



MAASAI MARA UNIVERSITY

REGULAR UNIVERSITY EXAMINATIONS

2021/2021 ACADEMIC YEAR

FIRST YEAR FIRST SEMESTER

SCHOOL OF BUSINESS AND ECONOMICS

BACHELOR OF SCIENCE IN HUMAN RESOURCE

MANAGEMENT

COURSE CODE: BHR 1104-1

COURSE TITLE: COMMERCIAL LAW

DATE: 30TH MARCH, 2022

TIME: 0830-1030

INSTRUCTIONS TO CANDIDATES

Question **ONE** is compulsory

Answer any other **THREE** questions

Question ONE (20 marks)

a) Njeri was expecting a consignment of Tomatoes that was to be transported by her driver from Naroosora. The driver could not deliver the tomatoes as there was a heavy downpour, the road was not passable for 2 days, and the tomatoes were going bad. He could not communicate with Njeri due to poor network connectivity and he decided to sell the tomatoes in the nearby village. Did an agency relationship arise, Discuss Agency law? If yes, what type? **(12 marks)**

b) Discuss the elements of negligence in Tort law with relevant examples. **(8 Marks)**

Question TWO

With reference to the Sale of Goods Act, or the equivalent law on the sale of goods: (i) Explain the meaning of the rule “nemo dat quod non habet”. Discuss four exceptions to the rule in (i) above. **(8 marks)**

(iii) Discuss conditions that are present in a sale of goods contract **(7 marks)**

Question THREE

[a] Explain the 3 parties in an agency relationship **[7 marks]**

[b] State four remedies of a seller in the sale of goods. **(8 marks)**

Question FOUR

[a] Explain with 4 ways in which Contracts are discharge. **(9 marks)**

{b} Outline three ways in which a Contract can be said to have been breach **[6 marks]**

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