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**JOMO KENYATTA UNIVERSITY**

**OF**

**AGRICULTURE AND TECHNOLOGY**

**UNIVERSITY EXAMINATIONS 2014/2015**

**FIRST YEAR SECOND SEMESTER EXAMINATION FOR THE DEGREE OF MASTER OF SCIENCE IN CONSTRUCTION ENGINEERING AND MANAGEMENT**

**ECE 3188: CONSTRUCTION LAW**

**DATE: AUGUST 2015 TIME: 3 HOURS**

**INSTRUCTIONS: ANSWER ANY FOUR QUESTIONS**

**ALL QUESTIONS CARRY EQUAL MARKS**

**QUESTION ONE (20 MARKS)**

1. Outline the extend of liabilities of the Government in tort and

State any TWO limitations on the Government’s such liabilities.

[11 marks]

1. Explain the special cases of the following persons with respect

to capacity to enter into contract:

1. Minors
2. Persons with unsound mind

[9 marks]

**QUESTION TWO (20 MARKS)**

1. Define the term lease and state its essential elements. [4 marks]
2. Outline the following obligations implied in a lease

agreement between landlord and tenant:

1. Obligations of the lessor
2. Obligations of the tenant

[10 marks]

1. Explain the following torts:
2. Trespass to goods
3. Conversion
4. Detinue

[6 marks]

**QUESTION THREE (20 MARKS)**

1. Define the term claim as used in civil engineering contracts. [3 marks]
2. State the causes of delay that may lead to extension of time

in a civil engineering project. [5 marks]

1. Explain extra-contractual claims. [5 marks]
2. Outline the procedure of a contractors claim during the

construction period of a civil engineering project. [7 marks]

**QUESTION FOUR (20 MARKS)**

1. State any FIVE rules that govern each of the following essential

elements of a simple contract:

1. Offer
2. Acceptance
3. Consideration

[12 marks]

1. A contract which was valid in the first place may be rendered

void or voidable if there was no “meeting of the minds”

between the contracting parties.

Explain the following factors that affect reality of consent

during formation of a contract.

1. Misrepresentation
2. Undue influence
3. Any two categories of mistakes

[8 marks]

**QUESTION FIVE (20 MARKS)**

1. Briefly explain the following defenses to tortious liabilities:
2. Volenti Non Fit Injuria
3. Inevitable Accident
4. Act of God

[6 marks]

1. i) Define Arbitration and state its advantages.

ii) Outline the procedure of appointment of a sole

Arbitrator by agreement.

[14 marks]