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**University Examinations 2015/2016**

THIRD YEAR SECOND SEMESTER EXAMINATION FOR DIPLOMA IN CIVIL ENGINEERING

**ECV 2355: BUILDING LAW AND REGULATION**

**DATE: NOVEMBER 2015 TIME: 11/2 HOURS**

**INSTRUCTIONS:** *Answer question* ***one*** *and any other* ***two*** *questions*

**QUESTION ONE (30 MARKS)**

1. Briefly describe the new system of courts in Kenya. (8 Marks)
2. What is ADR? Why would parties in a dispute prefer it to courts? (6 Marks)
3. Describe the term ‘capacity’ as used in the law of contract. Give an example of any such capacity with respect to a building contract. (6 Marks)
4. Explain the requisites that qualify a wrongful act to become a ‘tort’. (6 Marks)
5. Explain the term ‘vicarious liability’ as used in the law of tort. (4 Marks)

**QUESTION TWO (15 MARKS)**

1. Explain the essential elements of a contract. (7 Marks)
2. Describe any four ways in which a contract can be concluded. (8 Marks)

**QUESTION THREE (15 MARKS)**

1. Explain three types of land lease arrangements that parties may enter into in Kenya. (9 Marks)
2. Distinguish with relevant examples between free-hold and lease hold land tenure systems as used in statutory land ownership in Kenya today. (6 Marks)

**QUESTION FOUR (15 MARKS)**

1. Why are site meetings important? (3 Marks)
2. Describe the conduct of a formal site meeting. (7 Marks)
3. List any five particulars that must be included in a written contract of service or employment. (5 Marks)