

Name _____ Index No. _____ easytv.com

2903/106
ELEMENTS OF LAW
July 2015
Time: 3 hours

Candidate's Signature _____

Date _____



THE KENYA NATIONAL EXAMINATIONS COUNCIL
DIPLOMA IN SUPPLY CHAIN MANAGEMENT
MODULE I

ELEMENTS OF LAW

3 hours

INSTRUCTIONS TO CANDIDATES

Write your name and index number in the spaces provided above.

Sign and write the date of the examination in the spaces provided above.

*This paper consists of **SEVEN** questions.*

*Answer any **FIVE** questions in the spaces provided in this question paper.*

All questions carry equal marks.

*Do **NOT** remove any pages from this question paper.*

Candidates should answer the questions in English.

For Examiner's Use Only

Question	1	2	3	4	5	6	7	TOTAL SCORE
Candidate's Score								

This paper consists of 16 printed pages.

Candidates should check the question paper to ascertain that all the pages are printed as indicated and that no questions are missing.

1. (a) Two or more persons may enter into a joint agreement with one or more persons. For example **P** and **Q** jointly promise to pay Ksh.500 to **X** and **Y**. In such cases, the question arises as to who is liable to perform and who can demand performance of the contract? Explain the rights and liabilities of joint promisors and joint promisees. (8 marks)
- (b) Explain **six** essential elements of a valid offer. (12 marks)
2. (a) In relation to the law of agency, explain the liability of the principal where an agent acts for a named principal. (10 marks)
- (b) Explain **five** exceptions to the doctrine *delegatus non potest delegare*. (10 marks)
3. (a) In relation to the law of property:
 - (i) outline **four** ways in which ownership differs from possession. (8 marks)
 - (ii) explain **three** ways in which ownership may be acquired. (6 marks)
- (b) In relation to the law of property, explain **three** ways through which co-ownership may be terminated. (6 marks)
4. (a) In relation to the Law of Succession, explain conditions which must be satisfied before a gift in contemplation of death can take effect. (10 marks)
- (b) In relation to the Law of Succession, explain **five** grounds upon which a testamentary disposition will fail to take effect. (10 marks)
5. (a) In relation to the Law of Torts, explain **four** defences to the tort of trespass to land. (8 marks)
- (b) George and Sherry are neighbours at Maneno Estate. There is a mango tree in George's compound whose branches hang dangerously over Sherry's house. Sherry has on several occasions asked George to trim the branches but George has failed to do so. Sherry has therefore, decided to trim the branches herself and informed George accordingly. George has threatened to sue Sherry and Sherry seeks your legal advice.
 - (i) Explain the legal principles applicable;
 - (ii) Advise Sherry. (12 marks)
6. (a) Explain **four** advantages of case law as a source of law in Kenya. (8 marks)
- (b) Explain circumstances under which a person's right to personal liberty may be curtailed under the Constitution of Kenya. (12 marks)

- 7. (a) Outline **four** conditions that must be fulfilled before African Customary Law can be applicable in the Kenyan courts. (8 marks)
- (b) Explain **three** circumstances under which the government may be sued in tort. (6 marks)
- (c) Explain **three** grounds upon which an appeal may be made from the Court of Appeal to the Supreme Court of Kenya. (6 marks)
