



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

**Faculty of Shariah & Law
Semester II, 2022/2023 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

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.

PART I

QUESTION 1 (10 marks)

Aminah have approached you seeking your advice pertaining to the application for Letters of Administration upon the death of her husband, Abdullah due to sudden heart attack. Aminah have five children 2 sons and 3 daughters. The late husband left a house, 2 cars and bank account of \$5,000.00 at Bank Islam Brunei Darussalam.

Advice Aminah on the following by reference to the Probate and Administration Act Cap 11 and the Syariah Court Act Cap 184:

- (i) Procedure of application for Faraidh Certificate (3 marks)
- (ii) Procedure of the Application for the Letters of Administration (7 marks)

QUESTION 2 (10 marks)

ABC Bank have issued a Writ of Summons against Ahmad for the sum of \$300,000 being the balance of the housing loans granted to Ahmad for his failure to pay the monthly installment of \$2000-00. Ahmad entered consent judgment as claimed by ABC Bank. ABC Bank had instituted the enforcement of the judgment by the Bankruptcy Proceeding.

Advice ABC Bank in the following with reference to the Bankruptcy Act and decided cases:

- (1) The bankruptcy acts committed by Ahmad and examined what constitute bankruptcy act. (4 marks)
- (2) The procedure of issuing Bankruptcy Notice. (3 marks)
- (3) The procedure of issuing Bankruptcy Petition (3 marks)

PART II

QUESTION 3 (10 marks)

XYZ Company have entered judgment in the sum of \$2,000,000 against ABC Developing Company for Breach of Contract in failing to complete the construction of a commercial building under the Building Agreement.

XYZ company have approached you to consider the option available in the Insolvency Order 2016 for the Winding Up of ABC Developing Company by the Court under the Insolvency Order 2010.

QUESTION 4 (10 marks)

The Probate and Administration Act governs the application for the Letters of Administration for the deceased estate in Brunei Darussalam Discuss the following with reference to the statutory provisions and cases

- (a) The powers of the Probate Officer (2.5 marks)
- (b) The Duties of the Administrator (2.5 marks)
- (c) The appointment of De Bonis Nan Administrator (2.5 marks)
- (d) The sale of the property of the deceased estate to pay debts and expenses (2.5 marks)

QUESTION 5 (10 marks)

Bankruptcy is one of the enforcement proceedings to recover payment from the under-Bankruptcy Act Cap 67.

Clarify any four (4) of the following with reference to the Statutory Provisions and decided cases.

- (i) Debtor's Petition for Bankruptcy. (2.5 marks)
- (ii) Creditors meeting

(2.5 marks)

(iii) Receiving Order.

(2.5 marks)

(iv) Adjudication Order

(2.5 marks)

QUESTION 6 (10 marks)

The Insolvency Order 2016 have set out the various options pertaining to the Winding Up of a company. Discuss any **two (2)** of the following procedures with reference to Statutory Provision and decided cases.

(a) Voluntary Arrangement

(5 marks)

(b) Judicial Management

(5 marks)

(c) Moratorium

(5 marks)

بالتوفيق والنجاح