

**UGANDA MARTYRS UNIVERSITY RUBAGA CAMPUS (DAY)**  
**FACULTY OF BUSINESS ADMINISTRATION AND MANAGEMENT**  
**SECOND YEAR LAW OF CONTRACT EXAMS 2014**  
**RUBAGA EVENING**

**DATE: 10.12.2014**

**TIME: 3 HRS.**

**INSTRUCTIONS:**

- (i) Answer **strictly Four (4)** questions choosing at least one question from each section
- (ii) ALL questions carry equal marks.
- (iii) You are advised to write legibly with clarity of expression.
- (iv) Use of relevant examples shall earn you extra marks.

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**SECTION A (INTRODUCTION TO LAW)**

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**1. (a) Outline**

- (i) Four penalties that can be imposed on a convicted person **(4 marks)**
- (v) Three remedies available to an injured party in civil law **(3 marks)**
- (vi) Three roles of the Attorney General **(6 marks)**
- (vii) Three roles of the Director of Public Prosecutions **(6 marks)**

**(b) Explain three types of prisoners that you can find in Luzira prison (6 marks)**

**2. (a) Examine five contributions of:**

- (i) advocates **(10 marks)**
- (ii) magistrates and judges **(10 marks)**

to the problem of case backlog in Ugandan courts

**(b) Outline any five courts in Uganda's court system (05 marks)**

**3. Umeme Ltd alleging that the Uganda Government wrongly cancelled its contract has dragged it to the High Court for the recovery of 140 billion Uganda shillings.**

- a) While explaining your answer, who are the Plaintiff and Defendant in this case? **(8 marks)**
- b) While giving a reason for your answer, in which court and division was this case filed **(8 marks)**
- c) Assuming **government** lost the case and wants to appeal, which court would it appeal to and why? **(4 marks)**
- d) Generally how many judges would attend to hear the case in this court? **(2 marks)**

- e) Assuming government again loses, which court would it then appeal to and why? (3 marks)
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#### SECTION B (THE LAW OF CONTRACT)

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4. Kijinji attended a swimming competition at Speke Resort Munyonyo swimming pool. He was so impressed by Bigirimaana one of the swimmers. However he still had his doubts as to whether Bigirimaana could swim five times to and fro within one minute. An argument arose between him and other onlookers. He therefore called upon and promised 10 million shillings to Bigirimaana if the latter could make it within the specified time. To show his seriousness, Kijinji wrote down a note to that effect, pulled out the money and gave it to Bruno, a trusted neutral person at the scene for onward transmission to Bigirimaana if the latter succeeds. Bigirimaana dived into the pool and swam in 58 seconds.

While giving an explanation for your answer:

- a) How do you designate Kijinji and Bigirimaana in terms of parties to a contract? (05 marks)
  - b) Define and identify the offer, acceptance, intention to create legal relations and consideration from the above facts (20 marks)
5. Explain:
- (a) What you understand by the doctrine of frustration (10 marks)
  - (b) Three circumstances under which a contract can be frustrated. (15 marks)
6. Kalyonso went to Joy Events Hotel to spend a night. He paid accommodation fee at the reception, registered all his belongings and was shown room 2B. Inside the room was a clause to the effect that: *Customer's belongings are kept at owner's risk. The Hotel will not be liable for loss, damage or theft of customers' property.....*

Being dead tired, Kalyonso slept off as soon as he lay on the bed only to wake up the following day to find that the door had been broken. Kalyonso claims his laptop, 20 DVDs, a golden watch, two suits from Winner Classic, three pairs of shoes were stolen and the hotel should compensate him for the loss

Raise issues and advise him. (25 marks)

MERRY CHRISTMAS