

UGANDA MARTYS UNIVERSITY -NKOZI

UNIVERSITY EXAMINATION

MAY, 2023

FACULTY OF LAW

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

NATURE AND HISTORY OF TORTS (LLB2102)

DATE: Tuesday, 16th May 2023

TIME: 9:30 am – 1:00 pm

DURATION: 3 hours and 30 minutes

Instructions: ANSWER FOUR QUESTIONS IN TOTAL

1. This is a partly open book Exam. Candidates are permitted to bring into the Examination room and consult therein a clean reading list.
2. Carefully read through all the Questions before attempting answers.
3. No Names should be written anywhere on the Examination Book.
4. Ensure that your **Registration Number** is indicated on all pages of the Examination answer booklet.
5. Ensure your work is **clear** and **readable**. Untidy work shall be penalized
6. Any type of examination Malpractice will lead to automatic disqualification.
7. Do not write anything on the questions paper.
8. Use the exam answer booklet for all your rough work

SECTION A

ANSWER ATLEAST ONE QUESTION FROM THIS SECTION

Qn 1. Peter posts the following message on the class WhatsApp platform:

"Our classmate Jennifer visited me last evening and stole my phone and left with it. Until now I didn't know she was such a bad character."

Many of Jennifer's classmates cannot believe that Jennifer can steal anything. Jennifer posts a message on the platform denying that she stole the phone.

She states that the only thing she took from Peter were his notes which he gave to her. Jennifer files a suit in defamation against Peter.

Ten days later, Peter discovers that his phone had slipped behind his pillow and had fallen on the floor under the bed and since he had not recharged it, the battery had run out and there was no way he could detect its presence. Peter posts a message to the WhatsApp group telling them of the new development and apologising to Jennifer profusely.

Jennifer insists on pursuing the defamation suit.

Discuss her chances of success in this suit.

Qn 2. Jonah is a neighbour to Male. Jonah suspected that his neighbour Male was bewitching him. So, one day when Male was coming out of his house to leave for work, Jonah forcefully entered his compound, slapped Male and pushed him into the house. He got a padlock from his pocket and locked the house from outside. The house has only one exit door. Jonah also picked a stone and hit Male's car windscreen and broke it into pieces. Jonah also picked a bike belonging to Tim, Male's son and went and sold it. Tim had earlier been taken to school by a boda-boda.

Jonah returned after selling the bike and shouted at those in Male's house and warned them that he was armed and that anybody who tried to leave the house would be killed.

Male stayed in his house for seven hours before the police he has called came to his rescue. Jonah on seeing the police ran away.

Inside Male's house was his wife May, who had intended to stay at home that day to clean up the house. There was also Male's bedridden mother who was too sick to move and did not know what was going on that day.

Identify and discuss the torts committed by Jonah.

SECTION B

Qn 3. Discuss the three defences developed in the 19th century against an action for negligence, explaining the circumstances in which they were developed by the courts.

Qn 4. Write short notes on any TWO of the following;

- a) Trespass to Land
- b) Assault
- c) Malicious prosecution

Qn 5. With the use of cases, explain what "Passing Off" is.

Qn 6. What is vicarious Liability and under what conditions does it arise?