

**TECHNICAL UNIVERSITY OF MOMBASA**

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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.

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**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 loquitur. (5 marks)
- (ii) Contributory negligence. (5 marks)
- (iii) Nuisance. (5 marks)