



PRINCIPLES OF LAW - PAPER 4

OVERALL AIM

To build a foundation in the general principles of law; including the nature of law, the administration of law in Uganda and an understanding of laws relating to persons, contracts, agency and employment.

LEARNING OUTCOMES

On completion of this course, the learner should be able to:

1. Define and classify laws
2. Explain the general principles of laws of Uganda
3. Identify and explain the sources of law in Uganda
4. Explain the legal system and the administration of law in Uganda
5. Explain the legal relationship between employers and employees
6. Discuss the laws governing contracts and persons

LEVEL OF ASSESSMENT

The examination will test knowledge, comprehension and application of law to real life case scenarios.

EXAMINATION STRUCTURE

There will be a three hour examination made up sections A and B. Section A will comprise of 20 compulsory multiple-choice questions of 20 marks. Section B will comprise of five questions of 20 marks each, of which the candidate will be required to attempt any four.

DETAILED SYLLABUS

A. GENERAL PRINCIPLES OF LAW

1. Classification of law
 - (a) Criminal law
 - (b) Civil law
 - (c) Procedural law
 - (d) Substantive law

2. Sources of law in Uganda
 - (a) The constitution
 - (b) Legislation
 - (i) Direct legislation
 - (ii) Delegated/indirect legislation; validity and reasons for delegated/indirect legislation
 - (c) Common law and equity
 - (i) Origins, contributions and principles of equity
 - (ii) Conflict between common law and equity
 - (d) Customary law
 - (e) Case law
 - (i) The technique of precedent
 - (ii) Hierarchy of judicial authority
 - (iii) Advantages and disadvantages of case law
 - (iv) Distinction between common law and case law

3. The Court system in Uganda
The structure, composition, appointment and jurisdiction of courts in Uganda:
 - (a) Local council courts
 - (b) Magistrate's courts
 - (c) High court and its divisions
 - (d) Court of appeal/ constitutional court
 - (e) Supreme court

B. THE LAW OF TORTS

1. Definition
2. Distinction between tort and contract; tort and crime
3. Elements of torts:
 - (a) Legal damage
 - (b) Injuria sine damnum
 - (c) Damnum sine injuria: ordinary trade competition, lawful use of one's property
4. Malice in torts.
 - (a) Malicious prosecution
 - (b) Malicious falsehood
5. Capacity of parties to sue and be sued
 - (a) The government
 - (b) Foreign sovereigns and diplomats
 - (c) Corporations

- (d) Trade unions
 - (e) Married women
 - (f) Infants and minors
 - (g) Liability of parents
 - (h) Judges and magistrates
 - (i) Persons of unsound mind
6. General defences in torts
 - (a) Volenti non fit injuria
 - (b) Necessity
 - (c) Inevitable accident
 - (d) Act of God
 - (e) Statutory authority
 - (f) Mistake
 7. Joint tortfeasors
 - (a) Agency
 - (b) Joint action
 - (c) Vicarious liability
 - (i) Basis
 - (ii) Definition of servant
 - (iii) Independent contractor; exceptions to the defence
 8. Limitation/survival of actions
 9. Trespass
 - (a) Trespass to persons (assault, battery; defences available); false imprisonment/imprisonment without knowledge
 - (b) Trespass to land (continuing trespass, trespass ab initio, remedies and defences)
 - (c) Trespass to goods (elements, trespass to chattels or goods, conversion, things found on land, distinction between trespass and conversion, who can sue, remedies)
 10. Negligence
 - (a) Definition
 - (b) Elements of negligence
 - (c) Standard of care
 - (d) Duty of care
 - (e) Contributory negligence
 - (f) Liability to children
 - (g) Negligent misstatement
 11. Nuisance
 - (a) Public nuisance
 - (b) Private nuisance
 - (c) Malice

- (d) Who can sue
- (e) Remedies and defences

C. THE LAW OF CONTRACT

1. Definition
2. Elements of a valid contract
3. Types of contracts
 - (a) Contract of record
 - (b) Contract under deed
 - (c) Simple contract
4. Contracts that must be in writing
5. Contracts that must be supported by written evidence
6. Doctrine of part performance: conditions that must be satisfied
7. Valid, voidable and void contracts
8. Intention to create legal relations
9. Commercial agreements
10. Offer
 - (a) Rules of offer
 - (b) Distinction from invitation to treat; declaration of an intention; supply of information
 - (c) Rules of revocation of an offer
 - (d) Tenders of standing offers
11. Acceptance
 - (a) Modes of acceptance
 - (b) Acceptance by post
 - (c) Exceptions to the communication of acceptance by post
 - (d) Acceptance subject to contract
 - (e) Agreement to agree in future
 - (f) Provisional agreements
12. Consideration and privity
 - (a) Definition and nature
 - (b) Rules of consideration
 - (c) Exceptions to the rule that past consideration is not consideration
 - (d) Exceptions to the rule that consideration must move from the promisee
 - (e) Exceptions to the rule that consideration must be in excess of an existing obligation
13. Equitable estoppel
 - (a) Defence of equitable estoppel
 - (b) Accord and satisfaction

14. Contractual capacity
 - (a) Contracts with infants or minors
 - (i) Binding contracts
 - (ii) Executory contracts
 - (iii) Beneficial contracts
 - (iv) Trading contracts
 - (v) Voidable contracts
 - (vi) Unenforceable contracts
 - (vii) Liability in torts
 - (viii) Recovery against an infant or minor
 - (ix) Recovery against a third party
 - (b) Contracts with insane or drunken persons
 - (c) Contracts with corporations
 - (d) Contracts with married women
15. Terms of contract: conditions, warranties
16. Exemption clauses
17. Illegal contracts: against public policy; prohibited by law
18. Contracts in restraint of trade
19. Effect of illegality of contract
20. Reality of contracts
 - (a) Mistake
 - (i) Plea of non est factum
 - (ii) Equitable remedies for mistake
 - (b) Misrepresentation
 - (i) Elements of misrepresentation
 - (ii) Remedies for fraudulent misrepresentation
 - (iii) Innocent misrepresentation
 - (iv) Disclosure of material facts
 - (c) Contracts uberrimae fidei
 - (d) Undue influence
 - (e) Duress
21. Assignment of contractual rights
 - (a) Ways of assignment
 - (b) Transfer of liabilities under contract
 - (c) Quasi-contracts and claims thereunder
22. Discharge of contract by:
 - (a) Performance
 - (b) Agreement
 - (c) Breach
 - (d) Impossibility or frustration
 - (e) Lapse of time

- (f) Operation of law
- 23. Remedies for breach of contract
 - (a) Refusal of further performance
 - (b) Action for damages
 - (c) Action for specific performance
 - (d) Action for injunction
 - (e) Quantum meruit

D. THE LAW OF AGENCY

- 1. Meaning, nature and purpose of agency
- 2. Creation of principal/ agency relationship by:
 - (a) Agreement
 - (b) Implication or by conduct
 - (c) Necessity
 - (d) Ratification
- 3. Rights and duties of an agent
- 4. Personal liability of an agent to third parties
- 5. Duties of a principal including an undisclosed principal
- 6. Types of agents:
 - (a) Universal
 - (b) General
 - (c) Special
 - (d) Factor
 - (e) Broker
 - (f) Del credere
 - (g) Auctioneer
- 7. Termination of agency by:
 - (a) Agreement
 - (b) Renunciation
 - (c) Revocation
 - (d) Performance
 - (e) Expiration of the fixed period
 - (f) Death or insanity of either party
 - (g) Bankruptcy of the principal
 - (h) Destruction of subject matter
 - (i) Subsequent illegality

E. EMPLOYMENT LAW

1. Reference to be made to the Employment Act, No. 6 of 2006, Laws of Uganda
2. The nature of the employment contract
3. Rights and duties of parties to an employment contract
4. Discrimination in employment
5. Termination of contract of employment and dismissal
 - (a) Unfair reasons for termination
 - (b) Summary dismissal
 - (c) Remedies for breach of contract of employment

REFERENCES

1. Bakibinga D.J (2012), Law of Contract in Uganda, The WrittenWord Publications, Kampala, Uganda (2nd Ed).
2. Ogola John Joseph (2011), Business Law, Focus Publications Ltd, Nairobi, Kenya.
3. Government of Uganda (2006), Employment Act, Government of Uganda. Kampala, Uganda.
4. Hussain Ashiq (2010), General Principles and Commercial Law of Kenya East African Educational Publishers Ltd, Nairobi, Kenya.