)

- a) Explain five essentials of a valid contract. (10 marks)
- b) Write explanatory notes on the following:
- i) Supremacy of the constitution. (3 marks)
 - ii) Intestate and testate succession (3 marks)
- c) In relation to the administration of justice and law, in Kenya or your country, explain the composition and jurisdiction of the Supreme court of Kenya. (4 marks)

--END--



