

UGANDA MARTYRS UNIVERSITY

FACULTY OF LAW

LL B 2101 EQUITY AND TRUSTS

Instructions

1. This is a **CLOSED BOOK** examination.
2. You are expected to attempt a total of four questions.

Questions

1. Write short notes on the following, demonstrating how courts of law have applied them in the matters before them.
 - (a) Delay defeats equity (5 marks)
 - (b) Equity follows the law (5 marks)
 - (c) Equity looks to intent rather than the form (5 marks)
 - (d) Equity will not assist a volunteer (5 marks)
 - (e) Equity acts in personam (5 marks)
2. Mr Mubandana died recently and his Will contained the following clauses:
 - (a) UGX 3,000,000 to his trustees upon trust to invest and apply the income in assisting any persons who wish to retreat from life and spend their time in religious contemplation.
 - (b) UGX 500,000 to be held on trust for the education of the children of poor employees of her NGO named Purposeful Living.
 - (c) UGX 500,000 on trust to build and maintain a bird sanctuary on the outskirts of Nkozi for residents to connect with nature.
 - (d) A gift of the residuary estate to be held on trust and the income applied to the Homeless and Rootless Project for the care of the homeless and poor (this project ceased to exist 2 years ago)
Advise the trustees as to whether these clauses create valid charitable trusts. (25 marks)
3. With the aid of relevant cases, distinguish trusts from other forms of legal relations. (25 marks)

4. Discuss the continued relevance of the study of the doctrine of notice in Uganda. (25 marks)
5. Critically analyse the nature and scope of the different types of injunctions which may be granted by Court. (25 marks)
6. You have been invited by the Chief Justice to address new Magistrates on the topic of doctrines of equity. With the aid of relevant authorities, prepare a Memorandum on the following;
 - a) Election (10 marks)
 - b) Performance (8 marks)
 - c) Satisfaction (7 marks)