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**KIRIRI WOMEN'S UNIVERSITY OF SCIENCE AND TECHNOLOGY**  
**UNIVERSITY EXAMINATION, 2022/2023 ACADEMIC YEAR**  
**FOURTH YEAR, FIRST SEMESTER EXAMINATION**  
**DIPLOMA IN BUSINESS ADMINISTRATION**

**UNIT CODE: DBA 1108**

**UNIT TITLE: COMMERCIAL AND ADMINISTRATIVE LAW (MAIN PAPER)**

**LECTURER: DR. MIRIAM MUTHOKA**

**LECTURER CONTACT: 0706796190**

**INSTRUCTIONS TO THE CANDIDATES**

**ANSWER QUESTION ONE (COMPULSORY) AND ANY OTHER TWO QUESTIONS**

**QUESTION ONE**

**(30 MARKS)**

Mutuse is a trader dealing with fresh fruits and vegetables in Eastern Kenya, while Masumbuko transporters is an independent transport company that delivers goods on contract. On September 2021, Mutuse hired Masumbuko transporters to deliver three Lorries of bananas from Mwihoko to Salama some 850 kilometers away. One of the Lorries broke down at Mlolongo. Three days later the driver decided to sell the bananas which were now ripened and deteriorating to the locals. He received Ksh. 20,000 from the sale. Much of the bananas has been damaged and he received less than a quarter of the initial value. The driver informed his employer, Masumbuko what had happened who in turn wrote to Mutuse regarding what happened and what they were compelled to do. Mutuse traders disagreed with them and decided to take legal action against Masumbuko transporters.

**Required:**

In reference to the above case study;

- a) With relevant examples, define Agency and Bailment **(4 Marks)**
- b) Examine the conditions to be met for bailment arrangement **(6 Marks)**
- c) Discuss types of Bailment **(6 Marks)**

- d) Discuss four implied duties of an agent (6 Marks)
- e) Examine ways in which an agency relationship can be terminated (4 Marks)
- f) After reading the case, do you think Mutuse traders have a case against Masumbuko transporters and why (4 Marks)

**QUESTION TWO (20 MARKS)**

- a) Discuss various conditions for property in a good to pass from the seller to the buyer (10 marks)
- b) Discuss the conditions and warranties in a sale of good contract. (10 Marks)

**QUESTION THREE (20 MARKS)**

- a) Define hire purchase and differentiate from Bailment (4 Marks)
- b) Discuss the duties of the hire/owner of goods and remedies available to him/her (10 Marks)
- c) Price is a critical element for any company manufacturing goods and services. Discuss ways of determining price in a sale of good contract. (6 Marks)

**QUESTION FOUR (20 Marks)**

- a) Critically discuss principles of administrative law (10 Marks)
- b) Differentiate between county and National government (4 Marks)
- c) Discuss types of delegated legislation (6 Marks)

**QUESTION FIVE (20 Marks)**

- a) Discuss the Concept of natural justice (2 Marks)
- b) Critically analyze advantages and disadvantages of devolution (8 marks)
- c) With the concept of separation of power in mind, discuss the three arms of government highlighting their roles. (10 Marks)