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UGANDA MARTYRS UNIVERSITY
FACULTY OF BUSINESS ADMINISTRATION AND MANAGEMENT

LAW OF CONTRACT

2016 - 2017
1st QOUTA EXAM

BAM II EVENING RUBAGA

Date: 30th November 2016

Time: 3 Hours

Instructions:

1. Do not write anything on the question paper
2. Strictly answer four questions **choosing at least one from each section**; any excess number shall not be marked.
3. ALL questions carry the same marks.
4. You are advised to write clearly.
5. Use of relevant examples and good presentation may earn you extra marks.

SECTION A (INTRODUCING LAW)

1. **Umeme Ltd** alleging that the **Uganda Government** wrongly cancelled its contract has dragged it to Court for the recovery of **5 billion** Uganda shillings.

- a) With justifications and while illustrating your answer, designate the parties to the suit. **(05 marks)**
- b) While giving a reason for your answer, in which court and division was this case filed? **(06 marks)**
- c) Assuming **government** lost the case and wants to appeal, which court would it appeal to and why? **(03 marks)**
- d) Assuming **government** again loses, which court would it then appeal to and why? **(03 marks)**
- * e) While explaining and illustrating your answer, how do you designate the parties in (c) and (d) above? **(08 marks)**

2. **Without raising issues**, simply show while explaining your answers whether these observations are true or false:

- a) All remand prisoners are still guilty of the charges brought against them **(05 marks)**
- b) The DPP Mr. Bart Magunda Katureebe is directed by police to investigate matters of a criminal nature **(05 marks)**
- c) One of the penalties that can be imposed on a defendant who breached a contract is community service **(05 marks)**
- d) An accused person must prove that he is innocent of the charges brought against him **(05 marks)**
- e) The Attorney General Mrs. Irene Mulyagonja is the current head of the Court of Appeal **(05 marks)**

3. Explain

- (a) Five causes of the problem of case backlog in Ugandan courts **(10 marks)**
- (b) Five measures put in place to resolve the problem of case backlog **(15 marks)**

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SECTION B (THE LAW OF CONTRACT)

- * 4. **Ndagizimana's** girlfriend **Nina** has always been nagging him that he should buy a TV for her so that she can watch second chance on NTV. Seeing this as an opportunity to consolidate his relationship with her, **Ndagizimana** bought the TV from **Computer World Ltd**. **Nina** was so happy with this progress but no sooner had she rushed to switch on the Tv than it crushed. Greatly disappointed, she wants to sue **Computer World Ltd** for selling a *kicupuli* TV.

Raise issues and address her concerns

5. Examine the rules governing communication of acceptance as an element of a valid contract (25 marks)
6. Analyse what a person must establish in order to successfully rely on an exclusion clause for protection from liability (25 marks)

MERRY CHRISTMAS

- Fellhouse vs Biddle