



Kasarani Campus  
Off Thika Road  
P. O. Box 49274, 00101  
NAIROBI  
Westlands Campus  
Pamstech House  
Woodvale Grove  
Tel. 4442212  
Fax: 4444175

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

Date: 27<sup>th</sup> July 2022  
Time: 8.30am-10.30am

**INSTRUCTIONS TO CANDIDATES**

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

**QUESTION ONE COMPULSORY (30 MARKS)**

Mr. Ntulele was a wealthy Member of Parliament from Narok County. He owned tracts of land, apartments in various towns, three schools, three homes, many vehicles and tractors among others. He also left a lot of money in his bank accounts when he passed on. His first wife Naomi Kemunto had passed on in 2000 leaving behind 6 children. He married a second wife, Rose Amilele in the year 2001 who gave birth to one child before the death of Mr. Ntulele in the year 2020. Before his demise, Mr. Ntulele wrote a will distributing his property amongst his 7 children and the wife Rose. However upon his death, Rose attempted to disown the first wife's children claiming that their mother was not from Narok and therefore they should go to their mother's land to inherit property there. She even kicked them out of their home in Njehia. The children went to court to demand for the share of their father's property that they had been allocated in the will.

- Describe the rights that Naomi's children have as Kenyan citizens as provided by the constitution of Kenya, Chapter 4 (6 Marks)
- Focusing on the difference between criminal law and civil law discuss whether Rose committed a civil wrong or criminal wrong (6 Marks)
- Examine features of a valid will that Mr. Ntulele's lawyer took into consideration when drawing the will (6 Marks)
- Focusing on the Difference, explain whether the succession above was testamentary succession or intestate succession (6 Marks)
- With relevant examples from the case above, explain the three main types of property that Mr. Ntulele owned (6 Marks)

**QUESTION TWO (20 MARKS)**

- Explain the contribution of business law to economic development in Kenya (6 Marks)
- With the aid of a diagram describe the structure and jurisdiction of courts in Kenya (6 marks)

c) Not all rights to a parcel of land are easements. Describe the features of an easement ( 8 marks)

**QUESTION THREE (20 MARKS)**

a) Describe the procedure followed by the national assembly to develop statutes in Kenya ( 8 marks)

b) Distinguish between possession and ownership. Support your answer with relevant examples (4 Marks)

c) The law of contract is intended to ensure that what has been promised to man shall be performed. However not all contracts can be enforced by law. Analyze this statement ( 8 Marks)

**QUESTION FOUR (20 MARKS)**

a) When faced with a civil action involving a tort, a defendant may assert various defenses to escape liability. Explain five of these defenses ( 8 Marks)

b) An agent comes into existence once an agency relationship is created. Examine four ways in which an agency relationship may be created. ( 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) With Relevant examples, explain the concept of vicarious liability ( 4 Marks)

c)Explain the responsibility of employers towards the employees as provided for in the employment Act , 2007 (8 Marks)