

Question 1 [Compulsory]

"NAPSA was formed to provide income security against the risk arising from retirement (old age), death and invalidity with a focus on the adequacy of benefits and monthly receipt of pension in a better way than the repealed ZNPP."

Discuss

[25 Marks]

Question 2

Sheila and Jedi are trustees of a K300, 000 cash fund for the benefit of their brother Chippy for his life remainder to his sons Shan and Lumwi. Chippy is a widower and his only source of income is the trust. The trust instrument, dated 1st April 2001, states that the trustees are 'subject to the default powers of investment for the time being permitted by the general law'. Sheila and Jedi propose to purchase freehold premises for Chippy to live in. The freehold is valued at K75, 000. They also propose to put aside K20, 000 for investment in Chelsea porcelain figurines, because Jedi collects these, and the remainder is to be put in a bank account.

Advise Sheila and Jedi as to the validity of the proposed investment and explain to them the duties of a trustee.

[25 Marks]

Question 3

This idea of proximity has been incorporated in the Marine Insurance Act 1906 under section 55(1) which reads;

Subject to the provisions of this Act, and unless the policy otherwise provides, the insurer is liable for any loss proximately caused by a peril insured against, but, subject as aforesaid, he is not liable for any loss which is not proximately caused by a peril insured against.

Discuss how the courts determine the proximate cause with aid of relevant case law.

[25 Marks]

Question 4

In *Chartbrook Ltd v Persimmon Homes Ltd* [2009] UKHL 38, Lord Hoffmann said that:

"Where a term of the contract is ambiguous, the process of interpretation does not require one to formulate some alternative form of words which approximates as closely

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