

**INSTITUTE OF BANKERS IN MALAWI**

**ADVANCED DIPLOMA IN BANKING EXAMINATION**

**SUBJECT: PROPERTY LAW (AD314)**

**Date: Thursday, 8th May, 2014**

**Time Allocated: 3 hours (13:30 pm - 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 when 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. All answer books without examination answers will not be marked.**

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

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

**SECTION A (60 MARKS)**

Answer **ALL** questions in this section

**QUESTION 1**

Title, possession, and risk have special significance in law. Discuss these **three** concepts, illustrating your answer with relevant examples.

**(Total 15 marks)**

**QUESTION 2**

(a) Distinguish the following:-

1. real property from personal property (*5 marks)*
2. choses in possession from choses in action. (*5 marks)*

(b) Explain, with relevant examples, the difference between rights in rem and rights in personam. (*5 marks)*

(**Total 15 marks)**

**QUESTION 3**

In relation to intellectual property law applicable in Malawi, discuss the following:-

1. Any **five** exclusive rights that a composer of a piece of music may have. (*10 marks)*
2. In the event that a composer’s music is being illegally copied, what remedies would such a composer have? (*5 marks)*

**(Total 15 marks)**

**QUESTION 4**

According to Thomas Drummond, property has its duties as well as its rights. Discuss.

**(Total 15 marks)**

**SECTION B (40 MARKS)**

Answer **ANY TWO** questions from this section

**QUESTION 5**

Define property and distinguish it from a thing. In your discussion consider objects and subjects of property.

**(Total 20 marks)**

**QUESTION 6**

Explain the following terms:-

1. Trademarks *(5 marks)*
2. Intestate succession *(5 marks)*
3. Testate succession *(5 marks)*
4. Patent *(*5 marks)

**(Total 20 marks)**

**QUESTION 7**

The mortgagee whose mortgagor defaults on payments under the mortgage is given several remedies under the law. Discuss any **five** major remedies of a mortgagee.

**(Total 20 marks)**

**QUESTION 8**

The family of Mr and Mrs Banda migrated from their home village into the suburbs of Dubai in Lilongwe in the year 2000. They occupied idle land and established their home at the said land. Over the years, other families have joined them in surrounding parcels of land and are living peacefully thereon.

Early 2014, the families were surprised to be served with an eviction order obtained from the High Court by the alleged owner of the land. The families are obviously greatly disturbed and in their desperate efforts to rescue ‘their’ land they have come across the legal concept ‘adverse possession’.

You are required to assist them by defining adverse possession and explaining its rationale.

**(Total 20 marks)**

**END OF EXAMINATION PAPER**