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ATD LEVEL I

DCM LEVEL I

PRINCIPLES OF BUSINESS LAW

MONDAY: 23 November 2020.

Time Allowed: 3 hours.

Answer any FIVE questions.

ALL questions carry equal marks.

QUESTION ONE

- (a) (i) Explain the meaning of the doctrine of “stare decisis”. (2 marks)
- (ii) Summarise four circumstances when a court might refrain from applying a binding precedent. (8 marks)
- (b) With specific reference to classification of law, list four categories of civil law. (4 marks)
- (c) Explain the following maxims of equity:
- (i) Equity abhors a forfeiture. (2 marks)
- (ii) Equity acts in personam. (2 marks)
- (iii) Equity does not require an idle gesture. (2 marks)
- (Total: 20 marks)**

QUESTION TWO

- (a) With reference to the law of torts:
- (i) Define the term “res ipsa loquitor”. (1 mark)
- (ii) List three requirements for “res ipsa loquitor” to apply. (3 marks)
- (iii) Highlight three cases of slander that are actionable per se. (6 marks)
- (b) Outline four duties of a seller under a sale of goods contract. (4 marks)
- (c) Describe three conditions implied in a contract of sale of goods. (6 marks)
- (Total: 20 marks)**

QUESTION THREE

- (a) With a specific reference to the court system in your country:
- (i) Outline four essential elements of an effective legal system. (4 marks)
- (ii) Define the term “court martial”. (2 marks)
- (iii) Describe two conditions to be satisfied for appointment as a Judge of a court martial. (4 marks)
- (b) Summarise three types of breach of a contract. (6 marks)
- (c) Highlight four factors that might vitiate an enforceable contract. (4 marks)
- (Total: 20 marks)**

