

**KASNEB  
INTRODUCTION TO LAW**

**NOVEMBER 2012**

**QUESTION ONE**

- a) One of the most significant shortcomings of common law that led to the development of equity was inadequate remedies. As result, many would be plaintiffs were left out, however, equity increased the remedies.

With reference to the above statement, discuss five equitable remedies. (10 marks)

- b) Explain two ways through which the seller's right of "stoppage in transitu" could be exercised (4 marks)

- c) In relation to the law of contracts, describe three mistakes that render a contract void (6 marks)

**(Total: 20 marks)**

**QUESTION TWO**

- a) Outline four ways in which constitutions might be classified (4 marks)

- b) Explain three rules of natural justice (6 marks)

- c) Peter Matu, who is 80 years old, is a partner in a manufacturing firm. He intends to transfer his shares to his daughter Mary Kinga but he does not know the rights of an assignee in a partnership. Advise Peter Matu on the rights and obligations that Mary Kinga would accrue as an assignee

(10 marks)

**(Total: 20 marks)**

**QUESTION THREE**

- a) The general rule that "for a contract to be discharged by performance, the performance must be precise and exact" was modified by exceptions to mitigate its harshness.

Discuss five exceptions to this general rule

( 10marks )

- b) In relation to negotiable instruments:

i. Define the term "qualified acceptance" (2 marks)

ii. Highlight four forms of qualified acceptance (8 marks)

**(Total: 20 marks) QUESTION FOUR**

- a) Discuss the doctrine of "caveat emptor", as used in the context of the law governing sale of goods (8 marks)

- b) Joshua Kerabu requested Grace Kwambo to sell two laptops on his behalf at a price of not less than sh. 40,000 each. Joshua Kerabu promised to pay Grace Kwambo an agreed commission of 5% on every sale. Grace Kwambo bought one of the laptops and gave Joshua Kerabu sh. 40,000 but did not inform him that she was the buyer.

Grace Kwambo sold another laptop to Clemencia Musyi at a price of 50,000 and gave Joshua Kerabu only Sh. 40, 000.

Joshua Kerabu has come to learn about Grace Kwambo's dealings

Explain the legal principle applicable in the above case and advise Joshua Kerabu on his legal rights

(12 marks) **(Total:**

**20 marks)**

**QUESTION FIVE**

- a) In relation to the law of tort, explain the following:

i. Damnum sine injuria (2 marks)

ii. Negligence (4 marks)

- b) Explain three interests in land created by the law of property (6 marks)

- c) Lena Zola contracted Mariene Kamonya, a musician, to perform during a talent music award. Two days before the much awaited event, Mariene Kamonya contracted a severe bout of malaria and was hospitalized. She was therefore unable to perform at the award.  
Lena Zola is aggrieved as she had already paid a deposit to Mariene Kamonya.  
Advise Lena Zola

(8 marks)

**(Total: 20 marks)**

**QUESTION SIX**

- a) Distinguish between the following set terms:
- i. "Reinsurance and double insurance" (2 marks)
  - ii. "Insurance and assurance" (2 marks)
- b) Explain four categories of insurance covers. (8 marks)
- c) Explain the information that must be contained in the written memorandum of hire purchase agreement, for the agreement to be enforceable (8 marks)

**(Total: 20 marks)**

**QUESTION SEVEN**

- a) Distinguish between "contract" and "tort" (8 marks)
- b) Explain four reasons why a judge in the High Court would issue the writ of certiorari. (8 marks)
- c) Outline two classifications of damages (4 marks)

**(Total: 20 marks)**