



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

Faculty of Syariah & Law
Semester II, 2020/2021 Academic Session

Final Examination Question Paper

Course Code : LB5304

Course Name : Professional Practice II

**Course Level : Bachelor of Laws (LL.B) & Bachelor of
Shariah Law (BSL)**

Time : 3 hours

Reference 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 laws.

PART I

QUESTION 1 (10 Marks)

Following a contested civil trial, Michael has been awarded damages from Norman for a breach of contract. After an assessment of damages the Court awarded Michael a sum of \$200,000. Michael instructed you to enforce the judgment of the Court by Bankruptcy Proceedings under the Bankruptcy Act Cap 67. Advise Michael on any Four (4) of the following by reference to Statutory Provisions and decided cases:

- | | |
|-----------------------------|-------------|
| (1) Acts of Bankruptcy. | (2 ½ marks) |
| (2) Notice of Bankruptcy. | (2 ½ marks) |
| (3) Petition of Bankruptcy. | (2 ½ marks) |
| (4) Creditors Meeting. | (2 ½ marks) |
| (5) Receiving Order. | (2 ½ marks) |
| (6) Adjudication Order. | (2 ½ marks) |
| (7) Rescission Order. | (2 ½ marks) |

QUESTION 2 (10 Marks)

Adam has been appointed as the Administrator of his late father's estate. Being the administrator he consulted your advice on the following with reference to the Probate and Administration Act Cap 11. You are required only to advise him on (a) and any two (2) of the other matters in (b), (c) and (d) by reference to the provisions of the Probate and Administration Act Cap 11.

- (a) What are his main duties as an administrator? (4 marks)
- (b) What are the circumstances where the estate of his father have insufficient cash to settle his father's debts but there are other available properties of the estate. (3 marks)
- (c) What are his duties as an administrator to determine who are the lawful and legal beneficiaries of the estate. (3 marks)
- (d) Adam wants to know the circumstances where presently he is not in good health, the procedure of another person appointed as administrator upon his death. (3 marks)

PART II

QUESTION 3 (10 Marks)

Drafting of legal documents require special skills in legal writing and drafting. It is therefore important for a lawyer to be able to master the strategies of effective legal writing as well as to master the preparation of legal drafting.

- (a) Clarify any two (2) of the strategies of legal writing as follows:
- (i) Plain English. (2 marks)
 - (ii) Planning to know what you want to say. (2 marks)
 - (iii) Writing: Say what you mean to say. (2 marks)
 - (iv) Using 'correct' grammar. (2 marks)
 - (v) Use specific words and phrases. (2 marks)
- (b) Discuss and clarify any two (2) of the following in legal drafting:
- (i) Identify client's goal, concern and instruction. (3 marks)
 - (ii) Analyse all the relevant and factual issue. (3 marks)
 - (iii) Importance of precedent as aids in drafting. (3 marks)
 - (iv) Is the draft logically organised. (3 marks)
 - (v) Amendment of legal drafting. (3 marks)

QUESTION 4 (10 Marks)

Syed runs a towing car business for cases of accident in Brunei Darussalam and he has been running his company named ABC Company for the last ten years. Syed has entered into a Service Agreement with XYZ Company Sdn Bhd who have been engaged by Happy Insurance Company to provide towing services for all vehicles insured under Happy Insurance Company based on agreed terms and conditions of payment. Initially the payments for all the services of ABC's Company were regular upon submission of invoices. However, XYZ Company Sdn Bhd have defaulted in payment in the sum of \$100,000.00 for services rendered by ABC's Company leading to legal action taken against XYZ Company Sdn Bhd in the Intermediate Court Brunei Darussalam for \$100,000.00 which was duly admitted and Court Order have been issued. Syed has retained your legal services to proceed in the Winding Up of XYZ Company Sdn Bhd under the Insolvency Order 2016.

Please advice Syed on any two (2) of the following matters by reference to Statutory Provisions under Insolvency Order 2016 and decided cases:

- (i) Voluntary Arrangement. (5 marks)
- (ii) Judicial Management. (5 marks)
- (iii) Moratorium. (5 marks)

QUESTION 5 (10 Marks)

- (a) In the Administration of a Deceased's estate, an appointed administrator have to consider if there is any Will prepared by the deceased for the purpose of the distribution of the estate to the legal beneficiaries. Clarify the difference between a Muslim Will and Non-Muslim Will. (5 marks)
- (b) Clarify the objectives of the enforcement proceeding under Bankruptcy Act Cap 67 and Winding Up of Company under Insolvency Act 2016. (5 marks)

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