

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

**SCHOOL OF BUSINESS AND ECONOMICS**

**UNIVERSITY EXAMINATION FOR DEGREE IN BUSINESS ADMINISTRATION FOR**

**FIRST YEAR SECONDSEMESTER APRIL 2017**

**E-LEARNING**

**COURSE TITLE: BUSINESS LAW 1**

**COURSE CODE: ABA 106**

**DATE: 27/04/17EXAM SESSION: 2.00 – 4.00 PM**

**TIME: 2 HOURS**

Instructions

1. Answer question 1 (compulsory) and ANY other 2 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.

**QUESTION ONE (30 MARKS)**

1. Draw a diagram showing the structure of courts in Kenya (5 marks)
2. Discuss the freedoms guaranteed by the new constitution (5marks)
3. Discuss the various sources of Kenyan law as per section 3 of the judicature Act

                                                                                                                         (5 marks)

(d)Explain the advantages of delegated legislation (5 marks)

e) Write on a bill of exchange? Describe the essentials of a bill of exchange. (l0 marks)

**QUESTION TWO (20 MARKS)**

(a) Distinguish the difference between, condition and warranty in contract of sale. (l0 marks)

(b) What do you understand by the term capacity to contract? Explain. (l0 marks)

**QUESTION THREE (20 MARKS)**

1. State and explain the major maxims of the doctrine of Equity (12 marks)
2. Give the meaning of the following terms as used in law (8 marks)
3. Criminal law
4. Civil law
5. Procedural law
6. Substantive law

**QUESTION FOUR (20 MARKS)**

1. Law can either be written or unwritten. Identify the main sources of unwritten law (10 marks)
2. Explain the meaning of the following as applicable in law:
3. Writ
4. precedent
5. Stare decisis
6. Ultra vires
7. Common law (10 marks)

**QUESTION FIVE (20 MARKS)**

1. Define tort and distinguish between a contracts and a tort (5 marks)
2. Enumerate the contents found in a memorandum of association (6 marks)

( c ) State and explain the essentials of a valid contract (5 marks)

( d) Give the meaning of agency and explain how agency can be created (4 marks)