

1. (a) Explain **five** merits of case law as a source of law in Kenya. (10 marks)
- (b) Explain **five** exceptions to the rule that a master is not vicariously liable for the tort committed by an independent contractor. (10 marks)
2. (a) Explain **five** types of mistake that may invalidate a contract. (10 marks)
- (b) Explain **five** differences between criminal law and civil law. (10 marks)
3. (a) A person is under duty to disclose all the material facts which he knows or ought to know to the insurer when taking out an insurance policy. Highlight **five** such facts. (10 marks)
- (b) Davis and his wife, British nationals, came to Kenya for a one week holiday. They took boarding in a hotel in Mombasa. One morning the wife of Davis forgot to lock her jewellery in the safe provided in their room. A cleaning attendant stole some of the jewellery. The couple is aggrieved and intends to take legal action against the hotel. Explain the legal principles involved in this case. (10 marks)
4. (a) Explain **five** grounds of dismissal of an employee that may be considered unfair, as per the employment Act 2007. (10 marks)
- (b) Mwenda, by post, made an offer to sell his premises to Nola on 14 January 2015. Nola received the offer on 25 January and on the same date posted a letter of acceptance to Mwenda. Mwenda changed his mind as on 20 January 2015, he posted a letter of revocation to Nola. Nola received the letter on 27 January 2015. Mwenda insists that there is not contract and this has aggrieved Nola. Explain the legal principles applicable in this case. (10 marks)
5. (a) Highlight **five** requirements that an applicant of a hotel licence should meet. (10 marks)
- (b) Explain **five** duties of an employer in a contract of employment, as provided for in the Employment Act 2007. (10 marks)
6. (a) Explain **six** elements of a contract of insurance. (12 marks)
- (b) Explain **four** factors that may negatively affect the litigation process in Kenya. (8 marks)
7. (a) Explain **six** circumstances that may make the High Court of Kenya to set aside an arbitral award. (12 marks)
- (b) Explain **four** black market practices that affect the tourism industry in Kenya. (8 marks)

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