



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

Faculty of Syariah & Law
Semester II, 2021/2022 Academic Session

Final Examination Question Paper

Course Code : LB5304
Course Name : Professional Practice II
Course Level : Bachelor's Degree
Time : 3 Hours

References Allowed:

Probate And Administration Act (Cap.11)
Bankruptcy Act (Cap.67)
Insolvency Order 2016
Syariah Courts Act (Cap. 184)

Notes:

1. Answer **All** Questions In Part I And Any Two Questions In Part Ii.
2. All Answers, Wherever Relevant, Must Be Supported By Statutory Provisions And Case Law.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

PART I

QUESTION 1 (10 marks)

“A petition for a letter of representation can take one or several forms depending on the circumstances prevailing in the particular case. The deceased may have died either testate or intestate. For the former case, assuming executors have been appointed, the grant will be one of the probate. Whereas for the latter case, or cases where there is a will but either no executors were appointed, or the executors appointed have predeceased the deceased himself, the grant is for letters of administration.”

By reference to the above statements, discuss the process of application of the Letters of Administration for the estate of a deceased person in Brunei Darussalam as provided under the Probate and Administration Act Chapter 11. With reference to the Act discuss the following:

- (a) Outline the procedure of any application for a Letter of Administration and the documents to be submitted to the Probate Office **(5 marks)**
- (b) Outline the duties of an Administrator pertaining to the Administration of the estate of a deceased person. **(5 marks)**

QUESTION 2 (10 marks)

Abdullah has been awarded with a judgment of \$100,000.00 in a High Court Civil Action by Ali for Negligence. Ali gave a Demand Letter to Abdullah for the payment of the judgment but Abdullah failed to do so.

Ali has approached you for advice for the enforcement of The Judgment by way of Bankruptcy Proceeding under the Bankruptcy Act Cap 67.

- (i) Discuss the procedure of the issuance of Bankruptcy Notice and Service of Bankruptcy Notice by reference to statutory provision and decided cases. **(5 marks)**

- (ii) Discuss the procedure for The Petition of Bankruptcy Creditor with reference of statutory provision and decided cases. (5 marks)

PART II

QUESTION 3 (10 marks)

The Insolvency Order 2016, provides for the Winding of companies registered under The Companies Act. Discuss the following:-

- (i) The procedure for the Winding up by the Court (4 marks)
- (ii) The grounds and effect of the Winding up Petition by the Court. (6 marks)

QUESTION 4 (10 marks)

“Bankruptcy is a legal process whereby a Debtor’s assets by Order of the Court are taken over by the Official Receiver whose duty is to distribute the assets in the form of dividends amongst his Creditors who have proved their debts.”

Based on the above statement, discuss by reference to the Bankruptcy Act Cap 67 the following:

- (i) What is meant by Acts of Bankruptcy. (5 marks)
- (ii) What is the purpose of the Creditors Meeting? (3 marks)
- (iii) What is the significance of the Receiver Order? (2 marks)

QUESTION 5 (10 marks)

- (i) In a Muslim estate to be administered under the Probate and Administration Act Cap 11, there is a requirement for the Application for a Faraid Certificate from the Syariah High Court under the Syariah Court Act Cap 184. Discuss the procedure of making Application of a Faraid Certificate. **(5 marks)**
- (ii) In the administration of the estate of the deceased person, administrative expenses have to be incurred. Discuss with reference to the statutory provisions the powers of the Administrator to sell the assets of the deceased to meet the expenses. **(3 marks)**
- (iii) What is meant by De Bonis Non Administrator? **(2 marks)**

QUESTION 6 (10 marks)

The Insolvency Order 2016 provides for the Voluntary Arrangement and Judicial Management. Discuss by reference to the statutory provision the procedure for:

- (i) Voluntary Arrangement **(5 marks)**
- (ii) Judicial Management **(5 marks)**