

**SECTION A (32 marks)**

*Answer ALL questions in this section in the spaces provided.*

1. Explain **four** sources of law in Kenya. (4 marks)

- (i) \_\_\_\_\_  
\_\_\_\_\_
- (ii) \_\_\_\_\_  
\_\_\_\_\_
- (iii) \_\_\_\_\_  
\_\_\_\_\_
- (iv) \_\_\_\_\_  
\_\_\_\_\_

2. State **three** fundamental rights of an individual contained in the Kenya Constitution. (3 marks)

- (i) \_\_\_\_\_  
\_\_\_\_\_
- (ii) \_\_\_\_\_  
\_\_\_\_\_
- (iii) \_\_\_\_\_  
\_\_\_\_\_

3. Outline **four** duties of an employer towards an employee. (4 marks)

- (i) \_\_\_\_\_  
\_\_\_\_\_
- (ii) \_\_\_\_\_  
\_\_\_\_\_
- (iii) \_\_\_\_\_  
\_\_\_\_\_
- (iv) \_\_\_\_\_  
\_\_\_\_\_

4. State **three** ways in which agency relationship may be created. (3 marks)

- (i) \_\_\_\_\_  
\_\_\_\_\_
- (ii) \_\_\_\_\_  
\_\_\_\_\_
- (iii) \_\_\_\_\_  
\_\_\_\_\_

5. Outline **three** types of endorsements that may be made on a Bill of Exchange. (3 marks)

- (i) \_\_\_\_\_  
\_\_\_\_\_
- (ii) \_\_\_\_\_  
\_\_\_\_\_
- (iii) \_\_\_\_\_  
\_\_\_\_\_

6. Explain **four** defences to an action for defamation. (4 marks)

- (i) \_\_\_\_\_  
\_\_\_\_\_
- (ii) \_\_\_\_\_  
\_\_\_\_\_
- (iii) \_\_\_\_\_  
\_\_\_\_\_
- (iv) \_\_\_\_\_  
\_\_\_\_\_

7. Outline **three** formalities of a valid written will. (3 marks)

- (i) \_\_\_\_\_  
\_\_\_\_\_
- (ii) \_\_\_\_\_  
\_\_\_\_\_
- (iii) \_\_\_\_\_  
\_\_\_\_\_

8. State **three** ways in which a contract may be discharged. (3 marks)

- (i) \_\_\_\_\_  
\_\_\_\_\_
- (ii) \_\_\_\_\_  
\_\_\_\_\_
- (iii) \_\_\_\_\_  
\_\_\_\_\_

9. Explain **two** types of leases. (2 marks)

- (i) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (ii) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Outline the role of the office of the Director of Prosecution in the prosecution of criminal offences. (3 marks)

- (i) \_\_\_\_\_
- (ii) \_\_\_\_\_
- (iii) \_\_\_\_\_

**SECTION B (68 marks)**

Answer any **FOUR** questions from this section in the spaces provided after question 15.

*ALL questions carry equal marks.*

11. (a) In relation to the Law of Torts, outline:
- (i) **three** exceptions in the Rule of Rylands V. Fletcher (1868). (6 marks)
  - (ii) **two** elements that the plaintiff must prove in a suit for negligence. (4 marks)
- (b) Monica and Kim are neighbours at Mt. Elgon View Estate. Monica has grown avocado trees whose branches bent Kim's compound. Last month an avocado fruit fell into Kim's compound and injured his one year old son playing in the compound. Kim told Monica that unless she cuts the overgrown branches within one week, he would do so himself.
- Monica refused to cut the branches within the periods given by Kim. After one week, Kim took a ladder which he placed inside his compound and cut all the branches that had overgrown into his compound.
- Monica is aggrieved.
- (i) Explain the legal principles applicable in this case.
  - (ii) Advise Monica of the legal rights. (7 marks)
12. (a) In relation to the Law of Property, explain **five** rights of a mortgagee against a defaulting mortgagor. (10 marks)
- (b) A lease agreement usually contains implied terms on the part of the lessor and lessee. Outline **seven** terms implied on the part of the lessee. (7 marks)
13. (a) In relation to the Law of Contract, explain the elements that a party alleging misrepresentation by the other party has to prove in order to be assisted in avoiding the contract. (10 marks)
- (b) On Monday last week Onyango received a written offer from Kamau for sale of Kamau's car for Ksh. 250,000 and on the following day Onyango posted a letter of acceptance but never reached Kamau. On Wednesday Kamau posted a letter to Onyango withdrawing the offer since he had sold the car to another customer for Ksh. 300,000. Now Onyango is aggrieved and has approached you for legal advice.
- (i) Explain the legal principles applicable in this case.
  - (ii) Advise Onyango. (7 marks)

14. (a) Outline the duties of the personal representative. (9 marks)
- (b) Explain the conditions that must be fulfilled for a gift to take effect as *donatio mortis causa*. (8 marks)
15. (a) In relation to the law governing negotiable instruments, explain six essentials of "a payment in due course." (9 marks)
- (b) Outline the characteristics of a promissory note. (8 marks)

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