



UNIVERSITY OF NAIROBI

FIRST SEMESTER EXAMINATIONS 2009/2010 (MODULE II)

SECOND YEAR EXAMINATIONS FOR THE DEGREE OF BACHELOR OF
LAWS

GPR 205: SALE OF GOODS AND AGENCY

DATE: 26TH FEBRUARY, 2010

TIME: 5.30-7.30 P.M.

Instructions: Answer QUESTIONS ONE (1) and TWO (2) and ANY OTHER TWO questions

1. Write briefly on any two of the following:
 - i) The different types of goods.
 - ii) The obligations of the seller and the buyer in a sale of goods contract.
 - iii) Rules for determining the intention of the parties as to when the property in the goods passes. [20 marks]

2. With the use of relevant authorities, compare and contrast an ordinary sale of goods contract with the sale of goods at an auction, clearly showing the position of the parties in each case. [20 marks]

3. Mama Mboga, a vegetable retailer at Gikomba Market, Nairobi, goes to Mama Serah, a dealer in vegetables at Wakulima Market, Nairobi, and selects one kilo of tomatoes and one kilo of cabbages, which she puts in a plastic bag, then

[1]

At 1.30 p.m. that same day, while the workers in Salim's go-down were out for lunch, an electrical fault in the wiring set the go-down on fire, and only 100 bags of maize were salvaged. Bakari had paid for the 100 bags, soon after the agreement had been concluded, at exactly 11.15 a.m.

Both Salim and Bakari approach you as a Commercial Arbitrator, highly respected for your sense of justice and fairness, to resolve the misfortune that has befallen them.

- a) Advise the parties
- b) Would your advice ^{be} any different if the incident happened in Brighton, England? [15 marks]

4. Write on the rights of an un-paid seller. [15 marks]

5. With the use of relevant authorities, write on the position of an Auctioneer, paying particular attention to his obligations towards the vendor and the bidders. [15 marks]

6. The sale of Goods Act (Cap 31 Laws of Kenya) was meant to ameliorate the harshness of the doctrine of buyer-be-ware under common law rules. How far, if at all, has the legislation met those aspirations? [15 marks]

[2]