



**KISII UNIVERSITY**  
**UNIVERSITY EXAMINATIONS**

**SPECIAL EXAMINATIONS**  
**FIRST YEAR EXAMINATION FOR THE AWARD OF THE**  
**DIPLOMA IN LAWS**  
**FIRST SEMESTER, 2021/2022**  
**(FEBRUARY - JUNE, 2022)**

**DLAW 0114: ELEMENTS OF CONTRACT**

**STREAM: Y1 S1**

**TIME: 2 HOURS**

**DAY: FRIDAY, 8:00 – 10:00 A.M.**

**DATE: 29/07/2022**

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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**

- a) Distinguish between private and public Nuisance. (5marks)
- b) Explain the following terms (25 marks)
  - I) Vicarious liability
  - Ii) Trespass to goods
  - Iii) Injuria Sine Damnum
  - Iv) Slander
  - V) Government as a party under law of Torts.

**QUESTION TWO**

- a) Define the term defamation and discuss the defences available for the Tort of defamation (10 marks)
- b) Discuss the main differences between contract and tort. (10 marks)

**QUESTION THREE**

- a) Discuss the general defences available under the law of Torts.

- (10 marks)  
b) Discuss the various capacity of parties in the law of Torts. (10 marks)

**QUESTION FOUR**

- a) Discuss the differences between crime and Tort. (10 marks)  
b) Define the term Nuisance and discuss the defences available under the Tort of Nuisance. (10 marks)