



**FIRST YEAR EXAMINATION FOR THE AWARD OF THE  
DIPLOMA IN LAWS  
FIRST SEMESTER, 2022/2023  
(SEPTEMBER-DECEMBER, 2022)**

**DLAW 0114: ELEMENTS OF TORT**

**STREAM: Y1 S1**

**TIME: 2 HOURS**

**DAY: THURSDAY, 9:00 – 11:00 A.M.**

**DATE: 15/12/2022**

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**INSTRUCTIONS**

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE [Compulsory] and any other TWO Questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

**QUESTION ONE**

- Define the term defamation? (3 marks)
- There are two types of defamation, state and differentiate them. (7 marks)
- What are the ingredients that constitute defamation? (10 marks)
- Explain how you will defend yourself if accused of committing a tort of defamation. (10 marks)

**QUESTION TWO**

In Law of Torts, there are various general defences available to the defendant where an action for a wrong committed by the defendant is brought up in court by the plaintiff. Explain those general defenses.

(20 marks)

### **QUESTION THREE**

(i) Explain the following two principles of torts as applied in law of torts.

a) Vicarious liability (5 marks)

b) Strict liability (5 marks)

(ii) Briefly distinguish between law of torts and criminal law and law of contract. (10 marks)

### **QUESTION FOUR**

(a) Define the term Negligence as applied in law of torts (2 marks)

(b) What are the basic elements of a tort of Negligence? (6 marks)

(c) A tort of Trespass is divided into three types, state and briefly explain them. (12 marks)

### **QUESTION FIVE**

A tort of Nuisance is committed when a person is wrongfully disturbed in the use and enjoyment of land or some rights. Explain the following two types of nuisance.

a) Private nuisance. (10 marks)

b) Public nuisance. (10 marks)