

UGANDA MARTYRS UNIVERSITY

NKOZI

UNIVERSITY EXAMINATION

JULY 2021

FACULTY OF LAW

**BACHELOR OF LAWS (LLB) YEAR 1 END OF SEMESTER TWO FINAL
ASSESSMENT ACADEMIC YEAR 2020/2021**

LAW OF CONTRACT II

COURSE CODE LLB 1207

DATE: Tuesday, 28th JULY, 2021

TIME: 8:10am–8: 10am 29th July

DURATION: 24HRS

Instructions:

1. Carefully read through ALL the questions before attempting
2. This examination is composed of eight (4) questions. Answer all (4) questions.
3. This is a take home examination. Students should conduct research and write out a clearly thought out, coherent and authoritative work acknowledging all sources of information.
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.
6. **Clarity of expression, provision of relevant authorities/examples and logical arguments will earn you extra marks**
7. Any type of examination Malpractice will lead to automatic disqualification
8. **All examination regulations and rules** of the University still apply to the forthcoming take home examinations, violation of which amounts to exam irregularities and to resulting consequences.
9. **The duration of the Examination is 24 hours from the time of receipt of the same.** Return your written work to cukuni@umu.ac.ug **at 8:10am on 29th July 2021.** Any answer script submitted after this deadline (24 hours) will not be accepted/ received as you will be considered to have violated the rules of the exams.
10. You are expected to do this examination by yourself. Plagiarism and Contract Cheating **are not acceptable** and there are consequences for violation of this rule. In the event of contract cheating, where the faculty is convinced that the work submitted for is not authentic, the faculty reserves the right to subject that student to a process of verification in order to ascertain the authenticity of the work.
11. Your typed out work should be submitted in word document, Times New Romans font size 12, line spacing of 1.5 and justified.

5. Finances/Tuition

In accordance with the University Regulations, you are not permitted to sit for exams until you have paid up your tuition and have received clearance from the Registry. In this regard, even if you access the exam via email and do it, your answer script will not be accepted. Accordingly ensure that you have paid up your tuition before commencement of the exams.

QUESTIONS

QUESTION ONE

With the aid of relevant authorities, analyze the rules relating to the award of damages. (25marks)

QUESTION TWO

Discuss how the doctrine of duress has developed in modern times to apply in a more practically significant context (25marks)

QUESTION THREE

Read the following scenario below and comprehensively respond to each of the issues identified, using relevant authorities to support your line of argument.

Kikapo is a successful business man. Owing to his success and large wealth, he is often subject to pressure when negotiating his business deals, as other parties are aware that he can often afford to pay large sums. Kikapo accepts that this is part of business, but is particularly concerned in relation to a few contracts.

Contract one is for the sale of some of his goods. Kizito has sent Kikapo a personal email which states “You must sell me five of your land in Kololo for shs.20,000.000/= or there will be blood spilt, I know who your daughter is”. Kikapo went ahead and did what Kizito asked, because he felt like he had no other alternative but to do so in order to protect his daughter.

Does Kikapo have any remedy in relation to duress or undue influence?

Contract two is between Kikapo and his Lawyer. Kikapo’s lawyer has been persuading Kikapo to enter into a contract which he feels isn’t very advantageous to him. Kikapo’s lawyer has pestered Kikapo over a sustained period of time and Kikapo has felt pressure to take the contract in order to keep a good working relationship with his lawyer.

Does Kikapo have any remedy in relation to duress or undue influence?

Contract three is between Kikapo and one of his suppliers. Kikapo desperately needs the goods from the contract in order to use them in another contract. The suppliers are refusing to give Kikapo the goods unless he pays them double the price. There are no other suppliers of these goods, therefore Kikapo pays the price.

(25marks)

Does Kikapo have any remedy under the economic duress principles?

QUESTION FOUR

Asante saw a painting in the window of Malaika's gallery of a beautiful Masai Woman. Asante's business is the production of very high quality African fabrics used by designers. She thought the painting might be suitable for the board room of her corporate headquarters. She went into Malaika's gallery and was told by Malaika that in her, Malaika's, opinion the painting was by the famous Kenyan painter Anthony Mwangi. Asante became very enthusiastic at the idea of purchasing an Anthony Mwangi piece, and bought the painting.

Four years later, when she needed money for her business, Asante decided to sell the painting, only to discover that it was a poor copy, which was only worth one hundredth of what she paid for it.

Malaika had not taken reasonable care in making her assessment of the painting.

Advise Asante as to whether or not she has an action for misrepresentation and, if so, what remedy, or remedies, she should seek for misrepresentation. (25marks)

Good luck in your exams