

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 2009

TITLE OF PAPER: CIVIL PROCEDURE

COURSE CODE: L401

TIME ALLOWED: 3 HOURS

INSTRUCTIONS:

- (1) ANSWER ANY FOUR (4) QUESTIONS OF YOUR CHOICE**
- (2) MARKS FOR QUESTIONS OR PARTS THEREOF ARE INDICATED IN BRACKETS**

THIS PAPER MAY NOT BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR

QUESTION 1

- (a) What requirements does an Applicant need to satisfy in an application to found or confirm jurisdiction? (15)
- (b) What factors may result in the discharge of the attachment or arrest? (10)

TOTAL: [25 MARKS]

QUESTION 2

Before an entity can have *locus standi in judicio*, it must first satisfy a number of legal requirements. Discuss these in detail with reference to legal authority.

[25 MARKS]

QUESTION 3

Discuss the different circumstances and/ or situations in which the jurisdiction of the Magistrate's Courts in Swaziland is ousted. An indication of the relevant court rules will attract marks.

[25 MARKS]

QUESTION 4

The High Court has jurisdiction in proceedings in which a judgement sounding in money is claimed against a corporation. However, for this to happen, certain requirements must be satisfied. Discuss.

[25 MARKS]

QUESTION 5

Discuss the following Common Law terms relating to jurisdiction:

- (a) The doctrine of submission. (5)
- (b) The doctrine of effectiveness. (5)
- (c) *Actors sequitur forum rei*. (5)
- (d) *Ratione contractus*. (5)
- (e) *Ratione rei sitae*. (5)

TOTAL: [25 MARKS]