

1. (a) Outline **six** limitations of common law which led to the development of equity. (12 marks)
- (b) Explain the relationship between law and morality. (8 marks)
2. (a) The administrative tribunals have been established in Kenya in order to deal with specialized matters which involve the rights of individuals. Outline **four** advantages of tribunals in Kenya. (8 marks)
- (b) Explain **six** remedies that may be granted by the High Court to enforce the enjoyment of fundamental rights and freedoms of individuals. (12 marks)
3. (a) Outline **five** exceptions to the doctrine of privity of contract. (10 marks)
- (b) Maendeleo Construction Company Limited was commissioned to build a block of flats for Omega Company. The contract contained a clause under which Maendeleo undertook to complete the construction within twelve months and in the event of it taking longer, Maendeleo agreed to pay Omega Limited Ksh 50,000 per month as liquidated damages. However, due to strike by the workers the work was delayed and it took Maendeleo Limited eighteen months to complete the constructions. Omega is now claiming Ksh 300,000 as liquidated damages which Maendeleo Limited has refused to pay for the reasons that the strike was beyond its control. Omega Limited is aggrieved and has approached you for legal advice.
  - (i) Explain the legal principles applicable in the facts of this case.
  - (ii) Advise Omega Limited.(10 marks)
4. (a) In relation to the law of property, explain five ways in which a lease may be terminated. (10 marks)
- (b) (i) Outline **three** ways a person may acquire property. (6 marks)
- (ii) Explain **two** points of distinction between ownership and possession. (4 marks)
5. (a) The property of the deceased person may vest in personal representatives. Explain **five** powers that may be exercised by personal representatives in the discharge of their duties. (10 marks)

- (b) Mwikya, a wealthy businessman who was contemplating making a will on how to share out his property between his dependants upon his death, calls his wife and elder son and tells them in the presence of a friend that he has decided to share out the property equally amongst his wife and two children. He further informed them that he was going to meet his lawyer and put everything he had said in a written will. Unfortunately, on his way to the lawyer, he had a fatal accident. Stating the legal principles applicable, advise them. (10 marks)
6. (a) Explain the circumstances under which employers will be liable for the Torts of:
- (i) their employees; (4 marks)
  - (ii) an independent contractor. (8 marks)
- (b) Explain **four** essential elements of a Tort. (8 marks)
7. (a) In relation to the law governing employment, outline **five** remedies that are available to an employer in case of misconduct by his employee. (10 marks)
- (b) Mr. Ngala, a sales agent, overheard Mr. Tinga, a wholesaler, saying that he wanted 200 bags of cement. Ngala found a supplier who delivered 200 bags of cement to Mr. Tinga. Mr. Tinga paid for the consignment. Mr. Ngala has demanded his commission from Mr. Tinga who has refused to pay him.
- (i) Explain the legal principles applicable to the facts above.
  - (ii) Advise Mr. Ngala on his legal rights. (10 marks)