INTERNATIONAL UNIVERSITY OF EAST AFRICA
'Learning to Succeed'

FACULTY OF LAW

END OF SEMESTER EXAMINATIONS - DECEMBER 2025

PROGRAMME: LLB
YEAR/SEM: YEAR 2/SEMESTER 1
COURSE CODE: LLB 2107
NAME: EQUITY AND TRUSTS

DATE:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

Students must attempt only Only question from this Section.

Question 1:

SECTION A

Question 1

Kasoma has executed a will which contains the following provisions:

a) I leave my entire estate to my beloved wife 'in full confidence that she will dispose of the estate in any way she may think best, for the benefit of our children and herself '

b) I leave my apartments in Najerra to my wife 'in full confidence that she will make use of them as I would have made myself and that at her death, she will make devise of the same to such one or more of my sisters as she may think fit and in default of any disposition by her thereof by her will or testament, I hereby direct that all my apartments acquired by her under my will shall at her death be equally among any of the surviving sisters.'

c) 'I leave the bulk of my residuary estate to my beloved wife, Nantongo'

d) 5,000,000/= UGx on trust, the capital to be distributed by my trustees, Okello and Muhangi, amongst such of my relatives as they shall select.

e) The money in my Stanbic Bank savings account to be divided equally amongst my best friends.

With your understanding on the Law of Trusts, advise Kasoma on the validity of the above provisions.

[25 Marks]

Question 2:

Question 2

With reference to decided cases and relevant legal provisions, advise Masaba whether the testamentary dispositions in Ndigejerawa's will, are valid:

a) Monies totaling to USD 5,000,000/= be set aside from the residue of my estate by the trustee to provide scholarships to any student who wishes to conduct research and publish research related reports on the state of prisoners' rights and welfare in Uganda and to support a campaign for a legal ban on the use of undesignated places to detain the citizens of Uganda.

b) UGx 10,000,000/= for the provision of some useful memorial to myself in Centenary park.

c) Ugx. 30,000,000/= to the Association for Retired Judicial officers, a registered charity. On 1st December 2025 this was wound up. However, there is in existence an Association for the Relief of Retired Judicial officers which is also a registered charity.

d) 100,000,000 UGx to the Mandevu Brethren. This body meets on the Mandevu Hills and worships various deities. Admission is by a rigorous process of scrutiny.

e) 100,000,000 UGx to hold on trust to look after my dog,

Ssekanolya. (25 Marks)

SECTION B

Students must attempt only one question from the two questions in this Section.

Question 1:

SECTION B: *ANSWER ANY ONE OF THE TWO QUESTIONS IN THIS SECTION.*

QUESTION 3 (25 MARKS)

Write short notes on the following cases while demonstrating their continued relevance to the study of equity in Uganda:

a. Milroy v Lords (1862 4 De. G.F & J
b. Strong v Bird (1874) LR 18.
c. Jones v Locke (1865) Ch 25
d. Saunders v Vautier (1841) 4 Beav 115
e. Re Vandervells Trust [1974] 3 ALL ER 205

Question 2:

QUESTION 4

Write short notes on the following case demonstrating their continued relevance to the study of equity in Uganda.

a) Fabgemi vs. Aluko (1968) 1 All N.L.R 233
b) Anton Piller KG v Manufacturing Processes Ltd [1976] 1 All ER 779
c) Central London Property Trust Ltd v High Trees House Ltd [1947] KB 130
d) Basile Difasi & 3 Ors v The National Unity Platform & 8 Ors

(Miscellaneous Cause No. 226 OF 2020

e) Ndigejjerawa v Kizito Kubulwamwana (1952-56) 7 ULR 31 (25 Marks)

Question 3:

QUESTION 5 (25 MARKS)

Compare and contrast the trust with the following legal relations;

a. Agency

b. Bailment

c. Contracts

d. Power of appointment

e. Debt

Question 4:

QUESTION 6(25 MARKS)

Write short notes on the following cases demonstrating their continued relevance to the study of equity in Uganda.

a) a) Uganda Revenue Authority v. Stephen Mabosi 1995

b) b) Walsh v. Lonsdale (1882) 21 Ch. D. 9

c) c) American Cynamid vs Ethicon [1975] AC 396.

d) d) The Earl of Oxford's Case (1615) 1 rep Ch. 1

e) e) Palmer v Simmonds (1854) 2 Drew 221

SECTION C

Answer any Two (2) Questions in this Section.

Question 1:

SECTION C: *ANSWER ANY TWO OF THE FOUR QUESTIONS IN THIS SECTION*

QUESTION 6 (25 MARKS)

A trust is widely considered to be the most innovative contribution to the English legal system. Generally, a trust requires 3 certainties as determined in Knight v Knight (1840) 3 Beav 148.

With reference to the relevant authorities, discuss the three certainties.

Question 2:

QUESTION 7 (25 MARKS)

With reference to decided cases from Commonwealth and Ugandan jurisprudence, discuss any Five (5) equitable maxims demonstrating their continued relevance to the study of Equity and Trusts in Uganda.

Question 3:

QUESTION 8 (25 MARKS)

“Some people think they can go around entering agreements and making promises to do certain things and then changing their minds and pulling out of binding promises to do some tasks. It is just good upbringing that when you enter any contract, you are obligated to fulfill all terms to that contract. There is nothing to excuse non-performance of contractual obligations. It is the law. That is why I believe in all cases of breach or threat to breach of contract, courts must always issue an order of specific performance.” ***Per Chairman, LLB II Student, Faculty of Law, Tech University.***

Discuss this statement with reference to the defences available to an application for an order of specific performance and the major principles that courts consider before issuing the order. Total 25 Marks

Question 4:

QUESTION 9 (25 MARKS)

Equitable remedies are strict and of limited flexibility. With reference to relevant jurisprudence from the commonwealth and Ugandan Courts, Critically evaluate this statement in relation to:

a) Injunction

b) Rescission

c) Rectification

d) Tracing

Question 5:

QUESTION 10 (25 MARKS)

"Maxims of Equity are not the law. They are unreliable and just evolved in the rougish court of chancery. They are not rules which must vigorously be applied in every case as they have a tendency to obscure and mislead, and more often stand in the way of analysis of the real principles and policies which shape the law." Per Katongole, LLB 2 Student at Tech University, Uganda. **Discuss the validity of the above statement. [25 Marks]**