



# **MAASAI MARA UNIVERSITY**

**REGULAR UNIVERSITY EXAMINATIONS  
2018/2019 ACADEMIC YEAR  
FIRST YEAR FIRST SEMESTER**

**SCHOOL OF BUSINESS AND ECONOMICS  
DIPLOMA IN HUMAN RESOURCE  
MANAGEMENT**

**COURSE TITLE: INTRODUCTION TO  
COMMERCIAL LAW**

**COURSE CODE: HRD 005**

**DATE: 25<sup>TH</sup> APRIL, 2019**

**TIME: 1430 - 1630HRS**

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**INSTRUCTIONS**

- QUESTION ONE IS COMPULSORY
- ANSWER ANY OTHER THREE QUESTIONS

### **QUESTION ONE**

- a) During the early development of equity the chancellors acted as at their own direction but eventually they did follow the decision of early chancellors. But in the 8<sup>th</sup> century some firm rules of equity were established which guided later chancellors in deciding disputes. They are referred to as Maxims of Equity. Describe five of them **(10Marks)**
- b) Explain the term CAVEAT EMPTOR **(5 Marks)**
- c) Describe five sources of law **(10Marks)**

### **QUESTION TWO**

A shopkeeper displayed a flick-knife in his shop window with a price tag behind it. He was charged with the offense of offering a flick knife for sale. The court had to determine whether the shopkeeper's act amounted to offending the flick-knife for sale.

- a) Assume you are the judge and determine the legality of this case **(7Marks)**
- b) Describe the essential elements of a valid contract. **(8Marks)**

### **QUESTION THREE**

A contract for the sale of 3100 tins of peaches described the tins as being packaged in cases of 30. When they arrived the tins were packed in cases of 24 although they agreed overall number of tins was supplied.

- a) Advise the buyer on whether he/she should reject or accept the goods **(2Marks)**
- b) Explain your verdict **(3Marks)**
- c) Describe five rules of delivery **(5Marks)**
- d) Explain five roles of a buyer **(5Marks)**

### **QUESTION FOUR**

- a) Explain the three categories of precedents **(7Marks)**
- b) Explain the following terms
- a) Write system **(3Mark)**
- (b) Doctrine of stare deices **(4Marks)**

### **QUESTION FIVE**

- a) State five contents of partnership deed **(5Marks)**
- b) Describe five principles of insurance **(5Marks)**
- c) Describe the structure and jurisdiction of
- a) Supreme court **(3Marks)**
- b) Court of appeal **(2Marks)**

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