



SIR ARTHUR LEWIS COMMUNITY COLLEGE
ACADEMIC YEAR (2024/2025) - SEMESTER ONE
END OF SEMESTER EXAMINATION

COURSE CODE : LAW 205 & LAW 206
COURSE TITLE : Law of Tort & Real Property I
LECTURER(S) : Marcellina John
DATE : 10 December, 2024
TIME : 1:00 p.m.
DURATION : 2 hours
STUDENT ID # : _____

GENERAL INFORMATION AND INSTRUCTIONS

- Students must sign **IN** and **OUT** on the examination class list.
- Write your ID number on the question paper.
- This paper consists of **TWO** Sections:
 - Section A - Structured Questions – Law of Tort
 - Section B - Structured Questions – Real Property I

DO NOT TURN THIS PAGE UNTIL YOU ARE TOLD TO DO SO

SECTION A - LAW 205 – LAW OF TORT

STRUCTURED QUESTIONS

READ THE FOLLOWING INSTRUCTIONS CAREFULLY.

- a) This section consists of **TWO** questions. You have 60 minutes to answer the question.
- b) Answer **ONLY ONE** question.
- c) Write your ID Number on every page of your answer script
- d) Write your answer on the answer booklet provided
- e) Do **NOT** write in the margins

QUESTION 1

On Independence Day, Mrs Johnson accompanied by Mr Curius, the security guard, takes her class to visit the Jonestown Museum. On the grounds of the museum is an old, rusty truck and a whispering well with a sign over the door ‘danger, keep out’. Water dripping from a malfunctioning air conditioner in the visitor’s hall collects on the terrazzo floor. While looking at paintings on the wall, Mrs Johnson slips on the wet floor and injures her back. There are no warning signs concerning the wet floor.

Keon age 12, playing ‘hide and seek’ with Crystal, climbs into the old truck ripping his leg on the rusty door. Mr Curius pushes open the door of the whispering well and falls in, cracking his skull.

- (a) With reference to TWO decided cases or statute, define the following:
 - (i) Occupier [3 marks]
 - (ii) Visitor [3 marks]
- (b)
 - (i) Using decided cases or statutes to illustrate your answer, advise Jonestown Museum of its liability to Mrs Johnson and Mr Curius, if any. [14 marks]
 - (ii) How would your advice to the Jonestown Museum be different concerning its liability to Keon. Use decided cases or examples to support your answer. [5 marks]

Total 25 marks

OR

QUESTION 2

Zinga bought a house in the countryside on a five acre plot of land. Two years later, Chemico Industries Ltd bought the plot of land next to Zinga’s house and built a factory to produce plant fertilizers. The factory releases fumes which have been polluting the environment. Zinga suffers from asthma which has worsened since the factory was built. She plants and sells roses for a living. Zinga notices that the roses are wilting and dying.

With reference to decided cases, advise Zinga on whether she can succeed in an action in private nuisance against Chemico Industries Ltd. In your advice, explain to Zinga the following:

- i The legal meaning of 'private nuisance' [3 marks]
- ii **TWO** types of harm for which Chemico Industries Ltd may be liable [10 marks]
- iii **TWO** factors taken into account by the courts in determining liability [12 marks]

Total 25 marks

SECTION B - LAW 206 – REAL PROPERTY I

STRUCTURED QUESTIONS

READ THE FOLLOWING INSTRUCTIONS CAREFULLY.

- a) This section consists of **TWO** questions. You have 60 minutes to answer the question.
- b) Answer **ONLY ONE** question.
- c) Write your ID Number on every page of your answer script
- d) Write your answer on the answer booklet provided
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QUESTION 1

- (a) Distinguish between a 'joint tenancy' and a 'tenancy-in-common'. [10 marks]
- (b) In 1975, Alvin and his wife Albertha then aged 26 and 25, respectively, purchased five acres of land as joint tenants. They had two children, Mary and Peter. Alvin and Albertha died together in a plane crash shortly after purchasing the land. Alvin had made a will leaving the land to "my dear sister, Martha, for her use absolutely". Upon hearing of Alvin's death, Evelyn, aged 20, Alvin's daughter by another woman, is claiming that she is entitled to a share in her father's property and has indicated to Mary and Peter that she intends to challenge them in court for her share of the property.

Using case law to support your answer, explain to Martha and Evelyn whether they are entitled to a share in the property. [15 marks]

Total 25 marks

OR

QUESTION 2

Discuss **FIVE** methods for terminating a tenancy, making reference to decided cases.

Total 25 marks

END OF EXAMS