

THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 LL.B DEGREE PROGRAMME -LEVEL 3
 CONTINUOUS ASSESSMENT TEST II – 2022/2023
 LLU3502- PRINCIPLES OF EQUITY
 DURATION – 01 HOUR



Date – 01.12.2023

Time – 11.30 am- 12.30 pm

Answer one question only.

Candidates will be penalized for illegible handwriting.

1. Discuss whether valid trusts are created by the following bequests in Mr. Shantha's last will.
 - a) Rs.02 Million to my sixteen-year-old son Matheesha, having the fullest confidence that he will spend it for the benefit of his mother and sister.
 - b) Rs.01 Million to my friend Thisa for the purpose of importing mobile phones and computer accessories without paying custom duties.
 - c) A portion of my tea estate to my wife Ramani, with the expectation that she will distribute it among the most preferable members of the family.
 - d) Rs.100,000 to my brother Sarath to ensure the proper care of my two Labrador dogs.

(5 x 4 = 20 Marks)

2. (a) Explain the meaning of "Trusts" and distinguish the concept of trusts from *fideicommissum*.

(10 Marks)

- (b) Discuss the applicability of Section 02 of the Trusts Ordinance in the event of *casus omissus*. Your answer should be supported with relevant statutory provisions and decided cases.

(10 Marks)