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**GARISSA UNIVERSITY**

**UNIVERSITY EXAMINATION 2018/2019 ACADEMIC YEAR TWO**

**SECOND SEMESTER EXAMINATION**

**SCHOOL OF SCHOOL OF BUSINESS AND ECONOMICS**

**FOR THE DIPLOMA IN BUSINESS MANAGEMENT**

**COURSE CODE: DBM 11**

**COURSE TITLE: BUSINESS LAW**

**EXAMINATION DURATION: 2 HOURS**

**DATE: 17/08/2021 TIME: 12.00-2.00 PM**

**INSTRUCTION TO CANDIDATES**

* **The examination has FIVE (5) questions**
* **Question ONE (1) is COMPULSORY**
* **Choose any other TWO (2) questions from the remaining FOUR (4) questions**
* **Use sketch diagrams to illustrate your answer whenever necessary**
* **Do not carry mobile phones or any other written materials in examination room**
* **Do not write on this paper**

**This paper consists of TWO (2) printed pages *please turn over***

**QUESTION ONE (COMPULSORY)**

1. Differentiate Law and Morality. (6 Marks)
2. Define Tort. (2 Marks)
3. Explain five essential element of a valid contract. (10 Marks)
4. **CASE**: PHARMACEUTICAL SOCIETY VS BOOTS CASH CHEMISTS [1953]

Goods were sold in B’s shop under the self-service system. Customers selected their purchases from shelves on which goods were displayed, put them in a wire basket supplied by B. and took them to the cash desk where they paid the price. Considering the above case study and explain the following.

1. Invitation to threat (5 Marks)
2. Offer and acceptance (5 Marks)

**QUESTION TWO**

1. Write short notes on:
2. Volenti non fit injuria (2 Marks)
3. Inevitable accident (2 Marks)
4. Act of God (2 Marks)
5. Malice in Tort. (2 Marks)
6. Statutory authority. (2 Marks)
7. Distinguish between a private nuisance and public nuisance and state the facts which the plaintiff is bound to prove in an action for nuisance. (10 Marks)

**QUESTION THREE**

1. Define a contract and state the essential element of a valid contract. (10 Marks)
2. In what ways does specialty contract differ from simple contract (5 Marks)
3. Discuss how contract can be discharged or terminated (5 Marks)

**QUESTION FOUR**

1. Define agent. (2 Marks)
2. Highlight five duties of agent. (10 Marks)
3. State and five classification of agents. (8 Marks)

**QUESTION FIVE**

1. Define Sales of good. (2 Marks)
2. Differentiate between sale and agreement to sale (10 Marks)
3. Discuss the rights of unpaid seller against the goods and against the buyer. (8 Marks)