



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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MAY – JULY 2018 TRIMESTER

FACULTY OF LAW

EVENING PROGRAMME

CLS 204: CO-OPERATIVES AND PARTNERSHIP

Date: JULY 2018

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

- Q1. a) When its building requires painting, a Church Organization hired Ndolo to paint it. The Organization has previously hired Ndolo on various projects, including the previous painting of its Church building in Mlolongo. While working on those projects, Ndolo has often asked his younger brother Gerald to help out as needed. As a matter of fact, Gerald has assisted Ndolo with painting portions of the building that were very high and too difficult for one person to paint. When it came to paint those portions of the building, Ndolo asked for permission to hire another worker. Although the Organization made a suggestion that Ndolo might use Margaret, who was hard to contract, Ndolo asked Gerald to help out once again. The morning that Ndolo and Raphael came to paint, Ndolo discovered that the paint was not enough for the exercise and subsequently sent Gerald to a hard-ware nearby to purchase more paint.

Does Gerald have either express or implied authority to purchase the paint on behalf of the Church? How would characterize such authority?

(20 Marks)

- b) Write explanatory notes on Limited Liability Partnerships. **(10Marks)**
- Q2. Discuss the composition and Jurisdiction of the Co-operative Societies Tribunal established under The Co-operative Societies Act, Cap. 490 Laws of Kenya.
- Q3. Trace the historical origins and development of the cooperative movement in Kenya from the dawn of colonialism to the present day, clearly pointing out the

factors that stimulated the development and the context in which those factors recognized the cooperatives Principles of Co-operation. **(20 Marks)**

- Q4. “Although the right to participate in the profits may be enough indication of partnership, the determination of whether or not a partnership exists must depend on the real intention of the parties.” Anonymous

Critically evaluate the foregoing statement in the light of the Provisions of the Partnership Act. **(20 Marks)**

- Q5. Discuss the legal status of a cooperative society. **(20 Marks)**

END