

**UGANDA MARTYRS UNIVERSITY**

**FACULTY OF LAW**

**LL B 2105 FOUNDATIONS OF LAND LAW**

**Instructions**

1. This is a **PARTIALLY OPEN** examination. The use of clean copies of the Constitution and the Land Act is permitted.
2. You are expected to attempt a total of four questions.
3. Use of relevant authorities in form of statutory provisions, case law and scholarly sources shall contribute greatly to the assessment of your answers.

**Questions**

1. “According to the global discourse on compulsory land acquisition and Uganda’s Constitution, the right to property is not absolute.” Per most vociferous LLB 2 student. Discuss. (25 marks)
2. Ainomo Kajanja walks into your office seeking legal advice, and narrates to you the following story.

“When I became a tenant, I found this house incomplete. For my safety, I built this dog kennel and to make it tenantable to my taste, I erected a concrete water tank stand to counter persistent water shortage. I also erected the wall fence, retiled the floor of the house using nice tiles from Spain, and repainted it using my special paint from China. I then furnished it with 3 beds, a sofa set, washing machine and altered the front door from a metallic one to a wooden one using expensive teak wood from Congo. I did not know that the landlord would deny liability for the cost now that I am leaving. I am thinking of suing him to recover the cost because he misled me since when I was doing all this he did not stop me yet he is now claiming I cannot take anything away. I need honest help because the 2 lawyers I have talked to have given me conflicting positions.”

Bearing in mind the law relating to fixtures, discuss veracity of the statement above and advise Kajanja on his rights. (25 marks)
3. With reference to the relevant applicable laws and other authorities advise all the parties in all the following scenarios.

- (a) Muyomba Aaron owns land comprised in Kibuga Block 24 Plot 289 measuring 1 acre at Rubaga. On 29th November 2017, he received a notice of rectification of the register from the office of the Commissioner Land Registration advising that the Commissioner has taken a decision to cancel his title on grounds that there is another title of the same land in the names of one Nanyonga Josephine who also claims ownership thereof. However, the notice indicates that Nanyonga acquired her title in 2014 yet Muyomba's predecessor in title acquired the title in 1980 and had occupied the land since then till 2015, when he sold it to Muyomba. He has been advised to appear for a hearing before the commissioner on 6th December 2017 with his duplicate certificate of title for cancellation. (7 marks)
- (b) Alex Ogwal has identified land at Naguru Kampala. It is government land formerly occupied by Uganda Posts and Telecommunication employees who were terminated in 2015 and paid all their terminal benefits. They were asked to vacate the land by the Uganda Land Commission in whose name the land is registered as FRV 234 Folio 22. All the occupants left save for Matayo and Nakyagaba who are now claiming compensation if they are to vacate. Alex Ogwal is desirous of acquiring the land. He is also informed that Mukono District Land Board may also have an interest in the land and he may have to seek their consent. (7 marks)
- (c) The Ministry of Trade and Investment is interested in acquiring land comprised in Bulemezi Block 234 Plot 90 at Balati Luweero district measuring 30 acres belonging to Annet Nabukenya. Part thereof measuring 5 acres is occupied by James Brandon a British national with a running lease of 49 years comprised in LRV 34 Folio 8. The Ministry has already been granted consent by the Luweero District Land Board to access the land. The Ministry on the advice from the office of the Solicitor General is only willing to compensate Nabukenya but not Brandon the Briton since land in Uganda belongs to citizens of Uganda. (7 marks)
- (d) You are working with the department of land administration in the Ministry of lands and you have been asked to explain how one can ascertain the mandated controlling authority over public land in Kampala city. This is due to the conflict between Uganda Land Commission and Kampala District Land Board. Advise. (4 marks)
4. "We are celebrating 60 years of independence. It is strange that we continue to rely on common law or statutes derived from elsewhere yet these import foreign meanings and ascribe them to local things. Land is nothing but the soil on which we walk. Why someone would include things invisible in its meaning is strange, uncalled for and not

in consonance with our ancient understanding of land. Our ancient wisdom must prevail over imported wisdom.”

Discuss the views above, as given by Ekselense in a speech read for him at a meeting with young lawyers held in Kampala in November 2022. (25 marks)

5. (a) Identify and discuss five features of the legal regime governing land in Uganda between 1928 and 1976. (15 marks)

(b) Advance three reasons why a uniform tenure system may not be possible for Uganda. (10 marks)

6. (a) Read the facts below and advise the parties on the legal position.

Nakku died in 2010 leaving behind her 2 adult sons Nalika and Nsumba. She was the registered proprietor of land comprised in Block 287 Plot 18 in Bwaise. Upon her demise, Nalika got registered as proprietor of Block to 287 Plot 18 in Bwaise. In October 2014, Nsumba took the photocopy of the certificate of title to this land without Nalika’s knowledge. Nsumba showed it to Okumu a wealthy businessman and sold the land to him on the promise that he will secure transfers for him. Okumu paid the 60 million Uganda shillings that Nsumba asked for. Both Nsumba and Okumu were not aware that in 2013, Nalika had sold the land to Bukirwa. Bukirwa lodged all the paperwork in the land registry but has not yet received a certificate of title in her names. (13 marks)

- (b) Nowelia, Bella and Nevers are second year law students. They formed the most popular discussion group that has come to be known as The House of Lords among their peers. During one of the discussions in the House of Lords, Nowelia said, “Mailo and Freehold land tenure systems are in essence one and the same thing. The different names that each holds should not blind us to think that they are different”. Do you agree? Give four reasons. (12 marks)