



Technical University of Mombasa
Faculty of Applied and Health Sciences

DEPARTMENT OF **ENVIRONMENT AND HEALTH SCIENCE**
DIPLOMA IN COMMUNITY HEALTH AND HIV MANAGEMENT
(DCHM 10M)

APH 2307: MEDICAL LAW

SPECIAL/SUPPLEMENTARY: EXAMINATIONS

SERIES: FEBRUARY 2013

TIME: 2 HOURS

INSTRUCTIONS:

You should have the following for this paper

- *Answer booklet*

This paper consists of *FIVE* questions.

Answer Question **ONE (compulsory)** and any other **TWO** questions
This paper consists of 2 PRINTED pages

Question ONE

- a) Distinguish between a crime and a tort **(2marks)**
- b) Identify and explain any TWO sources of law in Kenya **(4marks)**
- c) Explain the following categories of tort
 - (i) Assault **(3marks)**
 - (ii) Battery **(3marks)**
- d) Explain the following terms
 - (i) Non-voluntary euthanasia **(2marks)**
 - (ii) Voluntary euthanasia **(2marks)**
 - (iii) Involuntary euthanasia **(2marks)**
- e) Explain FOUR defences that are available to the torts of Assault and Battery **(4marks)**
- f) State FOUR functions of a public Health officer **(4marks)**
- g) Distinguish the following terms
 - (i) Undue influence **(2marks)**
 - (ii) Duress **(2marks)**

Question TWO

The constitution of Kenya has reigned in to stem the debate on pro-choice and pro-life schools of thought on question of Abortion. Discuss how the constitution of Kenya has intervened in this score

(15marks)

Question THREE

- a) Define a public health officer as defined under the public health Act, Cap 242, Laws of Kenya **(2marks)**
- b) Describe the functions of public health officer under the public health act, cap 242, laws of Kenya **(13marks)**

Question FOUR

- a) Define the following terms:
 - (i) Offer **(1mark)**
 - (ii) Consideration **(1mark)**
 - (iii) Legality **(1mark)**
 - (iv) Medical malpractice **(2marks)**
- b) In a doctor-patient relationship highlight THREE remedies that are available for fraudulent misrepresentation **(6marks)**
- c) Law of contracts is relevant in almost all professions including medicine, identify and discuss the two types of misrepresentation **(4marks)**

Question FIVE

Discuss any FIVE principles of liability in medical negligence

(15marks)