

BMG 4202 Business law 1

1. (a) Miss Kariuki took vow of Chastity, Poverty and Obedience so as to become a nun. She accordingly had to give away all her properties to the church. She was not allowed to seek any external independent advice before making the decision to give away the property. As a result, she gifted all the properties to the Mother Superior. After several years, she has come to you seeking for legal advice on her legal position in this contract. (10 marks)
 - (b) Distinguish the following (10 marks)
 - i. Contract and Tort (5 MARKS)
 - ii. Distinctions between Tort and Crime (5 MARKS)
 - (c) “Law in essence refers to a set of rules or principles that govern the conduct of affairs in a given community at a given time, whereby machinery is provided for an aggrieved party to enforce his rights in case any of these rules or principle is broken” explain the Characteristics of law. 10 marks

QUESTION 2

- a. Discuss the concept of liability in tort **(10 MARKS)**
- b. If an employee causes harm to another person while performing his duties as an employee the law will hold the employer accountable for the harm caused by the employee to that other person. Explain rationale for holding the employer accountable.(10 marks)

QUESTION 3

Explain the meaning of negligence and elements required for proving negligence and the underlying defenses. (20 marks)

QUESTION 4

- (a) Discuss the functions of law in the society (10 MARKS)
- (b) Discuss the advantages and disadvantages of delegated legislation as a source of law (10 marks)

QUESTION 5

- a) Discuss the legal requisites of a contract (12marks)
- b) Explain how a contract can be terminated by agreement. (8 marks)