

UGANDA MARTYRS UNIVERSITY

**UNIVERSITY EXAMINATIONS
DECEMBER 2022**

FACULTY OF LAW

**BACHELOR OF LAWS (LLB) YEAR II END OF SEMESTER ONE FINAL
ASSESSMENTS, ACADEMIC YEAR 2022/2023**

NATURE AND HISTORY OF TORTS (LLB 2102)

DATE: Friday 9th December, 2022.

TIME: 2:00 PM– 5: 30 PM

DURATION: 3¹/₂ hours

Instructions:

1. Answer FOUR questions in total.
Question 1 is COMPULSORY.
2. This is a partly open-book examination. Candidates are permitted to bring into the Examination room and consult therein clean reading lists.
3. Carefully read through all the questions before attempting answers.
4. No names should be written anywhere on the Examination Booklet.
5. Ensure that your Registration Number is indicated on all pages of the Examination answer booklet.
6. All types of examination malpractice will lead to disqualification.
7. Do not write anything on the question paper
8. Use the examinations answer booklet for all your rough work

Question 1. (This Question is COMPULSORY)

On December 1st 2022 a burglary took place in Nkozi Trading centre (TC). In the same night a UMU student was mugged under a clump of eucalyptus trees near the main gate. The next day shopkeepers and other people working in different trades in the TC gathered and discussed the burglary, mugging and the general state of insecurity in the TC. Yoweri owns a hostel and runs a drug shop in the TC. He is also a councillor in Mpigi District council representing Nkozi sub-county. He stated before the gathered crowd among whom Yoweri could see reporters of Radio Buwama:

“The whole source of insecurity in the TC is Edna Nanteza. Edna Nanteza runs a brothel behind her shop in the TC. There she harbours all kinds of criminals who terrorize the area at night. She even prostitutes her teenage daughters to these shady clients of hers. She is also said to sell narcotic drugs to students who stay in the hostels around the TC. I pity her so - called husband who sometimes stays with her. She is unfit to be part of this community and should be expelled.”

Radio Buwama broadcast Yoweri’s statement later in the evening. A week later Yoweri repeated the same statement during a District Council meeting in Mpigi.

Advise the following:

- a) Edna Nanteza who says she is aggrieved by Yoweri’s statement. She seeks to sue him for the statement he made to the crowd, to the District Council but also for the broadcast on Radio Buwama.

She tells you that although most of the people in the TC do not believe what Yoweri said, she feels aggrieved. She says she is properly married to her husband Peter who is a headmaster at Kololo college in Kampala and who always come home over the weekend. She tells you that Yoweri said all those things because he has been pestering her for sex for the last six months and she has rebuffed his advances. She denies running a brothel or selling drugs.

- b) Kate, the 17-year-old daughter of Edna Nanteza instructs you to sue Radio Buwama for defamation considering that many of her schoolmates after hearing the broadcast thought she was a prostitute (20 Marks)

Question 2.

With the aid of case law distinguish between assault, battery and false imprisonment.
(10 Marks)

Question 3.

What is the difference between trespass to goods and conversion? (10 Marks)

Question 4.

Write notes on TWO of the following;

- a) Passing off. (5Marks)
- b) The three major defences during the 19th century England, and why the courts developed them. (5 Marks)
- c) Trespass to land. (5 Marks)

Question 5.

What is vicarious liability and what is the justification for it? (10 Marks)