



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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MAIN EXAMINATION

AUGUST - DECEMBER 2014 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 106: LAW OF TORTS

Date: DECEMBER 2014

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

- Q1. a) Wambua owns a botanic garden in Nairobi, a park which is open to the public. On the park, various botanic plants and shrubs grew. A boy of 7 years ate some berries from one of the shrubs. The berries were poisonous and the boy died. With reference to the occupiers' liability law, discuss the liability of Wambua in this case. **(10 marks)**
- b) Discuss each of the following:
- i) Duty to the unborn. **(5 marks)**
 - ii) Caparo v Dickman (1990) **(5 marks)**
 - iii) Liability for patent defects on land. **(5 marks)**
 - iv) Factors in determining a breadth of duty. **(5 marks)**
- Q2. With the help of decided case, discuss the theories of product liability law. **(20 marks)**
- Q3. Explain the general remedies available for torts in Kenya. **(20 marks)**
- Q4. Explain the liability under law of tort for the following:
- a) Judicial officers **(5 marks)**
 - b) The president **(5 marks)**

- c) Heads of State and diplomats (5 marks)
- d) Persons of unsound mind (5 marks)

Q5.

END