



TECHNICAL UNIVERSITY OF MOMBASA
Faculty of Business & Social Studies

DEPARTMENT OF BUSINESS STUDIES

DIPLOMA IN BUSINESS ADMINISTRATION

BMG 2211: COMMERCIAL AND ADMINISTRATIVE LAW

SPECIAL/SUPPLEMENTARY EXAMINATIONS

SERIES: FEBRUARY 2015

TIME: 2 HOURS

INSTRUCTIONS:

- This paper consists of **FIVE** questions.
- Answer question **ONE (Compulsory)** and any other **TWO** questions.

This paper consists of Two printed pages.

QUESTION 1 (Compulsory)

- a) The parties are assumed to make their intentions known of the time the property in goods is to be transferred explain any **FIVE** rules which determines when the property passes from the seller to the buyer. **(10 marks)**
- b) As per the laws in Kenya a common carrier is liable for all loss of goods handed to him even though not negligent explain the exceptions to this rule. **(10 marks)**
- c) Define arbitration and explain the implied provisions in the arbitration agreement. **(10 marks)**

QUESTION 2

- a) What is meant by the doctrine of caveat emptor – explain its exceptions. **(10 marks)**
- b) Explain the rights of a holder in due course. **(10 marks)**

QUESTION 3

- a) Explain the circumstances which may lead to dissolution of partnership by court. **(10 marks)**
- b) Define guarantee and explain **FOUR** ways which a guarantor may be discharged. **(10 marks)**

QUESTION 4

- a) Enumerate the distinctive features of bill of lading. **(10 marks)**
- b) Explain the various advantages of arbitration as provided by the Arbitration law. **(10 marks)**

QUESTION 5

- a) Write short notes on:
- i) Insurable interests. **(2 marks)**
 - ii) Uberrimae fide **(2 marks)**
 - iii) Subrogation **(2 marks)**
 - iv) Proximate clause. **(2 marks)**
 - v) Average clause **(2 marks)**
- b) The explain the remedies which a court can grant in judicial review. **(10 marks)**