



THE KENYA SCHOOL OF LAW  
PARALEGAL TRAINING PROGRAMME  
(Academic Year 2022- 2023)

COURSE OUTLINE PTP 103: ELEMENTS OF COMMERCIAL LAW

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**COURSE INSTRUCTOR:**

Ms. Margaret Mounde  
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**INSTRUCTION HOURS:**

Tuesday

**CONSULTATION:**

On Appointment

**A. INTRODUCTION**

This Course will focus on two main areas of Commercial Law: law of sale and supply of goods and the law of agency. It is worth noting that sale of goods and agency are special types of contracts. Consequently, a proper understanding of the laws governing these two areas must be founded upon knowledge gained during studies of the law of contracts. A clearer understanding of the law of sale of goods and the law of agency calls for scrutiny at the introductory level of the meaning and development of commercial law. Upon completion of this course, students are expected to have developed their understanding of the general rules and principles relating to sale of goods and agency and the ability to apply legal principles to factual scenarios in order to confidently serve their clients who have diverse needs that require understanding of the law of sale of goods and agency.

**Purpose of the Course**

To introduce the students to the principles of Commercial law.

### **Expected Learning Outcomes:**

By the end of the course the students should be able to:

- 1) define sale of goods and agency;
- 2) explain the various terminologies used in sale of goods and agency;
- 3) explain how an agency relationship is created;
- 4) distinguish the rights and duties of parties in sale of goods and agency.

**Prerequisite:** Law of Contract

**Contact Hours:** 30

### **Course Assessment**

Continuous Assessment Test	30%
Written examinations	70%

### **Core Reading Materials**

1. Laibuta I.K., *Principles of Commercial Law* (2nd Edition, Law Africa Publishers, 2017)
2. Hussain A., *General Principles and Commercial Law in Kenya* (Reprint, East African Educational Publishers, 2010)

### **Recommended Reference Material**

1. Ogola J.J., (Revised and updated by Robert Gitau), *Business Law* (2nd Edition, Focus Publishers Limited 2010)
2. Saleemi N. A., *General Principles of Law Simplified*, Nairobi (Saleemi Publications Limited 2010)
3. Saleemi N. A., *Commercial Law Simplified* (Revised Edition, Saleemi Publications Limited 2009)

### **Statutes**

1. Sale of Goods Act Chapter 31 Laws of Kenya (2010)
2. Law of Contract Act Chapter 23 Laws of Kenya (2010)

## **B. COURSE CONTENT**

### **1. General Introduction and Overview of the Course:**

- a. Introduction and students' expectations;
- b. Introducing course contents / outline;
- c. Tools and equipment required.

### **2. Sale of Goods:**

- a. Definition of goods;

- b. Contract for sale of goods;
  - i. Formation of the sale of goods contract
    - offer and acceptance
    - importance of price and its effect
    - number of parties
    - subject matter of the contract
  - ii. Formalities of the contract and title under the contract
- c. Transfer of property in goods;
  - i. The meaning of property,
  - ii. Passing of property
  - iii. Transfer of title
- d. Delivery of goods;
- e. Terms of a sale of goods contract;
- f. Obligations of parties under sale of goods.

**3. Agency:**

- a. The nature and formation of the agency relationship;
- b. The obligation of parties under a contract of agency;
  - i. Duties
  - ii. Rights
- c. Termination of agency.

Approved by:

Mr. Mark Mukuha  
Co-ordinator, PTP

Sign: 

Date: 17/01/2023

Approved by:

Dr. Henry K. Mutai  
Director/CEO

Sign: 

Date: 19/1/23

