

THE KENYA SCHOOL OF LAW



PRE-BAR EXAMINATION

LAW OF CONTRACT – PRB 002

8<sup>TH</sup> FEBRUARY, 2021

DURATION: 3 HOURS

2.00 PM – 5.00 PM

**Instructions to Candidates**

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

PLEASE TURN OVER

Question One:

- a) "Discuss the five (5) essential elements of a legally binding contract. (15 Marks)
- b) Distinguish between conditions and warranties in a contract. (10 Marks)

### Question Two

Write short notes on the following: -

- (a) Misrepresentation in contract (5 marks)
- (b) Quantum Meruit (5 marks)
- (c) Repudiation of a contract (5 marks)
- (d) Rescission of a contract (5 marks)
- (e) Offer and acceptance (5 marks)

### Question Three:

- a) "Consideration need not be adequate". Discuss (15 Marks)
- b) In the case of **Pharmaceutical Society of Great Britain vs Boots** provide the citation it was held that the display of a product in a store is not an offer but rather an invitation to treat. Distinguish between an offer and invitation to treat. (10 Marks)

### Question Four:

- a) Identify and explain 5 types of contracts. (15 marks)
- b) Distinguish between a contract and a tort. (10 marks)

### Question Five:

- (a) Explain 5 remedies available for breach of contract. (15 Marks)
- (b) What do you understand by the term "Frustration" in Contract? (10 marks)

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END