



TECHNICAL UNIVERSITY OF MOMBASA

SCHOOL OF ENGINEERING AND TECHNOLOGY
DEPARTMENT OF ARCHITECTURE & BUILT ENVIRONMENT

UNIVERSITY EXAMINATION FOR:
DIPLOMA IN QUANTITY SURVEYING
EQS 2208: CONSTRUCTION LAW II
END-OF-SEMESTER EXAMINATION

YEAR 2 SEMESTER 1

SERIES: DEC 2024

TIME: 2 HOURS

DATE: DEC 2024

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)

Labour is a key factor of production and an important building block of any country's economy. Labour and employment laws are essential to regulate the relationship between workers, employees and employers.

- a) Define "labour disputes". (2 marks)
- b) Explain FIVE causes of labour disputes in the construction industry in Kenya. (10 marks)
- c) Identify THREE forms of industrial action that actors can resort to if labour disputes are not resolved. (3 marks)
- d) Highlight the roles of trade unions in employment and labour relations law. (5 marks)
- e) Outline FIVE methods that can be applied to solve disputes in the construction industry in Kenya. (10 marks)

QUESTION TWO (15 marks)

- a) Distinguish between a contract and an agreement. (5 marks)
- b) Explain FIVE essentials to the formation of a valid construction contract. (10 marks)

QUESTION THREE (15 marks)

Highlight FIVE provisions of each of the following Kenyan laws on labour, employment, and workplaces:

- a) Employment Act, 2007 (5 marks)
- b) Employment and Labour Relations Court Act (5 marks)
- c) Occupational Safety and Health Act, 2007 (5 marks)

QUESTION FOUR (15 marks)

- a) Explain FIVE common characteristics of standard forms of construction contracts. (10 marks)
- b) Identify FIVE essential clauses that are found in most standard forms of construction contracts used locally and internationally. (5 marks)

QUESTION FIVE (15 marks)

- a) Distinguish between an “offer” and an “invitation to treat” in contract law.(3 marks)
- b) Explain FOUR vitiating elements in a contract. (8 marks)
- c) A contract may be discharged or brought to an end in FOUR ways. Highlight these four ways. (4 marks)