

THE KENYA SCHOOL OF LAW



PRE-BAR EXAMINATION

THE LAW OF CONTRACT – PRB 002

8TH JANUARY, 2024

DURATION: 3 HOURS

2.00 PM – 5.00 PM

Instructions to Candidates

- (a) Answer Question **ONE** and any other **THREE** Questions
- (b) Each Question carries **25** marks.
- (c) Marks shall be lost for illegible handwriting

PLEASE TURN OVER

QUESTION ONE:

An agreement between the parties is an essential element of a contract but not every such agreement forms a valid contract. Discuss this statement with relevant examples. (25 marks)

QUESTION TWO:

- a) Distinguish between an offer and invitation to treat with the aid of relevant examples. (10 Marks)
- b) Discuss FIVE (5) ways in which an offer can be terminated. (15 Marks)

QUESTION THREE:

- a) Outline any THREE (3) factors used by the courts to determine whether a statement is a term of contract or merely a representation. (15 Marks)
- b) Discuss the various ways in which a contract may be discharged. (10 marks)

QUESTION FOUR:

Write short notes on the following:

- i. Consideration (5 Marks)
- ii. Specific Performance (5 Marks)
- iii. Void & voidable contracts (5 Marks)
- iv. Contracts uberrimae fidei (5 Marks)
- v. Counter-offer. (5 Marks)

QUESTION FIVE:

- a) Discuss THREE (3) types of events which may frustrate a contract. (15 Marks)
- b) Outline the various contracts that must be in writing. (10 Marks)

QUESTION SIX:

- a) Outline FIVE (5) ways in which a contract may be terminated. (15 Marks)
- b) Identify THREE (3) remedies of breach of contract. (10 Marks)

END