



KISII UNIVERSITY

UNIVERSITY EXAMINATIONS

**SECOND YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAW
FIRST SEMESTER, 2021/2022
(FEBRUARY - JUNE, 2022)**

LLBK 215: LAW OF PROPERTY I

STREAM: LLBK 2 S1

TIME: 2 HOURS

DAY: THURSDAY, 12:00 – 2:00 P.M.

DATE: 26/05/2022

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

- Yabah seeks your guidance on the process of government taking over land for the construction of a children playground. Do a legal opinion to Yabah regarding the computation of any compensation with the background that the land earmarked for takeover is not adjudicated.

(15 marks)
- Yabah also asks that you outline the process of maintaining an online land record and the challenges encountered with maintaining the online record.

(15 Marks)

QUESTION TWO

- Explain to an eager Yarous what the features of the TRIPS are and what has been done to infuse these features into the domestic law of Intellectual Property?

(8 Marks)

- b. Take Yarous through the processes of tenancy in common and explain the right of pre-emption peculiar to the tenancy in common.

(12 Marks)

QUESTION THREE

- a. Lagada owns a parcel of land and desires that her spouse's interest on the land. Give a legal opinion to Lagada on the process and effect of registering spousal interest on the land.

(8 Marks)

- b. Lagada is the registered land owner to a parcel of land partly occupied by her distant relatives. She is apprehensive that her title to the land may be challenged as at the time of adjudication of the land, her name was the first one on the register to that land. Give a legal opinion to Lagada on her proprietary right to such land.

(12 marks)

QUESTION FOUR

- a. The ChamuYel elders hold land as trustees in their local area and approach you for a legal opinion on whether there are any restrictions on the planning of such land and the rationale for such restrictions.

(12 Marks)

- b. Give a précis of the history of registration of Land in Kenya and discuss the strengths of the land registration system prior to 2012.

(8 Marks)

QUESTION FIVE

- a. Your client, a SACCO has invested in land in a peri urban area intending to parcel it out and sell as plots. They approach you for a legal opinion after being informed that the land they own is in an area where development is subject to planning control. Advise them on the uses of development control.

(10 Marks)

- b. The SACCO has plans to purchase a property in the next 6 months as the vendor is set to harvest a crop of sorghum in that time. render a legal opinion on how such a transaction can be secured and what risks your clients run with the transaction.

(10 Marks)