

NORMAN MANLEY LAW SCHOOL
COUNCIL OF LEGAL EDUCATION

LEGAL EDUCATION CERTIFICATE
SECOND YEAR SUPPLEMENTARY EXAMINATIONS, 1992

CIVIL PROCEDURE AND PRACTICE II

(Wednesday, August 12, 1992)

Instructions to Students

- a) Time: 3 1/2 hours
 - b) Answer THREE questions from Part A and TWO questions from PART B
 - c) Questions selected from PART B must be answered on a separate sheet
 - d) In answering any question a student may reply by reference to the Law of any Commonwealth Caribbean Territory, but must state at the beginning of the answer the name of the relevant territory.
 - e) It is unnecessary to transcribe the questions you attempt.
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PART A ✓QUESTION 1

(a) A and B are co-plaintiffs in a Writ against C.

A, who is a necessary party to B's claim against C, wishes to withdraw his claim against C.

Advise A.

(b) A, although a co-plaintiff with B has also sued C in a separate cause of action and wishes to withdraw.

Advise him.

QUESTION 2

(a) Explain and distinguish between further and better particulars and interrogatories.

(b) Outline the procedure to be adopted in applying for each.

QUESTION 3

Tom Jones is employed to Exotic Foods Ltd. on a contract for three years.

The contract commenced on January 6, 1991. In March 1992, Bill Brown obtained a judgment in the sum of \$30,000 against Jones.

Exotic Foods Ltd. owes Jones more than \$30,000 on the contract.

Brown has consulted you with a view to enforcing the judgment.

Advise him.

QUESTION 4

Discuss three instances in which costs may be obtained without an order of the court.

QUESTION 5

In what circumstances and against whom may security for costs be ordered?

PART B**QUESTION 6**

What are the various procedures to be used in making applications to the court under the Companies Act?

QUESTION 7

Outline the procedural steps for any THREE of the following -

- (a) reduction of capital of a company registered under the Companies Act;
 - (b) admission of a new partner to a firm;
 - (c) the formation of club;
 - (d) transfer of 50% of A's shares in M.O.P. Limited to B;
 - (e) a private company going public.
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QUESTION 8

Answer either (a) or (b).

(a) Outline the contents of a standard form Combined Register in common use.

(b) Outline the procedure to be used in the winding up of a Partnership and give advice on the evidence required.

QUESTION 9

Your instructions from your client, Angela Davis are as follows -

Your client and her husband, Shawn Davis, were the signatories of the Memorandum of Association of Angska Limited for one share each; at the first director's meeting, they were both elected directors along with their eldest son, Charles Davis and your client appointed secretary; all the shares were allotted as follows:

40% to Shawn Davis

40% to your client and

20% to Charles Davis

Shawn Davis was appointed Managing Director; for the past four years Shawn Davis has become so over-bearing and domineering in the running of the affairs of the company - as though the business was his own - that Charles Davis has resigned as director and transferred his shares to him; one year ago Shawn Davis dismissed your client as secretary, took away the company's car which was assigned to her and forced her out of the matrimonial home, the

property of the company.

Shawn now threatens to allot the 40% shares which had been allotted to Angela Davis - on the grounds that she had never paid for them - to his new secretary, Doreen Jones.

Draft the appropriate document(s) to take immediate legal action to protect your client's interest in Angska Limited.
