



## **MURANG'A UNIVERSITY COLLEGE**

**(A Constituent college of Jomo Kenyatta University of Agriculture and Technology)**

### **UNIVERSITY EXAMINATION**

## **EXAMINATIONS FOR THE DEGREE OF MASTER OF PUBLIC ADMINISTRATION**

### **BCP 4107: LEGAL ISSUES IN PUBLIC ADMINISTRATION**

**DATE:**

**TIME: 3 HOURS**

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**INSTRUCTION: ANSWER QUESTION ONE**

**AND ANY OTHER THREE**

## QUESTION ONE

- (a) Briefly explain five Sources of Law in Kenya (8 marks)
- (b) Discuss the process of making Law (4 marks)
- (c) What are the general principles of law (3 marks)

**(Total 15 marks)**

## Question Two

Identify and discuss:

- (a) The rights of an agent. (5 marks)
- (b) The duties which an agent owes towards their principal. (8 marks)
- (c) Distinguish between an employee and a self-employed independent contractor

**(4 marks)**

**(Total 15 marks)**

## Question Three

(a) Following a takeover, the new owners of a hotel, Hip Hotels Ltd, have continued to employ the hotel's previous owner, Ms Harvey, as its manager. However, they have expressly forbidden her from buying alcohol from anyone other than Drink Ltd. Last month, in breach of this restriction, she bought some alcohol from Booze Ltd who have now sued the hotel for payment as Ms Harvey's principal.

Advise Booze Ltd as to whether their action is likely to succeed. (4 marks)

(b) Peter deposited several bales of cloth in a warehouse. Jude, the owner of the warehouse, moved these bales of cloth, based on a reasonable belief that they were at risk of being damaged when a local river flooded. Jude claims that she was an agent of necessity.

Advise Jude as to whether an agency of necessity has been created in respect of these bales of cloth. (5 marks)

(c) Identify and explain **three different ways** in which a contract can be terminated.

**(6 marks)**

**(Total 15 marks)**

#### **QUESTION FOUR**

Explain the meaning **and** effect of delegated legislation, highlighting its advantages **and** disadvantages. Then elaborate on how Parliament **and** the Courts control it. Your answer should be supported by appropriate examples throughout. **(Total 15 marks)**

#### **QUESTION FIVE**

Identify and discuss:

(a) The duties which an agent owes towards his principal. **(7 marks)**

(b) The different ways in which an agency relationship can be terminated.

**(8 marks)**

**(Total 15 marks)**

#### **QUESTION SIX**

(a) Discuss using relevant illustrations the affirmative action as enforced by many nations **(9 marks)**

(b) Explain the legal mechanisms of enforcing ethics in the Public Sector management **(6 marks)**

**(Total 15 marks)**