



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A
MAIN EXAMINATION

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JANUARY – APRIL 2019 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

SPECIAL / SUPPLEMENTARY

CLS 300: LAND LAW I

Date: APRIL 2019

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

Q1. Mr. Odhiambo Mambo, an illiterate peasant came to discover that a school by the name LaliaMasikioUtajuta Primary School is built on the land which he inherited from his late father. the school management board has realised that it does not have documents to prove it owns the parcel of land on which it has built and developed the school. Consequently, the board members, who are related to Mr. Odhiambo mambo have been harassing him to append his signature to documents of transfer to enable the school get a Title Deed. Although illiterate, he is a very wise man and decides to go to lands office and conducts a search which reads his full name as the owner of the land. He has come to you to advise him as he does not want the school on his property.

- A) Write for him a brief legal opinion. **(8 marks)**
- B) Briefly explain the importance of a certificate of search in ownership **(2 Marks)**
- C) What are the steps you would take to assist MrOdhiambo in regaining his parcel of land from the school. **(10 Marks)**
- D) Briefly describe the role of land registries and commission of land in Kenya **(10 Marks)**

- Q2. Define land and explain in detail the various land systems in Kenya after 2nd may 2012. **(20 Marks)**
- Q3. In your opinion, are land rights absolute? Discuss in detail. **(20 Marks)**
- Q4. List and describe the types of Easements. Briefly explain the justification of such interest. **(20 Marks)**
- Q5. Justify the following doctrines:
- a) Eminent domain **(10 Marks)**
 - b) Police powers **(10 Marks)**

END