

THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

1ST YEAR TERM I EXAMINATION

ELEMENTS OF PROPERTY LAW - PTP 102

22ND FEBRUARY, 2021

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question **ONE** and other **THREE** Questions
- (b) Question **ONE** carries **25 Marks**
- (c) All other questions carry **15 Marks** each

PLEASE TURN OVER

Question One

- a) Outline the new land laws introduced post 2012 laying out the defining characteristics / features of each Act. (8 marks)
- b) Outline the advantages of land registration. (7 marks)
- c) What is the Torrens system and briefly define the principles on which the system is based? (10 marks)

Question Two

- a) Define the essential characteristics of a lease. (5 marks)
- b) Outline the various methods / means through which a lease can be terminated. (10 marks)

Question Three

- a) Define a mortgage and describe the types of mortgages provided for under the Indian Transfer of Property Act (ITPA). (5 marks)
- b) Describe the remedies available to a mortgagee in case of a default by a mortgagor. (10 marks)

Question Four

- a) Outline the 3 types of controlled transactions in land in Kenya. (6 marks)
- b) Outline the main rights that one can have over property. (6 marks)
- c) What is land and what differentiates it from other forms of property? (3 marks)

Question Five

- a) What is an easement and what are its defining characteristics? (7 marks)
- b) Write explanatory notes on the following: -
 - (i) Overriding Interests (4 marks)
 - (ii) Licence (4 marks)

Question Six

- a) Explain the right survivorship ("jus accrescendi") as it applies to joint tenancy. (4 marks)
- b) Name and outline the essential unities that must exist in a joint tenancy. (8 marks)

- c) Define the terms "adverse possession" and "prescription" and explain the main differentiating features between the two. **(3 marks)**
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END