

# UGANDA MARTYRS UNIVERSITY- NKOZI

## UNIVERSITY EXAMINATION

July, 2022

### FACULTY OF LAW

#### BACHELOR OF LAWS (LLB) YEAR II END OF SEMESTER TWO FINAL ASSESSMENT ACADEMIC YEAR 2021/2022

#### NEGLIGENCE AND STRICT LIABILITY (LLB 2211)

DATE: Tuesday, 19<sup>th</sup> July, 2022

TIME: 9:30 am- 1: 00pm

DURATION: 3 1/2 hours

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#### *Instructions:*

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1. Answer Four (4) questions, Two questions from each section.
  2. This is a partly open book Exam. Candidates are permitted to bring into the Examination room and consult therein a clean reading list.
  3. Carefully read through all the Questions before attempting answers.
  4. No names should be written anywhere on the Examination Book.
  5. Ensure that your **Registration Number** is indicated on all pages of the Examination answer booklet.
  6. Ensure your work is **clear** and **readable**. Untidy work shall be penalized.
  7. Any type of Examination Malpractice will lead to automatic disqualification.
  8. Do not write anything on the Question paper.
  9. Use the Exam answer booklet for all your rough work.
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## **SECTION A**

**Answer Two questions including Question 1.**

### **Question 1.**

A road accident occurred at Lungala near Mpigi on Kampala-Masaka road. It involved a bus belonging to Lightyear Bus Company. A head-on collision occurred between the Lightyear bus and a commuter taxi because the bus, which was headed for Kampala was speeding and attempted to overtake a truck carrying sand in a corner. The bus crushed the commuter taxi which was headed for Masaka. Eight of the 12 occupants died on the spot.

Advise the following:

- a) Keeya lost his wife in the accident. He intends to sue Lightyear Bus Company for her death. Advise him on what legal basis to proceed.
- b) Mida was a passenger in the commuter taxi. She survived unscathed but was unconscious for about 20 minutes and the crowd that came to help the victims stole her handbag that had her phone and 5 million shillings. She seeks to recover the value of these items from Lightyear Bus Company. Advise her.
- c) Meya owns a famous restaurant across the road from the scene of the accident. The community in the area were traumatized by the accident and the fatalities. For the last four weeks, no customers have come to have meals at her restaurant and she has suffered loss of profits of 10 million shillings she would have made during that period. She seeks to recover it from Lightyear Bus Company. Advise her. (30 Marks)

### **Question 2.**

How do the defences of contributory negligence and volenti non fit injuria differ from each other? (20 Marks)

### **Question 3.**

In which way does the Bolitho test modify the Bolam test? (20 Marks)

### **Question 4.**

In nervous shock under what conditions can secondary victims recover damages? (20 Marks)

## **SECTION B**

Answer any TWO questions

### **Question 5.**

Kato went to Centenary Bank at Kayabwe. As he got out of the building having concluded his transactions, a dog, a German Shepard which was being held by a security guard jumped and mauled Kato. He was bleeding and his clothes were torn and as he attempted to ward off the dog attack his cellphone fell and cracked and became dysfunctional.

Kato has instructed you to sue Equator Security Company which owns the dog and employs the security guard.

What result? (25 Marks)

### **Question 6.**

Distinguish private nuisance from the rule in Rylands V Fletcher. (25 Marks)

### **Question 7.**

What are the categories of persons who come onto premises and what is the occupier's liability towards each of them?