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CPA PART I SECTION 1

CS PART I SECTION 1

CCP PART I SECTION 1

BUSINESS LAW

MONDAY: 23 November 2020. **Time Allowed: 3 hours.**

Answer any FIVE questions. **ALL questions carry equal marks.**

QUESTION ONE

(a) Generally, there is no implied condition as to fitness for any particular purpose of the goods supplied.

Outline four exceptions to the general rule above. (8 marks)

(b) Enumerate four duties of the seller under the cost, insurance and freight contracts of sale. (4 marks)

(c) In the context of sources of law:

(i) Explain two forms that a persuasive precedent might take. (2 marks)

(ii) Itemise six components of a judicial precedent (judgment). (6 marks)

(Total: 20 marks)

QUESTION TWO

(a) (i) Highlight six similarities between law and morality. (6 marks)

(ii) Identify four ways in which law might be classified. (4 marks)

(b) Lady Nadia went for child delivery at Bado Hospital, upon arrival and examination, the doctor recommended that she would undergo an emergency caesarian section. The doctor successfully carried out the operation. Two days later she had persistent pain and after undergoing an x-ray examination in Sasa Hospital, it was discovered that the doctor forgot a small pair of scissors in her womb.

Lady Nadia is aggrieved and intends to sue the doctor. Advise Nadia by:

(i) Identifying the specific wrong the doctor might have committed and the law applicable. (3 marks)

(ii) Explaining the essential elements of the wrong identified in (i) above. (6 marks)

(iii) Determining the most suitable remedy available to Lady Nadia. (1 mark)

(Total: 20 marks)

QUESTION THREE

(a) Distinguish between a "Limited Liability Partnership" (LLP) and a "General Partnership". (8 marks)

(b) (i) Explain the difference between an "offer" and "invitation to treat". (2 marks)

(ii) Samuel Leo made an offer to purchase David Kesho's car. However, David Kesho upon accepting the offer was informed by Samuel that the offer was terminated. David did not understand how that was possible.

Advise David on the various ways in which an offer could be terminated. (10 marks)

(Total: 20 marks)

QUESTION FOUR

(a) Describe the requirements that an administrative body must meet in making an administrative decision in order to avoid a review of its decision by the courts. (6 marks)

(b) In the context of negotiable instruments:

(i) Outline three parties to a bill of exchange. (3 marks)

(ii) Identify five rules governing presentation of a bill of exchange for payment. (5 marks)

(c) Highlight six powers of the arbitrator in a dispute referred to arbitration. (6 marks)

(Total: 20 marks)

QUESTION FIVE

(a) (i) Identify six duties of a lessor under a lease agreement. (6 marks)

(ii) State four defences to copyright infringement. (4 marks)

(b) In relation to the law of insurance:

(i) Define the term "subrogation". (2 marks)

(ii) Discuss the concept of the law of large numbers as a principle of insurance. (8 marks)

(Total: 20 marks)

QUESTION SIX

(a) With specific reference to the law of agency:

(i) Outline four circumstances under which an agent may be held personally liable to third parties. (4 marks)

(ii) Explain four ways in which an agency relationship may terminate. (8 marks)

(b) (i) Distinguish between a "contract of indemnity" and a "contract of guarantee". (4 marks)

(ii) Outline four remedies for breach of the contract of indemnity. (4 marks)

(Total: 20 marks)

QUESTION SEVEN

(a) Outline three principles governing acquisition of the domicile of origin. (6 marks)

(b) Describe four rules governing the completion of a hire purchase agreement. (8 marks)

(c) Identify six types of courts in your country. (6 marks)

(Total: 20 marks)

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