



TECHNICAL UNIVERSITY OF MOMBASA

SCHOOL OF ENGINEERING AND TECHNOLOGY
DEPARTMENT OF ARCHITECTURE & BUILT ENVIROMENT
UNIVERSITY EXAMINATION FOR:
BACHELOR OF ARCHITECTURAL STUDIES/ BACHELOR OF
ARCHITECTURE
EAR 4406: CONSTRUCTION LAW
YEAR FOUR SEMESTER II
SPECIAL AND SUPPLEMENTARY EXAMINATION
SERIES: NOVEMBER 2024
TIME: 2 HOURS
DATE: Nov. 2024

Instructions to Candidates

You should have the following for this examination

- Answer Booklet, examination pass and student ID
- Scientific calculator
- 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) Distinguish between public land and community land in Kenya. (6 marks)
- b) Explain each of the following essential elements of the law of contract:
 - i. Consensus (4 marks)
 - ii. Consideration (4 marks)
- c) Using examples in the construction industry, explain each of the following types of liability in torts:
 - i. Vicarious liability (4 marks)
 - ii. Strict Liability (4 marks)
- d) Describe FOUR Acts of Parliament that deal with employment and labour in Kenya. (8 marks)

QUESTION TWO (20 MARKS)

- a) Explain the nature of common law, its origins and as a source of law in Kenya. (8 marks)
- b) Describe the THREE main parts that would be included in a standard form of a building construction contract. (12 marks)

QUESTION THREE (20 MARKS)

- a) Using examples, explain each of the following protective devices against exclusion clauses in contracts:

i. *Contra proferentem* rule (4 marks)

ii. Contemporaneous notice rule (4 marks)

b) Describe the main stages in an arbitration process. (12 marks)

QUESTION FOUR (20 MARKS)

a) Describe FOUR types of labour disputes in Kenya (8 marks)

b) Explain FOUR types of waste in property law (12 marks)

QUESTION FIVE (20 MARKS)

Discuss FOUR sources of disputes in contracts for construction projects. (20 marks)