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MAIN EXAMINATION

AUGUST - DECEMBER 2014 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 100: PRINCIPLES OF TORTS

Date: DECEMBER 2014

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

Q1. a) 'K' was the employer of 'S' a window cleaner, who was instructed by 'K' on March 15th to travel to Malindi from Mombasa in the company van and clean all the windows of the branch office, thereafter, return to the Mombasa office. 'S' was instructed not to drive anywhere else or for any other purpose. When 'S' had finished the window cleaning, he called his friends in Mtwapa who were grilling fish, and decided to drive there to join them. On his way there, he collided with a Tuk – Tuk driven by 'Q' suffered personal injuries and total damage to his Tuk Tuk on discharge from hospital 'Q' plans to recover damanger by court action.

Advice 'Q'.

(10 marks)

b) Discuss each of the following:

i) "Coming to nuisance"

(5 marks)

ii) Distinguish between a tort and a crime.

(5 marks)

iii) False imprisonment

(5 marks)

iv) Res ipsa loquitor

(5 marks)

Q2. With the help of decided cases, discuss the general defences in a tort claim.

(20 marks)

Q3. Define the term tort and examine the constituent elements of a tort. **(20 marks)**

Q4. With the help of decided cases;

a) Discuss the elements of the tort of trespass to land. **(10 marks)**

b) Discuss strict liability in tort. **(10 marks)**

Q5. With the help of decided cases;

a) Discuss the objectives of law of torts. **(10 marks)**

b) Defences in a claim for defamation. **(10 marks)**

END