

COUNCIL OF LEGAL EDUCATION

NORMAN MANLEY LAW SCHOOL

LEGAL EDUCATION CERTIFICATE

SECOND YEAR SUPPLEMENTARY EXAMINATIONS, 1996

CIVIL PROCEDURE AND PRACTICE II

Monday, August 12, 1996

**Instructions to Students**

- (a) Time 3½ hours.
- (b) Answer **THREE** questions from Part A and **TWO** from Part B
- (c) **Questions selected from Part B must be answered on a separate answer booklet.**
- (c) 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 territory.**
- (d) It is unnecessary to transcribe the questions you attempt.

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**PART A**

**QUESTION 1**

The "Anton Piller" order is sometimes called "the Civil Search Warrant".

- (a) Discuss this statement.
  
  - (b) State -
    - (i) the principles upon which the courts are guided in deciding to grant such an order.
  
    - (ii) the procedure applicable on the application for such an order.
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**QUESTION 2**

Security for costs is a procedural device to ensure that a successful defendant's position as regards costs may be protected.

Discuss this statement.

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**QUESTION 3**

In what circumstances, for what purpose, by what procedure and by whom may a payment into court be made?

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**QUESTION 4**

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

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**QUESTION 5**

Write notes on:-

- (a) reserved costs;
  - (b) costs in the cause;
  - (c) plaintiffs' costs in any event;
  - (d) costs of the day.
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**PART B****QUESTION 6**

State the procedural steps required to effect any **THREE** of the following -

- (a) the sale of the 800,000 shares held by Mr. Mark Henry in Mars Enterprise Ltd., a company registered under the Companies Act;
  - (b) increasing the Share Capital of the company from \$1,000 to \$300,000;
  - (c) converting the company into a public company with limited liability;
  - (d) to pay a dividend of 20% to the shareholders of the company.
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**QUESTION 7**

Outline -

- (a) the methods of executing a judgment against an association;  
and
  - (b) the effect of winding-up a company registered under the Companies Act on any existing or prospective litigation by and against the company.
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**QUESTION 8**

Ms. Mary Davis, an attorney-at-law, advises you that her client, Mrs. Nora Jones, was a signatory of the Memorandum of Association of Buric Holdings Ltd. for 1 share and her husband, Barry, for 1 other. The share capital of the company is \$100; the company owns all the family assets; for the past 4 years relations between her husband and herself have been strained and she moved out of the home which was owned by the company; her husband has been running the company as though it was his own; no meetings have been called; she has been reliably informed that her husband has been secretly selling off the assets and pocketing the money.

Prepare the legal documents to protect the interest of Mrs. Nora Jones.

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**QUESTION 9**

Outline the procedure for registration of an association under the statutes which confer corporate status by registration.

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