

1. (a) In relation to the Partnership Act, explain **five** rights of a partner. (10 marks)
- (b) Sam bought a radio from Kuya for Ksh 6,000. After using it for four months, he discovered that the radio belonged to Obara. Obara intends to sue Kuya for the recovery of his radio.
 - (i) Explain the legal principles applicable in this case.
 - (ii) Advise Sam and Obara. (10 marks)

2. (a) In relation to the law of agency, explain **five** legal requirements for a valid ratification. (10 marks)
- (b) Mutuku employed Mwanzia as a petrol tanker driver. While petrol was being off-loaded from the tanker, Mwanzia who was standing nearby lit a cigarette. Unfortunately, the petrol caught fire and burnt the whole station and injured several people. Haraka, the proprietor of the petrol station, seeks your legal advice. Advise him. (10 marks)

3. (a) Under Section 7 of the Hire Purchase Act, Cap 507 of the laws of Kenya, certain provisions are deemed void if contained in the hire purchase agreement. Outline **six** such provisions. (12 marks)
- (b) Kinyago, a small scale farmer, agreed to take a television set and a radio from Malipo Rahisi Ltd, a hire purchase firm last year. The hire purchase price for both items was Ksh 90,000. He paid a deposit of Ksh 30,000 and the balance was payable by monthly instalments of Ksh 5,000. After paying instalments for six months, he defaulted. Malipo Rahisi Ltd promptly repossessed the goods. Explain the legal position. (8 marks)

4. (a) Explain the rights that a guarantor has against the creditor. (10 marks)
- (b) Mzee Tumbo promised his son Kazungu a bicycle if he passed his examinations. Kazungu worked very hard and passed his examination with high grades. His father declined to buy him the bicycle he had promised for the reason that he wanted to use that money to pay Kazungu's college fee. Kazungu is aggrieved and intends to sue his father.
 - (i) Explain the legal principles applicable in this case.
 - (ii) Advise Kazungu. (10 marks)

5. (a) Explain the **five** criticisms which have been levelled against delegated legislation. (10 marks)
- (b) Outline **five** limitations of parliamentary questions as a means of control over administrative actions. (10 marks)
6. (a) Explain **five** circumstances under which the validity of bye-laws may be challenged in a court of law. (10 marks)
- (b) Mombao Local Authority's bye-laws prohibited the selling of any food in its parks without consent. Johnny has for the past one year been selling cakes and soft drinks at Starehe park with consent of Mombao Local Authority. Last month, Mombao Local Authority passed a resolution and revoked all earlier consents stating that no permission would be granted in future for the sale of food stuffs. Johnny is aggrieved that his one year licence has been revoked before the end of its term and seeks your legal advice.
- (i) Explain the legal principles applicable.
- (ii) Advise Johnny on his legal rights. (10 marks)
7. (a) A record of proceedings of an inferior court may be presented to the High Court for purposes of obtaining a *certiorari* order. Explain **five** purposes for which a *certiorari* order may be used. (10 marks)
- (b) The administrative tribunals have been established in Kenya in order to deal with specialized matters which may involve the rights of individuals.
- (i) Outline **two** reasons for the establishment of administrative tribunals. (4 marks)
- (ii) Explain **three** disadvantages of the establishment of tribunals in Kenya. (6 marks)