



**KISII UNIVERSITY**  
**UNIVERSITY EXAMINATIONS**

**SECOND YEAR EXAMINATION FOR THE AWARD OF**  
**THE DIPLOMA IN LAWS**  
**FIRST SEMESTER, 2023/2024**  
**(AUGUST-DECEMBER, 2023)**

**DLAW 0214 LAW OF PROPERTY IN LAND**

**STREAM: Y2 S1**

**TIME: 2 HOURS**

**DAY: FRIDAY, 12:00 – 2:00 PM**

**DATE: 24/11/2023**

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**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.** You are working at a **Manukato & Co. Advocates LLP**, a law firm whose area of specialization is property law and conveyancing. You have gained experience in land related matters in the said law firm over the years. Students from **Ulimbwe Law School** who are having a one week seminar on Property Law have approached you to deliver a key note speech on the second day of the seminar touching on the modes of acquisition of interest in land. Taking into account the provisions of section 7 of the Land Act, 2012 prepare a detailed presentation (**evaluating and discussing**) the different ways in which interests in land are acquired and transferred **(20 marks)**
- b.** Define land making reference to article 260 of the Constitution of Kenya, 2010. **(4 marks)**
- c.** Make short notes on the following maxims:-
  - i. Quidquid plantatur solo solo cedit **(3 marks)**
  - ii. Cuis est solum, eius est usque ad coelum est ad inferos **(3 marks)**

## QUESTION TWO

Make short notes on the following:-

- i. restrictive covenants (4 marks)
- ii. mortgages (4 marks)
- iii. charges (4 marks)
- iv. adverse possession (4 marks)
- v. compulsory acquisition of land (4 marks)

## QUESTION THREE

- a. Mang'aa and Mchoraji who are students at **Ujanja Mingi University** have been given an assignment touching on the two main forms of land tenure. They are unable to understand the said main forms despite doing research on them. They have been forced to approach you for a discussion on the said task. Discuss with them the two main forms of land tenure (10 marks)
- b. Further to the above, discuss the following;
- i. Fee simple (4 marks)
  - ii. Fee tail (4 marks)
- c. Define law of property in land (2 marks)

## QUESTION FOUR

- a. You have been invited to attend training on land classification at **Akili Ni Mali School of Law** in the month of December 2023. You have been requested to focus your presentation on articles 61, 62, 63 and 64 of the Constitution of Kenya, 2010. Prepare a detailed presentation on the ways in which land is classified taking into account the above stated articles of the Constitution of Kenya, 2010 (15 marks)
- b. Outline at least 5 principles of land policy in Kenya (5 marks)

## QUESTION FIVE

- a. Analyze the manner of losing interests in land (8 marks)
- b. Discuss the various interests in land (12 marks)