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KASNEB INTRODUCTION TO LAW

November 2011

QUESTION ONE

- a) Distinguish between public law and private law. (4 marks)
- b) In relation to the sources of law, explain the following:
 - i. The inadequacies of common law that resulted in the development of the principles and doctrines of equity as a complimentary source of law (6 marks)
 - ii. Supremacy of the Constitution (4 marks)
- c) Highlight three remedies available in civil actions. (6 marks)

QUESTION TWO

- a) Explain the jurisdiction of the land Disputes Tribunal. (4 marks)
- b) Discuss the concept of "rule of law" (8 marks)
- c) Explain the conditions necessary for the remedy of "mandamus" to apply. (8 marks)

QUESTION THREE

In relation to the Sale of Goods Act:

- a) Discuss the maxim "nemo dat quod non habet" (4 marks)
- b) Highlight two important principles of the maxim referred to in (a) (i) above. (4 marks)
- c) Outline the exceptions to the maxim referred to in (a) (i) above. (6 marks)
- d) Briefly explain three uses of a bill of exchange. (6 marks)

QUESTION FOUR

- a) In relation to the law of property, distinguish between tenure and estate. (6 marks)
- b) Outline three objectives of registering patents. (6 marks)
- c) In relation to the law governing partnerships, explain the legal position in each of the following cases:
 - i. The liability of the firm in torts committed by one partner. (4 marks)
 - ii. The liability of an individual partner for the liabilities of the firm (4 marks)

QUESTION FIVE

- a) With the aid of an example for each, distinguish between:
 - i. Duress and undue influence (6 marks)
 - ii. Void and voidable contracts (8 marks)
- b) With the aid of a decided case, discuss the equitable doctrine of promissory estoppels.

QUESTION SIX

- a) The Hire Purchase Act implies some terms in every hire purchase agreement. One of these terms is merchantability. This is a condition that the goods are of merchantable quality unless they are second hand. There are however some instances when this condition may be dispensed with. Outline two of the instances when merchantability may be dispensed with. (4 marks)
- b)
 - i. In relation to the Law of Torts, explain the rule "Res Ipsa Loquitur" (4 marks)
 - ii. Roy Keen recently bought the car of his dreams, a BMW X 6 models. In a bid to show his friends how fast the car was, Roy Keen dashed off at a speed of one hundred kilometers per hour within the estate. The car lost control and crashed into a school van carrying pupils killing three of them on the spot. Roy Keen also perished in the accident. The parents of the three deceased pupils intend to sue the administrators of Roy Keen's estate. Required:

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Identify the legal principles applicable in the above case and advise the parents of the deceased pupils. (10 marks)

QUESTION SEVEN

- a) Where the assured is so situated that the happening of the event of which the insurance money is to become payable would, as a proximate cause, involve the assured in the loss or diminution of any right recognized by law, or in any legal liability, there is an insurable interest in the happening of that event to the event of the possible loss or liability. Describe six classes of persons who are deemed to have an insurable interest in a subject matter of insurance. (12 marks)
- b) Explain four ways in which an agency relationship would be terminated by action of the parties. (8 marks)