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**UNIVERSITY OF ESWATINI
INSTITUTE OF DISTANCE EDUCATION
BACHELOR OF LAWS/DIPLOMA IN LAW
RE-SIT EXAMINATION PAPER JANUARY 2020**

TITLE OF PAPER: LAW OF PROPERTY

COURSE COD: LAW209

TIME ALLOWED: THREE (3) HOURS

INSTRUCTIONS: 1. ANSWER ALL QUESTIONS

**DO NOT OPEN THE PAPER UNTIL PERMISSION HAS BEEN GRANTED BY THE
INVIGILATOR**

QUESTION 1

- a) Define a real relationship in relation to the law of things. [4]
- b) Specify the various categories of real relationships. [6]
- c) What is the term used to describe a lawful real relationship? [3]
- d) What is the term used to describe a right of one person that he has over the property of another person? [3]
- e) Define the term 'entitlements' in relation to the real right of one person in respect of his property. [3]
- f) What is the purpose of remedies in relation to real rights? [4]
- g) Specify the terms used to describe movable property and immovable property, respectively. [2]

[Total Marks: 25]

QUESTION 2

- a) Our law recognizes various methods of original acquisition of ownership of property. State the requirements that must be satisfied in respect of appropriation as an original method of acquiring ownership of property. [3]
- b) What is the general principle of our law in relation to accession of movable property to immovable property regarding ownership of movable property that is permanently attached to immovable property? [4]

- d) State the requirements that must be satisfied in respect of an interdict as a remedy available to an owner of property (plaintiff) whose right has been infringed or about to be infringed by any person. [6]

[Total Marks: 25]

QUESTION 4

- a) What is the purpose of the remedy *mandament van spolie*? [2]
- b) State the requirements that must be satisfied in order for an applicant to succeed in a *mandament van spolie*. [6]
- c) Distinguish between *ius possissionis* and *ius possidendi*. [4]
- d) List the defences recognised in law that are available to a respondent in a *mandament van spolie*. [8]
- e) Define holder-ship. [3]
- f) Distinguish between lawful holder-ship and unlawful holder-ship. [2]

[Total Marks: 25]