



**TECHNICAL UNIVERSITY OF MOMBASA**

**SCHOOL OF HUMANITIES AND SOCIAL SCIENCES**

**DEPARTMENT OF SOCIAL SCIENCES**

**UNIVERSITY EXAMINATION FOR:**

**BACHELOR OF SOCIAL AND DEVELOPMENT STUDIES**

**BDS 4205: LEGAL ASPECTS IN SOCIAL WORK**

**END OF SEMESTER EXAMINATION**

**SERIES: DECEMBER 2016**

**TIME: 2 HOURS**

**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 FIVE questions. Attempt question ONE (Compulsory) and any other TWO questions.

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

**SECTION A**

**Question ONE**

- (a) In the law of contract, state the ways in which an offer can be accepted. (10 marks)
- (b) (i) Define the term “ Sources of law” (2 marks)
- (ii) Name and explain the sources of law in Kenya as outlined under the Judicature Act Cap.8 of the laws of Kenya (12 marks)
- © One of the duties of an agent to the principal is “delegatus non potest delegare” What do you understand by this statement? What are the exceptions to this rule? (6)

**SECTION B**

**Question TWO**

- (a) (i) What is a corporation? (2 marks)

(ii) Describe FOUR ways in which a corporation may be created (8 marks)

(b) Compare and contrast the main features of a limited liability company with those of partnership (10 marks)

### **Question THREE**

(a) State and explain the general principles applicable to the tort of Negligence (10 marks)

(b) Distinguish between a tort, crime and breach of a contract (10 marks)

### **Question FOUR**

(a) Outline the ways in which a contract may come to an end. (10 marks)

(b) To what extent are the following sources of Kenya law

(i) The doctrine of equity (2 marks)

(ii) African customary law (8 marks)

### **Question FIVE**

(a) Describe the essentials of a Bill of Exchange (10 marks)

(b) What do you understand by discharge of a bill under the law of Negotiable Instruments? (2 marks)

Under what circumstances is a bill said to be discharged? (8 marks)