

CHUKA



UNIVERSITY

UNIVERSITY EXAMINATIONS

RESIT/SPECIAL EXAMINATION

EXAMINATION FOR THE AWARD OF DEGREE OF BACHELOR OF LAWS

BLAW 223: LAW OF BUSINESS ASSOCIATIONS II

STREAMS: BLAW

TIME: 2 HOURS

DAY/DATE: MONDAY 28/08/2023

8.30 A.M – 10.30 A.M.

INSTRUCTIONS

Question ONE is COMPULSORY and answer any other two questions.

QUESTION 1

“Entrepreneurs and lawyers have different notions as to what a firm is and how it operates. However, the partnerships act in many ways adopts the mercantile perception of a firm and allows it to operate as such.”

- a) Critically evaluate the validity of this statement while citing the relevant provisions of the partnerships act. (20 marks)
- b) Critically evaluate the circumstances under which a court may order for the dissolution of a partnership. (10 marks)

QUESTION 2

Critically discuss the challenges facing the management of cooperative societies in Kenya today and evaluate whether the cooperatives societies act (cap 460, 2005 edition) together with its rules has incorporated the concept of good governance to deal with these challenges. (20 marks)

QUESTION 3

- a) Critically elaborate relying on the partnership act, capacity to enter into a partnership. (8 marks)

b) Discuss the liability of the following partners to third parties:

- i) Outgoing partners
- ii) Incoming partners
- iii) Deceased partners

(12 marks)

QUESTION 4

a) Critically elaborate on the following citing the relevant provisions of the cooperatives act revised edition.

- i) the rights and liabilities of members of a cooperative society (10 marks)
- ii) the duties of cooperative societies to its members (10 marks)

QUESTION 5

Write explanatory notes on the following:

- i) Partnership property (5 marks)
 - ii) Registration of cooperative societies under Cap 490, 2012 revised edition (5marks)
 - iii) Advantages of limited liability partnerships (5 marks)
 - iv) Basic principles of cooperation under the cooperative societies act (5 marks)
-