

NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY

FACULTY OF BUILT ENVIRONMENT

DEPARTMENT OF QUANTITY SURVEYING

PART II FIRST SEMESTER SUPPLEMENTARY EXAMINATIONS – JANUARY 2011

LAW: CONSTRUCTION AND ENGINEERING I – AQS2106

Time: 3 hours

Total Marks: 100

INSTRUCTIONS:

Answer all questions.

QUESTION ONE

- a) Differentiate between patent and latent defects. (4 marks)
- b) Define “penalty” according to the Conventional Penalties Act 1962. (2 marks)
- c) Is a client entitled to deduct penalties if in the final analysis he suffers little or no loss as a result of the late completion of works? (15 marks)
- d) What are liquidated and ascertained damages? (4 marks)
- e) Are minutes of site meetings regarded as an adequate notice of delay? (5 marks)

QUESTION TWO

- a) “Arbitration is a better way of settling disputes than litigation”. Discuss this ascertainment. (10 marks)
- b) Under what circumstances may a court set aside an Arbitrator’s award? (5 marks)
- c) Discuss any other way of solving disputes in construction industry other than arbitration and litigation. (5 marks)

QUESTION THREE

- a) What is a tender? (5 marks)
- b) Briefly discuss the legalities involved in tendering. (10 marks)
- c) List the set of tender documents. (6 marks)
- d) What is an Interim Valuation? (4 marks)

QUESTION FOUR

- a) With aid of examples, where possible, explain the following:-
- i) Agency (4 marks)
 - ii) Privity (4 marks)
 - iii) Vicarious liability (4 marks)
 - iv) Implied terms (4 marks)
- b) List the three conditions under which a contract can be discharged.(9 marks)

END OF EXAMINATION