

COURSE TITLE: CONFLICT OF LAWS II -

COURSE CODE: JIL 514

TIME ALLOWED: 3 HOURS

INSTRUCTIONS: ANSWER QUESTION ONE (1) AND ANY OTHER THREE (3) QUESTIONS QUESTION ONE (1) IS COMPULSORY AND CARRIES TWENTY FIVE (25) MARKS, WHILE OTHER QUESTIONS CARRY FIFTEEN (15) MARKS EACH

1. a) Mr Lindinard , a Danish businessman , married Mrs Lindinard, also a Danish citizen. The couple moved to England and two years later, Mrs. Lindinard gave birth to a boy. Subsequently, the couple alongside their son moved to Florida and the marriage, broke down. Mr Lindinard instituted proceedings in Denmark. A month later, Mrs Lindinard instituted divorce proceedings in England. Mr. Lindinard sought a stay of proceedings in the matter that was instituted by Mrs. Lindinard.

i) Does the court have an obligation to grant stay of proceeding in Mrs. Lindinard matter? (5marks)

ii) Give, with the aid of decided case(s) five reasons for your answer. (5 marks)

b) State the guiding principles for grant or refusal of an application for stay of proceedings. (15marks)

2. Mr. and Mrs. Nisnis contracted their marriage the Matrimonial Causes Act. During the pendency of the marriage Mr. Nisnis met Miss Kpangolo and proposed to her. Advise Mrs. Kpangolo on the position of the law on marriage contracted under the Matrimonial Causes Act. (15 marks)

3. Discuss the grounds for the presumption of death of a spouse. (15 marks)