



BCM209: PRINCIPLES OF BUSINESS LAW

ONLINE CLASS

Instructions

- i) This exam paper contains SIX questions containing 10 marks each.**
- ii) Answer Question 1 (COMPULSORY) and any other THREE questions**
- iii) Read each question carefully before attempting.**

QUESTION ONE

- a) George was happily married to his wife Jane for over 20 years. Because of the love they shared, George expressly stated that if he dies before Jane, she was free to use his house in Runda as long as she remains unmarried. The two administrators of his estate knew of this wish. George passed on and his wife Jane continued to stay in his house and unmarried. Jane continued to pay land rates of Kshs. 5,000 per year. Unfortunately, one of the administrator died and the other sought to evict Jane from the house. Jane filed a case in the High Court seeking protection from the administrator.
 - i. Advise Jane on any legal rights if any she may have against the late husband's administrator. (4 Marks).
 - ii. Briefly discuss four vitiating elements of a contract (4 Marks).
- b) Discuss any two ways of ensuring that the law making process is effective (2 Marks).

QUESTION TWO

- a) Every court in Kenya has the power to make certain judgement as outlined in the requisite jurisdiction. Explain the following jurisdiction of a court

- i. Territorial Jurisdiction (2 Marks).
 - ii. Appellate Jurisdiction (2 Marks).
 - iii. Pecuniary Jurisdiction (2 Marks).
- b) Using a decided case, distinguish between a tort and a crime (4 Marks).

QUESTION THREE

- a) Briefly discuss the qualifications that one needs to have before being appointed as a judge in the High court of Kenya (4 Marks).
- b) Explain three objectives of the Law Society of Kenya (LSK) (6 Marks).

QUESTION FOUR

- a) Explain two distinctions between a memorandum of association and article of association (4 Marks).
- b) Discuss three factors that undermines the rule of law in Kenya (6 Marks).

QUESTION FIVE

- a) Briefly discuss the following terms under the law of domicile;
 - i. Foundlings (1 Mark).
 - ii. Legitimation (1 Mark).
 - iii. Adoption (1 Mark).
 - iv. Marriage (1 Mark).
- b) Mr. Njoroge has a phone which he is intending to sell to Mr. Kimani under a hire purchase agreement. Discuss three duties of Mr. Njoroge and Mr. Kimani under such an agreement. (6 Marks).

QUESTION SIX

- a) Discuss two features of corporations under the law of persons (4 Marks).

- b) A 'will' is the legal declaration by a person of his wishes or intentions regarding the disposition of his property after his death, duly made and executed according to the provisions of Succession law (CAP 160) laws of Kenya. However the law provides that no written will shall be valid unless certain conditions are met. Discuss three such conditions necessary for a written will to be valid (6 Marks).