

2010年12月ACCA考试考官报告(F4)(1) PDF转换可能丢失图片或格式，建议阅读原文

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考试考官报告汇总 具体意见：问题一要求考生解释名词“专属管辖”，并列出了专属管辖在民事诉讼法下的主要法律特征。问题二要求考生解释名词“留置权”，并列出了当事人要求留置权的所有情形。 Specific Comments Question One This

question required candidates to explain the term exclusive jurisdiction, and state the major legal characteristics of the exclusive jurisdiction under the Civil Procedures Law. Exclusive jurisdiction means a territorial jurisdiction under which the court of place shall have the exclusive jurisdiction over the particular disputes, even if such jurisdiction is in conflict with the jurisdiction based on the common territorial jurisdiction. Therefore, it is a special territorial jurisdiction normally is adopted in dealing with the disputes arising out of real estate, harbour operations and succession. The major legal characteristics of this jurisdiction include: First, this jurisdiction shall be specially prescribed by the law and shall be strictly complied with by the parties to the disputes and the courts hearing the case. Second, any judgements based on the jurisdiction in violation of the rule of exclusive jurisdiction shall be refused to be enforced by the court in the place on which the exclusive jurisdiction is based.

Most of candidates were able to give a correct answer to part (a) of this question. However, only very limited candidates pointed out the legal characteristics of this jurisdiction in part (b), especially the legal

effect of a court judgement that is in conflict with the rule of exclusive jurisdiction. Therefore, although this was a question of basic knowledge, the performances of candidates on this part were not satisfactory. 100Test 下载频道开通，各类考试题目直接下载。详细请访问 [www.100test.com](http://www.100test.com)