



TECHNICAL UNIVERSITY OF MOMBASA

SCHOOL OF ENGINEERING AND TECHNOLOGY
DEPARTMENT OF ARCHITECTURE & BUILT ENVIRONMENT
UNIVERSITY EXAMINATION FOR:
BACHELOR OF ARCHITECTURAL STUDIES/ BACHELOR OF
ARCHITECTURE
EAR 4406: CONSTRUCTION LAW
YEAR FOUR SEMESTER II
SPECIAL AND SUPPLEMENTARY EXAMINATION

SERIES: JULY 2025

TIME: 2 HOURS

DATE: Pick Date July 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.

QUESTION ONE (COMPULSORY) 30 MARKS

- a) Describe THREE requirements for delegated legislation to be valid as a source of law in Kenya. (6 marks)
- b) Explain each of the following torts giving relevant examples that may involve parties in building construction:
 - i. Professional negligence
 - ii. Private nuisance (6 marks)
- c) Explain, using examples in construction, discharge of contract by breach. (8 marks)
- d) i. Explain summary dismissal (2 marks)
 - ii. Describe FOUR grounds for summary dismissal in employment laws in Kenya. (8 marks)

QUESTION TWO (20 MARKS)

- a) Distinguish between public land and community land. (6 marks)
- b) Explain the differences between subleases and sectional property titles in home ownership within an apartment block. (6 marks)
- c) Describe the main stages in the registration of a sectional titles under the Sectional Properties Act. (8 marks)

QUESTION THREE (20 MARKS)

- a) Using examples in the construction industry, explain each of the following types of liability in torts
 - i. Vicarious Liability:
 - ii. Strict Liability: (8 marks)
- b) Describe FOUR Acts of Parliament that deal with employment and labour relations in Kenya. (12 marks)

QUESTION FOUR (20 MARKS)

- a) Explain “duty of care” in law of torts and the elements that need to be established for that legal liability to be recognized. (8 marks)
- b) Explain each of the following conditions that may affect the validity of a contract:
 - i. Improperly obtained consensus
 - ii. Illegality (12 marks)

QUESTION FIVE (20 MARKS)

Contract disputes arise as a result of disagreement over the terms and performance of the parties to a contract. Explain each the following causes of contract disputes in construction projects and the steps necessary to prevent them.

- a) Non fulfilment of obligations by contracting parties; (5 marks)
- b) Disagreement over contractual terms; (5 marks)

- c) Actions of third parties; (5 marks)
- d) Changes in circumstances not anticipated by the contract. (5 marks)