

MAASAI MARA UNIVERSITY

**UNIVERSITY EXAMINATIONS**

**2015/2016 ACADEMIC YEAR**

**FIRST YEAR FIRST SEMESTER**

**SCHOOL OF BUSINESS AND ECONOMICS**

**BACHELORS OF BUSINESS MANAGEMENT**

**COURSE CODE: BBM 109**

**COURSE TITLE: BUSINESS LAW**

**DATE: 6TH MAY, 2016 TIME:2.30 – 4.30PM**

**INSTRUCTIONS TO CANDIDATES**

Answer question **ONE** and any other **THREE** questions

***This paper consists of 3 printed pages. Please turn over.***

QUESTION ONE

|  |  |
| --- | --- |
|  | A] The Sale of Goods Act Cap 31 law of Kenya provides for implied conditions and warranties in every contract for sale of goods that protected the buyer against the principle *caveat emptor*.  Discuss this implied conditions and warranties. 7 marks |

1. The judicature Act cap 10 laws of Kenya under section 3(1) provide for the sources of Kenyan law, discuss the mentioned sources 5 marks
2. Give explanatory notes on the following concepts 3 marks
3. Obita dictum
4. Ratio decidendi
5. Stare decisis
6. Article 2 of the constitution of Kenya of 2010 provides for supremacy of the constitution. Discuss the meaning of this phrase 2 marks
7. " where one party has, by his words or conduct, made to the other a promise or assurance which was intended to affect the legal relations between them and to be acted on accordingly, then once the other party has taken him at his word and acted on it, the one who gave the promise or assurance cannot afterwards be allowed to revert to the previous legal relations as if no such promise or assurance had been made by him, but he must accept their legal relations subject to the qualification which he himself has has introduced, even though it is not supported in point of law by any consideration, but only by his word."

Lord Denning in the case of *combe vs. combe* (1951)2 KB215

In light of the above statement discuss the principle of law that gave rise to the above exception.

8 marks

QUESTION TWO

Discuss the different jurisdiction of magistrate courts in accordance to the Magistrate Court’s Act of 2015

15 MARKS

QUESTION THREE

In Accordance to of Article 165 of the Constitution and section read together with other relevant provisos of the constitution, discuss the supervisory power of the high court and remedies it can issue in exercise of this authority

15 MARKS

QUESTION FOUR

The judicial authority is vested on the courts and tribunals in exercise of this power, the courts have established rules that help in interpreting the statutes. Discuss some of these rules.

15 MARKS

QUESTION FIVE

1. Discuss the privity doctrine in the law of contract. 8Marks
2. The court will discharge the bankrupt from liability upon application within the prescribed time. Discuss debts that he will not be discharged from liability

7 marks

**……………….END………………..**