



MACHAKOS UNIVERSITY

University Examinations for 2020/2021 Academic Year

SCHOOL OF BUSINESS AND ECONOMICS

DEPARTMENT OF BUSINESS ADMINISTRATION

FIRST YEAR SPECIAL/ SUPPLEMENTARY EXAMINATION FOR

BACHELOR OF COMMERCE

BBA 101: BUSINESS LAW 1

DATE: 25/3/2021

TIME: 8.30-10.30 AM

INSTRUCTIONS:

Answer Question ONE and any other TWO Questions.

QUESTION ONE (30 MARKS)

Each particular country or community has a system of rules recognized as regulating the actions of its members and enforced by the imposition of penalties. State is sovereign. Sovereignty is its exclusive and most important element. It has the supreme power of the state over all its people and territories. The State exercises its sovereign power through its laws. The Government of the State is machinery for making and enforcing laws

Each law is a formulated will of the state, backed by the sovereign power of the State. It is a command of the State backed by its coercive power. Violation of law is punished by the State. It is through its laws that the State carries out its all functions. The law serves many purposes and functions in society. Sources of law are the origins of laws, the binding rules that enable any state to govern its territory. These laws may originate from customs other acceptable sources.

In the case of Karuru v. Njeri, the parties who belonged to kikuyu ethnic group married under customs and had two children. In the divorce case, each party sought the custody of the children. Karuru had not applied for the return of the bride price. The district magistrate court awarded custody to Njeri as per kikuyu customs.

The law of equity is a set of rules created by the courts of Chancery in order to mitigate the harshness that the common law system provided to the country. There is a certain relationship between the common law and equity. A contract is written or spoken agreement, especially one concerning employment, sales, or tenancy that has intended to be enforceable by law.

In the light of the above information

- a) Explain term sources of law and state the main sources of law in Kenya as indicated by the judiciary act. (10 marks)
- b) Highlight how contracts discharged. (5 marks)
- c) Identify the general defenses in tort. (5 marks)
- d) Explain the composition and jurisdiction of supreme courts of Kenya. (10 marks)

QUESTION TWO (20 MARKS)

- a) Explain the meaning of law, and give the main features of law. (10 marks)
- b) Argument has it that equity was developed to supplement the shortcoming in the common law. Explain the shortcomings of common law. (10 marks)

QUESTION THREE (20 MARKS)

- a) Discuss the reasons why parliament sometimes delegates its legislative powers. (10 marks)
- b) Explain the supremacy of constitution as provided under article two. (10 marks)

QUESTION FOUR (20 MARKS)

- a) Explain the vitiating factors of a contract. (10 marks)
- b) Differentiate crime and civil wrong. (10 marks)

QUESTION FIVE (20 MARKS)

- a) Discuss the remedies for breach of contract. (10 marks)
- b) Explain the limitations of African customary law as source of law in Kenya. (10 marks)