

UGANDA MARTYRS UNIVERSITY
FACULTY OF BUSINESS ADMINISTRATION AND
MANAGEMENT

DEPARTMENT OF MANAGEMENT SCIENCES

QUOTA ONE 2018/19 FINAL EXAMINATION

BAM 2 & BMF 2 Lubaga Evening

COURSE UNIT: Law of Contract

DATE: Wednesday, 5th December 2018

TIME ALLOWED: 04:00pm – 07:00pm

Instructions to Candidates:

Read the following before answering the examination questions.

1. Do not write on the question paper.
2. Strictly answer **only four questions by choosing two questions from each section**; any excess number will not be marked.
3. All questions carry the same marks.
4. You are advised to write clearly.
5. Question numbers should be clearly indicated.
6. Use of relevant examples and good presentation may earn you extra marks.

SECTION A (INTRODUCING LAW)

QUESTION ONE

Bosco, a Security Guard from KK Security Ltd who has been tormenting the Hon. female MP for Kyagwe North with love messages by sms, whatsapp and emails was charged with sexual harassment and other criminal offences contrary to the Penal Code and Computer Misuse Act by the KCCA City Hall Magistrates Court and remanded to Luzira. Printouts of the txt messages have been produced in court as evidence and Bosco argues that the messages are just extracts from songs by P Square and other local musicians. Also, Bosco's lawyer has raised legal issues touching the unconstitutionality of the case which require court interpretation.

- a) With justification and while illustrating your answer, identify and designate the parties to this case in the Magistrate's Court. **(5 Marks)**
- b) While giving reasons for your answer, to which Court should the unconstitutional issues raised be referred to for interpretation? **(5 Marks)**
- c) Discuss the standard of proof required and on whom the burden of proof lies in this case. **(10 Marks)**
- d) Assuming that Bosco is found guilty and sentenced to imprisonment by the Magistrate's Court. To which court would he have to appeal to in order to regain his freedom? **(5 Marks)**

QUESTION TWO

"A precedent is a case which serves as an authority for the legal principle embodied in its decision. A case is only an authority for what it actually decides." Hon. Justice Tsekooko in Charles Onyango Obbo, Andrew Mwenda V Attorney General; Supreme Court Constitutional Appeal No. 2 of 2002.

- a) What are the advantages and disadvantages of precedents / case law? **(10 Marks)**
- b) Outline the other sources of law. **(5 Marks)**
- c) What are the advantages and disadvantages of delegated legislations? **(5 Marks)**

QUESTION THREE

Write short notes on the following:

- a) The hierarchy of the court system in Uganda. **(5 Marks)**
- b) The difference between Civil and Criminal law. **(7 Marks)**
- c) Customary Law **(3 Marks)**
- d) The different classifications of the law. **(5 Marks)**
- e) Pecuniary jurisdiction. **(5 Marks)**

SECTION B (THE LAW OF CONTRACT)

QUESTION FOUR

On Saturday 1st December 2018, Kaddu and Mawaru immediately after their wedding set off for Chabe Lodge for honeymoon. They had paid UGX. 10 Million to Chabe Lodge five days in advance for their two weeks stay there. Unknown to them, moneybags Sapapa had that very morning booked off the entire hotel for his private event. On arrival at Chabe, Kaddu and wife were refunded the UGX. 10 Million with regret. Kaddu got alternative accommodation at Kisirane Hotel and in the morning realized that their money and marriage certificate has been stolen as their room was broken into. On putting the Hotel Management to task to compensate him, Kaddu was shown a notice at the hotel reception that reads "*money and valuables kept at owners risk!*". Kaddu is at a loss of words. Mawaru knowing the importance of the marriage certificate since Kaddu might get another wife in future placed an advert on Muziki Radio Fm offering a reward of UGX. 500,000/= to any person who finds the stolen marriage certificate. Kaddu's day went from bad to worse when he received a phone call from his housemaid that Afande Kale from CPS (Central Police Station) has been looking for him to pay UGX. 5 Million as money owed to the tailor since Kaddu's brother a law student at LDC aged 17 years took 18 suits and assured him that Kaddu would pay. Kaddu has called you on phone seeking for legal advice.

- a) Raise four legal issues and advise Kaddu accordingly. (20 Marks)
- b) What remedies are available to Kaddu (5 Marks)

QUESTION FIVE

Discuss the various instances / factors that vitiate a contract. (25 Marks)

QUESTION SIX

Write short notes on the following:

- a) The doctrine of privity of contract. (5 Marks)
- b) The rules governing consideration. (10 Marks)
- c) The five essential elements for a valid contract (10 Marks)

GOOD LUCK & MERRY CHRISTMAS