



**SECOND YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAWS
FIRST SEMESTER, 2022/2023
(SEPTEMBER-DECEMBER, 2022)**

LLBK 215: PROPERTY LAW

STREAM: LLBK Y2 S1

TIME: 2 HOURS

DAY: WEDNESDAY, 12:00 – 2:00 P.M.

DATE: 21/12/2022

INSTRUCTIONS

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE [Compulsory] and any other TWO Questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

QUESTION ONE

A newspaper advertisement announces that land in a certain area shall be acquired by the government for the construction of a road and dam. Your client Karandon sees the advertisement and notes that his land is mentioned as being earmarked for the project.

- a) Take Karandon through the process by which his land shall be taken by the Government. (7 Marks)
- b) Karandon feels aggrieved that beyond the notice all other things said about the acquisition seem to be rumours. He asks that you petition the court to ensure clarity in the process. What are the matters which can be presented to Court on the acquisition? (23 marks)

QUESTION TWO

- a) Write explanatory notes on the Powers of a Land Registrar regarding partition of jointly held property. Explain to your client Yojanda the procedure by which a tenant in common can sell off the interest held in land to a third party. (11 Marks)
- b) Define futures and explain the rules for the grant of future interests in land. (9 Marks)

QUESTION THREE

- a) Identify the core aspects of the National Land Policy and their translation into the land Laws enacted in 2012. (8 Marks)
- b) Your client Sagula approaches you having attended a meeting by the National Land Commission where she was exposed to certain concepts which she seeks your legal advice: -
- i) Indefeasibility of title. (6 Marks)
 - ii) Land owner's obligation regarding boundaries. (6 Marks)

QUESTION FOUR

- a) Expound on the statutory regime by which Kenya has domesticated International Instruments relating to intellectual property. (8 Marks)
- b) Identify the key features of the TRIPS and state how this has shaped the domestic law of Intellectual Property? (12 Marks)

QUESTION FIVE

- a) Your client Grama approaches you to render a legal opinion to it on the innovations with registration of moveable property under the new legislation. (10 Marks)
- b) Explain to Grama what enforcement mechanisms have been brought into operation to ensure the securing of the rights against third parties. (10 Marks)