

1902/204
INTRODUCTION TO LAW
November 2017
Time: 3 hours



THE KENYA NATIONAL EXAMINATIONS COUNCIL
CRAFT CERTIFICATE IN SALES AND MARKETING

MODULE II

INTRODUCTION TO LAW

3 hours

INSTRUCTIONS TO CANDIDATES

This paper consists of TWO sections; A and B.

Answer ALL the questions in section A and any FOUR questions from section B in the answer booklet provided.

Maximum marks for each question are indicated.

Candidates should answer the questions in English.

This paper consists of 3 printed pages.

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

SECTION A (32 marks)

Answer ALL the questions from this section.

1. List **four** types of corporation. (4 marks)
2. In relation to the law of tort, state **three** elements of negligence. (3 marks)
3. Outline **three** instances when a principal may exercise the right to sue the agent. (3 marks)
4. State **two** implied warranties in a contract for the sale of goods. (2 marks)
5. State **three** circumstances when the collecting banker may disclose personal information relating to a customer to third parties. (3 marks)
6. Outline **three** limitations to the right of freedom of expression as granted under the constitution of Kenya. (3 marks)
7. State **four** elements of a promissory note. (4 marks)
8. Highlight **three** ways by which a contract may be discharged through operation of law. (3 marks)
9. State **four** powers of the supreme court of Kenya. (4 marks)
10. Outline **three** characteristics that a custom must have in order to be relied on as a source of law in Kenya. (3 marks)

SECTION B (68 marks)

Answer any **FOUR** questions from this section.

11. (a) Explain **four** general defences available to a defendant under the law of tort. (8 marks)
 - o mistake
 - o Act of God
 - o Self-Defence
- (b) Highlight **six** circumstances under which a court of law may decline to order specific performance as a remedy for breach of contract. (9 marks)
12. (a) Explain **four** ways by which an agency may be created. (8 marks)
 - Estoppel
 - Necessity
 - direct performance
- (b) In relation to a contract for the sale of goods, explain:
 - (I) the doctrine of caveat emptor; (1 mark)
 - (II) **four** exceptions to the doctrine explained in (I) above. (8 marks)

To be directly deposited to the Account.

13. (a) Explain **four** reasons that may necessitate a drawer of a cheque to issue a crossed cheque to the payee. (8 marks)
- (b) Explain **six** characteristics of a co-operative society as a body corporate. (9 marks)
14. (a) Outline **four** ways of achieving the independence of the Judiciary in Kenya. (8 marks)
- (b) Explain **six** advantages of statutes as a source of law in Kenya. (9 marks)
15. (a) Highlight **six** powers of the Business Premises Tribunal in Kenya. (9 marks)
- (b) Mary instructed Juma to sell her car at Ksh 800,000. Juma was to receive a 5% commission upon completion of the sale. Juma sold the car and received Ksh 50,000 as a token of appreciation from the buyer. Mary learnt of the secret profit made by Juma before she paid him the commission. She is aggrieved and intends to take legal action against Juma. Explain the legal principles applicable in this case. (8 marks)

- To hire
- To fire
- To set the rules and regulation.
- To advertise themselves
- To pay taxes
- To ~~print~~ what belongs to them

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