



# TECHNICAL UNIVERSITY OF MOMBASA

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SCHOOL OF BUSINESS

DEPARTMENT OF BUSINESS ADMINISTRATION

## UNIVERSITY EXAMINATION FOR:

CERTIFICATE IN HUMAN RESOURCE MANAGEMENT

CERTIFICATE IN STORES MANAGEMENT

CERTIFICATE IN BUSINESS MANAGEMENT

**BMG 1101:ELEMENTS OF LAW**

**END OF SEMESTER EXAMINATION**

**SERIES: DECEMBER 2016**

**TIME: 2 HOURS**

**DATE:**

### Instructions to Candidates

You should have the following for this examination

-Answer Booklet, examination pass and student ID

This paper consists of **FIVE** Questions. Attempt **QUESTION ONE** and any other **TWO** questions from this paper.

**Do not write on the question paper.**

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### INSTRUCTIONS:

Answer **ALL** Questions in Section **A (Compulsory)** and any other **TWO** in Section **B**.

#### **SECTION A (Compulsory)**

#### **QUESTION 1**

- a) In relation to the law of contract, explain the essential requirements that makes an agreement a legally binding contract. **(12 marks)**
- b) What is meant by “supremacy of the constitution”? **(4 marks)**
- c) List **THREE** main disadvantages of common law. **(6 marks)**
- d) Distinguish between:
  - (i) Assault and Battery. **(4 marks)**
  - (ii) Public nuisance and Private nuisance. **(4 marks)**

**SECTION B** (Answer any **TWO** questions from this section)

## **QUESTION 2**

An incorporated body may be defined as a legal entity or an artificial person:

### **Required:**

- (i) Explain what is meant by the above statement. **(4 marks)**
- (ii) Distinguish a corporation sole and a corporation aggregate and give examples of each. **(6 marks)**
- (iii) List the main features of corporation. **(10 marks)**

## **QUESTION 3**

- a) Draw the hierarchy of Kenyan courts. **(10 marks)**
- b) (i) What is meant by the term “defamation”? **(2 marks)**  
(ii) Explain the conditions to be fulfilled in order for a person to successfully sue for defamation. **(8 marks)**

## **QUESTION 4**

- a) Outline the extent to which African customary law is a source of law in your country. **(12 marks)**
- b) Distinguish a Public bill and a private bill. **(4 marks)**
- c) Explain the facts required for one to succeed to sue for false imprisonment. **(4 marks)**

## **QUESTION 5**

- a) Argue the case for delegated legislation as a source of law. **(10 marks)**
- b) Explain the ways in which a person may acquire citizenship in Kenyan and how it may be lost. **(10 marks)**