



**Uganda Martyrs University**

**Faculty of Law**

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**Foundations of Land Law**

**Final Exam**

**Bachelor of Laws (LLB2)**

**April 2022**

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**INSTRUCTIONS:**

1. This is an **OPEN BOOK** examination. The use of course and other materials *in hardcopy* to comprehensively answer the questions is permitted.
2. However, access to online/internet resources, sharing course materials, electronic resources, consulting or holding discussions with your colleagues is **STRICTLY PROHIBITED**.
3. Failure, neglect or refusal to comply with foregoing instructions shall lead to your swift disqualification from this assessment and, further disciplinary action in accordance with the relevant University Rules.
4. **ALL** of the questions are compulsory. Therefore, you are to attempt **EACH** question.

## QUESTIONS:

1. The economic rationale for property rights has often proved useful in modelling land use optimisation and related equilibria. However, it is the legal framing of property rights that eventually takes precedence. By defining and giving effect to the various capacities, rights, and entitlements that pertain to real property, the latter introduces utilitarian efficiency and, at the very least, the suggestion of a universal equity.

Critically and authoritatively discuss.

(25 marks)

2. *"A formal property representation such as a title is not a reproduction of the house, like a photograph, but a representation of our concepts about the house."*  
– H. De Soto, *The Mystery of Capital*.

Authoritatively discuss this statement in relation to the Torren's system.

(25 marks)

3. Reviled, repressed, reclaimed at different points in Uganda's land reform narrative, *Mailo* is fundamentally the bastard child of feudal English tenure and interlacustrine land rights.

Examine and critically discuss this statement.

(25 marks)

4. Whereas section 3 of the Land Act (cap. 227: 1998) provides for customary land ownership as an incident of tenure in Uganda, there appears to be a juridical paradox when communal tenure is examined pursuant to the dichotomy between legal and equitable interests.

Critically discuss this opinion.

(25 marks)

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THE END

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