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**KIRIRI WOMENS' UNIVERSITY OF SCIENCE AND TECHNOLOGY**  
**UNIVERSITY EXAMINATION, 2022/2023 ACADEMIC YEAR**  
**FIRST YEAR, FIRST SEMESTER EXAMINATION**  
**FOR THE DIPLOMA IN BUSINESS ADMINISTRATION**  
**DBA 1101 - BUSINESS LAW**

Date: 7<sup>TH</sup> DECEMBER, 2022  
Time:

**INSTRUCTIONS TO CANDIDATES**

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

**QUESTION ONE (30 MARKS)**

**CASE STUDY: Mr. Lelganion**

Mr. Lelganion was a prominent business man in Nairobi owning Mbinje Tele-communication company. By the time he passed on, he had three wives and 8 children. Kamau his agent, knew about Mr, Lelganion's businesses and properties including apartments, schools, land, vehicles among others some of which the family didn't know. Mr. Lelganion also had a Lawyer with whom he left his will disposing off his properties equally amongst his wives and children. However, when he passed on, Njeri, the third wife went to court to contest the will saying she did not get enough property and that the first wife's children should not inherit Mr. Lelganion property in Nairobi because they had never lived in Nairobi. However, the children responded arguing that they had a right to the said property.

- a) Supporting your answer with a relevant explanation, indicate whether Mr.Lelganion died testate on intestate. **(6 Marks)**
- b) Explain the duties that Kamau, the agent played to Mr. Lelganion. **(6 Marks)**
- c) Explain the formalities the will drawn by Mr. Lelganion should have met for it to be ruled to be valid. **(6 Marks)**
- d) With the support of relevant examples, describe the three types of property that Mr. Lelganion owned. **(6 Marks)**
- e) Mr. Lelganion's children said they had a right to the father's property as provided by the constitution. Explain three other rights that the children are entitled to as Kenyan citizens as provided by the Kenyan Law. **(6 Marks)**

**QUESTION TWO (20 MARKS)**

- a) Analyse the significance of business law to the society. **(6 Marks)**
- b) With the aid of a diagram describe the structure and jurisdiction of courts in Kenya. **(6 Marks)**
- c) describe the characteristics that must be satisfied for a right over land to be capable of being an easement. **(8 Marks)**

**QUESTION THREE (20 MARKS)**

- a) Formulation of statutes in Kenya is a process. Analyze this statement. **(8 Marks)**
- b) Explain four origins of the Kenyan Law. **(4 Marks)**
- c) Even when supported by consideration, some contracts may not be enforceable by law. Explain four vitiating elements that may affect the legality of contracts. **(8 Marks)**

**QUESTION FOUR (20 MARKS)**

- a) Defenses in tort may be specific or general. Explain four general defenses that the tortfeasers can use in the Law of Tort. **(8 Marks)**
- b) An agent comes into existence once an agency relationship is created. Examine four ways in which an agency relationship may be discharged. **(8 Marks)**
- c) Discuss four components of an employment contract. **(4 Marks)**

**QUESTION FIVE (20 MARKS)**

- a) A negotiable instrument is a document which represents money. Using relevant examples, examine the characteristics of negotiable instruments. **(8 Marks)**
- b) Explain two challenges posed by emerging issues and trends in business law. **(4 Marks)**
- c) Explain the duties of employees towards employers as provided for in the employment Act, 2007. **(8 Marks)**