



جامعة السلطان الشريف علي الإسلامية  
UNIVERSITI ISLAM SULTAN SHARIF ALI  
SULTAN SHARIF ALI ISLAMIC UNIVERSITY

**Faculty of Shariah and Law**  
**Semester I, 2016/2017 Academic Session**

**Examination Question Paper**

**Course Code : LB 3301**

**Course Name : Land Law I**

**Course Level : Bachelor of Laws (LL.B) and Bachelor of  
Shariah Law (BSL)**

**Time : 3 hours**

**Reference allowed:**

Land Code (Cap.40) Laws of Brunei\*

Land Acquisition Act (Cap.41) Laws of Brunei\*

Land Code (Strata) Act (Cap.189) Laws of Brunei\*

Land Code (Amendment) Order 2016, Brunei\*

**Notes:**

1. Answer any **four** of the following questions.
2. All answers, wherever relevant, must be supported by statutory provisions and case law.

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**QUESTION 1 (15 Marks)**

Answer any three (3) of the following terminologies / concepts in the property law context:

- a. Legal and equitable interests
- b. Express and implied trusts
- c. Ownership and possession
- d. Disposal and dealings
- e. Leases and licences

(15 marks)

**QUESTION 2 (15 Marks)**

A piece of land, on which a petrol station was operating, was charged to ABC Bank as security for a loan facility to finance the construction of the petrol station. The property included a number of petrol pumps, underground tanks and ancillary facilities including a café. On default of payment of the loan, ABC Bank took proceedings to enforce the charge. The chargor, Syarikat Minyak XYZ Sdn Bhd i.e. the petrol station owner, decided to sell off the petrol pumps and the ovens, coffee makers, tables and chairs in the café to prospective buyers to pay his debt. ABC Bank objected to the sale as they argue that these were part of the petrol station and were material to the property to serve its purpose as a petrol station. Discuss this claim in the light of the law of fixtures.

(15 marks)

**QUESTION 3 (15 Marks)**

Indefeasibility of title is one of the entrenched principles in the Torrens system of land registration in that a title issued under the system gets state guarantee. However, there has been discourse over the issue of indefeasibility of title in light of the Federal Court's decision in *Adorna Properties v Boonsom Boonyanit @ Sun Yok Eng* [2001] 1 AMR 665 (Adorna Case) where the Federal Court held that despite the instrument of transfer being a forgery (and therefore a void instrument), Adorna Properties had acquired an indefeasible title because the Appellant (Adorna Properties) was a *bona fide* purchaser for value. In your opinion, was justice served to Boonsom? Discuss the principles of immediate and deferred indefeasibility. How can indefeasibility of titles be guaranteed?

(15 marks)

**QUESTION 4 (15 Marks)**

With the aid of case laws, explain what you understand by the doctrine of adverse possession. In what circumstances or conditions can adverse possession be claimed and how can such claim be dismissed or frustrated?

(15 marks)

**QUESTION 5 (15 Marks)**

The Land Code (Amendment) Order 2016 has recently been approved by His Majesty the Sultan in Council and published in the Government Gazette Part II on 4 June 2016. What are the important provisions being introduced and how do the new provisions enforces the Torrens principles?

(15 marks)

**QUESTION 6 (15 Marks)**

Awang Abdul Hadi owned 1.5 hectare of land in Kampong Beribi / Kilanas which has the special title condition (under s9 (5) of the Land Code, Cap 40 Laws of Brunei) for “Residential Use”. He intends to engage a developer to develop this land into multi-storey residential apartment complex complete with its own amenities including a communal garden, swimming pool and a gymnasium. He has sought advice from you on how he can go about creating a strata estate so he can sell the properties as strata titles. In light of the Land Code (Strata) Act, Cap 189 Laws of Brunei, please advise him on what the provisions in this Act are and the obligations of the strata corporation once the strata estate has been created.

(15 marks)

بالتوفيق والنجاح