



Kasarani Campus
Off Thika Road
Tel. 2042692 / 3
P. O. Box 49274, 00100
NAIROBI
Westlands Campus
Pamstech House
Woodvale Grove
Tel. 4442212
Fax: 4444175

KIRIRI WOMENS' UNIVERSITY OF SCIENCE AND TECHNOLOGY
UNIVERSITY EXAMINATION, 2024/2025 ACADEMIC YEAR
THIRD YEAR, FIRST SEMESTER EXAMINATION
FOR THE DEGREE OF BACHELOR OF SCIENCE
(BUSINESS ADMINISTRATION)

Date: 15th April, 2024
Time: 2.30pm – 4.30pm

KBA 301 - BUSINESS LAW

INSTRUCTIONS TO CANDIDATES

ANSWER QUESTION ONE (COMPULSORY) AND ANY OTHER TWO QUESTIONS

QUESTION ONE (30 MARKS)

BRITAM COMPANY LIMITED (BCL)

In the heart of Nairobi, Kenya, a case unfolded involving an employment dispute at Britam Company Limited, a prominent manufacturing company. The company boasts of a staff establishment of 100 employees spread across the Sales and Marketing department, Human Resource department, ICT and Production department. The tranquility of the company was disrupted when Menja, a skilled technician, raised concerns and lodged a complaint against Britam Company Limited, alleging a breach of their employment contract. Within the intricate web of legal complications, Kamau contended that Britam had violated the Employment Act by failing to fulfill its contractual obligations, specifically regarding improved working conditions, discrimination and overdue pay raises. Additionally, the technician asserted instances of workplace injuries attributable to the company's negligence in adhering to safety regulations, bringing the concept of torts into play as a means to seek compensation for damages suffered.

This dispute triggered the involvement of administrative law principles, regulations and procedures, as regulatory bodies overseeing employment practices in Kenya were drawn into the fray. To navigate this complex terrain, an administrative tribunal was convened to arbitrate the matter comprehensively. The tribunal accurately analyzed various legal frameworks, including the Employment Act, principles of contract law, the law of persons, and tort law. This thorough examination was crucial in arriving at a fair and legally sound resolution. The outcome of the arbitration emphasized the paramount importance of strict adherence to employment laws, highlighting the significance of contracts in delineating the dynamics of employer-employee relationships. Furthermore, the case emphasized the recognition of individuals as legal entities with rights and responsibilities, showcasing the broader implications of employment disputes. The consequences of negligence leading to tortious acts in the workplace were real, serving as a stark reminder of the vital need for companies to prioritize safety and adhere to established regulations.

Required:

- a) Explain what caused Britam Company Limited in Nairobi, Kenya to lose its tranquilly. (5 Marks)
- b) Examine the particular claims Kamau made to support his argument that Britam Company Limited had breached the Employment Act. (5 Marks)
- c) Describe the reasoning behind Menja's introduction of the tort concept at Britam Company Limited. (5 Marks)
- d) Analyze how administrative law rules, guidelines, and practices will affect the outcome of the employment dispute. (5 Marks)
- e) Evaluate the legal frameworks that the administrative tribunal examined in order to complete the arbitration process. (5 Marks)
- f) Explain the ramifications and lessons that can be drawn from the arbitration's decision made by the management of Britam Company Limited. (5 Marks)

QUESTION TWO (20 MARKS)

- a) Describe the distinctions that exist between a civil wrong and a crime. (8 Marks)
- b) Explain the purposes of the Kenyan Administrative Law. (6 Marks)
- c) A summary dismissal is permitted under section 17 of the Employment Act in cases of "gross misconduct," which is defined as the demonstration of a very serious wrong. Determine these scenarios in relation to the same act's section 17(a)–(g). (6 Marks)

QUESTION THREE (20 MARKS)

- a) Examine all the ways by which a person can lose their Kenyan citizenship. (8 Marks)
- b) Describe the principles that govern insurance law in Kenya. (6 Marks)
- c) The acquisition of property is governed by certain principles and guidelines that vary depending on the jurisdiction and the specific type of property involved. Analyze the general principles that apply to the acquisition of property in light of this assertion. (6 Marks)

QUESTION FOUR (20 MARKS)

- a) Negligence occurs when someone fails to exercise reasonable care, resulting in injury or damage to another party. Citing examples of various cases, illustrate the law of negligence. (8 Marks)
- b) Explain the key measures that can help mitigate workplace accidents. (6 Marks)
- c) Assess the essential elements and characteristics of a valid contract that make it legally binding and enforceable. (6 Marks)

QUESTION FIVE (20 MARKS)

- a) Consumer protection laws in Kenya are designed to safeguard the rights and interests of consumers and regulate business practices to ensure fair and ethical treatment. Analyze the main areas covered by consumer protection laws in Kenya. (8 Marks)
- b) Explain the functions of the major courts in Kenya. (6 Marks)
- c) The process of formulating laws in Kenya faces various challenges, which can impact the effectiveness, efficiency, and quality of legislation. Describe the challenges in reference to the statement above. (6 Marks)