



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A MAIN EXAMINATION

AUGUST – DECEMBER 2018 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 204A / CLS 211: LAW OF BUSINESS ASSOCIATIONS I
(COOPERATIVES, PARTNERSHIPS AND SOLE TRADERS)

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Date: DECEMBER 2018

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

Q1. Soko is a chama formed and managed by Somali women living in Kenya. However this group has been disqualified from the National Uwezo Fund because:

- 1) This chama does not have any legal status in Kenya;
- 2) None of their members are Kenyan citizens;
- 3) Their primary bank account is located in Dubai (UER).

Explore the advantages (benefits) and disadvantages (obligations) of registering this group under the Cooperatives Societies Act Cap 490 laws of Kenya.

Thirty (30) marks

Q2. Discuss any two (2) rights together with any two (2) obligations of general partners as per the Partnerships Act Cap 16/2012 laws of Kenya.

Twenty (20) marks

Q3. Identify and discuss the legal principle(s) of any one of the following cases:

- a) John Ouma Richard Nyamaivs Cooperative Tribunal et al (2013)
- b) MukaMukuu FCS vs the Commissioner of Cooperatives (2004 eKLR).
- c) Fort Hall Bakery Supply Company vs Frederick MuigaiWangoe (1959 EA .474)
- d) Nterekeiya Bus Services vs Republic of Kenya (1966) EA 333

Twenty (20) marks

- Q4. Discuss any one (1) of the following statutory procedures or provisions:
- a) Deregistration and dissolution of Cooperative Societies in Kenya;
 - b) Four (4) obligations of cooperative management committees under Cap 490 (Kenya);
 - c) Dispute resolution procedures under the Cooperative Societies Act (Cap. 490 Kenya);
 - d) Four (4) primary differences between SACCOS and FOSA SACCOS in Kenya.
- Twenty (20) marks**
- Q5. Provide two (2) examples of voluntary and two (2) examples of involuntary dissolutions of partnerships in Kenya.
- Twenty (20) marks**

END