



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

**Faculty of Shariah and Law
Semester I, 2020/2021 Academic Session**

**Final Examination
Question Paper**

Course Code : LB3301
Course Name : Land Law I
Course Level : Bachelor's Degree
Time : 3 hours

Reference(s) allowed:

LAND CODE, CAP. 40, LAWS OF BRUNEI*;
LAND ACQUISITION ACT, CAP. 41, LAWS OF BRUNEI*;
LAND CODE (AMENDMENT) ORDER 2016, BRUNEI*
(*The law is stated as at 1st november 2019)

Instructions:

1. Answer any four (4) of the following questions.
2. All answers, wherever relevant, must be supported by statutory provisions and case law.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (15 Marks)

Explain all three (3) of the following terminologies / concepts in the property law context:

(a) *Quic Quid Plantatur Solo, Solo Cedit* (5 Marks)

(b) Ownership v Possession (5 Marks)

(c) Legal v Equitable Interests (5 Marks)

QUESTION 2 (15 Marks)

What is the significance of the Torrens System in the administration of land in Brunei Darussalam?

Discuss its fundamental concepts and the importance of keeping the Land Register.

QUESTION 3 (15 Marks)

The rights of disposal of land is vested to His Majesty the Sultan in Council under Section 3 of the Land Code, Cap 40 Laws of Brunei. Apart from alienation of land, what are the other types of disposal of land allowed under the Land Code?

QUESTION 4 (15 Marks)

Under s28 (3) of the Land Code, entry in the Land Register confers indefeasible and absolute ownership and the owner cannot be challenged unless he is party to fraud or misrepresentation when obtaining ownership.

What are the circumstances in which a title may be defeasible? Explain the exceptions to indefeasibility of title.

QUESTION 5 (15 Marks)

Awg Julaihi recently bought a piece of land in Kampong Jerudong. He has paid the full amount of purchase to Awg Sulong, the registered owner of the land. However, when Awg Julaihi went to the Lands Department to effect the transfer, to his surprise, there was a Prohibitory Order imposed on Awg Sulong for his failure to repay his loans to ABC Finance who held the charge to the land.

Based on land law principles, advise Awg Julaihi regarding the effect of a Prohibitory Order and any other restraints in dealings that he may encounter and when he is likely to have the transfer effected.

QUESTION 6 (15 Marks)

One of the provisions being introduced in the Land Code (Amendment) Order 2016 is the insertion of provisions on entry of caveats.

Explain the different types of caveats, procedures of entry and removal of caveats and the effects of caveats in any land dealings as stated in the Order.

بالتوفيق والنجاح