



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 ECONOMICS

BBA 101: BUSINESS LAW I

DATE: 12/8/2021

TIME: 2:00 – 4:00 PM

INSTRUCTIONS: Answer Question **ONE** and any other **TWO** Questions.

There was a time when there was no distinction between law and morality. Society was governed by the morals that were law also. Later on distinction was made as obligatory rules and regulatory rules. Privy Council and our Supreme Court made a distinction between legal and moral injunctions. The legal norm is the subject matter of jurisprudence and exclude morals from the sphere of law. The approach of sociological jurists included morals while tracing the origin, development, function and ends of law.

Judicial precedent means litigants can assume that like cases will be treated alike, rather than judges making their own random decisions, which nobody could predict. This helps people plan their affairs. Case law is a response to real situations, as opposed to statutes, which may be more heavily based

The Senate is the upper house of the Parliament of Kenya. The Senate was first established as part of Kenya's 1963 Constitution. After being abolished in 1966, the Senate was re-established by the 2010 Constitution on theory and logic.

Delegated (or subordinate or Subsidiary) Legislation refers to those laws made by persons or bodies to whom parliament has delegated law-making authority. Where Acts are made by Parliament, a Principal Act may make provision for Subsidiary Legislation to be made, and will specify who has the power to do so under that Act. Delegated Legislation can only exist in relation to an enabling or parent Act. Delegated Legislation contains the many administrative details necessary to ensure that the provisions of the Act will operate successfully. It may be administered by Government Departments, Local Councils or Courts. Regulations and Statutory Rules are the most common forms of Delegated Legislation. They are made by the Executive or a Minister and apply to the general population.

By-laws, and sometimes Ordinances, are made by a Local Government Authority and apply to the people who live in that area. Rules commonly describe procedure to be followed in Courts. Delegated Legislation can apply to many areas of the law:

In the light of the above answer the following questions.

QUESTION ONE (30 MARKS)

- a) Distinguish law and morality (5 marks)
- b) Explain the Advantages or importance of stare decisis in case law (10 marks)
- c) Discuss the role of the senate parliament in Kenya. (5 marks)
- d) Subsidiary or delegated legislation has been criticized for a variety of reasons, discuss the main reasons for this criticism. (10 marks)

QUESTION TWO (20 MARKS)

- a) Identify ten maxims of equity. (10 marks)
- b) Explain the Divisions of civil law (10 marks)

QUESTION THREE (20 MARKS)

- a) Disclose the jurisdiction of the high court of Kenya. (10 marks)
- b) Illustrate the important powers of the Business premises and rent tribunal (10 marks)

QUESTION FOUR (20 MARKS)

- a) Analyze the roles of judiciary in the rule of law and separation of powers. (10 marks)
- b) Discuss the effects of vitiating factors of a contract (10 marks)

QUESTION FIVE (20 MARKS)

- a) Describe the methods available for discharging a contract. (10 marks)
- b) Establish the general defenses in torts. (10 marks)

