

TECHNICAL UNIVERSITY OF MOMBASA

**5TH YEAR SECOND SEMESTER EXAMINATION FOR THE DEGREE OF
BACHELOR OF SCIENCE IN MECHANICAL ENGINEERING**

EMG 2517: LAW FOR ENGINEERS

DATE: APRIL 2016

TIME: 2 HOURS

INSTRUCTIONS: ANSWER QUESTION ONE AND ANY OTHER TWO QUESTIONS

QUESTION ONE

(a) Jentrix Moraa, a business lady sent a telephone message to Mellen Kiama a fellow business lady, accusing her of ‘stealing’ her clients. The message contained abusive words to the effect that Mellen Kiama was ‘a witch’ who uses ‘herbs’ and ‘witchcraft’ to lure customers to her saloon and boutique. In addition to sending a message to Mellen Kiama, Jentrix Moraa sent the message to several customers of Mellen Kiama.

As a result, Mellen Kiama has lost many customers and her business is threatened with closure. All the contents of the message were false. Mellen Kiama has come to you for legal advice.

Required:

- (i) Explain to Mellen Kiama the term ‘defamation’
(4marks)
 - (ii) Advise Mellen Kiama on her legal rights, if any
(8marks)
- (b) The general rule is that motive is irrelevant in the law of tort for the purposes of liability. Explain the exception to this rule
(8marks)
- (c) One of the most significant shortcomings of the common law that led to the development of equity was inadequate remedies. As a result, many would be plaintiffs were left out; however, equity increased the remedies.
With reference to the above statement, discuss five equitable remedies
(10marks)

QUESTION TWO

- (a) Distinguish between ‘contract’ and ‘tort’
(8marks)

- (b) Explain four consequences of illegal contracts
(8marks)
- (c) Outline two classifications of damages
(4marks)

QUESTION THREE

- (a) Outline three objectives of registering patents
(6marks)
- (b) Distinguish between libel and slander
(6marks)
- (c) Explain four elements of a valid contract
(8marks)

QUESTION FOUR

- (a) Highlight four characteristics of good laws in the society
(8marks)
- (b) Describe three matters in which African Customary Law can be applied
(6marks)
- (c) Outline six circumstances when judicial precedent will not be binding to a court
(6marks)

QUESTION FIVE

- (a) State any four functions of Energy Regulatory Commission (ERC) (4marks)
- (b) Outline the composition of Engineer's Registration Board (EBK) (6marks)
- (c) Discuss any five challenges facing the engineering profession today (10marks)