UNIVERSITY OF FORT HARE

B SOC SCI: HUMAN SETTLEMENTS

INTRODUCTION TO THE LAW OF PROPERTY

HLP 211

MAIN EXAMINATIONS
JUNE 2018

Time: 3 Hours
Subject: Introduction to the Law of Property
Marks: 100

This paper consists of 3 pages including the cover page

Internal Examiners

Mr. A Katurura
Mr. V Duma

INSTRUCTIONS

WRITE NEATLY AND LEGIBLY
ANSWER ALL QUESTIONS.
REFER TO RELEVANT CASE LAW AND LEGISLATIVE PROVISIONS
QUESTION ONE

(a) Write a note in which you identify and discuss the sources of the South African Law of property. [15 marks]

(b) With reference to appropriate examples, explain and discuss the characteristics of a thing. [15 marks]

[30 MARKS]

QUESTION TWO

(a) With reference to appropriate examples distinguish between:

(i) Movable and immovable things [4 marks]
(ii) Fungible and non-fungible things [3 marks]
(iii) Divisible and indivisible things [3 marks]
(iv) Singular and composite things [5 marks]

In your response please explain why these classifications and distinctions are important in the South African Law of Property.

(b) Write a note in which you discuss the elements which have to be present and proven in order to establish delictual liability. [15 marks]

[30 MARKS]

QUESTION THREE

(a) With reference to examples explain the difference between free co-ownership and bound co-ownership. [10 marks]

(b) Write a short essay in which, with reference to the case of Gien v Gien 1979 2 SA 1113 T, you discuss the following factors that are considered in dealing with cases of nuisance in the law of neighbours in South African property law.

(i) Time, nature and duration of interference
(ii) Whether the activity is carried out simply to annoy the neighbour/Motivation
(iii) Measures available to landowner to avoid or diminish the harm/practicability of reducing harmful effects [15 marks]

[25 marks]

QUESTION THREE

With reference to the FNB v Commissioner for SARS case explain the distinction between deprivation of property and expropriation in terms of s25 of the Constitution. In the course of your answer ensure that you make it clear what is meant by "arbitrary deprivation of property. [15 marks]

[15 MARKS]