



SUBJECT: **APPLIED PROPERTY LAW**

CODE: **APL8X01**

DATE : 20 MAY 2019

DURATION: 3 HOUR

TOTAL MARKS: 130

1. With reference to case law, fully discuss subtraction from *dominium*. 30 marks
2. With reference to case law, fully discuss the definition of ownership. 20 marks
3. Mr X lives in a small fishing village on the west coast. He has been fishing for the past 35 years. Since he can remember there was an unspoken rule amongst the fishermen in the village that if you had set your nets, no one was allowed to set their nets up-current of your nets. One day Mr Y broke this rule and caught the entire school of fish despite Mr X having set his nets down first. Fully discuss whether or not this rule will have legal force and whether Mr X will be able to claim anything from Mr Y. 10 marks
4. Discuss the supremacy of constitution 5 marks
5. Fully discuss section 2 of the Constitution 5 marks
6. Fully discuss how the entitlements of ownership differ under common law and according to the Sectional Title Act. 10 marks
7. With reference to case law, fully discuss what it means that SA applies a negative system of Deeds Registry. 10 marks
8. With reference to case law, fully discuss the remedy of *Rei Vindicatio* 10 marks
9. Fully discuss expropriation from a South African context. 30 marks

Grand Total 130