

NORMAN MANLEY LAW SCHOOL
COUNCIL OF LEGAL EDUCATION

LEGAL EDUCATION CERTIFICATE

SECOND YEAR SUPPLEMENTARY EXAMINATIONS, 1988

CIVIL PROCEDURE & PRACTICE II

(Wednesday, August 10, 1988)

Instructions to Students

- a) Time: 3½ 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.

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 a 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

Either

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

Or

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, Mavis Doe are as follows:

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

- 40% to Harry Doe
- 40% to your client and
- 20% to Don Doe.

Harry Doe was appointed Managing Director; for the past four years Harry Doe has become so over-bearing and domineering in the running of the affairs of the company - as though the business was his own - that Don Doe has resigned as director and transferred his shares to him; one year ago, Harry Doe 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.

Harry now threatens to allot the 40% shares which had been allotted to Mary Doe - on the grounds that she had never paid for them - to his new secretary, Karen Love.

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

PART A

QUESTION 1

"The judge may, if he thinks it expedient in the interest of justice, adjourn a trial as he shall think fit."

Discuss.

QUESTION 2

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

b) Outline the procedure to be adopted in each case by a party who desires to use them.

QUESTION 3

Usually the right to costs against another party arises only after an order for costs is made by the court.

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

QUESTION 4

a) What is meant by "discovery of documents"?

b) State the procedure for obtaining an order for discovery.

QUESTION 5

State the purpose of and the procedure on a Summons for Directions.
