



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

Faculty of Shariah and Law
Semester III, 2020/2021 Academic Session

Final Examination Question Paper

Course Code : LB3307
Course Name : Family Law
Course Level : Bachelor 's Degree
Time : 3 hours

References allowed:

Dissolution of Marriage Act 1992 (Cap.165)
Married Women Act 1999 (Cap.190)
Adoption of Children Act 2001(Cap.205)
Registration of Adoptions Act 1961 (Cap.123)
Legitimacy Act 2001 (Cap.207)

Notes:

1. Answer any **four** of the following questions.
2. All answers, wherever relevant, must be supported by statutory provisions and case law.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (15 Marks)

Discuss **FIVE (5)** effects of marriage on status and property in the context of a non-Muslim married woman. Support your answer with relevant provisions of the Brunei Darussalam Married Women Act 1999 (Cap.190) and case law.

QUESTION 2 (15 Marks)

Henry Wong and Angela Lim have been married for 15 years. They have two children: Tom, who is 12, and Elise, aged 14. The family home is registered in the name of Henry Wong and is worth BND450,000.00, with an outstanding mortgage. Henry Wong paid the deposit on the house and, until recently, the mortgage payments had come out of his bank account. Angela Lim now works part-time as a nurse. Since she went back to work, Angela Lim's income has gone towards daily living expenses as well as paying the mortgage. Henry Wong was made redundant 12 months ago. Being at home without a job had a serious impact on Henry Wong's mental health, and his consumption of alcohol increased greatly.

Six months ago, Angela Lim insisted that Henry Wong move out of the family home. He went to stay in a one-room apartment owned by his brother. Tom and Elise have continued seeing Henry Wong at the weekends, as Angela Lim had hoped that this might help to keep Henry Wong from drinking.

Angela Lim wants to sell the family home and find new accommodation for herself and the children, as she is unable to pay the mortgage. Henry Wong says that she has 'not put a penny in', and so she is entitled to nothing. Henry Wong is desperate to

keep contact with his children and is attending counselling for alcoholics, but Angela Lim is frightened about the influence that he is having on the children.

Advise Angela Lim on her beneficial rights or interests in the family home.

QUESTION 3 (15 Marks)

James Chong and Helena Tan have known each other since their university days at the University of Brunei Darussalam (UBD) way back in 2014. The two were loving couple during their university days. Immediately after both of them graduated from the university in 2018, they decided to tie the knot. In 2019, James Chong got a job in Kuala Belait and Helena Tan started working at The Empire Hotel as an accountant. James Chong would only travel to Bandar Seri Begawan during the weekend to be with his wife at their matrimonial home. One fine evening, James Chong came back home and discovered that the bedroom door was locked. He peeped through the window and saw his wife with another man on their matrimonial bed half-naked. All along James Chong's mother had suspected her daughter-in-law of having an affair and on several occasions informed her son about the behaviour of his wife. However, James Chong had never confronted his wife about the allegation made by his mother. James Chong felt betrayed by his wife after he caught her red-handed and now seeks to petition for a divorce.

Advise James Chong.

QUESTION 4 (15 Marks)

- (a) Joel Lim and Ann Kong have been unhappily married for six months, notwithstanding their beautiful and romantic wedding on the beach. Ann Kong

is your client. She has just been informed by Joel Lim that he does not want to divorce her for religious and financial reasons.

Advise Ann Kong.

(5 Marks)

- (b) Michael Tan and Sarah Lim were married at the Marriage Registry's office in Bandar Seri Begawan. They had agreed that the registry ceremony would be followed by another ceremony conducted according to Chinese customary rites. It had been understood between Michael Tan and Sarah Lim that they could not cohabit or consummate the marriage pending the ceremony. Michael Tan was supposed to make arrangements but delayed in doing so. When requested to do so by Sarah Lim, he did not respond. Sarah Lim stated that as Michael Tan had willfully refused to proceed with the Chinese ceremony, he had thereby willfully refused to consummate the marriage. Sarah Lim wants to nullify the marriage.

Advise Sarah Lim.

(10 Marks)

QUESTION 5 (15 Marks)

- (a) Mary Lim, 30 and Peter Wong, 35 got to know each other at a birthday party. In January 2016, they became very close to each other and intended to enter into a marriage. However, they failed to carry out their intention due to Peter Wong's parents' objection to their marriage.

Assuming that Jane Yong, a beautiful female infant was born on January 20, 2017. The birth was registered with Mary Lim's name as the child's natural mother. Peter Wong's name and particulars were omitted in the birth certificate. Mary Lim and Peter Wong now wish to legitimize their child. In addition, Peter Wong is concerned about Jane Yong's interest in his property in the future.

Advise them.

(10 Marks)

- (b) How would you determine whether a child is born legitimate under the non-Muslim law in Brunei Darussalam? Support your answer with relevant statutes and case law.

(5 Marks)

QUESTION 6 (15 Marks)

Patricia Boo met her husband when she was volunteering for a children's home in Tutong and found him to be a loving and gentle person. After the first year of their marriage, Patricia Boo became pregnant with their first child. This was when the nightmare began.

Her husband refused to talk or communicate with her, and when she questioned him about anything, he would yell at her and scream, "It's my wish!" He would then repeatedly hit her shoulders, her arms, her body, pulled her hair and kicked her. On several occasions, he even kicked her on the stomach.

Patricia Boo thought that all marriages were like this behind closed doors. Her husband would be the perfect man in front of others, considerate and gentle. But when they were alone at home, she would abuse her, even in front of the children.

He would provoke her, hit her, and then be especially loving to her. When he was loving, Patricia Boo would see the man she fell for before her marriage. She was convinced that the abuse would stop. But it never did. For a few days only there was peace, but subsequently he continued to abuse her. Patricia Boo believed that she had to take anything that comes in a marriage, and that the abuse was part of the ups and downs of the reality of married life. She kept her silence.

The abuse continued for 15 years. There were so many times where Patricia Boo felt like she needed to cry, but no tears would come to relieve her pain. It was the mental abuse that tortured her most. Finally, in mid- 2018, Patricia Boo could not stand the violence. She left the matrimonial home together with her children. She comes to you for advice.

Advise Patricia Boo.

بالتوفيق والنجاح