

COUNCIL OF LEGAL EDUCATION



KENYA SCHOOL OF LAW
TOWN CAMPUS LIBRARY

DIPLOMA IN LAW (PARA-LEGAL STUDIES)

LIBRARY

LAW OF PROPERTY IN LAND

MONDAY 31ST JANUARY, 2011

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

- (a) Define real property distinguishing between realty and personal property. (5 marks)
- (b) "Land includes all the things and fixtures permanently attached to the land." Expound (10 marks)
- (c) (i.) What is land tenure? (5 marks)
- (ii.) What categories of land tenure currently define the forms of ownership of land in Kenya? (5 marks)

QUESTION TWO

- (a) What are the fundamental pre-requisites of a valid lease? (5 marks)
- (b) Compare and contrast the contractual obligation of a tenant, as opposed to those of a landlord. (10 marks)

QUESTION THREE

- (a) Outline the statute laws under to which land may currently be registered in Kenya. (5 marks)
- (b) What statute laws currently govern the ownership of flats apartments and highrise buildings in Kenya? (5 marks)
- (c) Explain briefly the meaning of the term "reversionary interest" in relation to leasehold estates. (5 marks)

QUESTION FOUR

- (a) What rights and remedies does a mortgagee (or chargee) have in the event of default by a mortgagor (or chargor)? (10 marks)
- (b) What are the fundamental rights of a mortgagor (or chargor) in a borrowing transaction? (5 marks)

QUESTION FIVE

- (a) What is co-ownership of land? (4marks)
- (b) What is the right of survivorship ("*jus accrescendi*") in relation to a joint tenancy? (3 marks)
- (c) Define the four fundamental elements of a joint tenancy? (8 marks)

QUESTION SIX

- (a) What is compulsory acquisition and what fundamental pre-requisites govern compulsory acquisition? (10 marks)
- (b) What laws govern compulsory acquisition of land in Kenya? (5 marks)

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