

THE KENYA SCHOOL OF LAW



PRE-BAR EXAMINATION

THE LAW OF TORTS – PRB 003

9TH JANUARY, 2024

DURATION: 3 HOURS

9.00 AM – 12.00 NOON

Instructions to Candidates

- (a) Answer Question **ONE** and any other **THREE** Questions
- (b) Each Question carries **25** marks.
- (c) Marks shall be lost for illegible handwriting

PLEASE TURN OVER

QUESTION ONE:

The rule in Ryland and Fletcher established a new era in Tort Law in the area of strict liability. Discuss.

(25 Marks)

QUESTION TWO:

a) List and explain THREE (3) elements needed to prove a tort claim.

(15 Marks)

b) Explain FIVE (5) defences to tort claims.

(10 Marks)

QUESTION THREE:

a) "Consumers are owed a duty of care by manufacturers of products". Using decided case law, discuss the veracity of this statement.

(25 Marks)

QUESTION FOUR:

a) Distinguish between a Tort, a Crime and a Contract.

(10 Marks)

b) Explain FIVE (5) elements of "Defamation".

(15 Marks)

QUESTION FIVE:

a) "Liability may arise from accidents caused by the defective or dangerous condition of the premises". Discuss

(25 Marks)

QUESTION SIX

"The principle that one must take reasonable care to avoid acts or omissions that could reasonably be foreseen as likely to injure ones neighbour is a core pillar of our society." Using decided case law discuss this assertion.

(25 Marks)

END