



TECHNICAL UNIVERSITY OF MOMBASA
School of Business

DEPARTMENT OF BUSINESS ADMINISTRATION

DIPLOMA IN BUSINESS ADMINISTRATION

BMG 2211: COMMERCIAL & ADMINISTRATIVE LAW

SPECIAL/SUPPLEMENTARY EXAMINATIONS

SERIES: JUNE/JULY 2016

TIME: 2 HOURS

INSTRUCTIONS:

- This paper consists of **FIVE** questions.
- Answer question **ONE (Compulsory)** and any other **TWO** questions.
- Do not write on the question paper

This paper consists of Two printed pages.

QUESTION 1 (Compulsory)

- a) Briefly discuss the liability of a partner as provided in the Partnership Act. **(10 marks)**
- b) What is meant by Nemo dat quod non habet. Explain its four exceptions. **(10 marks)**
- c) Explain the various **FIVE** ways of discharging a bill of exchange. **(10 marks)**

QUESTION 2

- a) A common carrier is liable for all loss or damage the goods even through not negligent. Explain the exceptions to this rule. **(10 marks)**
- b) Explain the ways underwhich a dispute may be referred to arbitration. **(10 marks)**

QUESTION 3

- a) Explain **FIVE** differences between guarantee and indemnity. **(10 marks)**
- b) Explain any **FIVE** circumstances in which the court may not grant an absolute discharge of bankruptcy. **(10 marks)**

QUESTION 4

- a) What is endorsement explain the various types of endorsement of a bill of exchange. **(10 marks)**
- b) State the distinctive features of a bill of lading. **(10 marks)**

QUESTION 5

- a) Explain **FIVE** remedies of buyer against the seller. **(10 marks)**
- b) Explain the following terms:
 - i) Average clause
 - ii) Salvage
 - iii) Indemnity
 - iv) Double insurance
 - v) Subrogation**(10 marks)**