



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

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

**LLBK 215: PERSONALITY LAW 1**

**STREAM: Y2 S1**

**TIME: 2 HOURS**

**DAY: THURSDAY, 11:30 – 1:30 P.M.**

**DATE: 21/07/2022**

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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**

Martha has three siblings younger than her. Their grandfather bequeaths his land measuring five Hectares to his grandchildren to occupy. At the time of adjudication of the land in the year 2008, Martha was of age. The land was registered in her name on her behalf and that of her siblings.

- (a) Enunciate the features of land registration and overriding interests in land.  
(8 Marks)

- (b) It emerges that Abel challenges the registration of the land to Martha, claiming that his father, Michael was allotted the land by the Land Registrar in 2006. Explain the probable defence to such a challenge to your client Martha and expound on how an allotment can be regularized.

(11Marks)

(c) There is a claim by a neighbor, Trevor that the land occupied by Martha has breached the boundary on the map. Your client asks for an opinion regarding the boundary issue and asks that you give an outlook on legal fees for the opinion.

(11 Marks)

## QUESTION TWO

a. Give a brief exposition of the TRIPS agreement and align your answer to the challenges faced in implementation of TRIPS.

(10 Marks)

b. Give a legal opinion to Umbra Limited on their rights as patent holder of a rotary pen which is in danger of being copied by a rival company. Ensure to bill the client for the opinion.

(10 Marks)

## QUESTION THREE

a. Write explanatory notes on the following:-

- The incidence of Futures other than reversions

(5 Marks)

- The *Thelluson* rule

(5 Marks)

b. Outline the prospects and the possible challenges to be faced in having all land in Kenya registered.

(10 Marks)

## QUESTION FOUR

(a) Explain the component 'community' as envisioned in the act and the role of the County and the land Registrar with regard to community land.

(12Marks)

(b) The Gaga group seek a legal opinion on how their land shall be administered and managed and the mechanics of converting their land into private land. (8

Marks)

### **QUESTION FIVE**

Write explanatory notes on the following:-

- a) Execution of documents by a body corporate (5 Marks)
- b) Process of Compulsory Acquisition (6 Marks)
- c) The testatum and habendum (4 Marks)
- d) Partition (5 Marks)