

THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2ND YEAR TERM I EXAMINATION

LAW OF SUCCESSION – PTP 203

17TH FEBRUARY 2021

DURATION: 2 HOURS

Instructions to Candidates

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

PLEASE TURN OVER

Question One (Compulsory)

Discuss the following:

- a) The rights of the children to inherit under intestacy (10 marks)
- b) Grants given to public trustee. (10 marks)
- c) Meaning of confirmation of grants. (5 marks)

Question Two

Certain properties are exempted from the application of the Law of Succession Act 1986. Discuss such properties under the following headings:

- a) Survivorship (5 marks)
- b) Nomination (5 marks)
- c) Property under Sec 32 of the Law of Succession Act. (5 marks)

Question Three

Explain the advantages of making a will. (15 marks)

Question Four

Using **statutory provisions** and **case law** where applicable explain how mental capacity to make wills is dealt with by the courts. (15marks)

Question Five

- a) Discuss persons who may file for grant of letter of administration. (7 marks)
- b) What are the considerations that the court will look at when applying discretion in division of properties to parties under the Law of Succession Act? (8 marks)

Question Six

Write short notes on the following:

- a) Grant ad colligenda bona (5 marks)
- b) Intermeddling (5 marks)
- c) Effect of grant of letter of administration. (5 marks)

END