

SECTION A.

(Answer ALL questions in Section A)

QUESTION (1). [3 + 3 + 2 + 12] marks

- a) Explain what is meant by 'real property'.
- b) Give the meaning of the phrase 'fee simple absolute in possession'.
- c) When registered land is sold who, between the buyer and seller, is responsible for registering the transaction at the Lands and Deeds Registry.
- d) Explain and contrast land *registration of Deeds* and *registration of Title*

QUESTION (2). [3 + 3 + 4 + 10] marks

- a) Explain and give an example of:
 - i. A fixture
 - ii. A chattel/fitting
 - iii. A 'profit a prendre'

- b) What is meant by the following:

- i. curtain principle
- ii. booking principle - *requires that an interest in land*
- iii. agreement principle
- iv. publicity principle and
- v. speciality principle

in relation to the land register for registered land.

QUESTION (3). [4 + 8 + 8] marks

- (a) Explain what is meant by the term "tenure"
- (b) Define and explain the key features of both a Freehold and Leasehold Tenure
- (c) Explain and compare how property/land can be *co-owned* ~~jointly owned~~

QUESTION (4). [5 + 5 + 5 + 5] marks

- ✓ Explain the term Cadastre, and describe three (3) types of cadastres according to their main respective functions.

SECTION B.
(Answer any ONE Question ONLY)

QUESTION (5). [20] marks

Section 7 of the Lands Act, 1995 recognise customary land holding. Write a short essay explaining customary tenure and discuss its advantages and disadvantages.

QUESTION (6). [20] marks

Torrens title system unlike deeds or common law land registration systems is said to be more efficient, and cost effective. Discuss in a short essay why many countries opt to use the Torrens system of land registration.

END OF EXAMINATION.

Question 1 (10+15)

- (a) Describe the conditions under which land is held in the following;
- Freehold Tenure
 - Leasehold Tenure
- (b) Give three advantages and two disadvantages of holding land under freehold

Question 2. (10+15)

- (a) (i) What do you understand by "alienation" of land.
- (ii) Explain the process of allocation of vacant land by the authorities in Zambia.
- (b) The current Land Law categorises land in Zambia as;
- State Land and
 - Customary Land
- Describe the above land categories, and how their respective administration differ from each other.

Question 3. (10+7+8)

- (a) Define the following terms;

- (i) Cadastre
- (ii) Survey Diagram
- (iii) Land
- (iv) Land Surveyor
- (v) Land Owner

public register where details of all interests in land are recorded for purposes of documents where verbal, g

- (b) Distinguish joint tenancy from tenancy-in-common. ✓
- (c) Mention and clearly explain the *four unities* that must be present for joint tenancy to exist.

Question 4. (12+13)

- (a) In a brief essay contrast the holding of land under a Lease from holding it under Licence.
- (b) More than half of Zambia's land is administered under customary land tenure, explain the concept of customary land holding.

END

SECTION B.

(Answer any ONE Question ONLY)

QUESTION (5). [20] marks

John and Jim were very good friends who decided to buy a property as Joint Tenants in Kabulonga. The two lived together for 6 years. Then Jim died. He left a valid will giving his property to his mother Jane. Explain giving the characteristics of this type of co-ownership whether Jane has any claim to the property.

QUESTION (6). [20] marks

A client who is a multi-national company not yet registered in Zambia wants to buy a piece of land outside Lusaka either in Chief Nkomesha's or Chief Mungule's area. They have approached you for advice on how they can proceed to acquire land in these areas. Write an essay on the modalities of acquiring land in these areas.

- right of survivorship
- Time

⊖ Administratively understood to be the chief

⊖

SECTION A.

(Answer ALL questions in Section A)

QUESTION (1). [2 + 3 + 3 + 12] marks

- (a) Explain the term 'vestment'.
- (b) Give the meaning of the phrase 'fee simple absolute in possession'.
- (c) What do understand by 'indefeasibility' of title' in the Torrens system.
- (d) Explain and contrast land *registration of Deeds* and *registration of Title*

QUESTION (2). [3 + 3 + 4 + 10] marks

- a) Give types of:
 - i. Licences
 - ii. Leases
 - iii. What are the key essential factors that must exist in a lease?
 - b) What is meant by the following:
 - i. curtain principle
 - ii. booking principle
 - iii. agreement principle
 - iv. publicity principle and
 - v. speciality principle
- in relation to the land register for registered land.

QUESTION (3). [4 + 8 + 8] marks

The nature of estates of freehold is said to be in practice by the fee simple owner where the actual owner of the land has less legal rights than those of the absolute owner. This is shown by the right of *alienation*, and the right of *ownership* to everything in, on, or over the land.

- (a) Explain what is meant by the term '*right of alienation*' by the actual owner in the above context, and
- (b) Define and explain the key features of '*ownership*' between the actual and absolute owner.
- (c) Explain and compare how property/land can be jointly owned

QUESTION (4). [5 + 5 + 5 + 5] marks

Explain the term Cadastre, and describe three (3) types of cadastres according to their main respective functions.

- fiscal.
- Legal.
- Multipurpose

SECTION B.

(Answer any ONE Question ONLY)

QUESTION (5). [20] marks

Section 7 of the Lands Act, 1995 recognises customary land holding. Write a short essay explaining customary tenure and discuss its advantages and disadvantages.

QUESTION (6). [20] marks

Torrens title system unlike deeds or common law land registration systems is said to be more efficient, and cost effective. Discuss in a short essay why many countries opt to use the Torrens system of land registration.

THE UNIVERSITY OF ZAMBIA



SCHOOL OF ENGINEERING

DEPARTMENT OF GEOMATIC ENGINEERING

Second Half 2018/2019 Academic Year Final Examinations

GEE 3S22: LAND MANAGEMENT II

Time: Three (3) Hours

Venue: NLR1/NLR2

Instructions

1. This Examination is Closed Book
2. Calculators are permitted
3. Time allowed is Three (3) Hours
4. **Answer ALL Questions in Section A and Only ONE Question in Section B**
5. Show all the work leading to the solution
6. Include sketches/diagrams to explain concepts (where necessary)
7. Total mark for this examination paper is 100

Do not turn over this page until instructed by the Invigilator.

Question 1 (10+15)

(a) Describe the conditions under which land is held under the following;

- Freehold Tenure
- Leasehold Tenure

(b) Give three advantages and two disadvantages of holding land under freehold

Question 2. (10+15)

(a) (i) What do you understand by "alienation" of land.

(ii) Explain the process of allocation, for title of vacant land in customary areas by the authorities in Zambia.

(b) The Lands Act of 1995 categorises land in Zambia as either;

- State Land; or
- Customary Land

Describe the above land categories, and how their respective administration differ from each other.

Question 3. (10+7+8)

(a) Explain the following terms;

- (i) Land
- (ii) Ownership
- (iii) Life Estate *pur autre vie*
- (iv) Ameliorative waste
- (v) Fee simple absolute in possession

(b) Distinguish joint tenancy from tenancy-in-common.

(c) Mention and clearly explain the *four unities* that must be present for joint tenancy to exist.

Question 4. (12+13)

(a) In a brief essay contrast the holding of land under a Lease from holding it under a Licence.

(b) More than half of Zambia's land is administered under customary land tenure, explain the concept of customary land holding.

END

unity of interest
unity of time