



RIARA LAW SCHOOL
UNIVERSITY OF EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE
APRIL 2024
LAW OF TORT I
UNIT CODE: RLB 103
INSTRUCTOR: MR. WASHINGTON ODONGO OMBIS
INSTRUCTIONS

1. This is the final examination in Law of Tort I. You will earn 70% of your final grade from this final examination and 30% from Continuous Assessment Assignments.
2. This examination has **FOUR** questions. Please answer all questions.
3. The examination has **THREE 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 your 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 are 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.

Question One (30 Marks Total)

a) On the 10th day of March 2020, one Chot and his friend Noryn decided to visit The Forest, which is located at Kimende area. Some of the activities which are offered on the area include but are not limited to: The Zipline, Paintball, Archery and also Eatery. The two decided to go for Zipline first, the weather was rainy on the material date and Noryn went first and finished her zipline lap, thereafter Chot followed through upon Chot reaching half way the Zipline the rope cut making him to fall and thereafter suffered serious body injuries. Chot was thereafter taken to Kijabe Hospital which is the nearest hospital to undergo treatment thereafter transferred to Aga Khan Hospital in Nairobi area. It was noted that Chot did not properly tie himself before commencing the Zipline.

Considering the above,

b) What tort cause(s) of action may Chot reasonably bring against “The Forest”

Discuss. (15 Marks)

c) Using relevant authorities, discuss any defense which might be available for “*The Forest*” and other general defenses. (12 Marks)

d) In the event Chot is suing, which court would he sue? (3 Marks)

Question Two (15 Marks)

On the 10th day of January 2024, one Mark was appointed as the head of legal affairs Britam Insurance Company, under the claims department.

The first task which was issued to him was to prepare legal opinion on the legal framework governing tort law in Kenya, assuming you are Mark, prepare the relevant opinion.

Question Three (15 Marks)

On the 12th day of April 2020, one Jesse expressed his intention to vie for political post as head of Students Affairs in Riara University. This declaration was done through whatsapp group page entitled “*best first years LLB*”.

Upon making such declaration, one of the group members Kamano, published photos of Jesse showing some of his drunk escapades and also videos of him engaging in brawls with other persons at a local club.

Upon this happening, one majority of the group members stated that they will not vote for Jesse making him to loose the head of student affairs to one Daud.

After this Jesse decides to pursue civil legal action against Kamano.

- a) Assuming you are the advocate on record for Jesse, establish and explain at least 5 ingredients which need to be established in order for Jesse to have a good claim.

(5 Marks)

- b) Assuming you are the advocate on record for Kamano, what are some of the defenses which you could use in court so that Jesses claim is dismissed. (10 Marks)

Question Four (10 Marks)

“[P]rofessional negligence in tort law is an area which cannot be overlooked at considering the vast majority of professionals globally.”- Anonymous.

Considering this and using relevant authorities and examples discuss professional negligence in tort law.