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**KIRIRI WOMENS' UNIVERSITY OF SCIENCE AND TECHNOLOGY
UNIVERSITY EXAMINATION, 2016/2017 ACADEMIC YEAR
THIRD YEAR, FIRST SEMESTER EXAMINATION
FOR THE DEGREE OF BACHELOR OF SCIENCE
(BUSINESS ADMINISTRATION)**

SPECIAL EXAM

Date: 15th August, 2016.
Time: 8.00am – 10.00am

KBA 301 - BUSINESS LAW

INSTRUCTIONS TO CANDIDATES

ANSWER QUESTION ONE (COMPULSORY) AND ANY OTHER TWO QUESTIONS

QUESTION ONE (30 MARKS)

- a) When parties enter into a contract it is virtually impossible for them to include express terms to cover every eventuality. Explain the circumstances under which;
- i) The courts
 - ii) The statutes
- Will imply terms into the contract. (10 Marks)
- b) Distinguish the following;
- i) Law and Morality, (3 Marks)
 - ii) Public and Private Law (2 Marks)
 - ii) Common Law and Equity (2 Marks)
 - iv) Substantive Law and Procedural Law (3 Marks)
- c) Explain the following types of precedent;
- i) Declaratory Precedent (2 Marks)
 - ii) Original Precedent (2 Marks)
 - iii) Distinguishing Precedent (6 Marks)

QUESTION TWO (20 MARKS)

- a) Explain the rules that govern the measure of damages in the law of contract. (10 Marks)
- b) Discuss the various equitable remedies which may be available to an injured party who is suing for breach of contract. (10 Marks)

QUESTION THREE (20 MARKS)

In relation to the administration of justice and law, in Kenya or your country, explain the composition and jurisdiction of the Resident Magistrate's courts.

QUESTION FOUR (20 MARKS)

- a) Define the term law in the strict sense of the word. (4 Marks)
- b) Explain eight sources of law in Kenya. (16 Marks)

QUESTION FIVE (20 MARKS)

- a) It is always necessary to communicate acceptance of an offer to the other party to the contract. Explain whether or not you agree with the above statement. (12 Marks)
- b) Describe the main function and composition of Judicial Service Commission. (8 Marks)