

# TECHNICAL UNIVERSITY OF MOMBASA

## FACULTY OF APPLIED AND HEALTH SCIENCES

### DEPARTMENT OF ENVIRONMENT & HEALTH SCIENCES

#### UNIVERSITY EXAMINATION FOR THE DIPLOMA IN COMMUNITY HEALTH AND HIV MANAGEMENT.

#### DCHM 15J/YEAR3/ SEMESTER1

#### ACH 2312: LAW AND COMMUNITY HEALTH

#### END OF SEMESTER EXAMINATION

**SERIES: DECEMBER 2016**

**TIME: 2HOURS**

**DATE: DECEMBER 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) 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)
- (c) State the penalties for unsafe practices or procedures under the HIV and AIDS Act. (5 marks)
- (d) Discuss at least FIVE ways in which a contract can be terminated. (10 marks)

#### **SECTION B**

#### **Question 2**

Write short notes on the following:

- (i) Nuisance.. (5 marks)

- (ii) Contributory negligence. (5 marks)  
(iii) Res ipsa loquitor (5 marks)

### Question 3

- (a) What do you understand by the term "Sources of law" (3 marks)  
(b) List and explain the sources of law in Kenya as outlined under the Judicature Act Cap.8 of laws of Kenya (12 marks)

### Question 4

- (a) Examine the process of legislation in Kenya. (10 marks)  
(b) Explain the constitution of Kenya as a source of law in Kenya. (5 marks)

### Question 5

Outline the core functions of the department of environmental health and sanitation under the Public Health Act (15 marks)