



**MASENO UNIVERSITY**  
**UNIVERSITY EXAMINATIONS 2016/2017**

**SECOND YEAR SECOND SEMESTER EXAMINATIONS FOR THE  
CERTIFICATE IN BUSINESS ADMINISTRATION**

**CITY CAMPUS- REGULAR**

**ACB 0013: PRINCIPLES OF MARKETING**

**Date:** 8<sup>th</sup> June, 2017

**Time:** 9.00 - 12.00 noon

**INSTRUCTIONS:**

- Answer question ONE and any other TWO questions.
- Question ONE carries 30 marks and the rest 20 marks each.



### Question One : Compulsory

(a) Discuss the various equitable remedies which may be available to an injured party who is suing for breach of contract. (10 marks)

(b) While interpreting statutes in Kenya, the Courts apply certain rules in the course of determining suits.

In relation to the above statement, explain the following rules as used in the interpretation of Statutes in Kenya;

(i) The Mischief rule

(ii) The Golden rule

(iii) The Literal rule (6 Marks)

(c) Explain the meaning of the term 'ratification' as used in the law of agency.

(4 Marks)

(d) Insurance law is important for the regulation of the relationship between the insurance companies and the insured. Cite five basic principles of insurance.

(5 Marks)

### Question Two

(a) Explain the duties of an agent to his principal. (10 marks)

(b) The High Court of Kenya is divided in two broad functional divisions namely Civil and Criminal divisions. Name and briefly highlight the functions of any **five** sub-divisions of the High Court Civil Division. (5 Marks)

### Question Three

(a) With the help of an appropriate example, explain the meaning of the expression "contractual capacity". (5 Marks)

(b) With reference to a contract of sale of goods, explain the implied conditions on the part of the seller. (10marks)

### Question Four

(a) With reference to a contract of sale of goods, explain the implied conditions on the part of the seller. (10 Marks)

(b) Distinguish between Hire Purchase price and Cost Price (2 Marks)

- (c) Using a suitable illustration, highlight two conditions and two warranties of a hire Purchase agreement. (3 Marks)

**Question Five**

- (a) Wrongful acts in law are broadly divided into criminal and civil wrongs. Clearly distinguish between a criminal wrong and a civil wrong. (10 Marks)
- (b) State and explain five sources of law in Kenya (5 Marks)

**Question Six**

- (a) Explain four defences which may be offered by a person who is sued in a trespass action in the court of law in Kenya. (15 Marks)