

COUNCIL OF LEGAL EDUCATION

NORMAN MANLEY LAW SCHOOL

LEGAL EDUCATION CERTIFICATE
SECOND-YEAR SUPPLEMENTARY EXAMINATIONS, 2001

CIVIL PROCEDURE AND PRACTICE II

(FRIDAY, AUGUST 3, 2001)

Instructions to Students

- (a) Time: 3 ½ hours
- (b) Answer **FIVE** questions, not more than **THREE** from any part.
- (c) **Answer Part A and Part B on separate answer booklets.**
- (d) In answering any question, a candidate 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.

PLEASE REMAIN SEATED UNTIL YOUR SCRIPT HAS BEEN COLLECTED.

PART A**QUESTION 1**

- (a) What is the function of interrogatories?
 - (b) What steps must be taken before interrogatories can be administered?
 - (c) When will interrogatories be allowed, and what objections can be taken to them?
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QUESTION 2

On what grounds can a party to an action properly refuse to give discovery of a document which is in his possession and is relevant to the issues in question in the action?

QUESTION 3

State the procedure and purpose of a Summons for Directions.

QUESTION 4

- (a) Outline the procedure for discovery of documents.
- (b) AB Ltd. has been defrauded by clients of Sharpers Ltd. and seeks by a writ to trace the money into the client's accounts. At the time of the issue of the writ, AB Ltd. applies for an order against Sharpers Ltd. for discovery of the state of accounts and of all documents and correspondence with the clients relating to those accounts from the date of the alleged fraud.

Advise AB Ltd.

QUESTION 5

- (a) What is a writ of fi. fa. and how is it issued?
- (b) What are the essentials that must be satisfied before such a writ is issued?
- (c) Are there any and if so, what limitations to the issue and execution of such a writ?
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PART B

QUESTION 6

Outline the procedural steps in relation to any **three** of the following:

- (a) converting a private company into a public company;
 - (b) increasing the share capital of a company from \$1,000 to \$500,000;
 - (c) the sale of 40,000 shares from a block of 100,000 shares held by John Doe in Jupiter Enterprise Limited, a private limited liability company;
 - (d) the issuance of bonus shares;
 - (e) changing the name of Sunrise Limited to Castle Holdings Limited;
 - (f) admission of a new partner to a firm.
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QUESTION 7

What is a combined company's register and what are its contents?

QUESTION 8

Outline the contents of a standard form partnership agreement.

QUESTION 9

Your client has a judgment for \$500,000 with costs taxed at \$20,000 against Windsor Limited, a company registered under the Companies Act.

Outline the contents of a petition to wind up Windsor Limited.
