

1. (a) Outline the significance of the rule of law in a society. (10 marks)
(b) With the use of appropriate examples, explain five circumstances under which African customary law may be applied by the courts. (10 marks)
2. (a) Explain **five** disadvantages of the establishment of the administrative tribunals. (10 marks)
(b) Outline **five** fundamental rights of an individual provided by the constitution of Kenya. (10 marks)
3. (a) In relation to the law of contract, explain **five** circumstances under which existence of undue influence is presumed in law. (10 marks)
(b) Olimba entered into a contract with Mutinda in which it was agreed that Mutinda, a transporter, would transport fifty crates of milk from Nairobi to Garissa. While on the way, Mutinda's motor vehicle broke down at a remote area and he was unable to contact Olimba or to immediately repair the motor vehicle. Fearing that the milk would go bad, he sold it to local residents at a lesser amount than the market value. As a result, Olimba incurred a loss and intends to sue Mutinda.

Advise the parties. (10 marks)
4. (a) Explain **six** circumstances under which trespass to persons would be justified under the law. (12 marks)
(b) Namoei sent his driver Shitanda to deliver cement from Namoei's place of work to his home. Namoei issued strict instructions to Shitanda not to drive anywhere else for any purpose. Shitanda decided to pass through his son's school to see him. On his way the vehicle veered off the road and rammed into Mwangi's Kiosk damaging it extensively. Mwangi has demanded that Namoei repairs his Kiosk but Namoei has refused. Mwangi is aggrieved and seeks your legal advice.

(i) Explain the legal principles applicable to this case.
(ii) Advise Mwangi. (8 marks)
5. (a) In relation to the law of property, explain **five** ways in which a co-ownership may be terminated. (10 marks)
(b) Outline **five** remedies available to mortgagee against a defaulting mortgagor. (10 marks)

6. (a) Explain **six** ways in which a testamentary gift may fail. (12 marks)

(b) Mulusa aged ninety years and gradually losing his sight, was approached and fraudulently requested to sign a document by Oluoch which he was unable to read. The sons of Mulusa have now discovered that it was a will which transferred Mulusa’s property to Oluoch and have approached you for legal advice. Stating the legal principles applicable, advise them. (8 marks)

7. (a) In relation to the law of agency, explain **five** requirements for ratification. (10 marks)

(b) With reference to employment law, outline **five** obligations of an employee towards his employer. (10 marks)
