

UGANDA MARTYRS UNIVERSITY

FACULTY OF LAW

LLB 2101 EQUITY AND TRUSTS

Instructions

1. This is an **OPEN** book examination. Students may carry any materials that they find relevant for reference purposes.
2. The use of appropriate authorities contributes substantially to the assessment of answers.
3. Use strictly one booklet for all your answers.

QUESTIONS

1. Bijou graduated from Uganda Martyrs University (UMU) in 2018 and was handed her certificate and transcript shortly thereafter. However, an internal investigation conducted by the management of UMU revealed that Bijou hacked into the portal and altered her marks in two course units. UMU decided to recall its certificate and transcript. On learning this, Bijou immediately stormed the faculty of law and asked to meet the brightest 'lawyer' on campus – who happens to be you – to enable her stop the university from its intended move. In the meantime, Bijou's employer learnt of the above and are considering a number of options in respect of their contract with her due to "fraudulent misrepresentations" on her academic credentials during the interview. Bijou insists that her employer was on notice about her academic qualifications and as such cannot exit the employment contract.

Prepare a legal memorandum discussing all the possible equitable remedies and which of them best applies to each of the concerned parties. (25 marks)

2. Write short notes on the following, demonstrating how the courts of law have applied them in resolving matters before them.

- a) Delay defeats equity (5 marks)
- b) Equity follows the law (5 marks)
- c) Equity looks at the intent rather than the form (5 marks)

d) Equity acts in personam (5 marks)

e) Equity looks on as done that which ought to be done (5 marks)

3. With the aid of relevant cases, distinguish trusts from other forms of legal relations. (25 marks)

4. a) Discuss the capacity elements that must be possessed by a settlor in the creation of a trust. (10 marks)

b) Discuss the certainties that must be present for a trust to validly exist. (15 marks)

5. Critically analyse the nature and scope of any 5 types of injunctions which may be granted by court. (25 marks)

6. "The origins of equity and of the trust lay in the shortcomings of the common law." Per Consolata Kenzi, a year two student at Umu School of Law.

Discuss the above statement based on your knowledge of the evolution of equity. Illustrate your answer using vivid examples and relevant authorities. (25 marks)