

**INSTITUTE OF BANKERS IN MALAWI**

**ADVANCED DIPLOMA IN BANKING**

**SUBJECT: PROPERTY FINANCE LAW (AD 314)**

**Date: Thursday, 10th November 2016**

**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**

Property is not a ‘thing’ but a relationship. Discuss.

**(Total 15 marks)**

**QUESTION 2**

a) How different are subjects from objects of property?  *(5 marks)*

b) Mr Phiri, owner of some piece of land in Blantyre is surprised that encroachers who have stayed on his piece of land for more than 12 years without his protest have claimed ownership of the said piece of land through adverse possession. He requires your advice on the justification for adverse possession. Advise him. *(10 marks)*

**(Total 15 marks)**

.

**QUESTION 3**

a) Identify any **five** property rights and their corresponding duties. *(5 marks)*

b) Upon the demise of Mrs Banda’s husband, the relations to Mr Banda, the deceased, argue that the property left by Mr Banda cannot be transferred to Mrs Banda and that property belonging to Mrs Banda should be surrendered to the relations. Briefly advise Mrs Banda on the position of the law in that situation.

*(5 marks)*

c) Discuss the distinction between legal and equitable rights? *(5 marks)*

**(Total 15 marks)**

**QUESTION 4**

Write short notes on the following:-

1. Copyright *(2 marks)*
2. Trademarks *(3 marks)*
3. Designs *(5 marks)*
4. A patent*(5 marks)*

**(Total 15 marks)**

**SECTION B (40 MARKS)**

Answer **ANY TWO** questions from this section

**QUESTION 5**

(a) Discuss the Limitation Act in relation to adverse possession. *(10 marks)*

(b) Discuss the general essentials of a valid gift – *inter vivos*. *(10 marks)*

**(Total 20 marks)**

**QUESTION 6**

Discuss the general formalities for transfer of land in Malawi.

**(Total 20 marks)**

**QUESTION 7**

1. Explain how a gift of personalty may be made. *(5 marks)*
2. Explain what intellectual property is. *(10 marks)*
3. Outline rules relating to a gift of intellectual property. *(5 marks)*

**(Total 20 marks)**

**QUESTION 8**

Discuss in detail the rules applicable to succession through death.

**(Total 20 marks)**

**END OF EXAMINATION PAPER**