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ATD LEVEL I

DCM LEVEL I

PRINCIPLES OF BUSINESS LAW

MONDAY: 23 November 2020.

Time Allowed: 3 hours.

Answer any FIVE questions.

ALL questions carry equal marks.

QUESTION ONE

- (a) (i) Explain the meaning of the doctrine of “stare decisis”. (2 marks)
- (ii) Summarise four circumstances when a court might refrain from applying a binding precedent. (8 marks)
- (b) With specific reference to classification of law, list four categories of civil law. (4 marks)
- (c) Explain the following maxims of equity:
- (i) Equity abhors a forfeiture. (2 marks)
- (ii) Equity acts in personam. (2 marks)
- (iii) Equity does not require an idle gesture. (2 marks)
- (Total: 20 marks)**

QUESTION TWO

- (a) With reference to the law of torts:
- (i) Define the term “res ipsa loquitor”. (1 mark)
- (ii) List three requirements for “res ipsa loquitor” to apply. (3 marks)
- (iii) Highlight three cases of slander that are actionable per se. (6 marks)
- (b) Outline four duties of a seller under a sale of goods contract. (4 marks)
- (c) Describe three conditions implied in a contract of sale of goods. (6 marks)
- (Total: 20 marks)**

QUESTION THREE

- (a) With a specific reference to the court system in your country:
- (i) Outline four essential elements of an effective legal system. (4 marks)
- (ii) Define the term “court martial”. (2 marks)
- (iii) Describe two conditions to be satisfied for appointment as a Judge of a court martial. (4 marks)
- (b) Summarise three types of breach of a contract. (6 marks)
- (c) Highlight four factors that might vitiate an enforceable contract. (4 marks)
- (Total: 20 marks)**

QUESTION FOUR

- (a) Outline five types of administrative tribunals in your country. (5 marks)
 - (b) Identify seven items contained in a partnership deed. (7 marks)
 - (c) Describe four benefits of using alternative dispute resolution (ADR) methods. (8 marks)
- (Total: 20 marks)**

QUESTION FIVE

- (a) Explain five ways of discharging a negotiable instrument. (10 marks)
 - (b) Describe three differences between "hire purchase" and "sale of goods". (6 marks)
 - (c) Highlight four essential requirements of a valid hire purchase agreement. (4 marks)
- (Total: 20 marks)**

QUESTION SIX

- (a) (i) Define the term "plant patent" within the context of plant breeding. (2 marks)
 - (ii) Outline the prescribed duration that plant breeders' rights might last once granted. (4 marks)
 - (iii) Describe two requirements that govern the registration of an industrial design. (4 marks)
 - (b) (i) Describe the nature of the contract of indemnity. (2 marks)
 - (ii) Explain four remedies for breach of a contract of indemnity. (8 marks)
- (Total: 20 marks)**

QUESTION SEVEN

- (a) (i) Distinguish between "re-insurance" and "double insurance". (2 marks)
 - (ii) Highlight six grounds for termination of a contract of insurance. (6 marks)
 - (b) Summarise three salient features of an agency relationship. (6 marks)
 - (c) Describe three provisions governing retention and acquisition of citizenship. (6 marks)
- (Total: 20 marks)**
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