

TECHNICAL UNIVERSITY OF MOMBASA

FACULTY OF APPLIED AND HEALTH SCIENCES
DEPARTMENT OF ENVIROMENT & HEALTH SCIENCES

UNIVERSITY EXAMINATION FOR:

DIPLOMA IN COMMUNITY HEALTH AND HIV MANAGEMENT

ACH 2301: LAW AND COMMUNITY HEALTH

END OF SEMESTER EXAMINATION

SERIES: APRIL 2016

TIME: 2 HOURS

DATE: 10 May 2016

Instructions to Candidates

You should have the following for this examination

-Answer Booklet, examination pass and student ID

This paper consists of **TWO** Section(s). Attempt question ONE (Compulsory) and any other TWO questions.

SECTION A

Question 1

- (a) What do you understand by the term "Sources of law" (2 marks)
- (b) Name and explain the sources of law in Kenya as outlined under the Judicature Act Cap.8 of laws of Kenya (12 marks)
- (c) Define tort and outline the functions of the law of torts. (10 marks)
- (d) State the penalties for unsafe practices or procedures under the HIV and AIDS Act. (6 marks)

SECTION B

Question 2

- (a) State ways in which a contract can be terminated. (7 marks)
- (b) Explain the shortcomings of the common law as a source of law. (8 marks)

Question 3

- (a) In relation to the health law no health service may be provided to a user without the user's informed consent. Discuss FIVE exceptions to this rule (10 marks)
- (b) Explain what privity of contract means (5 marks)

Question 4

- (a) Explain to what extent African customary law is applicable as a source of Kenya law. (15 marks)

Question 5

Write short notes on the following:

- (i) Res ipsa loquitor. (5 marks)
- (ii) Contributory negligence. (5 marks)
- (iii) Nuisance. (5 marks)