



TECHNICAL UNIVERSITY OF MOMBASA

SCHOOL OF ENGINEERING AND TECHNOLOGY
DEPARTMENT OF ARCHITECTURE & BUILT ENVIRONMENT

UNIVERSITY EXAMINATION FOR:
DIPLOMA IN QUANTITY SURVEYING
EQS 2203: CONSTRUCTION LAW I
END OF SEMESTER EXAMINATION
YEAR ONE, SEMESTER TWO

SERIES: MAY 2025

TIME: 2 HOURS

DATE: MAY, 2025

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.

QUESTION ONE (Compulsory)

(30 marks)

- (a) Define the term “law.” (2 marks)
- (b) Explain SIX sources of law in Kenya. (12 marks)
- (c) Explain the following legal concepts as enshrined in the 2010 Kenya Constitution:
- i. Immunity of the president (2 marks)
 - ii. Checks and balances (2 marks)
- (d) The various rules that constitute the law of any given state are divided into various classes. Identify and explain THREE such classifications of law. (12 marks)

QUESTION TWO

(15 marks)

- (a) Explain FIVE rights of third parties over the land of another. (10 marks)
- (b) Highlight FIVE basic remedies available against a defaulting borrower who used their land (property) as a security for a mortgage or a charge. (5 marks)

QUESTION THREE

(15 marks)

- (a) African customary law is based on the customs of the ethnic indigenous groups which constitute Kenya’s indigenous or African population. List FIVE matters in which this law can be applied in a legal claim. (5 marks)
- (b) Identify and explain THREE elements of the tort of negligence which a plaintiff must prove in any legal action. (10 marks)

QUESTION FOUR

(15 marks)

(a) Explain the following terms as used in law:

- i. Encumbrances (2 marks)
- ii. Servitudes (2 marks)
- iii. Freehold estate (2 marks)
- iv. Vicarious liability (2 marks)
- v. Contributory negligence (2 marks)

(b) Highlight FIVE types of land ownership in Kenya. (5 marks)

QUESTION FIVE

(15 marks)

(a) Highlight FIVE general defences for trespassing to a person. (5 marks)

(b) Explain FIVE reasons for having laws in Kenya's construction industry. (10 marks)