



TECHNICAL UNIVERSITY OF MOMBASA

School of Business

Department of Business Administration

UNIVERSITY EXAMINATION FOR:

BACHELOR OF TECHNOLOGY IN MECHANICAL ENGINEERING

BMG 4450: LAW FOR ENGINEERS

END-OF-SEMESTER EXAMINATION

SERIES: DECEMBER 2024

TIME: 2 HOURS

DATE: Pick Date Dec 2024 Pick Year

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

Eng. Mwanzia was employed as the Unit Engineer at Wasini Windside Beach Hotel in July 2022. He is a qualified engineer trained at the Technical University of Mombasa where he graduated with a degree in mechanical engineering. He is also registered with the Engineers Board of Kenya. During the months following the outbreak of Covid 19, Eng. Mwanzia started experiencing hardships because of delayed salaries, for the first four months and thereafter nonpayment for two consecutive months. He was also denied service charges, sick leave, and even medical attention by his employer, Wasini Windward Beach Hotel Ltd. He then wrote a resignation letter and gave the employer a sixty days' notice. Upon receiving the resignation letter, the Human Resource Manager consulted the General Manager and then wrote a letter of dismissal to Mr. Mwanzia. She cited gross misconduct and incitement of other staff members as the reason for the dismissal. Eng. Mwanzia has now decided to sue the employer for unfair dismissal claiming among other things, the employer has denied him severance pay which he need

to start his own consultancy agency. He filed the suit at the Employment and Labor Relations Court seeking appropriate remedies.

a) (i) Differentiate between 'dismissal' and 'constructive dismissal'. (2 marks)

(ii) Explain four unfair grounds of dismissal under the Employment Act 2007. (8 marks)

marks)

b) (i) Briefly outline and explain two main requirements for registration of a consultant by the Engineers Board of Kenya. (2 marks)

(ii) Explain four grounds for removal from the register of engineers. (8 marks)

c) Eng. Mwanzia decided to approach the Employment and Labor Relations Court as a court of first instance.

(i) Briefly explain the establishment of the court. (2 marks)

(ii) Explain four jurisdictions of the Employment and Labor Relations Court. (8 marks)

Question TWO

(a) (i) The engineering profession is regulated by informal and formal law. Outline two pieces of legislation that regulate the professional conduct of engineers. (2 marks)

(ii) Outline four advantages of delegated legislation as a source of law regulating engineering. (8 marks).

(b) (i) What is a contract of record? (2 marks)

(ii) Explain four requirements for a valid consideration in contracts of engineering. (8 marks)

Question THREE

a) (i) Mwangi is an engineer with business premises which include offices, a store, and a workshop housing several machines and tools. Highlight his legal duty as the occupier. (2 marks)

(ii) Explain four conditions under which the duty is owed to a person who is otherwise not a visitor to the premises. (6 marks)

- (iii) Briefly outline one situation in which Mwangi may be discharged of the liability.

(2 marks)

- b) Explain five features of a corporation.

(10 marks)

Question FOUR

- a) In a civil suite filled at the High Court in Nairobi, *Metropolitan Bank Ltd v. General Engineers LLP*, the plaintiff is seeking orders to restrain the defendant from removing fixtures from a building owned by Patel and Sons Company Ltd. The company has contracted General Engineers LLP to remove the fixtures.

- (i) Briefly explain the legal relationship between General Engineers LLP and Patel and Sons Company Ltd.

(2 marks)

- (ii) Explain four conditions for ratification of a contract of agency.

(8 marks)

- b) Explain five principles underlying a contract of insurance.

(10 marks)

Question FIVE

- a) A firm of engineers is operating its business on a rental premises newly constructed along a major business street in downtown Mombasa. During their board meeting, they asked your advice about the duties of a tenant. Advise the board on five such legal duties a tenant owes the landlord.

(10 marks)

- b) Mr. Kibe recently opened his workshop and is planning to buy a lathe machine made in Germany. The local supplier of the machine has agreed to sell it on hire-purchase terms.

- (i) State three reasons why the Registrar of Hire-Purchase Contracts may decline to register the contract.

(3 marks)

- (ii) State three consequences of failing to register the contract.

(3 marks)

- (iii) Highlight four duties of the owner of the goods in a hire-purchase contract.

(4 marks)