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KIRIRI WOMENS' UNIVERSITY OF SCIENCE AND TECHNOLOGY
UNIVERSITY EXAMINATION, 2024/2025 ACADEMIC YEAR
FIRST YEAR, FIRST SEMESTER EXAMINATION
FOR THE DIPLOMA IN ACCOUNTING
DBA 1108: COMMERCIAL AND ADMINISTRATION LAW

Date: 12th April, 2024
Time: 8:30am-10:30am

INSTRUCTIONS TO CANDIDATES

ANSWER QUESTION ONE (COMPULSORY) AND ANY OTHER TWO QUESTIONS

QUESTION ONE (30 MARKS)

STRIKE A REMEDY OR INJURE

Strikes have become the order of the day in Kenya. From Doctors, to teachers, students and the list is long. Most of these cases ends up in Commercial law as well as Administrative law. In some instances, issues of strikes are taken care of through partnership, while others result to payments of warranties and conditions especially in a sale of goods agreement. Where there is contract of guarantee, the issue could also lead to delegated legislation. This can be devastating to Company shareholders, hence the necessity for shunning strikes and chaos in Kenya.

- a) Differentiate between commercial and administration law. (4 Marks)
- b) Define the nature of partnership in commercial and administrative law. (4 Marks)
- c) Highlight the warranties and conditions in a sale of goods agreement. (5 Marks)
- d) Differentiate rights and liabilities of parties in contract of guarantee. (5 Marks)
- e) Highlight the types of delegated legislation. (6 Marks)
- f) Highlight types of shareholders in a Company. (6 Marks)

QUESTION TWO (20 MARKS)

- a) A contract of sale is an agreement between a seller and a buyer. Explain ways through which a contract of sale can be terminated. (6 Marks)
- b) Describe the effect of emerging trends and issues in commercial administrative law. (6 Marks)
- c) Judicial administration has traditionally been concerned with overseeing budgets, selecting jury pools, assigning judges to cases, creating court calendars of activities, and supervising non-judicial personnel. Discuss the functions of judicial administrative action (8 Marks)

QUESTION THREE (20 MARKS)

- a) Explain the meaning of central Government. (4 Marks)
- b) A company is a legal entity formed by a group of individuals to engage in and operate a business enterprise in a commercial or industrial capacity. Discuss the procedure of forming and incorporating a company. (8 Marks)
- c) A breach of contract is a failure, without legal excuse, to perform any promise that forms all or part of the contract. Examine the remedies available for the breach of contract. (8 Marks)

QUESTION FOUR (20 MARKS)

- a) Explain the dissolution of a partnership in commercial and administrative law. (6 Marks)
- b) Administrative law can be categorized in several ways. Describe the main types. (6 Marks)
- c) There are so many emerging trends and issues in commercial and administrative law. Discuss some of the ways of managing emerging trends and issues in commercial and administrative law. (8 Marks)

QUESTION FIVE (20 MARKS)

- a) Natural justice refer to the basic fundamental principles of fair treatment. Examine different types of natural justice. (4 Marks)
- b) There are so many reasons behind winding up a Company. Discuss the procedure applied in winding up a company. (8 Marks)
- c) A "bailment" is the delivery of goods by one person to another for some purpose, upon a contract that they shall, when the purpose is accomplished, be returned or otherwise disposed of according to the directions of the person delivering them. Describe the rights and liabilities of the parties in contract of bailing. (8 Marks)