



MACHAKOS UNIVERSITY

University Examinations for 2021/2022 Academic Year

SCHOOL OF AGRICULTURE, ENVIRONMENT AND HEALTH SCIENCES

DEPARTMENT OF HEALTH SCIENCES

FOURTH YEAR FIRST SEMESTER EXAMINATION FOR

BACHELOR OF SCIENCE (PUBLIC HEALTH)

HPH 404: PUBLIC HEALTH LAWS AND ENFORCEMENT

DATE: 24/8/2022

TIME: 8.30-10.30 AM

INSTRUCTIONS:

This paper consists of two sections A and B

SECTION A

Specific Instructions

- This section has one question
- The question is **COMPULSORY**
- The question is **30 marks**

QUESTION ONE (30 MARKS)

- a) Define the following legal terms (3 marks)
- Burden of proof
 - Nuisance
 - Statutory Notice
 - Charge sheet
 - Due process
 - Rule of law
- b) Distinguish between “search” and “inspection” as used in the Public Health Act (cap242). (2 marks)
- c) Witness testimonies can be subjected to various types of examinations. Explain. (3 marks)

- d) Differentiate between criminal laws and case laws. (2 marks)
- e) Outline the powers of public health officers as provided for in the Public Health Act (cap 242). (3 marks)
- f) The Nazi medical experts committed atrocities by carrying out experiments among the prisoners in the concentration camps. Explain four (4) ethical principles violated during these experiments. (2 marks)
- g) Outline three (3) laws on the legal protection of the right to a clean environment. (3 marks)
- h) Explain the remedies you would recommend against a person who has committed a public nuisance. (3 marks)
- i) Using examples, explain the differences between morality and law. (3 marks)
- j) Compare and contrast medical ethics and public health ethics. (3 marks)
- k) Explain the role of the World Health Organization (WHO) in Public Health. (3 marks)

SECTION B:

Specific Instructions

- **This Sections has four (4) questions**
- **Answer any two (2) questions**
- **Each question is 20 marks**

QUESTION TWO (20 MARKS)

- a) Explain the public health relevance of Kenya's constitution (2010). (10 marks)
- b) You have served a business owner with a Statutory Notice and he does not understand the contents therein. Explain the reason for serving such a notice and the contents to him. (10 marks)

QUESTION THREE (20 MARKS)

- a) Explain the challenges facing the enforcement of public health laws in Kenya. (10 marks)
- b) Explain the circumstances under which a court may issue closing orders where nuisance exists in premises. (10 marks)

QUESTION FOUR (20 MARKS)

- a) As a public health officer, reports reach your office that a large warehouse in your area of jurisdiction is selling mouldy maize that could be toxic. Discuss the steps you will take to address the problem. (10 marks)
- b) Explain the public health implications of the travel bans issued by various countries during the outbreak of COVID-19 in 2020. (10 marks)

QUESTION FIVE (20 MARKS)

- a) Discuss the relevance of criminal law and its application in public health law. (10 marks)
- b) Discuss key areas where public health laws confront human rights. (10 marks)