



RIARA LAW SCHOOL
UNIVERSITY OF EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE
AND
PRE-KENYA SCHOOL OF LAW CORE COURSES COMPLIANCE PROGRAM
AUGUST 2024
RLB 416: COMPETITION LAW
INSTRUCTOR: MR WASHINGTON ODONGO OMBIS
INSTRUCTIONS

1. This is the final examination in Administrative Law II. You will earn 70% of your final grade from this final examination and 30% from Continuous Assessment Assignments.
2. This examination has **FIVE** questions. **QUESTIONS: ONE, TWO AND THREE ARE COMPULSORY answer total of FOUR QUESTIONS**
3. The examination has 3 pages, including this one.
4. Time allocated for this examination is **TWO HRS** (2) hours. You must stop writing when time is called.
5. Please sign the roll sheet when you turn in you answer sheet. If you fail to sign the roll sheet, we shall have no way of establishing that you sat for this examination and your marks will not be reported.
6. This is a **CLOSED BOOK** examination. This means you are not permitted to bring ANY hard or soft materials to the examination room. You re also not allowed to access materials stored in computers, electronic gadgets or the internet. You should not bring to the examination room any of the following: cell phones, tablets, computers, statutes, notes, outlines, or books. Neither should you bring to the examination room books or materials unrelated to this course. If you need to have medicine or food items with you, please let the invigilator know before the examination begins.
7. This examination is governed by **Riara University Academic Honesty Regulations**. Students who violate those regulations will be penalized. Students have an obligation to report to the invigilator any incidences of academic dishonesty compromising the integrity of this examination.

QUESTIONS

Question One (30 Marks)

On the 1st day of June 2023 Patrick, incorporated company known as Gichahi Seeds Ltd, subsequently Shayma incorporated her company Shayma Seeds Ltd on the 10th June 2023, also Tresvant incorporated his company known as Odera seeds Ltd and also Okemwa registered her company known as Okemwa seeds ltd.

Somewhere around June 2024 Patrick discovers that the other companies are engaging in price fixing, having had the prior knowledge of this, Patrick decides to report this restrictive trade practice, to the Competition Authority, afterwards Okemwa decides to report and thereafter Tresvant decides to report and lastly Shayma decides to report.

- a) Assuming you were the officer in charge, clearly calculate the leniency which will be offered to the firms and in doing so calculate the fine to be imposed on each firm considering the administrative penalty for price fixing is Kshs. 20,000,000/= **(15 marks)**
- b) What are some of the considerations an applicant need to fulfil for them to enjoy or be considered in the above programme **(10 marks)**
- c) What has been some of the challenges experienced at the domestic level with the above programme. **(5 marks)**

Question Two (15 Marks)

“[I]n order to increase the performance and public credibility of competition administration, high levels of transparency in performing investigative, enforcement and adjudicative functions are desirable.”¹

Considering this statement, critique the institutional framework of competition law governance in Kenya and in doing so assess some of the key institutional design questions used as benchmark whilst designing competition law institutions.

¹ Michael J Trebilcock, Edward M Lacobucci, ‘Designing competition law institutions: values, structure and mandate’ (2010) 41 (3) Loyola University Chicago Law Journal

Question Three (15 Marks)

“[I] am determined to use competition law to protect Kenyan industry and consumers.” – Anonymous.

Considering this statement, critically discuss the extent of enforcement of competition law in Kenya to date.

Question Four (10 Marks)

Some competition law scholars argue that it is difficult to completely harmonise competition law globally.

Considering the above, discuss the role of at least (5) five global institutions towards globalization of competition law.

Question Five (10 Marks)

On the 14th day of July 2024, one Palvine was appointed as legal officer Competition Authority of Kenya. One of his tasks was to prepare a brief legal opinion on the features of the recent Competition amendment bill 2024. Assuming you are Palvine, prepare the relevant opinion.