



جامعة السلطان الشريف علي الإسلامية
UNIVERSITI ISLAM SULTAN SHARIF ALI
SULTAN SHARIF ALI ISLAMIC UNIVERSITY

Faculty of Shariah and Law
Semester I, 2014/2015 Academic Session

Examination Question Paper

Course Code : LB 3303
Course Name : Equity & Trust 1
Course Level : Bachelor of Laws (LL.B)
Time : 3 hours

Answer any **four (4)** of the following questions.

QUESTION 1 (15 MARKS)

- a) Do you agree that the modern legislation has fused equity with law?

Explain your viewpoints with reference to juristic views and decided cases.

[9 marks]

- b) What is the legislative basis for the courts of Brunei Darussalam to apply English rules of equity?

Discuss

[6 marks]

QUESTION 2 (15 MARKS)

- a) Discuss the nature of *Jual Janji* transaction. How it differs from a 'Contract of Sale'? Support your answer with decided cases.

[9 marks]

- b) Discuss the maxim "He who comes to equity must come with clean hands". Refer to decided cases

[6 marks]

QUESTION 3 (15 MARKS)

- a) Discuss the elements of the 'Promissory Estoppel'. How does it differ from 'Estoppel by Representation'? Refer to decided cases.

[9 marks]

- b) Awang Imran is a trustee of a trust while Awang Ahmad, a fifteen year child, is a beneficiary. One day Awang Ahmad approached Awang Imran informing him that he has already attained the age of majority and all the benefits of the trust should be transferred to him. Believing Awang Ahmad, Awang Imran handed over all the property and incidental benefits to Awang Ahmad. After three years Awang Ahmad instituted a suit against Awang Imran to recover the property and incidental benefits again which Awang Imran had improperly transferred to him during his minority.

Advise Awang Imran. Support your answer with decided cases.

[6 marks]

QUESTION 4 (15 MARKS)

- a) Equity recognizes assignment of an interest provided the assignor satisfies certain requirements.

Discuss this statement with the help of decided cases.

[9 marks]

- b) Court has a discretion to disallow specific performance of a contract if it results in hardship to the defendant.

Explain this statement with reference to decided cases.

[6 marks]

QUESTION 5 (15 MARKS)

What changes were brought about by the House of Lords in **American Cyanamid Co v Ethicon Ltd [1975] AC 396** with respect to issuance of “Interlocutory Injunctions”?

Discuss.

[15 marks]

QUESTION 6 (15 MARKS)

- a) Explain the circumstances under which a court is empowered to issue Anton Pillar Order

[6 marks]

- b) ABC Hotel is a seven floor building. In May 2011, the hotel owner let the third floor of the hotel building to XYZ Co to run a recreation center for a

term of 3years. XYZ carried out renovations for an amount exceeding RM100, 000. Recently the hotel owner has informed XYZ Co that he has decided to close down the hotel business and there would be no clients requiring recreational facilities. XYZ Co engages you as a lawyer for claiming B\$5 Million as damages for wrongful repudiation of contract and also for applying for Mareva Injunction.

What advise you will tender to XYZ Co. Support your answer with decided cases.

[9 marks]

بالتوفيق والنجاح