

**INSTITUTE OF BANKERS IN MALAWI**

**ADVANCED DIPLOMA IN BANKING EXAMINATION**

**SUBJECT: PROPERTY LAW (IOBM – AD314)**

**Date: Thursday, 15th November 2018**

**Time Allocated: 3 hours (13:30 – 16:30 Hours)**

**INSTRUCTIONS TO CANDIDATES**

1 This paper consists of **TWO** Sections, A and B.

2 Section A consists of 4 questions, each question carries 15 marks.

Answer **ALL** questions.

3 Section B consists of 4 questions, each question carries 20 marks. Answer **ANY TWO** questions.

4 You will be allowed **10 minutes** to go through the paper before the start of the examination, you may write on this paper but not in the answer book.

5 Begin each answer on a new page.

6 **Please write your examination number on each answer book used. Answer books without examination numbers will not be marked.**

7 All persons writing examinations without payment will risk expulsion from the Institute.

8 If you are caught cheating, you will be automatically disqualified in all subjects seated this semester.

9 **DO NOT** open this question paper until instructed to do so.

**SECTION A (60 MARKS)**

Answer **ALL** questions from this section.

**QUESTION 1**

Discuss the **three** duties of a landlord under a lease. **(Total 15 marks)**

**QUESTION 2**

Legal rights are commonly referred to as rights in rem.

**Required**

1. Explain why legal rights are commonly referred to as rights in rem and mention their legal effects. *(10 marks)*
2. Explain the difference between present interest and future interest. (5 marks)

**(Total 15 marks)**

**QUESTION 3**

According to Sir Frederick Pollock, possession has three distinct and separable elements.

**Required**

1. Briefly explain the **three** distinct elements of possession. *(6 marks)*
2. Explain the definition of possession in civil law. *(4 marks)*
3. Mention **five** essential particulars which must be present for a trade mark registration. *(5 marks)*

**(Total 15 marks)**

**QUESTION 4**

1. Explain the **three** remedies available to the licensee. *(6 marks)*
2. Explain **three** basic principles of copyright. *(9 marks)*

**(Total 15 marks)**

**SECTION B (40 MARKS**

Answer **ANY TWO** questions from this section

**QUESTION 5**

1. Briefly explain Tenancy at sufferance and identify its **three** conditions.

*(10 marks)*

1. Distinguish periodic leases from leases for a fixed period. *(10 marks)*

**(Total 20 marks)**

**QUESTION 6**

Explain in detail the concepts in relation to the two types of settlements.

**(Total 20 marks)**

**QUESTION 7**

1. Explain the **three** methods of creating an equitable mortgage of the legal estate.

*(6 marks)*

1. Under section 68(3) of the Registered Land Act, the charge shall be entitled to sue for the money secured by the charger in three cases.

**Required**

Mention the **three** cases.

*(6 marks)*

1. Briefly explain **two** types of mortgage.*(8 marks)*

**(Total 20 marks)**

**QUESTION 8**

Explain the basic features of registration of title on land registration. **(Total 20 marks)**

**END OF THE EXAMINATION PAPER**