

**MCQ
MULTIPLE
CHOICE
PAST
QUESTIONS
AND
ANSWER**

INCLUDE 1-CRIMINAL 2-CIVIL 3-PROPERTY 4-CORPORATE 5-LEGAL PROFESSION ETHICS

2012 - 2018

COUNCIL OF LEGAL EDUCATION

NIGERIAN LAW SCHOOL

BAR PART II FINAL EXAMINATION

MULTIPLE CHOICE QUESTIONS

SATURDAY, AUGUST 4, 2012

1 HOUR

INSTRUCTIONS:

CANDIDATES ARE TO ANSWER ALL QUESTIONS: ALL ANSWERS MUST BE ON THE PROVIDED ANSWER SHEETS. THE QUESTION PAPER MUST NOT BE RETAINED BY THE CANDIDATE. IT MUST BE PLACED UNDER THE ANSWER SHEET BEFORE LEAVING THE EXAMINATION HALL

CIVIL LITIGATION

Chief Mrs. Onile is the owner of the building at No. 2, Fashola Street, Onikan Lagos which was let to Medical Equipment Limited under a yearly tenancy which commenced on the 1st of January, 2001 at the rate of N11 million per annum. The last rent paid by the company was in respect of year 2010. You have now been briefed by Chief Mrs. Onile to recover the premises from the Company.

1. In order to validly determine the tenancy, a notice to quit served on the Company on the 31st August, 2012 must ask the Company to give up possession on or before _____

a. 31st December, 2012

- b. 31st December, 2013
c. 28th February, 2013
d. 31st July, 2013

2. If the building were to be in the FCT, Abuja, the above notice to quit will not be valid when the Company is asked to give up possession on or before _____
 - a. 31st December, 2012
 - b. 31st December, 2013
 - c. 28th February, 2013
 - d. 31st July, 2013
3. Before which Court or tribunal will you commence proceedings for the recovery of the premises in the scenario above if the premises is in Lagos?

- a. Rent Control Tribunal.
b. Magistrate Court.
c. State High Court
d. Any of the above.
4. If judgment is entered in favour of your client in the case but the tribunal/court fails to specify the time within which the company must give up possession, you cannot enforce the judgment until the expiration of:
a. 13 days after the judgment
b. 7 days after the judgment
c. 14 days after the judgment
d. 21 days after the judgment
5. The most appropriate mode of enforcing the judgment in this case will be by _____
a. Writ of Writ of Execution
b. Writ of Possession
c. Writ of Execution
d. Judgment Summons
- Baba Ola got married to Bimpe under Yoruba Native Law and Custom in 2005 and later married Ife at the Ikoyi Marriage Registry in December 2011. Since May 2012, Ife had refused to have sexual relationship with Ola without giving any reason. Ola is frustrated and intends to go to Court.
6. The most appropriate relief in this case is:
- a. Restoration of conjugal rights
b. Nullity of void marriage
c. Dissolution of marriage for intolerant behaviour
d. Judicial separation
7. Assuming Ola decides to apply for nullity of void marriage, he must file all the following documents except:
a. Motion ex-parte for leave
b. Notice of petition
c. Verifying affidavit
d. None of the above
8. Assuming Ola "cannot find" the original of the marriage certificate issued to them at the Marriage Registry, he can prove the marriage by _____
a. Calling oral evidence of eye witnesses present at the ceremony
b. Tendering photographs taken at the ceremony
c. Tendering a copy of the invitation card printed for the ceremony
d. None of the above
9. When the Court tells Counsel to move in terms, Counsel is expected to _____
a. Argue his motion fully in terms of his submission
b. Simply tell the Court: "I move in terms of my motion paper"

- c. State the rules under which the motion is brought, the prayers on the motion paper, the affidavit, and adopt the written address if any.
- d. Conduct his case in terms of the reliefs sought.
10. The National Assembly is empowered by Section 232 (2) of the 1999 Constitution to confer additional original jurisdiction on the Supreme Court by an Act. Acting in that behalf, the National Assembly enacted the Supreme Court (Additional Original Jurisdiction) Act 2002. By the said Act, three additional, "exclusive" original jurisdictions have been conferred on the Supreme Court in respect of any dispute between all the mentioned below except one:
- a. The National Assembly and the President of the Federal Republic of Nigeria.
 - b. The National Assembly and a State of the federation.
 - c. The National Assembly and any State House of Assembly
 - d. The State House of Assembly and Government of a state.
11. Where a suit is instituted in accordance with the provisions of the Supreme Court (Additional Jurisdictions) Act which of the following will NOT be a nominal party?
- a. The Senate President and Speaker of the House of Representatives.
 - b. The President of the Federal Republic of Nigeria.
 - c. The Speaker of a State House of Assembly.
 - d. The Attorneys-General of the Federation or States.
12. By Section 2 of the Supreme Court (Additional Original Jurisdiction) Act, the National Assembly shall not institute an action under the Act except there is _____
- a. A resolution to that effect passed by 2/3 of the members of the House of Representatives present.
 - b. A resolution to that effect passed by all the members of the National Assembly present.
 - c. A resolution to that effect passed by 2/3 of members of each House of National Assembly present.
 - d. A resolution to that effect passed by a simple majority of members of each House of the National Assembly present and voting at the sitting.
13. Appeals lie from the decision of the Court of Appeal to the Supreme Court. However, certain decisions of

the Court of Appeal are final and not appealable to the Supreme Court. These decisions are those arising from:

- a. Governorship election petition.
- b. Interlocutory decisions for injunction.
- c. Decisions from the Code of Conduct Tribunal.
- d. Decisions from the Legislative Houses Election Tribunal.

During a recent media chat, the President Dr. Goodluck Jonathan G.C.F.R. declined to declare his assets publicly. This stirred some debate as to its propriety. Coalition for Good Governance and Accountability, an Abuja based NGO intends to file an action in Court seeking an interpretation of the exact scope of Section II, 5th schedule, Part I, Code of Conduct for Public Officers, 1999 Constitution as amended.

Answer the following questions:

14. In what Court should the action be filed?

- a. None because Section 308 of the 1999 Constitution prohibits any action against the person of Mr. President.
- b. Federal High Court.
- c. State High Court.
- d. Court of Appeal.

15. Chief Jagogo brought an application to enforce his fundamental rights in

May 2012. The alleged breach occurred in April, 2011. When can Chief Jagogo have commenced the action?

- a. April 2012
- b. April, 2010
- c. No time limit
- d. April, 2009.

Mr. Wuyep was the driver of a five-seater car which was transporting six people when it collided with Mr. Johnson's Toyota Camry car on the 22nd of June, 2012. The Insurance policy issued by Better Life Insurance Company Limited, in respect of Mr. Wuyep's car provided that the insurance company was exempted from liability for any damage caused while carrying any load in excess of that for which it was constructed.

In consequence, Better Life Insurance Company Limited was unwilling to pay for the damaged car. Mr. Wuyep contends that the exemption clause applies only to excess load not excess passengers and has asked you to commence an action against Better Life Insurance Company Limited.

16. Which of the following is the most appropriate mode of commencement of this action?

- a. Originating motion
- b. Originating summons
- c. Writ of summons
- d. Writ of petition

17. In view of the appropriate mode of commencement of this action, how would the facts of the case be presented to the Court?
- Oral evidence.
 - Documentary evidence
 - Affidavit evidence
 - It is not necessary to present facts in this case since the issue borders on agreement between the parties.
18. Assuming at the trial Court, judgment was given against Mr. Wuyep and he wishes to appeal, within what period is he required to file his notice of appeal?
- 14 days.
 - 3 months.
 - There is no right of appeal from the decision of the Court
 - There is no right of appeal in respect of the subject matter.
19. Assuming at the appeal, the respondent wishes to contend that the decision of the Court below should be affirmed on grounds other than those relied upon by the trial court, he must file:
- Stay of proceedings.
 - Stay of execution
 - Respondent's notice
 - An appeal

CRIMINAL LITIGATION

Audu George, Henry Samson and John Chukwu aged 45, 33 and 15 years respectively attacked and finally wounded Chief Ihamba on the 10th of July, 2011 at Jollyfriend Hotel, Enugu. Acting on a tip-off, Audu George was arrested at an uncompleted building on Chime Avenue, Enugu on the 13th July, 2011.

After torturing him, he claimed in his statement—that Henry Samson, John Chukwu and himself attacked and killed Chief Ihamba. He also gave account of the whereabouts of the other two accused persons. Henry Samson was arrested in Kango Hotel in the outskirt of Enugu on 14th July, 2011 and substances suspected to be cocaine was recovered under his bed. John Chukwu was arrested in Asaba, Delta State and brought to Enugu on 16th July, 2011.

Audu George, Henry Samson and John Chukwu are to be arraigned at the High Court Enugu.

Answer the following question 1-10 using the above scenario.

1. What possible objection can John Chukwu aged 15 years raise to the jurisdiction of the High Court Enugu to try him for the offences:
 - a. That he is a juvenile and triable only at the Juvenile Court.
 - b. That he is not a competent and compellable accused person.
 - c. That only a Magistrate Court can try him.

- d. None of the above.

2. If you are the Counsel for the Prosecution, which of the following submission will be your answer to the objection of John Chukwu, aged 15 years old:

- a. John Chukwu is an adult and therefore subject to the jurisdiction of the High Court.
- b. John Chukwu is a competent and compellable accused since he was arrested for the offences.
- c. John Chukwu is being tried with adults for a capital offence.
- d. John Chukwu's objection is a technicality which the Court should reject.

3. Assuming the sole objection of John Chukwu is that since he was arrested in Asaba, Delta State, the High Court of Enugu in Enugu State has no jurisdiction to try him for the offence. What is the nature of his objection as to jurisdiction?

- a. Objection to procedural jurisdiction.
- b. Objection to substantive jurisdiction.
- c. Objection to territorial jurisdiction.
- d. All of the above.

Henry Samson is arraigned in count two of the information with unlawful possession of cocaine.

4. Which Court has jurisdiction to entertain the charge.
- Magistrate Court
 - Federal High Court
 - National Industrial Court
 - High Court of Enugu
5. In the Court of trial of Henry for unlawful possession of cocaine, his counsel objected to the admissibility of the substance on the ground that it was unrelated to the offence of murder of Chief Ihamba for which he was arrested. As prosecuting counsel, which of the following will be your reply:
- Admissibility of evidence does not depend on how it was obtained.
 - Admissibility of evidence is dependent on relevancy
 - Illegally obtained evidence is admissible in evidence
 - All of the above.
6. The statement obtained from Audu George is:
- A confessional statement
 - A voluntary statement
 - A retracted statement
 - A denied statement
7. Assuming as Counsel for the accused Audu George, you object to the admissibility of the statement on the ground that he was tortured before obtaining it, what should the Court do?
- Order the admission in evidence of the statement
 - Order a trial within trial
 - Order a retrial
 - Reject the statement in evidence
8. Assuming Audu George only denied making the statement and Counsel for the defence objects to its admissibility, what possible order would the Court make?
- Admit the statement in evidence
 - Reject the statement
 - Order a trial within trial
 - None of the above.
9. If during the trial, the Court decided to visit the Jollyfried Hotel, Enugu where Chief Ihamba was murdered, the Court is said to:
- Adjourn sitting
 - Move the Court
 - Visit the locus-in quo
 - Be looking for more suspects.
10. Assuming that in the information filed charging Audu George, Henry Samon and John Chukwu, the offences of murder and unlawful possession of cocaine are contained in one count, the charge is said to offend which rule of drafting of charges?
- Rule against Ambiguity
 - Rule against Duplicity
 - Rule against Misjoinder of Offences
 - Rule of Misjoinder of offenders.

During the interrogation of Mr. Swag in an allegation of stealing, the Investigating Police Officer threatened to send bad boys on the trail of his girl friend, Miss Slim and molest her thoroughly if he failed to confess to the crime. Consequently, Mr. Swag confessed to the allegation of stealing. Earlier on, Mr. Swag was identified by the complainant in an identification parade consisting of five suspects of different heights. The confessional statement was admitted at his trial despite his objection to its admissibility. The prosecution closed its case after calling only the IPO out of the six witnesses he listed on reverse the information. Mr. Swag's objection to this was overruled.

Now answer questions 11-15

11. The plausible ground of the objection to the admissibility of the confessional statement should be:

- a. Regularity
- b. Voluntariness
- c. Promise
- d. None of the above.

12. The trial judge should not have admitted the confessional statement without first:

- a. Refusing the statement himself
- b. Interrogating the accused on the content of the statement
- c. Inviting a handwriting expert to ascertain whether the writing on the statement matches that of the accused.

d. Conducting a trial within trial to ascertain the voluntariness of the statement.

13. The above scenario is not the appropriate case where identification parade is required because _____

- a. There was no contact between the accused and the complainant at the time the crime was alleged to have been committed.
- b. The suspect is a notorious criminal
- c. The complainant is a next door neighbour of the suspect
- d. The scene of crime was poorly lit.

14. The identification parade was irregular because the minimum number of persons required to be paraded at a time is _____

- a. 8
- b. 9
- c. 10
- d. 12

15. The objection of Mr. Swag to the closing of the prosecution's case without calling other witnesses was rightly overruled because _____

- a. The prosecution is required to call only one witness
- b. The prosecution is not required to call any particular number of witnesses.

- c. The prosecution is not bound to comply with the Court's order even if it sustained the objection.
- d. None of the above.

At the trial of Femi for the offence of stealing at the Magistrate Court in Lagos, the charge was read to Femi an illiterate in English Language by the Registrar of the Court. Because of Femi's handicap, his Lawyer, Chief Felix decided to plead on his behalf and urged the Court to temper Justice with mercy because according to him, Femi was a first offender. At this stage the light in the Court room went off and the Magistrate adjourned *sine die*.

Answer the following questions 16 - 17

16. When an accused person does not understand the language of the Court, it is the duty of the _____ to inform the Court
- a. Prosecutor
 - b. Defence Counsel
 - c. Complainant
 - d. Chief Judge

17. Chief Felix, pleading on behalf of Femi was
- a. Justified
 - b. Wrong
 - c. Right
 - d. None of the above.

Bala was charged with the offence of being in possession of arms and ammunition at the Ibadan Chief Magistrate Court in Oyo State. When the charge was read to him he pleaded not guilty by reason of insanity, but the Magistrate continued with the trial.

At the conclusion of the trial, Bala was found guilty and sentenced to two years imprisonment. Dissatisfied with the judgment of the Court, Bala filed his notice of appeal at the Registry of the High Court.

Answer questions 18 - 20 based on the above.

18. The Court that has jurisdiction to try the offence is:
- a. High Court
 - b. Federal High Court
 - c. National Industrial Court
 - d. Upper Area Court

19. When Bala pleaded not guilty by reason of insanity, the Court should have
- a. Sentenced him summarily
 - b. Verified from the prosecutor, the accused's state of health
 - c. Determined if the offence was committed and if the accused was insane at the time of committing the offence.
 - d. Entered a plea bargaining for the accused.

20. The Notice of Appeal was rightly filed at the Registry of the High Court
- a. True
 - b. False
 - c. Must be filed at the Federal High Court
 - d. None of the above.

CORPORATE LAW PRACTICE

Two major incidents that took place in the country within the 2nd quarter of 2012 drew the attention of the people to the field of corporate law practice. They are: the identity of the persons behind the companies implicated in the fuel subsidy scandal report; and the due registration of the ill-fated Dana Airlines Limited, that crashed on June 3rd, 2012.

Answer questions 1 – 3.

1. The Report which describes the outcome of the search is called?
 - a. Land Registry Search Report
 - b. Status Enquiry Search Report
 - c. Corporate Search Report
 - d. Availability Search Report
2. A document obtained in the course of the search can be validly certified as a public document by:
 - a. High Court of the State
 - b. Federal High Court
 - c. Corporate Affairs Commission
 - d. Notary Public
3. One of these documents would disclose the true owners of a Nigerian Company.
 - a. Particulars of Directors
 - b. Statement of Share Capital and Return of allotment
 - c. Declaration of compliance with requirements of CAMA
 - d. Particulars of Secretary.

Interest Free Bank Nigeria Plc was incorporated on the 1st of December, 2011 under the Companies and Allied Matters Act. The company after much controversy secured a banking licence on the 1st of June, 2012 and is now set to commence business. Before it commences business, the law requires the bank to file a statement of its Affairs and also display same in a conspicuous place at its business offices.

Answer questions 4 – 8.

4. Which of the following laws relating to Corporate Law in Practice will you look into to know when and how to file the Statement of Affairs?
 - a. Central Bank Act
 - b. Companies and Allied Matters Act
 - c. Investment and Securities Act
 - d. Banks and Other Financial Institutions Act
5. The Statement of Affairs must be filed with which of the following regulatory authorities?
 - a. Central Bank of Nigeria
 - b. Corporate Affairs Commission
 - c. Securities and Exchange Commission
 - d. The Stock Exchange
6. Who among the following is by Law entitled to a copy of the statement of Affairs of the Bank?
 - a. The Director of the Company
 - b. The Company Secretary
 - c. The Creditor of the Company

- d. The Auditor of the Company
7. The bank must hold its statutory meeting not later than
- 30th November, 2012
 - 31st June, 2012
 - 31st May, 2012
 - 31st April, 2012
8. Every year during which the bank carried on business, its Statement of Affairs must be filed:
- First Monday in every February
 - First Monday in every August
 - First Tuesday in every September
 - First Monday in every January
- c. Appointment of Secretary
- d. Appointment of Auditor
10. The following statements are correct about the Chairman of the Company except:
- The Chairman is the only person that has right to casting/second vote in the event of a tie in voting.
 - The Chairman presides over Board Meetings and General Meetings of the Company.
 - Where the Chairman of the Company is late to the Board of Directors Meeting by 5 minutes, the other directors present can appoint one of themselves to preside at the meeting.
 - The Chairman sees to the day-to-day running of the Company.

Prestige Nigeria Limited was incorporated on 21st September, 2011 and its first board of directors meeting was held within the period stipulated by the Law. At another board of directors meeting held on 30th May, 2012, the Chairman, Alhaji Yusuf did not arrive until two hours after the time the meeting was scheduled to commence. Three of the six members of the board of directors present passed a resolution appointing Otunba Ibikunle to preside at the meeting.

Answer questions 9 – 10

9. The following are the agenda of the first Board of Directors' Meeting except:
- Appointment of Chairman
 - Appointment of Managing Director

Dede Mensah, Clapperton Charles and Etoo Hayatou live in Oko-Oba, Agege, Lagos State in Nigeria. They are ECOWAS citizens from Ghana, Liberia and Benin Republic respectively. They are the trademark owners of "Agege Bread" and proprietors of an unregistered partnership firm of "Mensah, Charles and Hayatou". Members of the Agege Confectioners Union, out of envy, have petitioned the Minister of Interior and the Nigerian Immigration Service asking for the deportation of the trio as illegal immigrants since they only hold CERPAC and their business name is unregistered.

Answer the following questions:

11. CERPAC means

- a. Combined Expatiate Registration Permit Authorised Card.
- b. Combined Expatiate Residence Permit and Aliens Card.
- c. Combined Expatiate Residence Permit and Allowance Card.
- d. Combined Expatiate Residence Permit and Aliens Credit.

12. The proprietors of "Mensa, Charles and Hayatou" are exempted from registration under PART B of the Companies and Allied Matters Act because their business name is made up of:

- a. Their surnames only
- b. Initials of their forenames and their surnames
- c. Their forenames only
- d. Their full names

13. Because the proprietors in the above scenario have registered "Agege Bread" as a trademark, registration of the brand will be refused by CAC on the ground that the name is:

- a. Restricted
- b. Prohibited
- c. Unfamiliar
- d. Too common

14. The Proprietors are not illegal immigrants as claimed because:

- a. They are ECOWAS citizens and holders of CERPAC

b. As the giant of Africa, Nigeria is always compassionate to citizens of neighbouring countries.

c. There are no illegal immigrants in Nigeria

d. They have a legitimate business.

15. Assuming the proprietors intend to apply for registration under Part B of CAMA, which of the following documents will not be required by CAC?

- a. 2 Passport photographs of each proprietor
- b. Business name form for firms of partners
- c. Memorandum and Article of Association
- d. Form for Availability and Reservation of Name.

16. XYZ Limited has just received its Certificate of Incorporation from the CAC. One of the underlisted is one of the preliminary matters it must do before commencement of business.

- a. Publication of name
- b. Keep Register of substantial interest in shares.
- c. Keep Register of Directors' Share holding
- d. Alteration of share capital clause

17. The Memorandum of Association of XYZ Limited must contain one of the following clauses:

- a. The street address of its Registered office
- b. That in case of conflict between the Memorandum and Articles the Memorandum shall prevail.
- c. That the share capital ranks pari passu with the existing shares in the Company
- d. That the income and property of the company shall be applied towards the promotion of its objects.

18. X,Y,Z members of XYZ Limited are liable to contribute the amount specified in the Memorandum for the payment of debts and liabilities of the company.

- a. Before the Company commences business.
- b. On approval of the Memorandum by the Attorney General of the Federation
- c. 18 months after they cease to become members
- d. In the event of liquidation of the company.

19. ABC Group Limited, is required by Law to keep one of the following Financial Statements:

- a. Statement of Accounting Policies
- b. Statement of Source and Application of Funds
- c. Group Financial Statements
- d. Value Added Statement

20. The Directors of ABC Group Limited must lay the financial statement of the company not later than _____ month(s) after incorporation:

- a. 12
- b. 6
- c. 8
- d. 1

PROPERTY LAW PRACTICE

1. Which of the following is not a feature of a deed?
 - (a) Stamping
 - (b) Sealing
 - (c) Signing
 - (d) Delivery
 2. The following except one, is correct under registration of instruments applicable in some parts of the country.
 - (a) Registration cures the defects of an instrument.
 - (b) The vendor must deduce his title
 - (c) The instrument is registered
 - (d) Registration does not cure the defects of an instrument.
 3. The advantages of an abstract/epitome of title include the following, except.
 - (a) Assists the purchaser's solicitor in preparing a search Report.
 - (b) Provides a prima facie evidence of any defect in the vendor's title.
 - (c) Does not help the solicitor make appropriate requisitions.
 - (d) Provides at a glance the nature of the vendor's title.
 4. Double probate will be granted in all but one of the following circumstances.
- (a) The executor is an elderly person.
 - (b) A minor who was one of the executors now attains majority.
 - (c) An executor who was mentally incapacitated recovers from mental condition.
 - (d) Executors were more than four at the time of grant and one of the initial grantees later died.
5. An executor can only execute his will:
 - (a) Personally
 - (b) By another
 - (c) By acknowledgement
 - (d) All of the above.
 6. Tolani Jacobs has applied to buy a duplex from the Lagos State Property Development and Property Corporation (LSDPC). He however wants the contract to be subject to mortgages from Eko bank PLC. He obtained the mortgage facility to buy the property on the security of the same property. He wants to move into the house as soon as possible. His application has been approved by LSDPC. Which of the following is true about the above facts.
 - (a) Tolani Jacobs cannot move into the house unless he finishes paying for it.
 - (b) Tolani Jacobs cannot use the LSDPC house which he has paid for as security in a mortgage.
 - (c) LSDPC will be a surety in the mortgage agreement between Tolani Jacob and Eko Bank PLC.

- (d) Telani Jacobs should know that nemo dat quod non habet.
7. The grant to be made in respect of Mr. Chimemenda's estate is
- Probate
 - Letters of Administration with will Annexed
 - Letters of Administration without will
 - Citation.
8. One of the following documents will not be necessary to process the application.
- Mr. Chimemenda's birth certificate
 - Mr. Chimemenda's death certificate
 - Bank Certificate
 - Bond
9. One of the following is not an account to be filed by personal representatives
- Inventory
 - Oath of Administration
 - Account of administration
 - Affidavit in verification
10. All but one is not a procedure/document known to probate practice in Nigeria
- Citation
 - Caveat
 - Declaration
 - Warning
11. One of the following is not a covenant implied by Chief Ukoye conveying as beneficial owner.
- All covenants have been performed
 - Quiet possession
 - Freedom from encumbrances
 - Right to convey
12. Where Chief, Ukonta wants to take benefit of capital appreciation in the property, he should include the following in the document
- Rent clause
 - Option to renew clause
 - Parcels clause
 - Rent review clause
13. One of the following statements is not true of a Deed delivered in escrow.
- Deed is binding from the date of execution
 - The innocent party is entitled to withdraw if condition is not fulfilled
 - Deed is not binding until condition is fulfilled
 - A and B above.
14. Under the property and conveyancing law 1959, in order to ascertain that title is good, the purchaser must insist that the title is deduced for at least
- 40 years
 - 30 years
 - 12 years
 - 20 years

15. In conveyancing parlance, agreement "under hand" is one that is:
- (a) Signed, sealed and delivered
 - (b) Merely in writing
 - (c) Without consideration
 - (d) Delivered in escrow
16. A purchaser who wishes to pay the balance of the purchase money to the Vendor's solicitor may protect himself by inserting in the Deed of Assignment:
- (a) Indemnity clause
 - (b) Receipt clause
 - (c) Safe custody and acknowledgement for production Clause
 - (d) Consideration.
17. Where a Mortgagee has two or more mortgagees on different properties from the same mortgagor, the mortgagee may refuse to permit the mortgagor to redeem one without the other because of the doctrine of:
- (a) Attornment
 - (b) Consolidation
 - (c) Fairness
 - (d) None of the above.
18. At what stage would Chief Abe Lincoln be required to deduce title to his Duplex?
- (a) During the contract
 - (b) During completion
 - (c) Before completion
 - (d) After completion.
19. Which of the following is false
- (a) A blind person cannot attest a will
 - (b) An illiterate cannot attest a will
 - (c) Chief Abe Lincoln may validly ask his two sons and three daughters to attest the will
 - (d) All of the above.
20. One of the following statements is not correct
- (a) Foreclosure is the exclusive remedy of an equitable mortgagee
 - (b) Both Legal and equitable mortgagees may apply for foreclosure
 - (c) A legal mortgagee cannot exercise the power of foreclosure without an order of court
 - (d) The court may order the sale of the property where foreclosure is applied for by the mortgagee.

LAW IN PRACTICE

1. Ade a junior counsel in Chambers is bound to accept brief from a client but not when
 - (a) the interest of a fellow advocate is affected
 - (b) the guilt of the client is obvious
 - (c) he has a conflicting interest
 - (d) the ability of the client to pay fees is questionable
 2. Your law firm has asked you to design a letterhead for the office. The letterhead should contain all except one of the followings:
 - (a) space for client's name
 - (b) space for date
 - (c) firm's name and address
 - (d) names of practitioners in the firm
 3. The following except one are examples of primary sources of law.
 - (a) Laws of the federation of Nigeria
 - (b) Practical approach to criminal litigation in Nigeria
 - (c) Laws of the various states of the federation
 - (d) The criminal code.
 4. One of the following controlling bodies is responsible for training aspirants to the Bar.
 - (a) The Body of Benchers
 - (b) The Council of Legal Education
 - (c) The Legal practitioner privileges Committee
 - (d) The General Bar Council
5. A legal practitioner may be disciplined in respect of all the following except:
- (a) Infamous conduct in a professional respect.
 - (b) Conviction by any court anywhere.
 - (c) Obtaining enrolment by fraud
 - (d) Conducts which are incompatible with the status of a legal practitioner.
6. The ADR processes referred to in Rule 15(d) of the RPC all have the following advantages save one
- (a) It is cheaper
 - (b) It is private
 - (c) It saves time in most cases
 - (d) It gives parties time to file all processes
7. The application of Chika Odili, Esq for a stand down means
- (a) The court should wait for him until when he has finished his matter at the court of Appeal.
 - (b) The court should strike out the matter
 - (c) The court should adjourn the matter
 - (d) The court should oblige him until 11.00am, after which, if he does not show up, the court may adjourn to a suitable date.

8. A Legal practitioner shall not be entitled to "sue" for recovery of professional fees unless the period of _____ has expired, since service of a bill of charges on the client beginning with the date of service of the bill.

- (a) 30 days
- (b) 45 days
- (c) One month
- (d) None of the above

9. One of the requirements before conferment of the rank of SAN is that the applicant must show particulars of:

- (a) 17 contested cases handled by him, 3 at the Supreme court, 6 at the Court of Appeal and 8 at the High court and in the alternative, 6 cases at the Supreme court.
- (b) 10 contested cases; 3 at the Supreme court, 3 at the court of Appeal and 4 at the High court or Tribunal.
- (c) 17 contested cases; 3 at the Supreme court, 2 at the court of Appeal, 3 at the Federal High Court and 9 at the State High court or in the alternative 5 cases at the Supreme court.
- (d) None of the above.

10. Eric Ebute was among the last batch of legal practitioners that were called to the Nigerian Bar in June, 2012. Before his call, his father had built a storey building for him to use as his office. He employed another Lawyer and a Secretary, both of whom he pays salary. Due to the location of the Law office, clientele base is very low

and he is considering renting a premises in another location.

Answer the following questions:

The type of premises that best described the office accommodation of Eric Ebute is:

- (a) Office in the home
- (b) Rented office
- (c) Purpose built office accommodation
- (d) Existing building

11. Eric Ebute's Law office can best be described as

- (a) Sole practitionership
- (b) Sole proprietorship
- (c) Associateship
- (d) Partnership

12. The following are the accounts Eric Ebute must keep as a legal practitioner except

- (a) Personal Account
- (b) Equity Account
- (c) Client's Account
- (d) Trust Account

Answer the following question

An arbitration clause in a contract has one of the following characteristics:

- (a) The invalidity of the contract
- (b) The irrevocability of the contract
- (c) It is independent of the contract
- (d) It is void when the contract is invalid

14. The Lagos State Government may succeed in an application for the parties to first resort to arbitration only if:
- (a) It has filed its statement of defence
 - (b) It has filed a memorandum of appearance
 - (c) It has not taken any step in the proceeding
 - (d) It is represented by a Lawyer.
15. Arbitration is different from negotiation because an arbitral award is:
- (a) Binding on the parties
 - (b) It is presided over by a High court Judge
 - (c) It involves more than two persons
 - (d) Legal appearances is not allowed.
16. One of the following is incorrect:
- (a) A lawyer who practices at the bar can engage in any other profession if permitted by the Bar Council.
 - (b) A director of a registered company shall not appear as an advocate in court or judicial tribunal for his company
 - (c) A retired Judicial officer cannot represent himself in court
 - (d) A lawyer who has not paid his practicing fee will be denied right of audience.
17. If Ojo Shehu, Esq., recovered a debt from Tola Okon, on behalf of Tombia Bank PLC, his professional fees will be calculated in accordance with one of the following:
- (a) Legal practitioners Accounts Rules 1964
 - (b) Legal practitioners Act 1975
 - (c) Regulated and other professions (private practice) Accounts Rules 2009
 - (d) Legal Practitioners (Remuneration for Legal Documentation and other Land Matters) Order 1991.
18. The Legal Practitioners Disciplinary Committee may opt for all but one of the following sanction in the discipline of erring Legal practitioners:
- (a) Striking out of name from the roll
 - (b) Suspension
 - (c) Reprimand/caution and restitution
 - (d) Apology.
19. During the recently concluded portfolio assessment at the Nigerian Law School, Mary, a student, gave an account in her log book of witnessing Mr. Okeke Dabo, a non-lawyer prosecuting his personal matter in court. Which of the following is a correct statement in respect of Mr. Okeke Dabo?
- (a) The RPC prohibits him from prosecuting any case in court unless he is called to bar
 - (b) He may prosecute his personal case in court
 - (c) He may prosecute his personal case in court provided he does not cite legal authorities and use legal jargon
 - (d) He may prosecute cases in court but may not form a law firm.

20. Also recorded in Mary's log book is an account of a dismissed Magistrate appearing in court and prosecuting a matter for his client at the High court. Which of the following is true of the dismissed Magistrate?
- (a) Having been dismissed, the Magistrate has no right of audience in court
 - (b) The Magistrate, being a judicial officer who is no longer on the bench cannot prosecute a matter in court
 - (c) The Magistrate is not a judicial officer within the meaning of S.292 of the constitution and therefore is entitled to prosecute a case in court after leaving the bench.
 - (d) Dismissed means he lacks the requisite integrity as a member of the noble profession and cannot be heard.

2012

MCQ

S/N	CIVIL LITIGATION	CRIMINAL LITIGATION	CORPORATE LAW	PROPERTY LAW	LAW IN PRACTICE
1	B	A	C	A	C
2	A	C	B	A	A
3	C	C	A	C	B
4	A	B	D	A	B
5	B	B	C	D	B
6	A	A	C	C	D
7	A	B	C	BONUS	D
8	B	A		BONUS	C
9	C	C	B	B	B
10	D	B	D	C	C
11	B	B	B	A	B
12	C	D	A	D	B
13	D	A	A	C	D
14	A	A	A	B	A
15	C	B	C	A	A
16	B	B	A	C	B
17	C	D	A	B	A
18	B	B	D	C	D
19	C	C	B	D	D
20	C	C	B	A	C

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COUNCIL OF LEGAL EDUCATION

NIGERIAN LAW SCHOOL

BAR PART II FINAL EXAMINATION

MULTIPLE CHOICE QUESTIONS

SATURDAY, AUGUST 17, 2013

1 HOUR

INSTRUCTIONS:

CANDIDATES ARE TO ANSWER ALL QUESTIONS: ALL ANSWERS MUST BE ON THE PROVIDED ANSWER SHEETS. THE QUESTION PAPER MUST NOT BE RETAINED BY THE CANDIDATE. IT MUST BE PLACED UNDER THE ANSWER SHEET BEFORE LEAVING THE EXAMINATION HALL.

CIVIL LITIGATION

Barrister Ola Olulu was approached by Dr. Dickson Tutu to take proper legal action immediately. Dr. Tutu (a Novelist) just discovered that his novel is being pirated with many copies of the book and printing machines in a bungalow located along Ahmadu Bello Way, Lagos. The piracy work is suspected to be the handiwork of James Salako Chukwu who also own the bungalow. Answer the following questions 1 - 5.

1. Barrister Ola Olulu should apply for:
 - a. Interim Injunction.
 - b. Interlocutory Injunction.
 - c. Anton Piller Injunction
 - d. Mareva Injunction.
2. Barrister Ola Olulu is expected to file the following except one to commence the suit.

- a. Motion on Notice.
- b. Motion Ex-Parte
- c. Affidavit
- d. Written Address

3. The Court with Jurisdiction over the matter will be:
 - a. Industrial Court.
 - b. Magistrate Court.
 - c. State High Court.
 - d. Federal High Court.

4. The conditions for grant of the injunction applied for by Barrister Ola Olulu includes all but one of the following:
 - a. Imminent risk of defendant taking the property out of the jurisdiction of the Court.
 - b. Likelihood of defendant destroying the property.

- c. The property must be in possession or custody of the defendant.
- d. None of the above.

5. Assuming the matter is before the Magistrate Court in Lagos, the Magistrate should be addressed as:
- a. Your Magistrate.
 - b. Your Worship.
 - c. Your Honour.
 - d. All of the above.

Apparently not satisfied by the change of name of the University of Lagos by the government, an alumni of the institution, Chief Wale Chukwu intends to challenge the power of the President to change the name of the University without recourse to the School and National Assembly. He also insisted to call for the interpretation of the University of Lagos Act in order to nullify the change by the government.

- 6. The defendant in this suit will be:
 - a. Mr. President.
 - b. The Attorney-General of the Federation.
 - c. National Assembly.
 - d. None of the above.
- 7. The action can best be commenced by way of:
 - a. Writ of Summon.
 - b. Originating Motion.
 - c. Originating Summon.
 - d. Petition.
- 8. In which Court should the action be filed?
 - a. Supreme Court
 - b. Court of Appeal
 - c. Federal High Court
 - d. State High Court.

Ebi family sued Abanya family for a declaration of the exclusive right to the paramount chieftaincy title of Alali of Alali town in Lagos State. The matter was brought to the Court by Lawrence Ati and Jacob Ebi against Tawa Abaya and Joseph Abaya for the Abaya family.

- 9. The claimant will properly be referred to as:
 - a. "Ebi family of Alali suing through Lawrence Ati and Jacob Ebi Claimant"
 - b. Ati and Jacob Ebi for the claimnt Claimant"
 - c. "Lawrence Ati and Jacob Ebi sing for themselves and on behalf of Ebi Family of Alali Claimant"
 - d. "Ebi family of Alali Town....Claimant"
- 10. The originating process appropriate in this action will be:
 - a. Originating Summons
 - b. Originating Motion
 - c. Petition
 - d. Writ of Summons
- 11. The defendant Abaya family is required under the Lagos State High Court rules to file its statement of defence within ____ days of the service of the originating process:
 - a. 17 days.
 - b. 21 days.
 - c. 42 days.
 - d. 45 days.
- 12. If the action had been commenced in the High Court of the Federal Capital Territory. Your answer to question 3 above would have been:
 - a. 17 days.
 - b. 21 days.
 - c. 42 days.

✓ 14 days

13. Any application by way of motion on notice in the instant action:
- Requires mandatory personal service.
 - Requires mandatory substituted service.
 - May be serviced through the Counsel or legal practitioner for the appropriate party.
 - None of the above.
14. An affidavit in support of any motion referred to above should contain deposition of:
- Conclusion.
 - Legal argument.
 - Objection.
 - Facts.
15. All but one of the following documents need to accompany a writ of summons for an action to be properly commenced in Lagos State.
- Statement of witnesses on oath.
 - Statement of claim.
 - Statement of defence
 - Pre-action protocol form 01.
16. One of these is not a ground for a decree of nullity of a void marriage.
- There was lack of consent of one of the parties.
 - One of the parties has consummated the marriage.
 - One of the parties was at the time of marriage lawfully married to another person.
 - None of the above.

At exactly 9.00am, the Honorable Justice Sandra Bloomberg commenced sitting. After a brief exchange of pleasantries with members of the Bar, she ordered the Court Registrar to call the first case on the: 1. It was 2. For Interlocutory injunction. The 3. was absent as he had not been served with the processes. The matter was therefore 4.

17. 1.
- Course list.
 - Curse list
 - Cost list
 - Cause list.
18. 2.
- An originating summons.
 - An originating motion.
 - A motion ex-parte.
 - A motion on notice.
19. 3.
- Petitioner.
 - Co-Respondent.
 - Appellant.
 - None of the above.
20. 4.
- Struck out.
 - Adjourned.
 - Dismissed.
 - Non-suited.

CRIMINAL LITIGATION

Thursday the 8th and Friday, the 9th of August 2013 were recently declared public holidays by the Federal Government for the Sallah Celebrations marking the end of the Muslim Holy Month of Ramadan. In the morning of the 8th, a warrant of arrest was issued by the Commissioner of Police in Anambra State for the arrest of Chukwuka Dan Bauchi upon allegation of kidnapping. He was arraigned at the High Court, Awka the following day. His Counsel's oral application for bail was refused on the ground that application for bail at the High Court must be in writing. He thereafter filed an application for bail, supported by a 20 paragraph affidavit and 5 annexures.

Using the above scenario, answer questions 1 – 4.

1. Which of the following statement is false?
 - a. A warrant of arrest can be issued on any day including public holidays.
 - b. A warrant of arrest can be executed on any day including public holidays.
 - c. A warrant of arrest can be issued by a Commissioner of Police being a superior police officer.
 - d. A warrant of arrest can be executed in a Church or a Mosque.
2. Which of the following is true?
 - a. The proceedings in respect of Chukwuka Dan Bauchi were validly conducted on the 9th of August.
 - b. The proceedings on the 9th of August can only be validly conducted if both parties are not muslims.
 - c. The proceedings on the 9th of August can only be conducted validly with a

- special permit from the Attorney General of Anambra State.
 - d. The Proceedings on the 9th of August can only be validly conducted with the consent of both parties.
3. Assuming the prosecution intends to controvert the facts deposed in the affidavit in support of the application, it will:
 - a. File an affidavit in opposition.
 - b. File a contrary application.
 - c. File a counter affidavit.
 - d. Oppose the application on points of Law.
 4. Which of the following is not a factor the Court will consider in granting or refusing to grant bail to the accused?
 - a. The gravity of the offence.
 - b. The likelihood that accused will tamper with investigation.
 - c. The likelihood that accused will commit another offence if granted bail.
 - d. The economic condition of the accused.

Mr. John Jack was arrested in Jos, Plateau State for dangerously driving his Toyota Hiace Bus and causing the death of one Helen Ukuogbu. The State Ministry of Justice is considering the charging of the suspect to Court. The Police have explained to the family members of the suspect that they have been instructed to keep him in detention because of the publicity of the case.

Using the above scenario, answer questions 5 and 6.

5. When the accused is arraigned in Court, he would be entitled:

- a. To plead to the charge.
 - b. To have the charge read and explained to him to satisfaction of the Court.
 - c. To be placed in the dock unfettered.
 - d. All of the above.
6. The reason given by the Police for the detention of the suspect is:
- a. Proper because Police has discretion.
 - b. Lawful in view of the fact that the crime involves loss of life.
 - c. Unlawful.
 - d. All of the above.

Hajia Safira was flagged by Police at 11pm on August 1st 2013 at the Baur junction. She was asked to step out of the car. Her handbag was searched by Inspector John Joseph. He found some substance suspected to be cocaine in the purse. She was immediately arrested and taken to Baur Police Station where she was detained for 2 days without access to her family or Lawyer.

Using the above scenario, answer questions 7 – 9.

7. All except one of the following is incorrect:
- a. The Search of Hajia Safira by a male Policeman was unlawful.
 - b. The Search was illegal because it was conducted at 11pm.
 - c. The Search is illegal because it was done without a Search Warrant.
 - d. None of the above.
8. One of the following is not a content of a Warrant of Arrest:
- a. The name of the alleged offender.
 - b. A concise statement of the alleged offence.

- c. A concise statement of the ruling of the Judge issuing the Warrant.
- d. The date of issue.

9. Which of the following is correct:

- a. The cocaine found in Hajia Safira's bag cannot be admitted in evidence because the advantage of admitting it is outweighed by the disadvantage of admitting it.
- b. The cocaine can be admitted in evidence because it is relevant.
- c. The cocaine cannot be admitted in evidence as Hajia Safira was not caught at the point of purchase.
- d. None of the above.

Following a tip-off to the Police that Okon Maduka had stolen from the ATM of a bank, the police mounted a check point on the road. They searched every vehicle, and persons therein. Mr. Bigi, one of the passengers objected to being searched because the police had no search warrant to that effect.

The police arrested Keke Oladimeji who had a lot of money in his bag. The bank officials identified Keke as the fraudster with the help of camera installed in the bank.

At a closer look at the naira notes, the police discovered that they were fake, and charged Keke to Magistrate's Court for counterfeiting. After the charge was read and explained, Keke kept mute. The Magistrate promptly entered a plea of not guilty for him and ordered the prosecutor to prove its case. Keke was discharged and acquitted because the prosecutor failed to prove beyond reasonable doubt that Keke foreknew the naira notes were fake. The bank officials believed that the Magistrate was corrupt to have let Keke go free

when the camera actually showed he stole from their ATM.

Answer the following questions:

10. Big's refusal to be searched was in order because:

- a. The police did not obtain search warrant in that respect.
- b. The police did not show him the search warrant.
- c. He was not named in the search warrant
- d. None of the above.

11. If the bank had not installed a camera in its premises, and the culprit was only sighted by a security guard, police would have conducted ----- to get the culprit.

- a. A body search
- b. An arrest.
- c. An identification parade
- d. A recruitment.

12. The Magistrate Court rightly assumed jurisdiction over the offence of counterfeiting and uttering -----

- a. Yes
- b. No
- c. All of the above
- d. None of the above.

13. When an accused person keeps mute after a charge is read and explained to him, the first thing that the Court should do is;

- a. Enter a plea of guilty for him.
- b. Enter a plea of not guilty for him.
- c. Enquire into the cause of his muteness.
- d. Do all of the above.

14. When an inferior court or tribunal exceeds its jurisdiction, its decision is challenged by way of -----

- a. Certiorari
- b. Mandamus
- c. Habeas Corpus
- d. Prohibition.

Chief Magistrate Etukudo has just been transferred to another Magisterial District. Barrister Bassey is counsel to Udo, who is standing trial for offence of stealing. Chief Magistrate Etukudo had granted him bail before his transfer. Another Magistrate has to take over Udo's trial. He has ordered Udo to be remanded in prison.

During the trial, the prosecution called a total of five witnesses to prove its case. Udo testified for himself, and did not call any other witness. After final addresses on 5th February 2012, the Court reserved judgment to 5th October, 2012. On that day, he delivered an oral judgment, convicting Udo and sentencing him to two years imprisonment.

Answer the following questions:

15. Upon another Magistrate taking over the trial of Udo, one of the following is the first step for him to take:

- a. Introducing himself to the accused and the counsel.
- b. Calling on witnesses to testify in the case
- c. Arraignment.
- d. Drafting a new charge.

16. The Magistrate was wrong to have ordered Udo to be remanded in the prisons because -----

- a. His brother Chief Magistrate had granted Udo bail.

- b. There was no need for Barrister Bassey to apply for fresh bail for Udo in the same case and Court.
- c. Udo had religiously attended the Court and never showed any sign of jumping bail.
- d. None of the above.
17. The Court was right in adjourning to 5th October, 2012 for judgment because:
- It needed time to evaluate the evidence led before it.
 - It is a constitutional provision which requires strict adherence.
 - All of the above
 - None of the above.
18. Magistrate Courts can deliver oral judgment and _____ for the judgment to be valid,
- Reduce it into writing thereafter.
 - Give copies of the judgment to the parties.
 - Make short note in the cause book.
 - Give appeal conditions to any party offended by it.
19. To prove the offence of stealing, the prosecution _____
- Is not bound to call a specific number of witnesses.
 - Is bound to call at least two witnesses.
 - All of the above.
 - None of the above.
20. One of the following is not true:
- "stealing" and "possession of stolen property" can validly be charged together.
 - "stealing" and "possession of stolen property" cannot be charged together for being bad for misjoinder.
 - Both (a) and (b) are correct.
 - None of the above.

CORPORATE LAW PRACTICE

At the 6th Annual General Meeting of Enoma Nigeria Plc, Mrs. Grace Longe was absent because, she was not served with a notice of the AGM by the Secretary, who reasoned that she will not be able to attend the AGM as she will be going for her swearing-in-ceremony following her appointment as a Minister. Mrs. Longe later transferred all her shares to Chief and Mrs. Pepple in equal proportion. The Company neither held a statutory meeting nor filed statutory Report with CAC. Last year, all the Directors and shareholders of the Company died in the Bobo Airline Plane crash. Before their death, the Company was owing one Mr. Okonkwo the sum of N4,000.00 as well as executing a contract for Cutina Nigeria Limited.

Answer the following questions:

1. The following are entitled to receive notice of the AGM of the Company:
 - a. Every Director of the Company.
 - b. Every Auditor for the time being of the Company.
 - c. Every member of the Company.
 - d. Every Legal Adviser for the time being of the Company.
2. Notice of the General Meeting of a Company must:
 - a. Comply with the prescribed form of preparing the notice.
 - b. Specify the place, date and time of the meeting.
 - c. Specify the general nature of the business to be transacted.
 - d. Set out the terms of the special resolution to be considered at the meeting, if any.
3. The following statements are correct about Enoma Nigeria Plc, except:
 - a. The personal representatives of the shareholders of the company can apply to the Court and hold the Company's meeting where new members and directors will be appointed.
 - b. A creditor of the company can apply to the Court to convene a meeting of the Company where new members and Directors will be appointed.
 - c. The Company must merge with another company since its only shareholders and directors are dead.
 - d. The contract between the company and Cutina Nigeria Limited is still valid and subsisting.
4. The annual return of Enoma (Nig) Plc must be filed within _____ days of holding the AGM:
 - a. 40 days.
 - b. 42 days.
 - c. 60 days.
 - d. 90 days.
5. The Statutory meeting of Enoma (Nig) Plc, should have held within _____
 - a. 150 days.
 - b. 5 months.
 - c. 6 months.
 - d. 3 months.

At the hearing of the suit instituted by the defunct New Star Bank Plc against the Central Bank of Nigeria and the Asset Management Corporation of Nigeria (AMCON) at the Federal High Court No2, Lagos, Learned Counsel for the plaintiff submitted that the liquidation of the Bank is an unfair act. "A Bank is a company first of all. If it has not done well in Banking, it can

only loose its license not its life. It can change its name, alter its object clause, pay off depositors and rebrand"

6. A process by which a Company in distress can rebrand and bounce back to business with or without loosing its identity is called:
 - a. Take over
 - b. Merger
 - c. Arrangement or Compromise
 - d. Arrangement on Sale.
7. One of these persons cannot challenge alteration of object clause of a Company:
 - a. Holders of 15% of paid up shares of the company.
 - b. Secured debenture holders.
 - c. A member who lost the vote
 - d. None of the above.
8. One of these methods is not used in commencing action in corporate proceedings at the Federal High Court:
 - a. Originating Summons
 - b. Writ of Summons
 - c. Originating application
 - d. None of the above.
9. A compulsory change of company name can be effected by the Corporate Affairs Commission if petition is sent within
 - a. 6 weeks of incorporation of the Company.
 - b. 6 months of incorporation of the company.
 - c. 3 months of discovery of the infringement.
 - d. 3 months of incorporation of the company.
10. One of these is not a ground for Compulsory winding up of a Company in Nigeria.
 - a. Default in delivery of statutory report to CAC
 - b. Inability to pay its debt
 - c. Directors did not comply with directives of regulatory body.
 - d. Just and equitable grounds.
11. Interested members of the public are only allowed to make input in dissolution of one of these organizations:
 - a. Partnership
 - b. Business name
 - c. Companies
 - d. Incorporated trustees
12. One of these is the most appropriate forum for an action for recovery of unaccounted proceeds of share investment against a stock brokerage company where a claimant is also a shareholder:
 - a. Federal High Court.
 - b. State High Court.
 - c. Investment and Securities Tribunal
 - d. National Industrial Court.
13. One of these methods can be adopted to compel holdings of an Annual General Meeting.
 - a. Requisition by the shareholders.
 - b. Application to the Corporate Affairs Commission.
 - c. Requisition by Directors.
 - d. Petition for winding-up.
14. A life Director is affected by which of the following rules:
 - a. Removal from office.

- b. Vacation of office.
- c. Retirement by rotation
- d. All of the above.

Bobo Flour Mill Plc is an indigenous company which engages in manufacturing of flours and confectionaries with authorized share capital and asset base worth N400 million Naira. As a result of low sale and stiff competition, the company has resolved at its board meeting held on 1st August, 2013 to combine its business with Maiina Superbag Plc, a Company which engages in production and manufacturing of package bags with authorized share capital and asset base worth N200 million naira. Answer the following questions:

- 15. Which of the merger options below will be suitable to describe the business combination of the two companies?
 - a. Vertical merger.
 - b. Horizontal merger,
 - c. Conglomerate merger
 - d. Consolidation merger.
- 16. Which of the following regulatory bodies will supervise and regulate the business combination of the two companies?
 - a. Corporate Affairs Commission.
 - b. Securities and Exchange Commission.
 - c. Federal High Court.
 - d. All of the above.
- 17. The appropriate classification of the business combination with respect to the financial threshold of the equities of the 2 companies can best be described as:
 - a. Small merger
 - b. Larger merger

- c. Intermediate merger
- d. Big merger

- 18. As part of the documentations to be submitted to securities and Exchange Commission for the registration of the business combination of the 2 companies, the following items will be submitted except:
 - a. Scheme of merger.
 - b. Special resolution of 2 companies approving the merger.
 - c. CTC of Court order sanctioning the merger.
 - d. Notice of meeting (Extra Ordinary General Meeting) of the 2 companies for consideration.

- 19. Assuming you have been appointed as one of the Solicitors for the consummation of the merger process of the 2 companies, the time limit to file certified true copy of the order sanctioning the scheme of merger with Corporate Affairs Commission is:
 - a. 7 days
 - b. 14 days
 - c. 15 days
 - d. 21 days.,

- 20. Assuming Bobo Flour Mills (Nig.) Plc has allotted shares to members of the public who applied, notice of allotment must be sent to the allottees within _____ days of the allotment:
 - a. 42
 - b. 14
 - c. 30
 - d. 40

PROPERTY LAW AND PRACTICE

1. Madam Koko took a loan of N50Million Naira from United Bank for Africa. She intends to use her property at No 5 Oshin Street Aba, Abia State as security for the loan.

Answer the following questions

1. tax will not be applicable in this transaction
 - a) Consent fee
 - b) Stamp duties
 - c) Capital Gains
 - d) Registration fees
2. The following rights are available to U.B.A if madam koko defaults payment except
 - a) Right to sell the property
 - b) Foreclosure
 - c) Action in court to recover principal and interest
 - d) Indemnity
3. In order to perfect the legal mortgage, the following documents are required except
 - a) Title documents of the property
 - b) Tax clearance certificate
 - c) Receipt of payment of current ground rent on the property to be mortgaged
 - d) Tenancy agreement
4. is a content of the testatum of a deed of legal mortgage.
 - a) Undertaking by the mortgagor not to pay the mortgagee the principal sum with accrued interest

- b) Undertaking by the mortgagee to pay to the mortgagor the principal sum with accrued interest.
- c) Undertaking by the mortgagor to pay to the mortgagee the principal sum with accrued interest
- d) Undertaking by the mortgagor to pay the mortgagee the principal sum only.

Mr. Dodo Muru has a terminal illness. He gave instructions to his solicitor Miss Eunice Adams to draft his last will. Answer the following questions

5. The legal age approved under the Wills Act for a testator to make a will is
 - a) 17 years
 - b) 20 years
 - c) 18 years
 - d) 21 years
6. The factors to be considered in determining whether the testator possess testamentary capacity at the time of making his Will include the following except?
 - a) The testator must understand the extent of the property he is disposing
 - b) The testator must understand the manner in which the property is shared among the beneficiaries
 - c) The testator must have a good sight

d) The testator must know and understand the persons who are objects of his bounty

7. The following are the requirements of a valid Will except?
- It must be signed by the testator
 - It must be in writing
 - It must be duly executed
 - Governor's consent must be sought for and obtained

Mr. Orimolowo Segun just secured a job in the United States of America. He intends to appoint Mr. Henry Dogman to manage his properties on his behalf. Answer the following questions.

8. Assuming the power of Attorney was created by deed, it must be determined

- In writing
- By poll
- By deed
- Orally

9. A power of Attorney made by deed can be revoked in the following ways except

- By a deed
- By death
- By insanity
- By a letter of disqualification

10. A power of Attorney is executed by

- 1 party only
- 1 person only
- 2 party only
- 2 persons only

"In consideration of the sum of N1,000,000.00 (one million Naira) the

lessor demises his one bedroom flat in Maitama district, Abuja, Federal Capital Territory for a period of 4 years commencing from January 31st 2014 to the lessee subject to another term of 2 years". Answer the following questions

11. The above lease is invalid for

- Lack of certainty of time
- Absence of expiry date
- Lack of certainty of property
- Absence of rent review

12. In view of the option to renew for another 2 years provided in the lease above, as solicitor to the lessor, provision shall be made for

- Rent payment clause
- Rent decrease clause
- Rent review clause
- Consolidation of rent clause

13. A solicitor acting for both the lessor and lessee in the above transaction shall be entitled to his professional fees as follows

- Full from lessor and one quarter from lessee
- Full from lessor and half from lessee
- Full from lessor and full from lessee
- Full from lessor and two quarters from lessee

14. The order of perfection of the above deed of lease is

- Governor's consent, registration and stamping
- Governor's consent, stamping and registration
- Stamping, Governor's consent and registration

- d) Registration, stamping and Governor's consent

Mr. Lazarus Jacky died 25th December, 2010. He was the Managing Director of a five star hotel in Ilorin, Nigeria before his death. He made a Will and appointed Mr. Owonikoko Esq. and Mr Richman as executors of the Will. The Will provides among others the following clauses.

- i) My Toyota Camry 2008 model to my first son
- ii) The sum of 1m from my zenith bank to Mrs Dogood
- iii) My 3 storey building at 22, Bode Thomas drive maitama Abuja to the Trustee of Bwari Child Foundation. Answer the questions

15. Clause (i) in the above Will is called

- a) Specific gift
- b) Residuary gift
- c) General gift
- d) Pecuniary gift

16. What document will Mr Owonikoko and Mr Richman require to vest title on the Trustee of Bwari Child Foundation

- a) A deed of assent
- b) An assent
- c) A deed of assignment
- d) An assignment

17. Assuming the elder brother of Mr. Lazarus Jacky intends to challenge the grant of probate to the executor he must file what type of application

- a) Motion on Notice with supporting affidavit

- b) Motion expert without affidavit

- c) Caveat

- d) Warning

18. Dr. Francis Brown is an Abuja based legal practitioner who had represented FIRST LINKS NIG LTD for many years in various matters especially recovery leases and perfecting property transactions.

As at 31st July 2013 First Links Nig Ltd was indebted to Dr. Francis Brown's firm to the tune of N15m. All attempts including writing of numerous letters to First Links Nig Ltd have not yielded any positive result. What is the first step that Dr Francis Brown will take to recover this debt?

- a) Send a bill of charges to First Links Nig Ltd
- b) Beg First Links Nig Ltd to pay
- c) Sue First Links Nig Ltd
- d) Instruct a colleague to write a letter of demand to the company

19. Which court has original jurisdiction to entertain the matter if Dr. Brown decided to institute an action?

- a) District court
- b) Debt Recovery Tribunal
- c) High Court of Justice
- d) Multi-door court house

20. If Dr. Brown were to send a bill of charges to First Links Nig Ltd what is the stipulated period that he would give the company

- a) 41 days

- b) 21 days
- c) 30 days
- d) 31 days

LAW IN PRACTICE

AW IN PRACTICE

On June 24, 2013, barrister Inusa Obed met with his client Ken Peter in his office. The client handed him a letter in respect of a negotiation between the client and his employer, DAMMAREA Engineering Co Ltd. The letter contains the phrase "Without prejudice". Answer the following questions

1. The effect of the phrase is not all but one of the following
 - a) The letter will be admissible in court against the maker if negotiation breaks down
 - b) The letter will be admissible against the maker if negotiation stands
 - c) The letter will be inadmissible in court against the maker if negotiation breaks down
 - d) The letter will not be inadmissible in court against the maker if negotiation breaks down
2. Assuming Barrister Inusa Obed is suggesting the use of ADR to his client, all but one of the following is not a factor to be considered in choosing ADR
 - a) Cost of litigation
 - b) Flexibility of ADR
 - c) Delay in judicial process
 - d) Limited authority

Kelani Ndon acted as solicitor to Dr. Alake Ikpeme in a sale where Dr. Alake Ikpeme sold his property at Plot 12 Ruby Avenue, Calabarto Mr. Bassey Molidan for a sum of N80m. Kelani received the N80m on behalf of his client but failed to remit the money to him. He spent part of the money

and paid the remaining N20m into his personal account. Meanwhile as a result of Kelani Ndon's inability to provide the best service to one of his clients whose matter has suffered series of setback in the High Court, the client debriefed Kelani and engaged the service of Dele Alsosa. Dele Alsosa was recently invited by his client to come to his house to take instructions so that he could draft a deed of lease in respect of the client's warehouse being leased to some expatriates. Answer the following questions

3. All but one of the following is a skill Kelani Ndon needs to provide the best service to his clients
 - a) Drafting skill
 - b) Advocacy skill
 - c) Management skill
 - d) All of the above
4. What duty does Dele Alsosa owe Kelani Ndon as the latter's client has changed counsel?
 - a) Duty to notify Kelani of the change of counsel
 - b) Duty to join Kelani and prosecute the case jointly
 - c) Duty to notify Kelani of the juicy nature of the case
 - d) None of the above
5. Which rule of RPC has kelani breached?
 - a) Rule 21 RPC
 - b) Rule 23 RPC
 - c) Rule 24 RPC
 - d) Rule 26 RPC
6. If this matter is tabled before the disciplinary body of the bar, the

LIP 2013

conduct of Kelani against Dr. Alake Ikpeme would earn him the punishment of

- a) Suspension
- b) Order for return of documents or money by the lawyer
- c) Striking off of name from the roll
- d) All of the above

7. Under which of the following circumstances is Dele Aisosa not to take instructions from client outside his law office

- a) Where client is ill and desirous of consulting his lawyer
- b) Where the client is very elderly and movement is impossible or difficult
- c) Where client is wealthy, influential and can mobilize the lawyer with ease
- d) Where client is in prison or police custody

8. Assuming the client has defaulted in paying Kelani his outstanding fees, what is the duty of Dele Aisosa in this regard?

- a) Duty to ensure that kelani is paid his earned fee
- b) Duty not to accept the brief in solidarity with his colleague
- c) Duty to report the matter to the police
- d) Duty to do the matter pro bono

On the 29th day of March, 2013, Mr. Iroko Idoko SAN was appearing before the High Court of Benue State sitting in makurdi for a criminal matter. Unknown to him, mr. Tiv Achanya, the Honourable Attorney General and

Commissioner of Justice Benue State was also in court to enter a nolle prosequi in a criminal matter pending before the same court. Shortly before the learned trial judge started sitting, Mr. Agebe Gboko, a member of the Body of Benchers rushed into the court and joined them in the Inner Bar. The chairman of Nigerian Bar Association, Makurdi branch was also in court.

9. Which of them is entitled to call his case first in accordance with the order of precedence in court?

- a) The Chairman of NBA Makurdi branch
- b) The Senior Advocate of Nigeria
- c) The Attorney General of Benue State
- d) The Bencher

10. The term "Inner Bar" refers to

- a) The part of the court reserved for Senior Advocates only
- b) The part of the court reserved for Attorney General of the Federation and Attorneys General of the States
- c) The part of the court reserved for Benchers
- d) All of the above

11. Which of the following statements is true about members of the Body of Benchers

- a) They need not be Senior Advocates of Nigeria
- b) They must be retired judges and magistrates
- c) They must be 30 years and above at the bar
- d) None of the above

12. Mr. Ade Ushongo, a new wig was full of admiration of the way Iroko idoko SAN handled his matter and also desires to become a Senior Advocate one day. Which of the following requirements must he fulfill

- a) He must be an official of the NBA in his state of practice
- b) He must be courteous to judges and their relations
- c) He must be a member of at least one professional body
- d) He must not be less than 10 years post call at the bar

13. Which of the following is true? If the presiding judge of the Benue State High Court retire,

- a) He can form a partnership with other lawyers
- b) He cannot practice as a barrister and solicitor
- c) He can form associateship with other judges
- d) None of the above

14. Which of the following is a secondary source of law?

- a) Index to Nigerian weekly Law Reports 2012
- b) Blacks Law Dictionary
- c) Laws of the Federation of Nigeria
- d) Legal Practice and management in Nigeria by O. Doherty

15. All but one of the following are Negotiating tactics

- a) Control of the agenda
- b) Contextual manipulation
- c) Nibble

d) Problem solving

16. A unit of practice whereby two or more practitioners come together to contribute the capital to provide facilities required for a law firm, occupy the same premises, share office facilities, equally contribute to wages and salaries of support staff, but owns an independent practice and separate clients is best described as

- a) Partnership
- b) Associateship
- c) Sole proprietorship
- d) Hybrid

17. Which of the following is a non arbitrable matter

- a) Custody of infant
- b) Election petition
- c) Recovery of premises
- d) Declaration of title to land

18. The expression "Counsel must not undress the court" means

- a) Counsel must not derobe the judge
- b) Counsel must dress up before coming to court
- c) Counsel must not leave the bar empty while the court is still sitting
- d) Counsel must not put the court to shame

19. Arbitration clause may consist of

- a) Future dispute clause
- b) Submission clause
- c) Both A and B
- d) None of the above

20. An arbitral award can be enforced by

- a) Motion Ex parte

- b) Motion on Notice
- c) Originating Motion
- d) Originating summons

ANSWERS FOR 2013

2013

SN	CIVIL LITIGATION	CRIMINAL LITIGATION	PROPERTY LAW PRACTICE	CORPORATE LAW PRACTICE	LAW IN PRACTICE
1.	C	C	C	D	C
2.	A	D	D	A	D
3.	D	C	D	C	C
4.	A	D	C	B	A
5.	C	D	C	C	B
6.	B	C	C	B	D
7.	C	D	D	C	C
8.	C	C	C	D	A
9.	C	B	D	B	C
10.	D	B	A	C	D
11.	C	C	C	D	A
12.	D	B	C	C	D
13.	C	C	A	B	D
14.	D	A	B	A	B
15.	C	C	A	D	B
16.	B	D	B	C	B
17.	D	D	C	D	C
18.	D	A	A	A	C
19.	B	A	C	A	B
20.	B	BONUS	D	A	



NIGERIAN LAW SCHOOL

BAR FINAL EXAMINATIONS

MULTIPLE CHOICE QUESTIONS.

SATURDAY, AUGUST 16, 2014

TIME ALLOWED: 50 MINUTES

INSTRUCTIONS:

CANDIDATES ARE TO ANSWER ALL QUESTIONS. ALL ANSWERS MUST BE PROPERLY SHADED ON THE PROVIDED COMPUTER SHEET. USE HB PENCIL ONLY

CIVIL LITIGATION

Chief Adisa Longe is the Landlord of No 1, Longe Close, Lekki Phase 1, Lagos. The property consists of a block of 4 units of 5 bedroom flats. Though Chief Adisa was married to Madam Kofo under the Yoruba Native Law and Custom but the marriage produced no child. Chief Adisa therefore got married to Shade, a Law graduate on whose insistence the marriage was conducted at the Marriage Registry, Ikoyi, Lagos. In order to satisfy Chief's quest for a child, and realizing that he may be suffering from infertility, Shade entered into a secret relationship with Tony, one of the Tenants in one of the flats. Tony's yearly tenancy commenced on the 1st of January, 2001. His rent was N5 million per annum although he is in arrears of rent for the past 4 years.

Chief has just discovered the relationship between Shade and Tony and he has decided to evict Tony and send away Shade legally.

- (1) What matrimonial relief will Chief seek against Shade?
 - (a) Decree of Nullity of void marriage;
 - (b) Decree of Nullity of voidable marriage;
 - (c) Decree of Dissolution of marriage;
 - (d) Decree of Judicial separation.
- (2) Which of the following documents will not be necessary to accompany the originating process?
 - (a) Verifying Affidavit;
 - (b) Notice of Petition;
 - (c) Certificate of Reconciliation;
 - (d) Acknowledgement of Service.
- (3) Assuming the original of the marriage certificate issued to

Chief Langa and Shada is lost how can the marriage between them be proved before the court?

- (a) By photographs taken during the marriage ceremony;
- (b) By oral evidence of a person who was present at the ceremony;
- (c) By a copy of the printed programme of event at the ceremony;
- (d) None of the above.

* (4) Which of the following is true about termination of Tony's tenancy?

- (a) He must be given 6 months notice to quit terminating on the 31st December;
- (b) He must be given 6 months notice to quit regardless of date of termination;
- (c) His tenancy is deemed to be terminated by operation of law in view of the atrocity committed by him;
- (d) His tenancy has already terminated by effluxion of time.

(5) Before which court can proceedings to evict Tony from the flat be commenced?

- (a) Only at the Magistrate Court, Lagos State;

(b) Only at the Rent Tribunal Lagos State;

(c) Only at the High Court Lagos State;

(d) Either at the Magistrate Court or High Court of Lagos State

Mr. Bello bought a jeep and took a comprehensive insurance cover with Dantata Insurance Company. On the 15th March, 2014, Mr. Dele was driving along the busy Ikeja High Way, Lagos, when Mr. Bello, who was driving under the influence of alcohol ran into Mr. Dele's car. The accident damaged Mr. Dele's car beyond repairs. Mr. Dele filed an action at the Lagos State High Court claiming damages against Mr. Bello. Answer the following question.

(6) If Mr. Bello wants Dantata Insurance Company to bear eventual liability in the event of judgment being given against him, which of the underlisted proceedings would he initiate?

- (a) Summary judgment proceeding;
- (b) Fast track proceeding;
- (c) Third party proceeding;
- (d) Third party injunction proceeding.

(7) Which of the underlisted best describes the mode of initiating the proceeding you identified in question (6) above?

- (a) Motion on notice;
- (b) Summon;

- (c) Motion ex parte;
(d) Third party notice.

(6) Assuming this action was filed in Abuja, which of the following describes the mode of initiating the proceeding you identified in question 6 above.

- (a) Motion ex parte or summon;
(b) Motion on notice;
(c) Third party notice;
(d) None of the above.

(7) The proceeding you identified in question 6 above is in favour of which of the underlisted?

- (a) The Claimant/plaintiff;
(b) The Defendant;
(c) The Third party;
(d) The Judgment Creditor.

(10) Which of the underlisted best describes what will be served on Dantata Insurance Company upon the initiation of the proceeding you identified in question 6 above?

- (a) Motion ex parte;
(b) Motion on notice;
(c) Third party notice and existing processes;
(d) Originating summons.

Global Network Limited is a private limited liability company with registered office at No 14 Abiola Street, Ikoyi, Lagos. The employees of the company formed a Union for the purpose of promoting their welfare. Consequently, the company through its Managing Director, released a circular banning all union activities in the company. You have been retained to challenge the action in court.

Answer the following Questions:

(11) Which of the underlisted cause of action would you file purse on behalf of your client?

- (a) Declaration of rights and duties;
(b) Fundamental right enforcement;
(c) Breach of Contract;
(d) Breach of Trust.

(12) In which of the underlisted court would you file the action in (1) above;

- (a) Federal High Court;
(b) State High Court;
(c) National Industrial Court;
(d) Magistrate Court.

(13) Kola Komolafe's claim at the High Court of the Federal Capital Territory, Abuja is for declaration of title to a plot of land situate at Wuse, Abuja. On the date fixed for trial, the Defendant had only entered appearance but failed to file a defence. He also failed to appear in court for trial. As counsel to the claimant, what step will you take?

- (a) Apply for the Defendant's Memorandum of Appearance to be struck out.
(b) Apply for adjournment on behalf of the Defendant.
(c) Apply for the matter to be set down for trial.
(d) Apply for judgment to be entered in favour of the claimant in default of defence.

(14) The defendant in this case ought to have filed a statement of defence within:

- (a) 21 days;
- (b) 14 days;
- (c) 8 days;
- (d) 7 days.

(15) Assuming it was Kola Komolafe that was absent on the date fixed for trial, as counsel to the defendant who was present in court what step would you have taken in the matter?

- (a) Apply for an order striking out the suit with costs;
- (b) Apply for the matter to be set down for trial;
- (b) Apply for a stand down;
- (c) Apply for the matter to be adjourned sine die.

During hearing in a civil matter, the following conversation occurred:

Lateef Okoye, Esq: You are Smith Okonkwo, of No 8 Federal Road, Abuja, a Civil Servant, isn't it?

Abubakar Daramola, Esq: Objection milord! That is leading.

Trial Judge: Objection overruled.
Witness, answer the question.

Smith Okonkwo: Yes milord.

Lateef Okoye, Esq: Do you remember making a statement on oath in respect of this matter?

Smith Okonkwo: Yes I do.

Lateef Okoye, Esq: Please take a look at this statement and tell this honourable court whether or not this was the statement made by you on oath.

Smith Okonkwo: Yes milord. This is the statement I made.

Lateef Okoye, Esq: What do you want the honourable court to do with this statement you made.

Smith Okonkwo: You are my lawyer. Do whatever you think is right with it.

(16) What type of evidence is being adduced from the passage above?

- (a) cross-examination;
- (b) examination-in-chief;
- (c) evidence of bad character;
- (d) re-examination.

(17) What do you think of the ruling of the trial judge on the objection raised by Abubakar Daramola, Esq?

- (a) The learned trial judge was wrong because the question was leading;
- (b) The learned trial judge was right because there was nothing leading in the question;
- (c) The learned trial judge was right because the question bordered on introductory matters;
- (d) The learned trial judge was right because leading questions may be asked during cross-examination.

(18) Who is likely to conduct a re-examination from the passage above?

- (a) The learned trial judge;
- (b) Lateef Okoye, Esq;
- (c) Abubakar Daramola, Esq;
- (d) Either (b) or (c).

(19) If you were Lateef Okoye, Esq; what would you urge the court in favour of your client, who seems not to know what to do with his statement on oath?

- (a) Milord, I humbly apply that the witness be discharged;
- (b) Milord, I humbly apply to treat the witness as a hostile witness;
- (c) Milord, I hereby apply for a short adjournment;
- (d) Milord, I humbly apply that the statement be adopted as the oral evidence of the witness in this case.

(20) Based on your answer above, what will Abubakar Daramola Esq do if the learned trial judge granted your application?

- (a) oppose the application for adjournment;
- (b) consent to the adjournment but ask for punitive costs.
- (c) re-examine the witness.
- (d) none of the above.

CRIMINAL LITIGATION

Mohammed Usman was tried at the Magistrate Court, Ilorin, Kwara State. The charge was read to him as follows: That you Mohammed Usman on 14th

July, 2014 at the market square in Ilorin assaulted one Miss Elizabeth Dogare and also had unlawful carnal knowledge of her and thereby committed the offence of assault and rape contrary to Sections 257 and 294 of the Penal Code Law of Kwara State. Now answer the following questions.

(1) The above charge must have been drafted by:

- (a) A Chief Superintendent of Police
- (b) A State Counsel.
- (c) A Magistrate.
- (d) An Investigating Police Officer.

(2) The accused person could challenge the charge on the ground of being bad for:

- (a) Ambiguity;
- (b) Misjoinder of offences;
- (c) Duplicity;
- (d) Misjoinder of offenders.

(3) Arraignment means:

- (a) Placing the accused person in the dock unfettered and taking his plea;
- (b) Placing the handcuffed accused person in the dock and taking his plea.
- (c) Allowing the accused person to sit with his counsel when making his plea;
- (d) None of the above.

Femi Biobaku was tried at the Magistrate Court in Uyo for the offence of stealing and sentenced to seven years imprisonment. Femi Biobaku

intends to appeal against the decision of the court and has consulted Mr. Effiong Ekong Barrister-at-Law to prosecute the appeal on his behalf.

Now answer the following questions.

- (4) The court in which the notice of appeal will be filed is:
- (a) The Registry of the Chief Magistrate Court.
 - (b) The Registry of the Magistrate Court.
 - (c) The Registry of the High Court.
 - (d) The Office of the Chief Registrar of the High Court.
- (5) Assuming that Femi Biobaku died before the Notice of Appeal was filed by Mr. Effiong Ekong. The implication of his death is that his appeal will:
- (a) Be referred to the High Court;
 - (b) Be retried on the order of the trial judge.
 - (c) Abate.
 - (d) None of the above.
- (6) Where a case is dismissed by the Magistrate Court for want of diligent prosecution, it can be:
- (a) Relisted.
 - (b) Struck off by the Magistrate.
 - (c)Appealed against.
 - (d) None of the above.

At the conclusion of final addresses by the parties in the trial of Potto Suzy for illegal possession of drugs, the learned trial judge, Honourable Justice Udembele adjourned the case for

judgment. A week after the adjournment, the judge became ill and travelled to the United Kingdom for medical treatment. He returned five months later and delivered his judgment convicting the accused person. Efforts by the accused's counsel to have access to him in prison failed because of the high handedness of the prison authorities. Frustrated, he (the counsel) prepared and signed the Notice of Appeal himself. Answer the following questions.

- (7) Which court has the jurisdiction to try the accused person?
- (a) National Industrial Court.
 - (b) Magistrate Court.
 - (c) Federal High Court.
 - (d) State High Court.
- (8) The judgment delivered by the judge after five months was:
- (a) Null and void;
 - (b) An abuse of court process;
 - (c) Statute barred;
 - (d) Unconstitutional.
- (9) The Notice of Appeal signed by the accused's counsel was:
- (a) Competent;
 - (b) Incompetent;
 - (c) Regular;
 - (d) An abuse of process.
- (10) Which of the following parties can appeal against the decision of the trial judge?
- (a) The accused
 - (b) Director, Legal Aid Council

- (c) The prosecutor
- (d) A and B only

At the trial of Gbabus Ogaga, 56 years old, for murder and rape of one Viviani Omoge at the High Court of Oyo State in Ibadan Nigeria. Ogaga told the court that he did not understand English language but only Igbo language. The trial judge directed his orderly, Police Inspector, Maduka to interpret the proceedings to him. Although Inspector Maduka told the trial judge that he had only a fair knowledge of the Igbo language, the judge insisted that he should interpret to prevent delay in the trial of the case.

The prosecution informed the court that it had five witnesses to call as linked in its proof of evidence.

Although the Registrar of Court announced that all the witnesses were to go out of court and out of hearing, two prosecution witnesses remain in court. After calling three witnesses, the prosecution closed its case. When the defence was asked to open its case, it stated that, it was relying its case on that of the prosecution and that the failure of the prosecution to call all the witnesses meant that it had not proved its case beyond reasonable doubt.

The court thereafter convicted the accused person, Mr. Gbabus Ogaga and sentenced him to death. The Judge further directed that before his execution by firing squad, he should be given twenty strokes of the cane for killing the deceased. The judgment was delivered on 10th January, 2014, although final addresses was on 8th

June, 2013. The accused was remanded in prison custody pending execution. On 1st February, 2014 he drafted a Notice of Appeal and handed it over to a prison official to file on his behalf. The prison official did not file it until 20th May, 2014 because his son was ill and needed hospital treatment. Answer the following questions using the above scenario.

- (11) The Notice of Appeal ought to have been filed within what period after the delivery of judgment?
 - (a) 3 months;
 - (b) 90 days;
 - (c) 2 weeks;
 - (d) 30 days.
- (12) The convict is legally deemed to have filed his appeal on:
 - (a) 1st February, 2014;
 - (b) 10th January, 2014;
 - (c) 20th May, 2014;
 - (d) 8th June, 2013
- (13) The sentence for conviction for murder is:
 - (a) Death by firing squad;
 - (b) Death by stoning;
 - (c) Death by hanging;
 - (d) Death by lethal injection.
- (14) In concluding his judgment against Ogaga, the sequence of action by the trial judge should be:
 - (a) Finding of guilt, conviction and sentence.

- (b) Conviction, finding of guilt and sentence.
 (c) Sentence, conviction and finding of guilt.
 (d) Warning, conviction, finding of guilt and sentence.
- (18) The act of filing of the Notice of Appeal by the convict will amount to a:
 (a) Stay of proceedings to the execution;
 (b) Retrial of issues of law;
 (c) Appeal to the Supreme Court of Nigeria;
 (d) Suspension of action sine die.
- (16) Caning as a form of punishment in Oyo State cannot be inflicted on convicts of.
 (a) 24 years and above;
 (b) 45 years and above;
 (c) 55 years and above;
 (d) 56 years and above.
- (17) What is the likely consequence of resting the defence's case on the prosecution's case?
 (a) It would amount to a no-case submission.
 (b) The accused was adopting evidence adduced by prosecution and urging court to decide his case thereon
 (c) The defence acted recklessly and in a manner to cause a breach of justice.
- (18) What is the time limit for the judgment of the court to be delivered after conclusion of addresses?
 (a) 30 days;
 (b) 14 days;
 (c) 84 days;
 (d) 90 days.
- (19) Inspector Maduka could not validly act as interpreter because.
 (a) He was not a Clerk or Registrar of Court.
 (b) He was not proficient in Igbo language.
 (c) He was not sworn or solemnly affirmed;
 (d) All of the above.
- (20) What was the effect of the failure of two witnesses to go out of court when evidence was being given?
 (a) It would vitiate the entire trial because they were tainted witnesses.
 (b) The trial was a nullity because of the disobedience of the witnesses.
 (c) The evidence given by the two witnesses would be admissible, but with little probative value.
 (d) The evidence of the two witnesses would be inadmissible in law and under the inherent jurisdiction of the court.

CORPORATE LAW PRACTICE
 Morning Glory Limited was incorporated on 5th June, 2013. A Board meeting of the Company which was fixed to appoint the Managing Director could not hold. All the directors however signed a resolution in

writing appointing Mr. Onwu as the Managing Director. At another Board meeting held on 1st April, 2014, the Chairman, Igwe Osinachi did not arrive until two (2) hours after the time the meeting was scheduled to commence.

Answer the following questions:

1. The resolution appointing Mr. Onwu as the Managing Director of the Company is:-
 - (a) Special Resolution
 - (b) Ordinary Resolution
 - (c) Written Resolution
 - (d) Extra-Ordinary Resolution
2. The following statements are correct in respect of a resolution in writing except -
 - (a) General meeting of a private company can pass resolution in writing.
 - (b) General meeting of a public company can pass resolution in writing.
 - (c) Board meeting of a private company can pass resolution in writing.
 - (d) A resolution in writing must be signed by all who are entitled to attend and vote at the meeting.
3. How long could Chief Osinachi be late before other board members of the company appoint another member to chair the meeting?
 - (a) 5 minutes
 - (b) 15 minutes
 - (c) 1 hour
 - (d) 45 minutes
4. The first Board meeting of the company must be held -
 - (a) On or before the 31st day of September, 2013
 - (b) On or before the 1st day of October, 2013
 - (c) On or before the 5th day of November, 2013
 - (d) On or before the 4th day of December, 2013.
5. The following should be on the agenda of the first Board meeting of the company except -
 - (a) Appointment of Chairman
 - (b) Appointment of Managing Director
 - (c) Appointment of Bankers and signatories to the Account
 - (d) Appointment of Company Secretary.
6. A director who is entitled to be remunerated, attend board meetings and run the daily affairs of Company is -
 - (a) Non-Executive Director
 - (b) Executive Director
 - (c) Life Director
 - (d) Shadow Director

Mim Signature Plc was granted a cash credit facility in the sum of ₦200,000,000.00 by Standard Bank Plc. The loan was secured by a charge created over the landed property of the Company situated at No. 4, Yola Street, Jimeta, Adamawa State. No effort was made to register the charge with the CAC.

Answer the following questions:-

7. When a charge is created to secure a debenture, it is required by Section 197(1) CAMA to be registered with CAC within ---- days of creating it.
 - (a) 40 days
 - (b) 91 days

- (c) 3 months
(d) 90 days

8. What is the implication of failure to register the charge created over the property of Mim Signature Plc?

- (a) It renders the entire transaction null and void.
(b) It renders the charge void against the liquidator or any creditor of the Company
(c) The charge becomes bearer debenture
(d) All of the above.

Gadonas Airlines and Abisco Airlines have been keen rivals in the aviation sector of Nigerian economy. The greatest problem facing the aviation sector is continued increase in operational costs which has eroded profitability in the industry. The two Airlines have decided to merge to reduce operational costs. Answer the following questions:-

9. Assuming the two companies are going into a small merger; their combined assets or turnover should be -

- (a) N500,000.00 or below
(b) Below N1 Billion
(c) N1 Billion
(d) Below N5 Billion

10. If the proposed arrangement between the two Airlines is an intermediate merger, the value must be between:

- (a) N500,000.00 and N1 Billion
(b) N1 Billion and N5 Billion
(c) N2 Billion and N5 billion
(d) N2 Billion and N3 Billion

11. Which of the following will not be required for formal approval by

Securities and Exchange Commission from the merging Companies?

- (a) Two copies of the schemes of restructuring duly executed by parties to the transaction
(b) Power of attorneys of directors who were absent at the separate court ordered meeting.
(c) Scrutineer's report showing the result of voting.
(d) Copies of creditors resolution showing consent to the merger.

12. A copy of the court ordered meeting sanctioning the scheme must be filed with the securities and exchange Commission within;

- (a) 21 days of the court sanction
(b) 7 days of the court sanction
(c) One month of the court sanction
(d) 3 days of the court sanction.

13. Notice of the court order sanctioning the scheme must be filed with the Corporate Affairs Commission within;

- (a) 15 days of making the order
(b) 21 days of making the order
(c) 7 days of making the order
(d) One month of making the order

Following an open invitation by the President, Federal Republic of Nigeria to South African investors during His Excellency's recent visit, Tshabalala Cusine (SA) Inc has acquired a strategic plot of land in the Central Business District, Abuja, FCT to set up a world class eatery. Answer the following questions:-

14. Which of the following statements is correct?

(a) Tshabalala Cusine (SA) Inc qualifies for exemption under Section 56 CAMA

(b) Tshabalala Cusine (SA) Inc does not qualify for exemption under Section 56 CAMA.

(c) South African Companies do not require registration in Nigeria.

(d) Companies incorporated in African countries have absolute discretion on whether or not to be registered to do business in Nigeria.

15. Assuming Tshabalala Cuisine (SA) Inc is exempted from registration in Nigeria, the legal implication is that -

- (a) It has the status of an unregistered company
- (b) It has the status of a private company
- (c) It has the status of an unlimited liability company
- (d) It has the status of a company limited by guarantee.

16. Assuming the food items, vegetables and fruits required by Tshabalala Cuisine (SA) Inc for its unique cuisine have to be imported from South Africa, which of the following incentives will be available if the final products are canned for export to neighbouring countries?

- a) Pioneer status
- b) Local raw materials utilization incentive
- c) Duty draw back
- d) All of the above

17. To obtain expatriate quota for the directors (technical operations), the South African Company must apply to

a) Minister of Finance through Securities and Exchange Commission.

b) Minister of Foreign Affairs through the Nigerian Ambassador to South Africa

c) Minister of Agriculture through Corporate Affairs Commission

d) Minister of Interior through the Nigerian Investment Promotion Commission

18. Which of the following laws will be irrelevant for the incorporation of Tshabalala Cuisine (Nig.) Plc?

- (a) Nigerian Deposit Insurance Corporation Act
- (b) Investment and Securities Act
- (c) Companies and Allied Matters Act
- (d) Nigerian Investment Promotion Commission Act.

19. The South African Company has secured a large pool of Capital which it intends to invest in Nigeria. Which of the following precautionary steps must it take to qualify for fiscal incentives?

- (a) Importation of the loan capital through the Central Bank of Nigeria
- (b) Confirmation of the loan by the Nigeria High Commission in South Africa
- (c) Letter of credence by the Securities and Exchange Commission
- (d) Importation of the loan capital through an authorized capital dealer in Nigeria.

20. Assuming Tshabalala Cusine was incorporated as a public company, which of the following statements is incorrect about the article of association?

- (a) There must be no restriction on the transfer of its shares

- (b) There will be no pre-emptive right clause
- (c) The content must be in line with the first schedule, Table A, Part 1 of the Companies and Allied Matters Act.
- (d) It must be stamped as a Deed along with the Memorandum of Association.

PROPERTY LAW PRACTICE

Mrs. Beatrice Mohammed is the owner of an empty plot of land at No. 235, Baba Housing Estate, Jigawa State. Mallam Babale Duchi, approached her to use the plot as a suya spot for an initial period of 5 years. The parties agreed unequivocally on all the terms and shook hands to cement the relationship. Using the foregoing scenario, answer questions 1 - 2.

1. The above lease is not valid because:
 - (a) Mallam Babale Duchi is an illiterate and there was no Magistrate or Notary Public present when the transaction was entered into.
 - (b) Mrs. Beatrice Mohammed did not seek and obtain the Governor's consent to enter into the transaction.
 - (c) Since there was no development on the plot of land, there was no basis for the transaction.
 - (d) The transaction is not in writing under seal.

2. Assuming the agreement was made in writing, what clause would have made it possible for Mallam Babale Duchi to renew the lease?
 - (a) Rent review clause
 - (b) Rent renewal clause
 - (c) Tenancy renewal clause
 - (d) Option to renew clause

Mrs. Asabe Zubairu, an indigene of Kano State lost her father, Mr. Usman Baba in a ghastly motor accident. In his Will, he bequeathed his property at No. 287, Gbomodia Close, Abuja to her as his "first daughter". He also expressly bequeathed the family compound, in the village to her in her capacity as his "first daughter". Her husband, Mr. Samson Zubairu, a Bini indigene advised that she should renounce the gift of the family compound as that is an exclusive preserve of the eldest male son and such a gift should have been made to him as her husband. Using the above scenario, answer questions 3 - 4:-

3. What type of legacy is the gift of the property at No. 287, Gbomodia Close, Abuja?
 - (a) Real estate legacy
 - (b) Specific legacy
 - (c) Landed property legacy
 - (d) Real property legacy

4. To be able to take over her gift, Mrs. Asabe Zubairu must be issued one of the following by the Executors of her father's estate.
 - (a) Letter of Administration
 - (b) Probate
 - (c) Letter of Authority
 - (d) Assent

Marasa Nigeria Ltd has its registered office at No. 624, Alkali Crescent, Plateau State. It has just purchased the twin duplex of Mr. Donald Ebube at No. 2 Isiele Road, Plateau State. The said property is covered by Certificate of Occupancy No. 122, dated 23rd July, 2004 and registered as No. 20 at page 20 in volume 60 (Certificate of Occupancy) at the lands Registry, Plateau State. The parties executed the necessary instrument of transfer. From the foregoing scenario, answer questions 5 - 6:-

5. What clause will show the extent and quantity of the property sold?
- Schedule clause
 - Recital Clause
 - Habendum Clause
 - Description Clause

6. The clause that will connect parties to the content and covenants in a Deed of Assignment is:-
- Testatum
 - Execution
 - Attestation
 - Testimonium

7. The principle that the Probate Registrar cannot grant probate to a disputed Will while a caveat had not been discharged was laid down in:-
- Dan - Jumbo v Dan-Jumbo (1999) 7 SCNJ 112
 - Obusez V Obusez (2007) 10 NWLR (Pt 1043) 430
 - N.B.A. V Koku (2006) All FWLR (Pt. 4334) 1928
 - Ajibaye V Ajibaye (2007) All FWLR (Pt. 359) 1321.

8. The document evidencing the financial obligation of parties as well as their expected obligations under a contract of sale is a:
- Completion Statement
 - Complete Deed
 - Incomplete Statement
 - Incomplete Deed

9. A Will is ambulatory because:-
- It speaks from the grave of the testator.
 - It is revocable at anytime before the death of the testator.
 - It is testamentary
 - It distributes the testator's estate upon his death.

Chief Bonny Moneyman has decided to grant a term of 7 years to Mr. God Dey Joseph in respect of his bungalow at No. 3, Tundun Wada Lane, Kaduna.

Answer questions 10 - 11:-

10. What document will be executed by the parties?
- A Deed of mortgage
 - A Deed of Lease
 - A Power of Attorney
 - A Deed of Conveyance

11. Assuming the transaction is an absolute transfer of interest, who prepares the appropriate instruments?

- Chief Moneyman's solicitor
- Mr. God Dey's brother
- Solicitor to Mr. God Dey
- Any of the above

12. For an oral sale of land to be valid under native law and custom, which of the following statement is not correct?

- All the witnesses must have attested the relevant documents
- Full purchase price must have been paid and other traditional requirements fulfilled
- Possession must have been handed over to the purchaser
- The transaction must have occurred in the presence of four witnesses.

13. One of the following is not a good root of title:-

- A legal Mortgage
- Registered Deed
- Registered Title
- Power of Attorney

14. For an instrument to be a good root of title, the following qualities except one must exist -

- (a) The instrument must convey legal and equitable interest to the vendor
- (b) The vendor must be literate or the instrument notarized
- (c) The instrument must adequately describe the property.
- (d) The instrument must be genuine

15. Which of the following information will not be relevant for you to prepare Chief Chukwudi's will?

- (a) His full name and address
- (b) Names and addresses of the executors
- (c) The certificates of occupancy of all his properties
- (d) Names and addresses of all beneficiaries.

16. Assuming Chief Chukwudi had a will but only wants to make additions which procedure would he adopt?

- (a) Destruction of the former will
- (b) Republication of the former will
- (c) Revoke the former will
- (d) Make a codicil

17. If Chief Chukwudi had approached you on the procedure for the alteration of his will, which method will you have recommended for him?

- (a) The will is invalidated by his intention to alter
- (b) The testator and his witnesses must sign the altered part
- (c) He must prepare a new will
- (d) None of the above

Ahmed Maichaji owns a property at Iyana Paja, Lagos. Due to old age and failing health, he is relocating back to his hometown, Yero Via Damaturu. Mr. Wodu Wakiri has agreed to buy the property. Both of them have approached you for advice.

Answer questions 18 - 20

18. At what stage would Maichaji be required to deduce title?

- (a) During the contract
- (b) Before the completion
- (c) After completion
- (d) During completion

19. What will be the order of the Conveyancing transaction between Ahmed Maichaji and Wodu Wakiri?

- (a) Contract - preliminary enquiries - Assignment
- (b) Preliminary enquiries - contract - deduction of title
- (c) Preliminary enquiries - contract - perfection
- (d) Investigate title - execute contract - execute Assignment

20. At the execution of the transaction, Ahmed Maichaji and Wodu Wakiri would be referred to as:-

- (a) Testator and beneficiaries
- (b) Assignor and Assignee
- (c) Lessor and Lessee
- (d) Mortgagee and Mortgagor

LAW IN PRACTICE

Zontas Nigeria Ltd engaged Mr. Umar Boma as its external solicitor on the understanding that he would not accept employment against the company. The company pays him the sum of N50,000.00 monthly. Recently, the company's driver knocked down a pedestrian (Mr. Benibo) who was taken to hospital unconscious. A lawyer named Mr. Alabo sought out Mr. Benibo's family members and convinced them to engage his services for the purpose of claiming compensation from the company. The company's driver was charged to court for reckless driving. Mr. Umar Boma applied for his bail but the prosecutor opposed the application on the ground that dangerous driving is now prevalent among drivers. The court nevertheless granted bail, whereupon the prosecutor told the Magistrate: "I don't know why you chose to grant bail despite many cases of dangerous driving pending before this court. I guess there is more to this than meets the eye".

Eventually, the matter ended in an acquittal and Mr. Umar Boma visited the company to demand the sum of N500,000.00 being his professional fees. The company refused to pay, insisting that the monthly payment he receives covers the court case. Mr. Umar Boma wants to sue the company for his fees.

1. The type of relationship between Zontas Nigeria Ltd and Mr. Umar Boma is known as:-

- (a) General retainer
- (b) Special retainer
- (c) Corporate retainer
- (d) None of the above

2. Mr. Alabo's contact with Mr. Benibo's family members for compensation is best referred to as:

- (a) Co-mingling
- (b) Ambulance chasing
- (c) Either of the above.
- (d) None of the above

3. The reaction of the prosecutor towards the Magistrate is a form of:

- (a) Contempt proceeding
- (b) Contempt ex facie curiae
- (c) Contempt in facie curiae
- (d) Contemnor

4. The appropriate method for Mr. Umar Boma to demand his professional fees is by sending a ----- to the company.

- (a) Bill of charges
- (b) Bill for costs
- (c) Charge sheet
- (d) Writ of charges

5. If Mr. Boma sends the appropriate document to the company for his fees, ----- period must expire before he can sue the company in the court.

- (a) 30 days
- (b) 45 days
- (c) 28 days

(d) One month

6. If Mr. Boma wishes to sue to recover his professional fees, the court that has jurisdiction is:-

- (a) The appropriate Magistrate Court
- (b) The appropriate State High Court
- (c) Both Magistrate Court and High Court
- (d) The Federal High Court

Disturbed and embarrassed by the activities of drug peddlers and addicts who sell and smoke Indian hemp and related drugs openly in front of Yola Market situated at Mobibbo Adama Road, Yola, the Adamawa State Government sometime in January 2014, sent an executive bill to the State House of Assembly for a law to prohibit the sale and consumption of Indian hemp and related drugs and other matters connected therewith.

7. The short title of the bill if eventually passed and assented to by the Government would be couched as:

- (a) Anti Drug Consumption and Sales bill, 2014
- (b) Anti Drug Consumption and Sales Act, 2014
- (c) Anti Drug Consumption and Sales law, 2014
- (d) Any of the above

8. The part of a legislation that expresses the time within which it may remain in force is called the:

- (a) Application
- (b) Duration
- (c) Commencement
- (d) Any of the above

9. In expression of time, "from" indicates that:

- (a) The date in question is to be included in computation of the period of time
- (b) The date in question is to be excluded in computation of the period of time
- (c) All of the above
- (d) None of the above

10. "Enacting formula" in a statute:

- (a) Is the formula used in drafting of the statute
- (b) Contains a statement as to the authority that is making the legislation
- (c) Is used to state the mischief the statute seeks to correct
- (d) Gives legal backing to a body by pronouncing its establishment

11. In a cash book kept in a law firm, the debit column contains:

- (a) All the expenditures made by the legal practitioner
- (b) All the receipts by the legal practitioner

- (c) All entries of individual items
(d) Any of the above

12. The credit column in a cash book contains:

- (a) All the expenditures by the legal practitioner
(b) All the receipts by the legal practitioner
(c) None of the above
(d) All of the above.

Two justices of the Supreme Court and a Chief Judge of a State were recently appointed. Both Justices of the Supreme Court were appointed by the President of the Federal Republic of Nigeria on the recommendation of the Chief Justice of Nigeria while the Chief Judge was appointed on the recommendation of the State House of Assembly. The appointments of the Justices of the Supreme Court were duly confirmed by a simple majority of the House of Representatives while that of the Chief Judge was duly confirmed by a Judiciary Committee set up for the purpose.

13. Which of the following statements is correct about the appointments? The appointment of the Supreme Court Justices are:

- a) Unconstitutional as it was not made on the recommendation of the NJC, neither was it confirmed by the Senate.
b) Constitutional because it was made by Mr. President who is the appropriate appointing authority.

- c) Constitutional because the CJN and the NJC are the same
d) None of the above

14. The appointment of the Chief Judge is:

- (a) Unconstitutional because it was not made on the recommendation of the NJC.
(b) Constitutional because the Governor has absolute power to appoint.
(c) Constitutional because the Judiciary Committee confirmed it.
(d) None of the above

Mr. Harrison Brikar studied law in Malaysia and soon after took up a teaching appointment in one of the faculties of law there. He has lectured there for close to six years but is now desirous of returning home to Nigeria to set up a law firm. He would like to partner with you, upon your Call to Bar later this year.

Answer the following questions:-

15. Which of the following is correct?

- (a) Mr. Harrison Brikar cannot practice law in Nigeria without undergoing the course of studies at the Nigerian Law School
(b) Mr. Harrison Brikar is qualified for a partial exemption from the course of studies at the Nigerian Law School
(c) Mr. Harrison Brikar is qualified for a full exemption

(d) Any of the above

16. Mr. Harrison Bukar's best option is to:-

- (a) Apply for the permission of the AGF for enrolment
- (b) Apply to practice by warrant under hand of the CJN
- (c) Undergo the course of studies at the Nigerian Law School.
- (d) Any one of the above options is as good as the other.

Mr. Pius, a legal practitioner, represented Mallam Hassan in an action for the enforcement of fundamental right before the Federal High Court sitting in Abuja. On 15th May, 2014, the matter came up for hearing and after the court session, Mr. Pius granted a press conference to journalists where he boasted that he will definitely win the case.

Answer the following questions:-

17. Which of the under listed best describes the action of Mr. Price?

- (a) Trial interference.
- (b) Trial publicity.
- (c) Trial statement.
- (d) None of the above.

18. What are the duties Mr. Pius owes Mallam Hassan?

- (a) Dedication and devotion to the case
- (b) Represent him within the bounds of the law

- (c) Represent him competently
- (d) All of the above

Sarat and Chuks both graduated from the University of Nigeria, Enugu Campus in the year 2000 and were called to Bar in 2001. They formed a partnership for legal practice in 2003. On 2nd June, 2013, Sarat was appointed as a Judge of the Kano State High Court. Meanwhile, the law firm still retained its signpost which reads: Sarat, Chuks & Partners. Amina, who is Sarat's childhood friend studied law in England and has been practicing there for a couple of years. She desires to return to Nigeria and join Sarat and Chuks in the partnership.

Answer the following questions:

19. What is the effect of Sarat's appointment as Judge on the partnership?

- (a) She ceases to be a partner
- (b) She can become a Consultant partner to the firm
- (c) Her name ought to be deleted from the partnership
- (d) A & C above.

20. Which of the following is a correct option?

- (a) Amina can join the partnership to replace Sarat.
- (b) Amina cannot join the partnership because she is not admitted to practice law in Nigeria.
- (c) Amina can join the partnership as an associate lawyer.
- (d) None of the above

UGUST, 2014. MCQ MARKING SCHEME

S/N	CRIMINAL LITIGATION	S/N	CORPORATE LAW PRACTICE	S/N	PROPERTY LAW PRACTICE	S/N	PROFESSIONAL ETHICS SKILLS
1	C	1	C	1	D	1	A
2	C	2	B	2	D	2	B
3	A	3	A	3	B	3	C
4	B	4	D	4	D	4	A
5	C	5	D	5	C	5	D
6	A	6	B	6	D	6	B
7	C	7	D	7	A	7	C
8	D	8	B	8	A	8	B
9	B	9	B	9	B	9	A
10	A	10	B	10	B	10	B
11	D	11	D	11	A	11	B
12	A	12	B	12	A	12	A
13	C	13	A	13	D	13	A
14	A	14	B	14	E	14	A
15	A	15	A	15	C	15	A
16	B	16	C	16	D	16	C
17	B	17	D	17	D	17	B
18	D	18	A	18	B	18	D
19	B	19	D	19	B	19	D
20	C	20	C	20	B	20	B



COUNCIL OF LEGAL EDUCATION
NIGERIAN LAW SCHOOL
BAR FINAL EXAMINATIONS
MULTIPLE CHOICE QUESTIONS

MONDAY, JULY 27, 2015

TIME ALLOWED: ONE (1) HOUR

INSTRUCTIONS:

CANDIDATES ARE TO ANSWER ALL QUESTIONS. ALL ANSWERS MUST BE PROPERLY SHADED ON THE PROVIDED COMPUTER SHEET.

USE HB PENCIL ONLY

CORPORATE LAW PRACTICE

Your Externship Field Supervisor at XYZ Attorneys, Mr. Wise Olu, instructs you to peruse the scenario below and answer the questions that follow:-

C'est Bon Von Limited recently received remuneration for the consulting services it rendered to Bell Petroleum Limited. The majority shareholders, Mike and Ann Obi, used the remuneration wholly in the purchase of a storey building in highbrow area of Lagos, Ikoyi. The property was bought in the joint names of Mike and Ann Obi.

Frank Ose and Mary Boma are minority shareholders in C'est Bon Von Limited and are aggrieved about the purchase transaction that appeared to be grossly overvalued.

Answer the following questions:-

1. Which of the following represents the first step that Frank and Mary must take in

recovering the misappropriated funds for the company?

- (a) Frank and Mary can proceed to sue in the name of the company.
 - (b) Frank and Mary can proceed to obtain the leave of the High Court to sue in their names.
 - (c) Frank and Mary can proceed to obtain the leave of the Federal High Court to sue in the name of the company.
 - (d) Frank and Mary can proceed to obtain the leave of the High Court to sue in the name of the company.
2. If Frank and Boma's allegation was that in addition to the fraud alleged in (1) above, they have been excluded from the meetings of the company. The court can make any of these orders i.e. to say.

(a) Direct that their shares be bought over by the other members of the company.

(b) Direct that the company be wound up.

(c) Make an order for regulating future conduct of the affairs of the company.

(d) All of the above.

3. Where no declaration of solvency has been filed, a company may be wound up by any of the following methods, except one.

(a) By the court.

(b) Creditors' voluntary winding-up.

(c) Members' voluntary winding-up.

(d) Compulsorily.

4. During the externship programme, Jacky Ojo Sakira, Ami and Tony Obi were attached to the Law firm of Chief Dandy Owoniboy and came for the registration of a company. The client desires that the name of the company should be Richie World Limited. If that was not possible, then FCT Richie Global Touch Limited.

What will be the minimum share capital of the above company?

(a) 500,000

(b) 250,000

(c) 50,000

(d) 25,000

5. The reservation of the name will be done at using form and if available be reserved for Days

(a) CAC/Form CAC1/30.

(b) TAC/Form CAC BN/60.

(c) CAC/Form CAC BN1/60.

(d) CAC/Form CAC 1/60.

6. The names as suggested above are called

(a) Preferred and less preferred.

(b) Alternate and preferred.

(c) Preferred and alternate.

(d) Weighted aid.

7. If the second name is denied, which of the following reasons will be the most probable cause:

(a) That it conflicts with existing name.

(b) That it is a prohibited name.

(c) That it is a restricted name.

(d) That it is a reserved name.

During the externship programme, you were given an opportunity to follow the principal partner that specializes in capital market and corporate law, to the Investment and Securities Tribunal. After the sitting of the Tribunal, your classmate attached to the Federal High Court requested you to provide answers to the following questions:-

8. Within how many days must Investment and Securities Tribunal commence and conclude a proceeding.

(a) 60

(b) 30

(c) 90

(d) 120

9. The Investment and Securities Tribunal is empowered to adjudicate on one of the following disputes.

(a) Pension disputes.

(b) Criminal matters among Capital Market operators.

(c) All investment disputes.

(d) All of the above.

10. Your Law firm intends to effect personal service of the process filed on Viola Nigeria Limited. Which of the following persons may not be appropriate to serve for proper service?

- (a) The Managing Director.
- (b) The Secretary.
- (c) The Director heading operation.
- (d) The alter ego director.

Donald is the Managing Director of Atlantic Insurance Company Limited. He was appointed on September 1, 2014. Answer the following questions:-

11. One of the following is incorrect; Donald can be removed by:-

- (a) The National Insurance Commission.
- (b) The Corporate Affairs Commission.
- (c) An order of the Federal High Court.
- (d) An Ordinary Resolution of the EGM.

12. Donald's condition of service can be found in all of the following but one:-

- (a) Service contract between him and the company.
- (b) The Articles of Association of the Company.
- (c) The Companies and Allied Matters Act.
- (d) The Federal High Court Act.

13. The CAC must be informed of the appointment of Donald on or before

- (a) 14/9/14
- (b) 15/9/14

(c) 30/9/14

(d) 8/9/14

14. At a Board meeting of the company the Managing Director is entitled to Vote (s)

- (a) One
- (b) Two
- (c) Casting
- (d) None

At an Extern round table conference the Head of Chambers of Lapal Associates gave the following brief for Externs to read and answer the following questions:-

Grace Edet, Dayo Ojo and Ardo Hassan are the Directors and shareholders of Plaiven Trading Company Limited. Grace Edet and Dayo Ojo who each hold 40% each of the shares of the Company conspired and shut out Ardo Hassan from the management of the Company. He was no longer invited to meetings and was refused entry into the premises of the company. He is contemplating filing an action for winding up of the company or an action on ground of unfairly prejudicial and oppressive conduct or applying to the Corporate Affairs Commission to investigate the affairs of the Company.

15. The proper mode of commencing the action for winding up of the Company is:-

- (a) Writ of summons.
- (b) Petitions
- (c) Originating motion
- (d) Originating Summons.

16. The Court that has jurisdiction to entertain the action for winding up of the Company is:-

- (a) High Court
(b) National Industrial Court.
(c) Investments and Securities Court.
(d) Federal High Court.
17. The Section of the Court where Ardo Hassan's counsel can file the originating processes for the action for winding up of the company is:-
(a) Process Section.
(b) Bailiff Section.
(c) Accounts Section.
(d) Probate Section.

Haktaban, Nigeria Plc at its Board of Directors meeting held on July 17, 2015 has authorised the company to raise the sum of N1,000,000,000 (One Billion naira) from the Capital Market in order to strengthening its expansion project.

Answer the following questions:-

18. Which of the following methods can be adopted to raise the sum of N1 billion naira from the Capital Market?
(a) Direct offer.
(b) Offer for sale
(c) Placement
(d) All of the above.
19. Which of the following is true about share premium account:-
(a) It is used to increase share capital.
(b) It is used to pay for bonus shares as paid up.
(c) It is used for payment of premium payable on redeemable preference shares.
(d) B and C only.

20. The company intends to maintain the shareholding equilibrium in line with the pre-emptive clause in its Articles of Association. Which of the following will not be appropriate?

- (a) A right issue/offer
(b) A hybrid issue/offer
(c) A direct issue/offer
(d) A and B

CRIMINAL LITIGATION

Musa Mohammed was tried at the Magistrate Court, Kano, for the offence of theft. The charge was interpreted in Hausa language to the accused person by the Magistrate's Orderly Inspector Danladi Yesufu. The accused person pleaded guilty to the charge and trial commenced. The prosecutor called three witnesses but before the conclusion of his case, the Magistrate suo motu amended the charge to include the offence of assault. The new charge was read to the accused person as follows:-

"that you Danladi Yesufu on July 3, 2015 at the Village Square, Kano, assaulted Mallam Ibrahim Baba Kano and also stole his wrist watch valued at Fifty thousand naira and thereby committed the offences of theft and assault contrary to Section 257 and 284 of the Penal Code Law of Kano State.

Answer the following questions 1-3:-

1. The charge at the Magistrate Court must be read to the accused person by
(a) The prosecution
(b) The defence counsel
(c) The Court Clerk/Registrar
(d) The Police Orderly.

2. When the accused person pleaded guilty to the charge, the court should have done one of the following:-

- (a) Sentenced him summarily.
- (b) Order his imprisonment.
- (c) Grant him bail unconditionally.
- (d) None of the above.

3. The accused person can challenge the amended charge on the ground of being bad for one of the following:-

- (a) Ambiguity.
- (b) Duplicity.
- (c) Misjoinder of offences.
- (d) Misjoinder of offenders.

Femi Biobaku was arrested by the Police for the offence of murder and detained for four months at the Police Station. Femi Biobaku was later arraigned at the Magistrate Court, Ibadan. He pleaded not guilty to the charge and was ordered to be remanded at the Agodi prison, Ibadan by the Magistrate pending legal advice from the Ministry of Justice, Ibadan.

4. Answer the following questions:

When Femi Biobaku was not arraigned before the Court within a reasonable time, his counsel could have applied to a competent court for one of the following reliefs:-

- (a) Writ of prohibition.
- (b) Writ of Habeas Corpus.
- (c) Writ of certiorari.
- (d) Writ of Mandamus.

5. The Court that has Jurisdiction to entertain Femi Biobaku's case is:-

- (a) High Court, Ibadan.
- (b) Federal High Court, Ibadan.

(c) National Industrial Court, Ibadan.

(d) Chief Magistrate Court, Ibadan.

Three suspects Ahmed Ibrahim, Chima Nwokedi and Yunusa Babajide were recently apprehended and arraigned for the offences of obtaining by false pretences and kidnapping at the High Court in Lagos. The suspects are alleged to have accosted one Chief David Eguavon on April 15, 2015 and persuaded him to release the sum of N3 million on the pretext that they were importers of cars from neighbouring Benin Republic. Chief Eguavon ordered a Mercedes Benz Jeep ML 320 from them to be delivered to his residence one week later. Two weeks after, Chief did not see the Jeep or the culprits. He waited for one more week and then reported at the Badagry Area 'F' Police Station. The suspects kidnapped the daughter of one Mr. Rufus Ajinoba, an influential member of the community and demanded the sum of N10 Million as ransom. From the telephone calls made to Mr. Ajinoba, the Police were able to trace suspects to their hideouts in Lagos Island, and arrested them.

Answer the following questions 6 – 12:-

6/ Where will you commence the criminal proceedings?

- (a) Ikeja judicial Division.
- (b) Lagos Judicial Division.
- (c) Badagry Judicial Division.
- (d) Ikorodu Judicial Division.

7/ The defendants will be brought to Court upon which of the following processes?

- (a) Upon a charge sheet.
- (b) Upon information supported by affidavit.
- (c) Upon information in writing and on Oath.
- (d) Upon information.

8. The parties on the information will read:

(a) The State of Lagos v Ahmed Ibrahim, Chima Nwokedi, Yunusa Babajide.

(b) The people of Lagos State v. Ahmed Ibrahim, Chima Nwokedi, Yunusa Babajide.

(c) Inspector General of Police V Ahmed Ibrahim, Chima Nwokedi, Yunusa Babajide.

(d) The State V Ahmed Ibrahim, Chima Nwokedi, Yunusa Babajide.

9. One of the following is authorised to call out the cases on the Court cause list:-

(a) A legal practitioner in Court.

(b) A judge's Police Orderly.

(c) Any of the parties present.

(d) The Registrar or Court Clerk.

10. The three suspects were arraigned on July 6, 2014. As their counsel, at which stage of the arraignment will you apply that they be released on bail?

(a) As soon as they are brought to Court and put in the dock.

(b) As soon as the case is called and appearances are announced by counsel.

(c) As soon as their pleas are taken.

(d) As soon as the Defence Counsel opens his defence.

11. Upon the arraignment of the three accused persons in Court, all **except** One of these are the options open to them:-

(a) Pleading guilty or not guilty.

(b) Standing mute.

(c) Making statement from the dock.

(d) Refusing to plead.

12. The case of these three accused persons was listed first on the cause list, but on sighting Mr. Bassey Ojiodu, a Senior Advocate of Nigeria in the court, his case was called out of turn;

(a) This means the Judge was partial.

(b) This is a mark of respect to the silk.

(c) This is against the rule of fair hearing.

(d) None of the above.

In the Magistrate Court, Ebute Metta, Lagos, Jammal Momodu was brought in by Inspector Bassey King on allegation of stealing the sum of N100,000.00 from one Miss Adaobi. The charge was read to him, but he indicated that he did not understand English language. An interpreter was called and he pleaded not guilty to the charge. Counsel to the defendant applied for bail which the trial Magistrate refused and ordered the accused to be remanded in prison custody. His Counsel was dissatisfied with the ruling and applied for bail at the High Court. The bail was granted at the High Court and the trial continued at the Magistrate Court. The prosecution called two witnesses and closed its case. The defence counsel was called upon to enter his defence. He raised the defence of alibi on the ground that his client was away in Ibadan at the time of the commission of the alleged offence. The Court rejected the defence of alibi, found Jammal Momodu guilty of the offence and sentenced him accordingly.

Answer the following questions:-

13. The interpreter called upon by the Court to read the charge must be competent in the language of the Court and that of the accused and may be any of the following persons:-

(a) Officer of the Court.

(b) A co-accused in a case.

(c) Any of the parties present.

(d) A legal practitioner.

14. When bail application was refused by the Magistrate Court, the application may be made to the High Court by way of supported by affidavit accompanied with

- (a) Motion on notice accompanied with CTC of charge and CTC of ruling refusing the bail.
- (b) Motion Ex-parte accompanied with CTC of charge sheet and CTC of ruling refusing the bail.
- (c) Summons accompanied with CTC of charge and CTC of ruling refusing the bail.
- (d) All of the above.

15. For the defence of alibi to avail Jammal Momodu, he or his counsel must have raised it:-

- (a) As soon as he was arraigned before the Court.
- (b) Whilst the prosecution was adducing evidence.
- (c) As soon as he or his counsel entered his defence.
- (d) As soon as he was arrested or during investigation.

At the arraignment of Petrusky Kumasilongo for human trafficking at the National Industrial Court, Ikoyi, Lagos, Counsel for the defendant after announcing his appearance, immediately applied for the bail of his client who was not in court. He further informed the court that he advised the defendant not to be present in court because the court lacks jurisdiction to try the defendant for the alleged offence.

While he was addressing the court, the Hon. Attorney-General of the Federation came into the court and made an oral application to take over the case from the private prosecute who was granted a fiat to prosecutor the matter. The court ruled that the Attorney-General could not take over the case

at the stage of arraignment, but must wait till the commencement of the trial.

Answer the following questions 16 – 18:-

16. The ruling of the court in relationship to the application by the Attorney-General to take over the case is:-

- (a) In line with the constitutional provision.
- (b) Against the weight of evidence.
- (c) Erroneous and will be over turned on appeal.
- (d) A final ruling on the point and cannot be appealed against.

17. In what circumstances may the presence of a defendant be dispensed with during his arraignment in Lagos?

- (a) The presence of the defendant may be dispensed with if he pleads guilty in writing through his legal practitioner and the offence does not attract a punishment exceeding six months.
- (b) Where the defendant's health is an issue.
- (c) Where the defendant is in a psychiatric home.
- (d) None of the above.

18. The action of the learned counsel to the defendant in the above scenario, when he informed the court that he advised the defendant not to attend court can best be described as:

- (a) An act of disobedience to the Court Order.
- (b) A good example of case management skills.
- (c) An act of disrespect to the court.
- (d) Lack of diligent prosecution.

A case of murder was reported at the Agbani Police Station in Enugu State. Inspector Okeke

who was in charge of the Station issued a search warrant and warrant of arrest against Mr. Uche Nwaka. Uche's room was searched and a blood stained Knife was recovered. He was given a thorough beating by the Police before confessing to the offence of murder in the Station. At his trial, the blood stained knife was tendered in evidence but was rejected because it was never taken to the forensic laboratory for examination. The Judge before whom Uche Nwaka is standing trial has refused to grant him bail despite his failing health.

Answer questions 19 and 20:-

19. The scenario reveals that the Investigating Police Officers:-

- (a) Were not diligent and thorough in their investigation.
- (b) Did a good job by extracting a confessional statement from Uche Nwaka upon which the Court can convict him.
- (c) Acted in accordance with the law.
- (d) None of the above.

20. The blood-stained knife could be admitted in evidence on the ground of:

- (a) Legally obtained evidence.
- (b) Illegally obtained evidence.
- (c) Relevance to the trial.
- (d) All of the above.

PROFESSIONAL ETHICS AND SKILLS

In the context below, choose the most appropriate options to fill the gaps in the case study.

On one occasion during your externship, you followed your field supervisor to the High Court of Lagos State, Ikeja. There were several matters on the (1)....., but the matter your field supervisor was interested in was not listed, even though it

had been fixed for definite hearing on that day. The (2) had inadvertently omitted it from the list. Your field supervisor drew His Lordship's attention to the omission. His Lordship immediately instructed that the case be listed and expressed displeasure at the omission. Chief Ola, SAN mentioned his matter out of turn. It was slated for definite hearing and His Lordship (3)and proceeded with other cases slated for (4) when he was through, he then asked the Registrar to (5)Chief Ola, SAN's matter for hearing.

1. (a) Course list
(b) Case list
(c) Cause List
(d) Matters list
2. (a) Registrar
(b) Court Clerk
(c) Bailiff
(d) Judge
3. (a) Stepped it down
(b) Stood it down
(c) held it down
(d) Adjourned it for a while.
4. (a) hearing
(b) Mention
(c) Continuation of hearing
(d) Definite hearing
5. (a) Call
(b) Mention.
(c) Bring down

- (d) Deliver up

Complete the following reflections made by an extern in her log book on June 19, 2015 after witnessing trial at the High Court of Plateau State.

"The distinction between these two procedures in trials became clearer after the proceedings today. While(6)means postponement of proceedings in a matter to a specific time on the same day to enable counsel or the Court take a step,(7)means postponement of the case to another day. Also I observed that lawyers announced appearance as though they intended to disagree with the Judge instead of ".....(8)", as we were taught in School. I noticed that some lawyers did not dress as we were taught. The gentlemen ought to wear(9)....., while the ladies ought to be attired thus;(10)

6. (a) adjourned

- (b) Stay of proceedings.

- (c) Stand down.

- (d) None of the above.

7. (a) Adjournment

- (b) Stay of proceedings

- (c) stand down

- (d) None of the above.

3. (a) 'With due respect my Lord',

- (b) 'With due respect my Lordship'

- (c) 'May it please my Lordship'

- (d) 'May it please my Lord'.

9. (a) Black suit white collarless shirt and detachable wings, white band (bib), black shoes and stockings.

- b) Dark blue suit, white wing collar shirt, white band (bib) lack shoes and stock takings and wig and gown.

- (c) Black suit, white shirt, black or dark coloured tie, black shoes and stockings and wig and gown.

- (d) All of the above.

10. (a) Black suit, white collaret, black shoes and wig and gown.

- (b) Dark blue skirt and jacket, sky blue blouse, ladies white band (bib) and wig and gown.

- (c) Black straight dress (shirt sleeved and open necked), white collaret and wig and gown.

- (d) All of the above.

The following is a farewell message delivered by Mr. Aliyu Baba, SAN to all externs attached to his law office in May 2015. Read the passage and fill in the gaps with the most appropriate option(s) that follows.

"Dear Externs, now that this exercise is over, you must bear in mind from now on and most especially after you have been called to the Nigerian Bar later this year, that you must exhibit(11)conduct always. Following your call to the Bar, you shall be regarded as(12), you must then proceed immediately to the(13)..... To enrol on payment of the sum of(14).....as your practising fees.

For those of you interested in Law practice, you must display candour and integrity at all times and shun acts which are calculated to gain undue advantage against an opposing lawyer before the courts. This is what we refer to as(15) Also remember to exhibit respect to all members of the profession. I am aware that you have been taught by your lecturers that no member of the Bar shall regard himself or herself as being superior to any other member of the Bar irrespective of rank or title.

However, you must have noticed from your attendance at the Courts that certain members by Regulation must be accorded certain privileges at the Bar.

These are particularly(16) who can for example(17)..... and(18).....

Finally, always remember to display the highest level of respect to the Judges that you shall be appearing before. For those that shall appear at the High Courts, you shall address the judges there as(19) and those that shall appear before Magistrates Courts in Lagos State, they shall be addressed as(20). On this note, I wish you the very best of luck in your Bar Final examinations. Best wishes!

11. (a) Good and proper

(b) Fit and proper

(c) Decent and proper

(d) Fit and decent

12 (a) Attorneys in the Temple of Justice.

(b) Advocates in the Temple of Justice.

(c) Ministers in the Temple of Justice.

(d) Barristers and Solicitors in the Temple of justice.

13. (a) Nigerian Bar Association Secretariat

(b) Office complex of the Body of Benchers.

(c) The Supreme Court of Nigeria.

(d) The administrative complex of the Council of Legal Education.

14. (a) N2,000.00 within one month of

enrolment.

(b) N4,000.00 within six months of Enrolment

(c) N2,000.00 before March 31 next year,

(e) N4,000.00 before March next year,

15. (a) Conduct unbecoming of a Legal Practitioner.

(b) Sharp practice

(c) Playing to the gallery.

(d) Infamous conduct.

16. (a) Body of Benchers, Senior Advocates of Nigeria and Law Offices in the Attorney-General's Chambers.

(b) Life members of the Body of Benchers, Senior Advocates of Nigeria and Law officers in the Attorney-General's Chambers.

(c) Life members of the Body of Benchers, Director of Public Prosecution and law officers in the Attorney-General's Chambers.

(d) Life members of the Body of Benchers, Director or Public Prosecutions and Law Officers and very senior members of the Bar.

17. (a) Sit in the outer Bar/front row.

(b) Sit in the inner Bar/front row.

(c) Sit on the Bench/front row.

(d) Sit wherever space is provided for them in the Court.

18. (a) Call their cases for motion, out of turn.

- (b) Call their cases first.
- (c) Call their cases when they are called upon to do so.
- (d) Ask that their matters be stood.
19. (a) Your Excellency
- (b) Your Honour
- (c) Your Worship
- (d) Your Lordship.
20. (a) Your Majesty
- (b) Your Honour
- (c) Your Worship
- (d) Your Lordship
3. (b) Apply for judgment under Order 11 Procedure of Lagos State.
- (c) Use the undefended list procedure under Order 2 of Federal Capital Territory High Court Rules.
- (d) Report the matter to the police.
- When you observed proceedings in the suit, on the day the matter was listed for mention in Court 4 Federal Capital Territory High Court, one of the following was true.
- (a) The Judge asked the parties to commence trial immediately.
- (b) The charge was first read to the defendant.
- (c) The plaintiff's counsel announced appearance first followed by the defendant's counsel.
- (d) None of the above.

CIVIL LITIGATION

The Chief Registrar of the High Court of the Federal Capital Territory directed all Externs at the Court to read the Scenario and answer the questions below:

Mr Fry commenced an action at the Federal Capital Territory High Court, for the recovery of the sum of N3,000,000.00 (three million naira) from Peoples Finance Limited.

Answer the following questions:

1. The suit will be assigned to a Judge by one of these:
- (a) The Chief Justice of the Federal Capital Territory High Court.
- (b) The Registrar of the Federal Capital Territory High Court.
- (c) The vacation Judge.
- (d) None of the above.
2. As an Extern, you were asked to give an opinion on the quickest procedure you will adopt to obtain judgement in the case; and your answer will be:
- (a) Apply for default judgment by motion exparte.

While on externship at the High Court of the Federal Capital Territory Adanu Aboynu who seeks to sue Joe Jack, a resident of the Gwagwalada Area Council, Abuja, brought before the Process Registrar, Federal Capital Territory High Court, the following documents: Writ of Summons, Statement of Claim Witnesses' statements on Oath, Copies of documents to rely on and Certificate of pre-action Counselling. But the Registrar insisted that a condition precedent to the issuance of the Writ has not been fulfilled.

4. That condition is:
- (a) Pre-action Notice.
- (b) Leave to issue Writ.
- (c) List of Witnesses.
- (d) Payment of filing fees.
5. When the Writ is issued which, officer of the Court shall ensure that the processes get to Joe Jack?
- (a) The Court Clerk.
- (b) The Bailiff.
- (c) The Chief Registrar.
- (d) The Police Orderly.
6. When Joe Jack is served with the processes, the first step he would take is to:

26. (a) Announce appearance.
 (b) Enter appearance.
 (c) File statement of defence.
 (d) File notice of motion.
7. If Joe Jack fails to take the step in (6) above:
 (a) Judgment may be entered against him in default of defence.
 (b) Final judgement may be entered against him.
 (c) Judgement may be entered against him in default of appearance.
 (d) None of the above.

On the third day of your externship programme at the Lagos State High Court presided over by Hon. Justice Kola, Mr. Tolani Usman, Counsel to the 8----- moved a 9 ----- to attach the money belonging to the 10 ----- with First Bank Plc. The Judge while granting the application issued 11----- to be served on 12-----

Select the most appropriate answer to fill in the gaps in the above case study.

8. (a) Judgement Debtor.
 (b) Garnishee.
 (c) Judgement Creditor.
 (d) Plaintiff.
9. (a) Summon.
 (b) Motion ex parte.
 (c) Motion on notice.
 (d) Originating motion.
10. (a) Judgment Creditor.
 (b) Defendant.
 (c) Garnishee.
 (d) Judgment Debtor.
11. (a) An order absolute.
 (b) An order nisi.
 (c) An order of release.
 (d) An order of attachment.
12. (a) Garnishee.
 (b) Judgment Debtor.
 (c) Judgment Creditor.
 (d) Deputy Sheriff.

Complete the answer supplied by a field supervisor to an extern's question, on the steps he took to

draft and file the originating process, in an action for defamation in the High Court of Lagos State in which judgment had just been entered in favour of his client.

Upon receiving instructions to commence the action at the High Court of Lagos State, I prepared the Writ of Summons together with the accompanying documents. It must be noted that the Writ must aside other endorsements contain the reliefs sought. The13 which contains material allegations of the claimant must.....14 the defamatory words. After drafting the processes, it must be.....15 by the lawyer, except the witness statements on oath which will be signed/sworn to 16.....

The process is then taken to the Court for filing. The filing is done at the 17..... The Registrar confirms the processes and then initial on it and thereafter 18..... the processes to determining the amount to be paid as 19..... The Registrar on confirming payment stamps the processes and allots a 20..... Number to the case.

13. (a) Particular of defamation.
 (b) Particulars of claim.
 (c) Statement of claim.
 (d) Statement of damages.
14. (a) Specifically tender.
 (b) Specifically plead.
 (c) Specifically explain.
 (d) Specifically adumbrate.
15. (a) Signed and dated.
 (b) Signed only.
 (c) Dated only.
 (d) None of the above.
16. (a) Before the Commissioner for Oaths.
 (b) Before the Commissioner for Oaths.
 (c) Before the Judge in Chambers.
 (d) Before the Principal in Chambers.
17. (a) At the Probate Registry.
 (b) At the Courtroom.
 (c) At the Chief Registrar's office
 (d) At the Process Registry.

18. (a) Assesses.
(b) Cost.
(c) Examine.
(d) Quantify.

19. (a) Cost.
(b) Filing fee.
(c) Process fee.
(d) Security for cost.

20. (a) Suit.
(b) Case.
(c) Motion.
(d) Appeal.

PROPERTY LAW PRACTICE

Owene Ibipo and Ezekiel are students of the Nigerian Law School posted to the Law Office of Aristotle and Locke (Legal Practitioners) for the Externship Programme to Law Offices.

Mr. Charles Kamerin, the Field Supervisor invited the three (3) externs to a meeting with Chief Ahmed Amos Ajasa, Head of the Eletu-Ajasa Family of Idumagbo Area of Lagos, Lagos State. At the meeting, Chief Ajasa informed Mr. Kamerin of his desire to tidy his affairs because he is not getting younger and needs to slow down. He also mentioned that the family wants to do the following:

(i) Sell a large expanse of land containing six (6) plots of land at 27/33 Iyore Street, Orile, Iganmu, Lagos, and covered by a certificate of occupancy No. 35952, registered as 23/23/1993A at the Lands Registry, Lagos to Etisalat Nigeria Limited. The consideration is N350,000,000.00 (three hundred and fifty million naira) and Etisalat Nigeria Limited has agreed to pay N10,000,000.00 (ten million naira) as deposit.

(ii) Grant a term of ten years in respect of a 2 bedroom bungalow at 23, Tejuosho Road, Ikeja, Lagos to Mr. Aina Ebube at an annual rent of N1,500,000.00 (one million, five hundred thousand naira).

- (iii) Grant a term of 2 years in respect of a three bedroom flat at Addex Street, Ilupeju, Lagos to Miss Celine Kim of Aero Contractors Plc, Lagos.
(iv) He mentioned that he will be representing the family in all the transactions

Now answer the following questions:

1. The instructions given by Chief Ajasa does not include one of the following property law transactions.

- (a) Lease.
(b) Tenancy.
(c) Mortgage.
(d) Contract of Sale of Land.

2. The effect of Chief Ajasa representing the family in the transaction, involving family properties implies that all of the following are correct except:

- (a) He can validly execute all documents on behalf of the family.
(b) The document authorising him need not be in writing.
(c) The document authorising him must be by Deed.
(d) The document removing him as the family's representative must be a deed.

3. With respect to all the transactions to be done by the law office of Aristotle & Locke, all but one of the following laws will not apply.

- (a) Wills Law, Lagos State.
(b) Tenancy Law of Lagos State 2011.
(c) Mortgage and Property Law, Lagos 2010.
(d) Evidence Act 2011.

4. The same lawyer can act for the parties to the sale in all but one of the following circumstances:

- (a) Title is sound.
(b) The possibility of conflict of interest is remote.
(c) The consideration is not too high.
(d) The parties want to reduce the cost to pay.

5. Where the deposit is received as stakeholder, it implies one of the following:
- The money is collected as agent of the family.
 - In case of misappropriation, the family would be personally liable.
 - The money would be given to the person entitled to it at the end of the transaction.
 - The legal practitioner is free of liability in case of loss.
6. With respect to the term of years to Miss Celine Kim, the document to be prepared is:
- Deed of Lease.
 - Tenancy Assignment.
 - Tenancy Agreement.
 - Deed of Sub-lease.
7. The law office of Aristotle & Locke can charge its professional fees using the following option except:
- Percentage.
 - Scale of fees.
 - Hourly.
 - Appearance fee.
- Chief Emeka Dominic's Will was discovered following his death. He was born in Anambra State, but he lived his entire adult life in Lagos where he established various businesses. The deceased made his wife of forty five years one of the two executors to his Will, while his son Stanley was the second executor. The Will contained several depository and non-depository provisions.
- One of the depositions in the Will reads thus: "I give N100,000.00 (one hundred thousand naira) to Valencia, my daughter, to be drawn from my current account at Zenith Bank Plc, Bwari, Abuja."
- Which of the following correctly described the above gift?
- Specific legacy.
 - Demonstrative legacy.
 - Annuity.
 - General legacy.
9. What distinguishes the above legacy from other legacies is:
- It constitutes a gift of money.
 - It is not subject to ademption.
 - There is a designation of the source of the gift.
 - b & c.
10. The absence of one of the following will create partial intestacy in the Will:
- Commencement clause.
 - Residuary clause.
 - Charging clause.
 - Execution clause.
11. You are to draft the irrevocability clause in a power of attorney instrument presented to you. The clause could be drafted in one of the following ways:
- I PLEDGE that this Power of Attorney shall be irrevocable for one year from the date it is given.
 - I DECLARE that this Power of Attorney shall be irrevocable for one year from the date it is given.
 - I ASSERT that this Power of Attorney shall be irrevocable for one year from the date it is given.
 - I CONFIRM that this Power of Attorney shall be irrevocable for one year from the date it is given.
12. Mr. Emeka Oloye, a very busy businessman of 17, Biadu Street, Port Harcourt owns the following properties: 31, Bridge Street, Asaba, Delta State; and ten (10) blocks of four (4) flats each at Oloye Crescent, Port Harcourt. He is tired of managing these properties particularly the 40 flats at Oloye Crescent. He therefore briefed his Lawyer Mr. Pako to sell the property in Asaba and lease out the flats in Port Harcourt. Mr. Pako demanded a written instruction and a written authorisation. Now answer the following questions:

The effect of the instruction created by Mr. Emeka Oloye could be brought to an end by:

- Cancellation.

- (b) Operation of law.
- (c) Surrender.
- (d) Notice to quit.

15. Mr. Emeka Oloye wants Mr. Pako to collect at least 5 years rent in advance from the tenants of each flat in the estate at Port Harcourt. Why would you advise Mr. Emeka Oloye against doing so? Which of the following will not constitute your advise?

- (a) So that Mr. Emeka will not be too adversely affected by the vagaries of inflation.
- (b) So that he does not have to pay personal income tax on the rent collected.
- (c) So that Mr. Emeka Oloye would be able to take advantage of future capital appreciation.
- (d) So that he could have a rent review clause.

Chief Magnus ran into Lovina at Aminu Kano International Airport, Kano and fell in love with her. In the flight, he proposed to her and promised her a twin-duplex in Asokoro if she agreed to his proposal. She accepted to marry him and they went through marriage ceremony at Abuja Municipal Council Marriage Registry in Abuja on April 10, 2015.

Meanwhile before the marriage, Lovina was pregnant for Mr. Okechukwu. Chief Magnus who had written his Will in January 2015 later had a heart-attack and died on July 10, 2015.

Answer the following questions:

14. One of the following statements is correct about the Will of Chief Magnus:

- (a) The Will is revoked by the subsequent marriage to Lovina.
- (b) The Will is presumed revoked as it was later found to be in possession of Uche, the eldest son of Chief Magnus.
- (c) The Will remains valid notwithstanding the subsequent marriage.
- (d) None of the above.

15. One of the following statements is correct about the revival of the Will:

- (a) A Will earlier revoked can only be revived by the use of Codicil.
- (b) Only a Will that is in existence can be revived for a Will revoked by destruction cannot be revived.
- (c) The executors of a revoked Will can revive it by calling the same witnesses to re-execute the Will.
- (d) The testator can only revive a Will where he calls the same witnesses to re-execute the Will.

16. A gift in a Will can be addeemed in all except one of the following circumstance:

- (a) Where the gift is sold and proceeds of sale realised after the death of the testator.
- (b) Mere sub-division of shares to lower denomination.
- (c) The gift is compulsorily acquired by government and compensation paid in the life time of the testator.
- (d) The testator died along with the gift that by consequence of the accident becomes unrecognisable.

Alhaji Usman Dabo gave an instrument authorising the Law Firm of "Excel Chambers" to grant leases and to manage his shopping plaza at Wuse 2, Abuja for a period of 5 years. John Bull, Principal Partner in the firm later died.

Answer the following questions.

17. The instrument is ineffective for one of the following reasons:

- (a) The death of the partner of the firm revokes the authority.
- (b) A Power of Attorney can only be given to natural person and not a firm.
- (c) A firm, not being a juristic person cannot be given power of attorney.
- (d) A law firm, not being a legal practitioner in accordance with Legal Practitioners Act, cannot be given Power of Attorney.

18. The Power of Attorney given above by Alhaji Usman Dabo was executed in Togo, before Legal Secretary of a Notary Public, as such it is:

- (a) Invalid for not having been executed before a Notary Public.

- (b) Revocable since it was not made by Deed.
- (c) Though valid, it required evidence of due execution.
- (d) Though valid, it required certification to be acceptable in Nigeria.

19. An irrevocable Power of Attorney becomes revocable:

- (a) Upon the death of the Donee, whether or not it is given for consideration.
- (b) Upon the fulfilment of the purpose of the grant of the authority.
- (c) Upon expiration of 12 months even if it is given for valuable consideration.
- (d) a & c.

20. According to the decision of the Supreme Court in Ude v Nwara:

- (a) The Donee of a Power of Attorney can validly transfer the title of the Donor even if the power was not made by deed so long as it is given for consideration.
- (b) A Power of Attorney is merely an instrument of delegation and as such the Donor remains vested with the title to the property.
- (c) The Donor of a Power of Attorney can still exercise the power even if it is expressed to be irrevocable.
- (d) None of the above.

COUNCIL OF LEGAL EDUCATION
NIGERIAN LAW SCHOOL HEADQUARTERS
BWARI-ABUJA

MULTIPLE CHOICE ANSWER SHEET

JULY 2015

CIVIL LITIGATION

1. [A] [B] [C] [D]
2. [A] [B] [C] [D]
3. [A] [B] [C] [D]
4. [A] [B] [C] [D]
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12. [A] [B] [C] [D]
13. [A] [B] [C] [D]
14. [A] [B] [C] [D]
15. [A] [B] [C] [D]
16. [A] [B] [C] [D]
17. [A] [B] [C] [D]
18. [A] [B] [C] [D]
19. [A] [B] [C] [D]
20. [A] [B] [C] [D]

CRIMINAL LITIGATION

1. [A] [B] [C] [D]
2. [A] [B] [C] [D]
3. [A] [B] [C] [D]
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19. [A] [B] [C] [D]
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CORPORATE LAW PRACTICE

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3. [A] [B] [C] [D]
4. [A] [B] [C] [D] BONUS BUT SHADE ONE OPTION
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19. [A] [B] [C] [D]
20. [A] [B] [C] [D]

LAW IN PRACTICE

1. [A] [B] [C] [D]
2. [A] [B] [C] [D]
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17. [A] [B] [C] [D]
18. [A] [B] [C] [D]
19. [A] [B] [C] [D]
20. [A] [B] [C] [D]

PROPERTY LAW PRACTICE

1. [A] [B] [C] [D]
2. [A] [B] [C] [D]
3. [A] [B] [C] [D]
4. [A] [B] [C] [D]
5. [A] [B] [C] [D]
6. [A] [B] [C] [D]
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15. [A] [B] [C] [D]
16. [A] [B] [C] [D]
17. [A] [B] [C] [D]
18. [A] [B] [C] [D]
19. [A] [B] [C] [D]
20. [A] [B] [C] [D]

From

Barr. Oluwadare



COUNCIL OF LEGAL EDUCATION
NIGERIAN LAW SCHOOL

BAR FINAL EXAMINATIONS

MULTIPLE CHOICE QUESTIONS

FRIDAY, JULY 22, 2016

TIME ALLOWED: 60 MINUTES

INSTRUCTIONS:

CANDIDATES ARE TO ANSWER ALL QUESTIONS. ALL ANSWERS MUST BE PROPERLY SHADED ON THE PROVIDED COMPUTER SHEET. USE HB PENCIL ONLY

CIVIL LITIGATION

During your externship in the law firm of J.T. Alade & Co., Chief Ade Abel instructed your Principal, Mr. J.T. Alade, SAN to file an election petition on his behalf. Chief Abel contested the recent Senatorial election held in Oyo State as the platform of Mass Action Party (MAP) against Dr. Lola Yori of Democratic People's Congress Party (DPCP). The election was held on June 14, 2016 and the result was declared on June 15, 2016, with Dr. Yori as the winner.

Answer the following questions:-

1. Mr. J. T. Alade must file the petition on or before:-

- (a) 13th of July 2016
- (b) 8th of July 2016
- (c) 11th of July 2016
- (d) 2nd of July 2016

2. Mr. Alade, your Principal has asked you to list the documents that will

accompany the petition. They are:

- (a) Pre-action counseling certificate, list of witnesses, written statement on oath.
- (b) List of witnesses, written statement on oath of witnesses, copies or list of documents to be relied on.
- (c) Pre-action protocol Form 01, list of witnesses, written statement on oath of witnesses, documents to be relied on.
- (d) None of the above.

3. Mr. Alade sought to know what time limit the Tribunal has to deliver its judgment in the case, counting from when the petition was filed?

- (a) 90 days
- (b) 60 days
- (c) 3 months
- (d) 180 days

4. Chief Abel's grounds for the petition are underlisted. Which of them is not tenable?

- (a) Dr. Yori was not qualified to contest.
- (b) Corrupt practices
- (c) Undue influence
- (d) Non-compliance with the Electoral Act 2010 as amended.

5. Your Principal did not advise his client, Chief Abel to attempt ADR before filing the petition because:-

- (a) Election petition is *sui generis*
- (b) Election Petition is a non arbitrable matter
- (c) Election petition is usually controversial.
- (d) None of the above.

In the course of your Court Attachment, Hon. Justice Temple White, in whose court you were sought to test all the externs by asking the following questions 6 - 10:-

6. If all the parties to a civil action in the course of proceedings seek an adjournment to settle their dispute out of court, they will need to file and adopt in court:

- (a) The terms of consent judgement.
- (b) Terms of consent agreement.
- (c) Terms of brief of settlement.
- (d) Terms of settlement.

7. Once a Court has pronounced the process identified in 6 above as the Court's judgement; the implication is that the judgement:

- (a) Is not appealable
- (b) Is appealable with leave of either the trial or appellate court.
- (c) Can be reversed by the trial judge.

(d) Is appealable as of right.

8. The best means to recover possession from a tenant against whom the court has made an order of recovery of possession is:-

- (a) Warrant for possession
- (b) Writ of possession
- (c) Writ of *fifa (fieri facia)*
- (d) Writ of sequestration.

9. The phrase "the judgment is against the weight of evidence" is only applicable:-

- (a) As a form of general traverse in a brief of argument.
- (b) As a form of general traverse in a statement of defence.
- (c) As a general traverse in a notice of appeal.
- (d) As a general ground of appeal in a notice of appeal.

10. The service of originating processes may only be validly made:-

- (a) Between 6 in the morning and 4 in the evening Monday - Friday.
- (b) Between 6 in the morning and 6 in the evening Monday - Saturday.
- (c) Between 6 in the morning and 6 in the evening Monday - Friday.
- (d) Between 6 in the morning and 4 in the evening Monday - Saturday.

On August 5, 2014, Chief John Huta gave a cheque for the amount of N50,000,000.00 (Fifty million naira) to Planwell (Nig.) Ltd, as payment for sundry services rendered. Two days later, Chief Huta got a call from his bank, Trinity Bank Plc. seeking

clarification or confirmation whether the cheque should be honoured to which Chief Hutu answered in the affirmative. The Bank official did not properly understand Chief Hutu and therefore declined payment. Planwell (Nig.) Ltd, through its counsel, S.T. Jangbala, Esq. commenced an action by Originating Motion, seeking payment of the said sum.

The action is before the Lagos High Court. Answer the following questions:-

11. Given the scenario above, how would you have commenced the action differently?

- (a) I will commence the action by writ of summons under the fast track procedure.
- (b) I will commence the action by writ of summons under the undefended list procedure.
- (c) I will commence the action by originating summons under the summary judgment procedure.
- (d) None of the above.

12. Assuming the action was commenced by writ of summons, what would you advise Chief John Hutu to do in respect of the Bank?

- (a) Apply for a garnishee order.
- (b) Apply for an interpleader.
- (c) Apply for a third party proceedings.
- (d) Apply for stay of proceedings.

13. Based on your answer above, which of the following will you not depose to in your supporting affidavit?

- (a) The fact that the Bank is liable to indemnify the Defendant.

(b) The fact that the Bank is willing to dispose of the subject matter as directed by the Court.

(c) ~~The fact that~~ Chief John Hutu authorised the Bank to honour the cheque but the Bank failed, neglected and/or refused to do so.

(d) The fact that Chief Hutu had sufficient funds in his account with the Bank.

14. If the action was properly commenced, which of these will Chief John Hutu's counsel not file in response?

- (a) Writ of summons.
- (b) Statement of defence.
- (c) Witness' statement on oath.
- (d) Copies of documents to be relied on.

15. Which of the following orders is the Judge not likely to make on the day of hearing of this case?

- (a) An order entering judgment.
- (b) An order granting leave to defend.
- (c) An order placing the suit under the fast track procedure.
- (d) None of the above.

Mr. Atanga Bulus was a judgment debtor in a declaratory judgement before the Lagos State High Court. Dissatisfied with the judgment he filed (16) at the (17) He wanted the status quo to be maintained pending appeal and consequently filed an application for (18) before (19) The judgment creditor opposed the application by filing (20)

16. (a) The grounds of appeal.
 (b) The particulars of appeal.
 (c) The notice of appeal.
 (d) The notice of judgment
17. (a) Registry of the trial court.
 (b) Registry of the appellate Court.
 (c) Office of the Commissioner for Oath.
 (d) None of the above.
18. (a) Stay of judgment
 (b) Stay of execution.
 (c) An injunction pending appeal.
 (d) Stay of proceedings.

19. (a) The appellate Court
 (b) The trial court
 (c) the Court bailiff
 (d) None of the above.

20. (a) Affidavit
 (b) Counter-affidavit
 (c) Counter-affidavit and written address.
 (d) Affidavit and written address.

CRIMINAL LITIGATION

During your externship programme at the High Court of Plateau State helden at Jos, criminal proceedings were instituted against Barkin Ladi and Mangu Halle for culpable homicide punishable with death, after leave had been obtained. Application for their bail was subsequently refused.

Using the above scenario, answer the following questions 1 - 8.

1. By what method were the criminal proceeding against Barkin Ladi and Mangu Halle commenced?
 (a) First Information Report
 (b) Charge
 (c) Information
 (d) None of the above.
2. The leave was granted by:
 (a) The Attorney-General of Plateau State.
 (b) The Chief Registrar
 (c) The Magistrate
 (d) The Judge.
3. You noticed that at the trial, Mangu Halle and Barkin Ladi were being referred to as:
 (a) Murderers
 (b) Suspects
 (c) Accused
 (d) None of the above.
4. You also noticed that the application for bail was by their counsel.
 (a) Mentioned
 (b) Read
 (c) Conducted
 (d) Moved.

5. This was after Barkin Ladi and Mangu Halle had been properly before the court.

- (a) Paraded
 (b) Arranged
 (c) Arraigned
 (d) Exhibited

6. At the end of the proceedings for that day, the Judge said: "The Court will now"

- (a) Stand
 (b) Arise
 (c) Rise

(d) Move

7. At the meeting thereafter with the externs, the Judge informed them that the plural for counsel is:
- (a) Counsels
 - (b) Counsel
 - (c) Barristers
 - (d) All of the above.

8. When the Judge asked an extern to name the place where Barkin Ladi and Mangu Halle had stood in court during proceedings, he said:

- (a) Witness stand
- (b) Podium
- (c) Dock
- (d) Gallery.

Paul Oboli was called to the Nigerian Bar in November 2015. He joined the Law Office of Okeke and Okeke in Abuja. The first assignment given to him by his principal was to draft an application for bail after which he would proceed to file the application at the Federal Capital Territory High Court.

Using the above scenario, answer the following questions:-

9. What proceedings would Paul follow before the application is filed?

- (a) The Application is initialled and assessed.
- (b) A fee is paid.
- (c) Both (a) and (b) above.
- (d) Nothing need be done.

10. Which of the following statement is true?

- (a) Where a respondent fails to file a counter affidavit, he cannot oppose the application.

(b) Where a respondent fails to file a counter affidavit he may still oppose the application on points of law.

(c) Where a bail application is refused, a similar application can be filed before a court of coordinate jurisdiction.

(d) An oral application for bail cannot be made at the High Court.

11. In this case, who will serve the application on the respondent?

- (a) The Administrative Judge.
- (b) The Registrar.
- (c) The Commissioner for Oaths
- (d) The Court bailiff

12. Who is the proper person to sign the bail application?

- (a) Paul Oboh who drafted it.
- (b) The Secretary of the Law Firm of Okeke & Okeke, Legal Practitioners.
- (c) The Principal or any counsel in the Law Firm.
- (d) None of the above.

13. The application should be supported with any of the following:

- (a) Witness statements on oath.
- (b) A declaration on oath.
- (c) Both (a) and (b) above.
- (d) An affidavit.

Saturday John and Usman Habila were arrested on the 14th day of May, 2016. They were relaxing at the Cool Off Bar located at Wuse II, Abuja when they were arrested by the Police Officer after a violent armed robbery attack.

The following week they were arraigned before the High Court of Federal Capital Territory (F.C.T.).

During the trial, the prosecution called four (4) witnesses while the defence called two (2) witnesses. They were eventually convicted and sentenced to death by lethal injection. As a student attached to the court, you were opportuned to observe the proceedings from arraignment to judgement.

Answer the following questions:-

14. At the arraignment of Saturday and Usman the following procedure must have been observed, except:-

- (a) The accused persons were placed in the dock unfeathered.
- (b) The charges were read to them jointly.
- (c) The two pleaded to the charges separately.
- (d) All of the above.

15. Immediately after the arraignment, one of the following occurred:-

- (a) The charges were read again to accused persons.
- (b) The defence counsel applied for the bail of the accused persons.
- (c) The case was set down for hearing.
- (d) None of the above.

16. The first witness that testified for Saturday and Usman was re-examined by:-

- (a) The Attorney-General.
- (b) The prosecution.
- (c) The defence.
- (d) The Solicitor-General.

17. During the final argument, you observed that the first to address the court was:-

- (a) The Prosecution.
- (b) The Defence.
- (c) The Registrar.
- (d) None of the above.

18. The Allocutus delivered by the defence counsel was:-

- (a) After the judgment was delivered
- (b) After sentencing.
- (c) After conviction
- (d) Before judgment.

19. The sentence imposed on Saturday can be said to be:

- (a) Appropriate
- (b) Inappropriate
- (c) Unlawful
- (d) None of the above.

20. After the accused persons have been convicted, what would be the next step in the court's proceedings:-

- (a) Sentencing
- (b) Appeal
- (c) Allocutus
- (d) None of the above.

CORPORATE LAW PRACTICE

During your externship programme, your law firm field supervisor gave you an assignment to draft the notice of the first meeting of the directors of Chico Nig. Ltd., a Company he incorporated about five months ago. Answer the following questions:-

CHICO NIG. LTD.
15, Bagauda Road, Lagos
(1)

(2) above named company will be held on 22nd day of July, 2016 at the Company's premises at 11.00 p.m. to (3)

AGENDA

(4)
Dated this 8th day of July 2016.

Sign

(5)

Company Secretary

1. (a) Resolutions
(b) Notice of Statutory meeting
(c) Special resolution
(d) Notice of the first Board Meeting.
2. (a) At the extra-ordinary General meeting of the
(b) At the Annual General meeting of the
(c) Notice is hereby given that the first Board meeting of the
(d) At the first Board Meeting.
3. (a) Pass the following resolutions
(b) Transact the following businesses
(c) propose and it need be pass the following resolutions.
(d) Propose the following resolutions.
4. (a) Appointment of the Chairman
(b) Appointment of the Secretary.
(c) Appointment of the Directors.
(d) Appointment of the legal adviser.

5. (a) Name of the Company Secretary.
(b) By order of the Board.
(c) ~~Name~~ Signature of the Company Secretary
(d) Name of a Director of the Company.

Suzuki (Japan) Inc and Zuma Automobiles Nigeria Plc signed a preliminary agreement after the recently concluded Lagos International Trade Fair to set up an Automobile Manufacturing Company at the Garam Industrial Park, F.C.T. To this end, it is proposed to register a special purpose vehicle (Spv) which will be a Public Company with a share capital of ten billion naira (N10 billion) divided into ten billion ordinary shares of N1 each to be fully subscribed in the ratio 60:40 by the two companies. The Nigerian Company is to fully pay up its allotted shares by providing five hectares of land at the Garam Industrial Park, while the Japanese Company will pay up its allotted shares with loan capital obtained from the Japanese Bank of Industries.

Answer the following questions:-

6. Which of the following will not be part of the preliminary agreement entered into by the Companies prior to the incorporation of the special purpose vehicle company.

- (a) Memorandum of understanding
- (b) Joint Ventures Agreement
- (c) Payment of Promoters Expenses Agreement
- (d) Memorandum of Association

7. Which of the following documents will be required to ascertain the number of shares to be credited to Zuma Automobiles Nigeria Limited as fully paid in the light of the consideration furnished:

- (a) Memorandum and Articles of Association.
- (b) Bill of Quantity prepared by a competent Quantity Surveyor.
- (c) Valuation report prepared by a licensed Estate Surveyor and valuer.
- (d) Audited statement of account prepared by a Chartered Accountant.

8. One of the following is not an incentive available to Suzuki (Japan) Inc in respect of the foreign loan, even if imported through authorised dealer.

- (a) Unfettered repatriation of profits made from the investment.
- (b) Unfettered repatriation of the capital sum invested.
- (c) Freedom to purchase the 40% equity of the Nigerian partner thereby owning the business hundred per cent.
- (d) Unfettered liberty to alter the objects clause in the Memorandum of Association of the special purpose vehicle after incorporation to deal in the manufacturing of military hardwares.

9. Which of the following documents must be submitted by the promoters of the special purpose vehicle (Spv) for filing before incorporation at the Corporate Affairs Commission.

- (a) Memorandum and Articles of Association as well as statement of authorised capital.
- (b) Memorandum & Articles of Association only.
- (c) Statement of authorised share capital and return of allotment form only.
- (d) Memorandum of Understanding and statement of authorised share capital.

10. Which of the following regulatory bodies is not involved in the formation and registration of the special purpose company?

- (a) Corporate Affairs Commission.
- (b) Securities and Exchange Commission.
- (c) Federal Board of Inland Revenue Service.
- (d) Assets Management Corporation of Nigeria (AMCON).

Denna Consortium was set up for the purpose of building a 50-storey apartment complex in Abuja, F.C.T. Upon completion of the project, the members of the consortium convened an Extra Ordinary General meeting to pass a (11) for a (12) The directors of the company failed to file the (13) within the (14) as required by law stating that (15) the company would be able to pay its debts in full.

11. (a) Written Resolution
(b) Ordinary Resolution
(c) Special Resolution
(d) Unanimous Resolution

12. (a) Compulsory winding up.
 (b) Creditors voluntary winding up.
 (c) Members voluntary winding up.
 (d) Winding up subject to the supervision of the court.
13. (a) Statutory declaration of Compliance.
 (b) Statutory declaration of solvency
 (c) Statutory declaration to wind up.
 (d) None of the above.
14. (a) Five weeks after the date of the resolution for winding up
 (b) Four weeks immediately after the date of the resolution for winding up
 (c) Five weeks preceding the date of the resolution for winding up.
 (d) Four weeks immediately preceding the date of the winding up.
15. (a) Within 12 months from the commencement of the winding.
 (b) 12 months from the passing of the resolution.
 (c) All of the above
 (d) none of the above.

You accompanied your principal to the recently concluded First African Regional Conference of the I.C.C. held at the Eko Hotel and Towers in Lagos.

There you met Ham Idris 24, John Blakeman 17, and Jumai Li 21, Singaporean businessmen who have agreed to set up an Artificial Intelligence business in Nigeria. They have briefed and retained your services to procure the registration of the company and facilitate the commencement of business.

The trio are to be directors and shareholders of the company.

The proposed name of the company is Fidus Articles National Limited.

Answer the following questions:-

16. The proposed name of the company is:
 (a) Prohibited by the Companies and Allied Matters Act.
 (b) The name is restricted by Companies and Allied Matters Act.
 (c) The name is unsuitable for the purpose.
 (d) The name is not subject to any legal disability.
17. What is the position of CAMA on the inclusion of John Blakeman as a director of the Company?
 (a) It is absolutely prohibited
 (b) It is permissible if CAC's consent is obtained.
 (c) It is permissible if the subscribers consent.
 (d) None of the above.

Assuming the trio are desirous of registering the Nigeria -Malaysia Chambers of Commerce in collaboration with their Nigerian counterparts, it must be registered under (18)..... as a (19)..... without (20)

18. (a) Part A of Companies and Allied Matters Act
 (b) Part B of Companies and Allied Matters Act
 (c) Part C of Companies and Allied Matters Act
 (d) Part D of Companies and Allied Matters Act
19. (a) Company limited by Shares.
 (b) Unlimited Liability Company
 (c) Company limited by Guarantee
 (d) Business name
20. (a) Directors
 (b) Company Secretary
 (c) Memorandum and Articles of Association
 (d) Shareholding

PROPERTY LAW PRACTICE

During your externship in the Law Firm of Amaye and Amaye, Mr. Philip Atang the owner of a block of four flats of three bedrooms each located at 12, Chimara Road, Kaduna, retained the services of the firm.

Mr. Philip Atang has agreed to a grant of a term of 7 years to Pastor Lyon Atabe of 10, Duke Lane, Kaduna. You have been asked by your field Supervisor to prepare the relevant document for execution by the parties. Answer the following questions:

1. Which of the following will you not insert in the introductory part of the document to be prepared?
 (a) Name of the parties.
4. Elements of rent review clause will include all but one of the following:
 (a) Time of initiating the review.
 (b) Period of review.

- (c) Method of computing the reviewed rent.
- (d) The reason for review.
5. Which of the following will you not insert in the Redendum.
- (a) Amount of rent.
 - (b) Method of computing.
 - (c) Date of payment of rent.
 - (d) Time when rent would be paid.
6. The law firm has completed the brief but Mr. Philip Atang refuses to pay the agreed professional fees; the following but one are steps to be taken in recovering the professional fees.
- (a) Draft Bill of Charges and serve on Mr. Philip Atang.
 - (b) Report Mr. Atang to the Nigerian Bar Association Disciplinary Committee.
 - (c) Wait for one month to lapse, then make a formal report to the Police in order to effect arrest.
 - (d) Ensure that the Bill of Charges contain particulars of Principal items.
7. Mrs. Eniola Martins has agreed to buy a house on a piece of land measuring 100 x 200 feet at No. 8 Dania Road, Abeokuta, Ogun State, from Chief Adelabu Kuye. Chief Kuye retained the Principal of the Law Firm where you were attached for externship. The Purchaser agreed to pay N3,000,000.00 and immediately paid a deposit of N300,000.00 to the Vendor's Solicitor who handed her a Deed of Assignment dated April 26, 2006 and registered as 48/48/06 at the Lands Registry, Abeokuta. The following issues require your attention.
- As Solicitor to Kuye, in order to protect yourself from liability, you would accept the deposit as:
- (a) Kuye's agent.
 - (b) Stakeholder.
 - (c) Mrs. Eniola Martins' agent.
 - (d) Beneficial owner.
8. At what stage of the transaction would Kuye be required to deduce title?
- (a) Before completion.
 - (b) During completion.
 - (c) During the contract.
 - (d) After completion.
9. If Kuye conveyed as Beneficial owner, all of the following covenants except one would be implied:
- (a) Quiet possession.
 - (b) That the lease is valid and subsisting.

- (c) That the rents shall continue to be paid and covenants performed.
- (d) That Kuye will do everything possible to assist Mrs. Martins to perfect her title.
10. All except one of the following documents will pass as a good root of title in favour of Mrs. Eniola Martins:
- (a) A certificate of title.
 - (b) A deed of gift.
 - (c) A deed of assignment.
 - (d) A power of attorney.
11. In 2010, Chief Olowolayemo gave a landed property to the Nigerian Law School Cooperative Society. The property was sold in 2015 to Chief Serenity Amazing at N60,000,000.00. The Solicitor which Chief Amazing instructed to act for him was paid N3,000,000.00. Answer the following questions: 11 to 14.
11. The responsibility of preparing the completion statement is on:
- (a) Chief Olowolayemo's Solicitor.
 - (b) Nigerian Law School Cooperative Society's Solicitor.
 - (c) Chief Serenity Amazing's Solicitor.
12. The Capital Gains Tax payable in the above Scenario ought to be paid by:
- (a) The Nigerian Law School Cooperative Society.
 - (b) Chief Serenity Amazing.
 - (c) All the parties to the transaction.
 - (d) Either of the parties to the transaction.
13. The Solicitor engaged in the above scenario will calculate his professional fees using:
- (a) Scale I of the Schedule to the Legal Practitioners' (Remuneration for legal documentation and other land matters) order 1991.
 - (b) Scale II of the Schedule to the Legal Practitioners' Remuneration for legal documentation and other land matters.
 - (c) Agency fees.
 - (d) Contingency fees.
14. Assuming Chief Serenity Amazing is a Chinese, one of the following will be correct.
- (a) He cannot validly acquire this property

under any circumstances.

- (b) He can validly acquire the property provided the consent of the Governor is sought and obtained.
- (c) He may validly acquire upon approval of the Ruling Council of China.
- (d) He may validly acquire through a Power of Attorney

In the course of your externship with the Lagos State High Court 1, Alausa, you were posted to the Probate Division for a week in order to gain hands-on knowledge of the workings of the Division. From all you observed and learnt there, answer the following questions:

- 15. Where a child is a beneficiary in a Will having a Sole Executor, the Court will do one of the following in order to protect the interest of the minor:
 - (a) Appoint an administrator to administer part of the estate.
 - (b) Allow the child to nominate an additional executor.
 - (c) Appoint a guardian *ad litem*.
 - (d) Appoint an additional Executor.

- 16. The following are the contents of the account to be filed by an administrator except:
 - (a) Full inventory of assets in the estate.
 - (b) Vouchers in the possession of the personal representative.
 - (c) A copy of the Probate or Letters of Administration.
 - (d) All incomes and expenditure incurred in the course of the administration.

- 17. In an insolvent estate, the administrator's duties include:
 - (a) Paying specific gifts while general gifts abate.
 - (b) Paying all debts that are in the same category.
 - (c) Exercising discretion in the payment of all debts that rank *pari passu*.
 - (d) b and c above.

- 18. Taxes payable by a vendor who sells property at a profit includes:
 - (a) Personal Income Tax and Stamp Duties.
 - (b) Capital Gains Tax and Company Income Tax.
 - (c) Consent fees and Value Added Tax.
 - (d) All of the above.

19. The professional charges of your Principal in respect of a sale (acting as Solicitor to Capital Investment Limited) forms part ofunder Capital Gains Tax Act (CGTA)
- (a) Accrueable income.
 (b) Allowable.
 (c) Taxable income.
 (d) Allowable expenses.
20. Assuming that the property was sold for ₦200,000,000.00, while Capital Investment did the following prior to the sale:
- (i) Advertising the property = ₦200,000.00.
 (ii) Renovation = ₦40,000,000.00.
 (iii) Procuring the necessary approvals for the alteration of the existing building = ₦1,000,000.00.
- Assuming your Principal was paid ₦5,000,000.00 as professional charges. And the initial purchase price of property was ₦95,000,000.00. The Capital Gains of Capital Investment Limited and the Capital Gains Tax payable, would be:
- (a) ₦5,880,000.00 and ₦58,800,000.00.
 (b) ₦85,200,100.00.
 (c) ₦58,500,000 and ₦5,800,00.
- 14
- (d) None of the above.

PROFESSIONAL ETHICS AND SKILLS

ATTENTION: THE DIRECTOR-GENERAL, LAW EXTERNSHIP REPORT FOR ROBERT ORJI - STUDENT OF THE 2015/2016 ACADEMIC SESSION

QUESTIONS 1 - 5

During the externship period, Robert attended several court sessions where he witnessed the calling of cases from the ----- (1) ----- by the court's ----- (2) ----- He also witnessed the way lawyers who came to represent their clients ----- (3) -----

Where matters were unable to proceed, Robert learnt that parties on either side had to pick other date(s) convenient to the court. In other words, such matters were ---- (4) ----- There were also instances where a lawyer to a party present in court had asked the judge in writing to put the case on hold for him as he was due to make it to court a little later the same day. This was referred to as having the matter ---- (5) -----

1. (a) Roll of lawyers.
 (b) Registrar of cases
 (c) Cause list.
 (d) Case list;
2. (a) Registrar.

- (b) Judge.
 (c) Court clerk.
 (d) Bailiff of the court.
3. (a) Entered appearance.
 (b) Announced appearance.
 (c) Marked the Register.
 (d) Mentioned appearance.
4. (a) Postponed.
 (b) Adjourned.
 (c) Set aside
 (d) Stood down.
5. (a) Postponed.
 (b) Delayed.
 (c) Adjourned.
 (d) Stood down.
- QUESTIONS 6-10
- On Robert's visits to the Supreme Court of Nigeria, he observed the presence of the Attorneys-General of the Federation and States as well as Senior Advocates of Nigeria (SAN). He noted that this category of persons enjoyed several privileges such as ----(6) ---- and ----(7)----
- Robert further observed that there was seniority at the Bar and watched how the hierarchy of lawyers in the profession played out in court in the following order:----(8)----
- Robert learnt that where two or more Senior Advocates of Nigeria (SAN) are appearing before the court,----(9)---- would be heard before the others.
- Finally, Robert noticed that another group of lawyers also enjoyed similar privileges in court. They are referred to as ----- (10) -----
6. (a) Sitting in front of the court.
 (b) Sitting at the Inner Bar in the court room.
 (c) Sitting at the Inner Bar or front row of the court to the left of the Judge.
 (d) Sitting at the front row to the right of the Judge.
7. (a) Mention their cases first with leave of other counsel present.
 (b) Call their matters out of turn.
 (c) Call their matters for mention out of turn.
 (d) Call their matters for mention first with leave of counsel present.
8. (a) Attorney-General of the Federation, Attorney-General of the States, Benchers, Senior Advocates of Nigeria.
 (b) Attorney-General of the Federation, Benchers, Attorney-General of the

- States, Senior Advocates of Nigeria.
- (c) Attorney-General of the Federation, Senior Advocates of Nigeria, Benchers, Attorney-General of the States.
- (d) Attorney-General of the Federation, Benchers, Senior Advocates of Nigeria, Attorney-General of the States.
9. (a) The one who is more Senior at the Bar.
- (b) The one who was earlier in time to be made a Senior Advocate of Nigeria.
- (c) The one with a better established Law Practice.
- (d) The one who arrives the court room first.
10. (a) Members of the Council of Legal Education.
- (b) Members of the Legal Practitioners' Privileges Committee.
- (c) The Nigerian Bar Association President as well as all State Nigerian Bar Association Chairmen.
- (d) Members of the Body of Benchers.

Mr. Ajayi
Counsel at Ajayi Legal Consult,
located along Ogbomoso Street,

Area 8, Garki, Abuja, a very busy Law Firm. Mr. Ajayi has employed eight (8) young and vibrant lawyers to work with him. During your just concluded Externship Programme, five (5) students of the Nigerian Law School were posted to the Law Firm. The externs were able to observe and learn about the day to day running of the Law Firm.

Answer the following questions:

11. The Law Firm described above is:
- (a) A Sole Proprietorship.
- (b) A Sole Practitionership.
- (c) A Partnership.
- (d) An Associateship.
12. In the type of Law Firm described above, one of the following items is very essential:
- (a) A personal diary.
- (b) A personal calendar.
- (c) An office diary.
- (d) An office calendar.
13. Which of the following is mandatory for the Law Firm under the Rules of Professional Conduct for Legal Practitioners?
- (a) Client's Account.
- (b) A four (4) Room office Facility.

- (c) Opening of a current account for all the salaried Lawyers in the Law Firm.
(d) All of the above.
14. A most important office equipment you would find in the above Law Firm is :
(a) A fax machine.
(b) A computer.
(c) A photocopier.
(d) A pager.
15. Due to the number of fee earners in the Law Firm, an essential support staff that the law firm must have to ensure perfect synergy is:
(a) An attractive receptionist.
(b) A smart secretary.
(c) A hard working messenger.
(d) A dutiful Librarian.
16. As an Extern in the Law Firm, one important lawyering skill you are likely to acquire within the office is:
(a) Advocacy skills
(b) Oration skills.
(c) Interviewing and Counselling skill.
(d) Examination of witnesses skill.
17. Which of the underlisted
- is one of the most basic room requirement in any Law office.
- (a) The practitioners' room.
(b) The Library.
(c) The kitchenette.
(d) The generator room.
18. You were an extern in the Legal Drafting department of the Ministry of Justice of Kano State. The Director has asked you what part of a legislation broadly captures main themes of the legislation?
(a) Short title.
(b) Preamble.
(c) Long title.
(d) Commencement clause
19. He also asked you how section, subsection, paragraph and subparagraph may be written in composing the draft of a legislation?
(a) S.1(1)(a)(i).
(b) S.1(1)(A)(i).
(c) S.1(1)a(i).
(d) None of the above.
20. The Director seeks to know which of the following is referred to as the nickname of a statute?
(a) Marginal note.

(b) Long title.

(c) Short title.

(d) Schedule.

COUNCIL OF LEGAL EDUCATION
NIGERIAN LAW SCHOOL HEADQUARTERS
BWARI-ABUJA

MULTIPLE CHOICE ANSWER SHEET

AUGUST 2016

CIVIL LITIGATION

1. [A] **B** [C] [D]
2. [A] **B** [C] [D]
3. [A] **B** [C] **D**
4. [A] **B** **C** [D]
5. [A] **E** [C] [D]
6. [A] **B** **C** **D**
7. [A] **E** [C] [D]
8. **A** [B] [C] [D]
9. [A] [B] [C] **D**
10. **A** [B] [C] [D]
11. [A] [B] **C** **D**
12. [A] **B** **C** [D]
13. [A] **B** [C] [D]
14. [A] **E** [C] [D]
15. [A] [B] [C] **D**
16. [A] [B] **C** [D]
17. **A** [B] [C] [D]
18. [A] [B] **C** [D]
19. **A** [B] [C] [D]
20. [A] [B] **C** [D]

CRIMINAL LITIGATION

1. [A] **E** [C] **D**
2. [A] [B] [C] **D**
3. [A] [B] [C] **D**
4. [A] [B] **C** **D**
5. [A] [B] **C** [D]
6. [A] [B] **C** [D]
7. [A] **E** [C] [D]
8. [A] [B] **C** [D]
9. [A] [B] **C** [D]
10. [A] [B] **C** [D]
11. [A] [B] **C** **D**
12. [A] [B] **C** [D]
13. [A] [B] [C] **D**
14. [A] **E** [C] [D]
15. [A] **E** [C] [D]
16. [A] [B] **C** [D]
17. **A** [B] [C] [D]
18. [A] [B] **C** [D]
19. **A** [B] [C] [D]
20. [A] [B] [C] **D**

CORPORATE LAW PRACTICE

1. [A] [B] [C] **D**
2. [A] [B] **C** [D]
3. [A] [B] [C] **E**
4. **A** [B] [C] [D]
5. [A] **E** [C]
6. [A] [B] [C] **D**
7. [A] [B] **C** [D]
8. [A] [B] [C] **D**
9. **A** [B] [C] [D]
10. [A] [B] [C] **D**
11. [A] [B] **C** [D]
12. [A] [B] **C** [D]
13. [A] **E** [C] [D]
14. [A] [B] **C** [D]
15. [A] [B] [C] **D**
16. [A] **E** [C] [D]
17. **A** [B] [C] [D]
18. **A** [B] [C] [D]
19. [A] [B] **C** [D]
20. [A] [B] [C] **D**

LAW IN PRACTICE

1. [A] [B] **C** [D]
2. [A] [B] **C** [D]
3. [A] **B** [C] [D]
4. [A] **E** [C] [D]
5. [A] [B] [C] **D**
6. [A] **B** [C] [D]
7. [A] **B** **C** [D]
8. **A** [B] [C] [D]
9. [A] [B] [C] **D**
10. [A] [B] **C** [D]
11. **A** [B] [C] [D]
12. [A] [B] **C** [D]
13. **A** [B] [C] [D]
14. [A] **B** [C] [D]
15. [A] **B** [C] [D]
16. [A] [B] **C** [D]
17. **A** [B] [C] [D]
18. [A] [B] **C** [D]
19. [A] [B] [C] **D**
20. [A] [B] **C** [D]

PROPERTY LAW PRACTICE

1. [A] **E** [C] [D]
2. [A] [B] **C** [D]
3. [A] **B** [C] [D]
4. [A] [B] [C] **D**
5. [A] [B] [C] [D]
6. [A] [B] [C] [D]
7. [A] **B** [C] [D]
8. [A] [B] **C** [D]
9. [A] **B** **C** [D]
10. [A] **B** [C] [D]
11. [A] **E** [C] [D]
12. **A** [B] [C] [D]
13. **A** [B] [C] [D]
14. [A] **B** [C] [D]
15. [A] [B] **C** [D]
16. [A] [B] **C** [D]
17. [A] [B] **C** [D]
18. [A] [B] **C** [D]
19. [A] [B] **C** [D]
20. **A** [B] [C] [D]

From Barr. Chinedu's



NIGERIAN LAW SCHOOL
BAR FINAL EXAMINATIONS

MULTIPLE CHOICE QUESTIONS

SATURDAY, JULY 29, 2017

TIME: 60 MINUTES

INSTRUCTIONS:

CANDIDATES ARE TO ANSWER ALL QUESTIONS. ALL ANSWERS MUST BE PROPERLY SHADED ON THE PROVIDED COMPUTER SHEET. USE HB PENCIL ONLY

CIVIL LITIGATION

Questions 1 – 5

During your externship programme, Mr. Chuks Ologun briefed your field supervisor, Miss Rose Issah that he would like to dissolve the marriage contracted at the Marriage Registry between himself and his wife Shade Ologun because of irreconcilable differences them and also because she is bad tempered and very violent. He stated further that her behaviour had resulted in her destroying so many of his personal belongings and even caused him grievous bodily harm.

Chuks and Shade both live together in their matrimonial property situate at

No. 4, Challin Street, Apapa, Lagos. Your field supervisor has asked you to prepare a legal opinion based on the following questions:-

1. The ground(s) for dissolution of the marriage will be that -----

- (a) The Respondent has behaved in such a way that the petitioner finds it intolerable to live with her.
- (b) The Respondent is bad tempered and has caused the Petitioner grievous bodily harm on several occasions and the Petitioner can no longer live with her.
- (c) The Marriage has broken down irretrievably.
- (d) All of the above.

2. Assuming that Mrs. Shade Ologun is about to sell the matrimonial property within the next five (5) days and Chuks Ologun wants to prevent her from doing so, which one of the following steps will you advise him to take in the matter?

- (a) He shall file an application by motion ex-parte for mareva injunction restraining her from selling the property pending the final determination of the suit.
- (b) He should file an application by motion ex-parte for interim injunction restraining her from selling the

property pending the hearing of the motion on notice.

(c) He should file an application by motion on notice for perpetual injunction restraining her from selling the property pending the final determination of the suit.

(d) He should file an application by motion on notice for interlocutory injunction restraining her from selling the property pending the determination of the substantive suit.

3. Which one of the following documents will not be filed along with the originating process at the time of commencing the action for dissolution of the marriage?

- a) Marriage Certificate
- b) Verifying Affidavit
- c) Certificate of Reconciliation
- d) Pre-action Counselling Certificate

4. Assuming that judgment was given in favour of Chuks Ologun and the marriage was dissolved, within what time limit can Shade Ologun appeal against the decision of the court refusing her claim for maintenance and settlement of property?

- (a) Within three months after the dissolution of the marriage was made.
- (b) Within three months after the order of absolution was made.

(c) Within fifteen (15) days after the order *nisi for dissolution* of the marriage was made.

(d) Within fifteen (15) days after the order absolute was made.

5. Assuming the trial judge wants to set aside his judgment given in the matter, on what grounds can he do so?

(a) Fraud, contempt of court, and lack of jurisdiction.

(b) Fraud, non-service and lack of jurisdiction.

(c) Non-filing of court process, fraud and lack of evidence.

(d) All of the above.

Engr. Obatola Komolafe engaged the services of Braimoh & Associates where you are an extern, to claim damages of N10,000,000.00 from Kamaradarie Nursery and Primary School, Ikeja, Lagos which is registered under Part C of the Companies and Allied Matters Act. The School bus had negligently knocked down Engr. Obatola's son (9 years old) Dike on his way back from school and he sustained serious injuries.

6. From the narration, the endorsement as to parties on the Originating process will be:

- (a) Engr. Obatola Komolafe (parent and guardian of Dike Obatola) AND

the Registered trustees of Kamaridarie Nursery and Primary School.

(b) Dike Obatola (infant) suing through his guardian Engr. Obatola Komolafe AND The Registered trustees of Kamaridarie Nursery and Primary Schools.

(c) The Registered Trustees of Kamaridarie Nursery and Primary Schools AND Dike Obatola (Infant) suing through his friend Engr. Obatola Komolafe.

(d) All of the above.

7. The following matters may be considered by the court at the Case Management Conference except:-

(a) Settlement of issues

(a) Hearing of motion to amend statement of claim.

(c) Hearing of motion for stay of execution of judgment.

(d) Motion to strike out claim for non disclosure of reasonable cause of action.

8. At the hearing, before a receipt for medical bills produced by a point of sale (POS) machine is tendered by you, the following must be established except:-

a) The receipt was produced by the machine which was in

regular use of storing and processing information.

- b) The receipt was produced in the ordinary cause of business by the machine.
- c) The machine was in good working condition at the relevant time and if it was not, it did not affect the production of the receipt.
- d) The name and description of the manufacturer of the machine.

9. The following statements are true about the affidavit in support of the motion filed in the case to amend the claimant's Statement of Claim except:

- a) It must contain the age of the deponent.
- (b) It should not contain legal arguments and conclusions.
- (c) It should not contain objections and prayers.
- (d) It must contain a paragraph of good faith in accordance with the Oaths Act.

10. The reliefs in this suit will include the following except:

- a) A declaration that the defendant was negligent in the way he drove on the day in question.

- b) Special damages in the sum of ₦2,000,000.00 for hospital bills incurred as a result of the injury sustained.
- c) An order withdrawing the driving licence of the driver.
- d) General damages.

One of the cases that came up for trial before the Lagos State High Court during the externship programme was the suit between Dolapo Dipo and Sola Supo. After the case had been called by ~~Court~~ (11) and counsel announced their appearances, claimant's counsel opened with the examination-in-chief of his sole witness. As the only documentary evidence by the claimant had previously been agreed ----- (12), counsel tendered the document ---- (13). During the cross examination of the claimant's witness, the defence counsel mostly adopted ---- (14). At the conclusion of the claimant's case, defence counsel informed the court that he would be resting his case on that of the claimant. The court then ordered..... (15) to file written address within the next 21 days.

11.

- a) The Presiding judge's usher
- b) The Registrar of the Court
- c) The Clerk of the Court
- d) The janitor of the court.

12. (a) In the Judge's Chambers.

(b) In the pleadings of the parties.

(c) In the statement on Oath of the parties.

(d) At the case management conference.

13. (a) Through the witness

(b) After laying proper foundation

(c) From the Bar.

(d) For recognition.

14. (a) Open leading question

(b) Close leading question

(c) Close non leading question

(d) Open non leading question.

15. (a) The claimant

(b) The defendant

(c) Either of them

(d) Both of them

During her externship, Ebere's principal asked her to draft an affidavit to accompany an application for leave to levy execution against a judgment debtor's immovable property. Ebere's affidavit must contain all but one of the following:-

- (a) Steps taken to enforce the judgment and the result so far.
- (b) The sum of money now remaining due under the judgment.
- (c) No moveable property of the judgement debtor can with reasonable diligence be found.
- (d) The immovable property can satisfy the judgment debt and so there is no need to sell the movable property.

17. How long after attachment of the property above should the judgment creditor pray for before the property is sold?

- (a) 14 days after attachment, unless the judgment debtor requests otherwise in writing.
- (b) 15 days after attachment, unless the judgment debtor requests otherwise in writing.
- (c) 30 days after attachment
- (d) One month after attachment.

18. During your externship programme, you witnessed a client interview between your principal at the law firm and Chief Johnson. Chief Johnson narrated that he had been in the United States of America for about a year and upon his return visited his uncompleted building at Ikeja, G.R.A., and found squatters living there. He is desirous of evicting them. Your

principal has asked you to identify the best way to proceed with the eviction.

- (a) Serve Notice to quit on the squatters, followed by a Notice of owners intention to recover possession and then file a writ of summons at the High Court.
- (b) Serve 7 days Notice of Owner's Intention to recover possession and originating summons at the High Court.
- (c) Send a few thugs to throw them out as they have no right to be in premises.
- (d) Serve Notice to Quit, following 7 days Notice of Owner's intention to recover possession and then file summons (TLGA) and annexed claim (TLGB) at the Magistrate Court.

19. You accompanied Mrs. Bimbo Lawal, the Head of the Law Firm to a Case Management Conference at the High Court, Lagos. Mrs. Bimbo Lawal was the claimant's counsel but neither the defendant nor his counsel was present. There was also no letter to the court to explain the reason for their absence. Which of the under listed is the most appropriate option for the judge to adopt in accordance with the rules.

- (a) Proceed with the Conference as scheduled.
- (b) Adjourn the Conference.
- (c) Enter judgement against the defendant where appropriate.
- (d) Order that an undertaking to participate effectively in future be filed by the defendant.

20. At the High Court of the Federal Capital Territory, pleadings may be amended:

- (a) Anytime before the close of pre-trial conference.
- (b) Anytime but not more than twice before close the case.
- (c) At any stage of the proceedings.
- (d) None of the above.

CRIMINAL LITIGATION

On his first day in court during his Court Attachment at the Federal High Court, Abuja, Peter Yakubu noticed that the picture of the President of Nigeria and that of the Presiding Judge of the court and a Nigerian flag hung on the wall of the courtroom. At exactly 8.45 a.m., the registrar of the court walked into the court and directed all the externs to sit in the inner bar since there was no Senior Advocate in court. This was to enable

them observe the proceeding properly. At exactly 9.00 a.m., the court Registrar banged on the courtroom door 10 times and the judge came in. There were two members of the Body of Benchers in court. Paulingo Akpan, a pupil state counsel from the Ministry of Justice, Makurdi called his matter which was number 3 on the cause list.

The accused took his plea in the witness box after the registrar, who sat behind the Bar had sworn to interpret the proceedings from English to Hausa and vice versa.

Answer the following questions 1-4 using the above scenario.

1. From the scenario, which of the items mentioned should not be in a court room?

- (a) Portrait of the President
- (b) Portrait of the Presiding Judge
- (c) Nigerian flag
- (d) All of the above.

2. From the scenario, who was supposed to occupy the front row of the court?

- (a) The externs
- (b) Body of Benchers
- (c) Pupil State Counsel
- (d) All of the above.

3. The accused person's plea in this case is invalid because:-

- (a) He was not sworn.
- (b) He was not represented by counsel.
- (c) There was no interpreter.
- (d) He took his plea in the witness box.

4. The Registrar violated the setting of the court because:-

- (a) He did not interpret competently.
- (b) He banged 10 times on the door instead of 3 times.
- (c) He did not wear a wig and a gown.
- (d) He sat behind the Bar.

A charge of being in possession of a human head was instituted against 15 year old Amara Ibrahim at the Federal High Court, Sokoto, without the leave of the Judge. The oral application for bail made by counsel to Amara was objected to by the prosecutor on the ground that oral applications for bail cannot be made in any high court including the Federal High Court.

At the close of the prosecution's case, the defendant opted to rest his case on that of the prosecution. The prosecutor then applied to re-call some witnesses ex-improviso.

Using the scenario above, answer the following questions 5-11:-

5. The court with jurisdiction to try Amara Ibrahim is:-

- (a) The Federal High Court, Sokoto.
- (b) The Federal High Court in any State.
- (c) The State High Court, Sokoto.
- (d) The Juvenile court.

6. For trials at the Federal High Court in Sokoto, before the charge is filed;

- (a) Consent of the Judge is required.
- (b) Leave of the Judge is required.
- (c) Leave is only required for indictable offence.
- (d) None of the above.

7. At the Federal High Court, application for bail can be made:-

- (a) Orally
- (b) Formally
- (c) All of the above
- (d) None of the above.

8. The defendant opting to rest his case on that of the prosecution's means that:-

- (a) He is making a no case submission.

- (b) He is opting to remain silent.
- (c) He is opting to testify but not call any witnesses.
- (d) He will only make a statement from the dock.

9. On a charge of unlawful possession of a human head, the time limit for instituting criminal proceedings against the defendant is:-

- (a) 2 months
- (b) 6 months
- (c) 2 years
- (d) No time limit.

10. Assuming that in the course of cross-examining the prosecution witnesses, the defence counsel tenders a document:-

- (a) He is deemed to have adduced evidence.
- (b) He is only deemed to open his defence if he calls his witnesses.
- (c) He can still rest his case on that of the prosecution.
- (d) None of the above.

11. The ex-improviso rule can be used:-

- (a) Both by the prosecution and the defence.
- (b) By the prosecution alone when defence has raised an alibi.

(c) By the defence alone when the prosecution has made an opening speech.

(d) By the prosecution when the defence has introduced something new which no human ingenuity would have envisaged.

12. The warrant of arrest was wrongfully issued because:-

- (a) Inspector Adagbo is not a superior police officer.
- (b) The police cannot issue warrant of arrest.
- (c) It was issued on a weekend.
- (d) None of the above.

13. One of the following is not true about the execution of the search warrant:

- (a) The search was unlawful because it was carried out at 11.00 p.m.
- (b) The Search was unlawful because Sgt. Tabuwa used unreasonable force.
- (c) The search was lawful because right of ingress means Sgt. Tabuwa can break into the house without knocking.
- (d) None of the above.

14. Only one of the following is true.

- (a) The Handcuffing of Angela was lawful because she is under aged.
- (b) Handcuffing of Mary is legal because she suspected that Sgt. Tabuwa was an armed robber.
- (c) The arrest of Mary in lieu of her husband is unlawful because in law, husband and wife are one.
- (d) Handcuffing mother and daughter in this case is unlawful because they did not resist arrest.

At the arraignment of Ahmed Johnson for murder before the Oyo State High Court, the Trial Judge noted that the accused person was not represented by counsel. He promptly appointed from the Bar, Bayo Akpan, an Ibadan based private practitioner with six years post call experience to represent the accused.

When the accused was invited to enter his plea, he refused to plead. The Judge in anger entered a plea of guilty for him and sentenced him to death by firing squad and 14 strokes of the cane. Bayo Akpan, counsel to the accused person objected to the sentence by the court, but he was overruled. He has now decided to appeal against the

judgment and sentence by the court.

Answer the following questions:

15. When the accused person refused to plead, what was the judge supposed to do?

- (a) Adjourn the case to another date.
- (b) Investigate the reason for the refusal to plead.
- (c) Enter a plea of not guilty for him.
- (d) Enter a plea of guilty for him as he did.

16. The sentencing of the accused person to death by firing squad and 14 strokes of the cane is wrong for the following reasons:

- (a) Murder cases can only end in firing squad in few cases.
- (b) Firing squad as punishment is for armed robbery cases and capital punishment cannot be followed by canning.
- (c) You cannot give more than 12 strokes of the cane as punishment.
- (d) B and C.

17. Bayo Akpan can appeal against the sentence of the court on which of the following grounds?

- (a) That the learned Judge exceeded his power in sentencing the accused person.
- (b) That the accused person is not guilty of the offence charged.
- (c) That the accused person's plea was not properly taken.
- (d) A and B

18. In which court would Bayo Akpan lodge his Notice of Appeal in this case.

- (a) At the Court of Appeal.
- (b) At the High Court where the trial took place.
- (c) He can lodge his appeal straight to the Supreme Court.
- (d) At the Federal High Court Registry.

Mrs. Hajara Balarabe was arrested on February 12, 2017 at Kaduna International Airport en route Dubai, United Arab Emirates with 50 grams of a substance which tested positive as heroine. The report of the analysis was made by Dr. Illiya Musa, a forensic expert in the employment of the National Drug Law Enforcement Agency (NDLEA). Mrs. Hajara Balarabe made a confessional statement. She pleaded guilty on March 6, 2017 when she was arraigned at the Federal High Court, Kaduna on

a one-count charge of exporting 50 grams of heroine contrary to Section 11(b) of the NDLEA Act Cap N. 30 LFN, 2004.

Answer the following questions;

19. Based on her plea, what is the procedure the prosecution will undertake to establish the charge?

- (a) Call Dr. Illiya Musa as expert witness.
- (b) State the case and tender documents from the Bar.
- (c) Call the investigating Narcotics Officer as witness.
- (d) A and C above.

20. Assuming Mrs. Balarabe's plea was "not guilty" and the case proceeded to full trial, Dr. Illiya Musa may:

- (a) Be allowed to call another witness to corroborate his expert evidence, but not on oath.
- (b) Be allowed to refresh his memory from his notes.
- (c) Be allowed to adopt his written statement on Oath, testifying from the dock.
- (d) Depose to speak the truth and nothing but the truth, with the aid of his assistant.

CORPORATE LAW PRACTICE

During your externship programme, you witnessed the client interview below:

Mr. Ayuba, one of the directors of Rising Star Nigeria Limited, confessed that he had been receiving payments from Easy Does It Nigeria Limited, a rival company of Rising Star Nigeria Limited, for disclosing trade sensitive information on Rising Star Nigeria Limited. Easy Does It Nigeria Limited is planning to convene a general meeting to discuss the issue and probably remove him as a director of the company. Rising Star (Nigeria) Limited seeks your advise on how to convene the extra-ordinary general meeting of the company; the procedure for removing a director of a company and if there is any remedy available to the company for the payments Ayuba received from Easy Does It Nigeria Limited.

Answer the following questions:-

1. The Extra-Ordinary General Meeting of the company will be convened by:

- (a) Company Secretary
- (b) Chairman
- (c) Managing Director
- (d) Board of Directors

2. Which of the following can requisition a General Meeting of Rising Star (Nigeria) Limited?

- (a) Court
- (b) Members holding not less than one-tenth of the paid up capital of the company.
- (c) Company Secretary
- (d) Corporate Affairs Commission.

3. The following is the procedure the company will adopt to remove Mr. Ayuba as a director of the company except:

- (a) Issuing of special notice
- (b) Passing of special resolution
- (c) Opportunity to make written or oral representative.
- (d) Issuing of notice of meeting to members of the company.

4. The remedy available to Rising Star Nigeria Limited on discovery that Mr. Ayuba is being paid by Easy Does It Nigeria Limited to disclose some of its trade sensitive information is

- (a) Damages
- (b) Compensation
- (c) Recovery of the secret profit.
- (d) Members' Direct action.

5. All businesses transacted at the extra-ordinary general meeting of

Rising Star Nigeria Limited shall be deemed.

- (a) Ordinary
- (b) Extra ordinary
- (c) Unanimous
- (d) Special.

Mr. Fidelis Okonkwo, the Solicitor to Embassy Pharmaceutical limited attended the 24th Annual general meeting of Embassy Pharmaceuticals limited together with Mr. Okon Bassey, a Nigerian Law School extern. At the end of the meeting, it was resolved by the company to:

- i. Change the name of Embassy Pharmaceuticals Limited to Empire Pharmaceuticals Limited;
- ii. and convert the company to public company.

Answer the following questions:

6. Which of the following documents need not be delivered to the Corporate Affairs Commission in order to effect the change?

- (a) Notice of Board meeting
- (b) Special Resolution
- (c) Original Certificate of incorporation.
- (d) Altered Memorandum of Association.

7. The following consequential alterations must be made in the Articles of Association of the company to effect the change, except....

- (a) Alterations of the name clause to end with Plc
- (b) Removal of written resolutions
- (c) Alteration of the share capital clause
- (d) Alteration of the restriction clause.

8. Both tasks in items (i) and (ii) of the scenario can be achieved by:

- (a) Ordinary resolution
- (b) Unanimous resolution
- (c) Ordinary resolution with special notice
- (d) Special resolution.

9. Which of the following clauses in the Articles of Association of Embassy Pharmaceuticals Limited need not be amended even if the company converted to a public company?

- (a) Restriction on the transfer of shares.
- (b) Pre-emptive right of shareholders
- (c) Quorum for meeting
- (d) None of the above

10. One of the following need not be submitted to the Corporate Affairs

Commission in order to re-register Embassy Pharmaceuticals Limited as Empire Pharmaceuticals Plc.

- (a) Prospectus
- (b) Copy of the special resolution
- (c) Copy of the Memorandum and Articles of Association as amended.
- (d) Evidence of payment of the prescribed filing fee.

40-40 Solicitors is the Company Secretary to ABC-DE Plc, a multi national Company completely owned by 90 Chinese Businessmen. It was incorporated on January 2, 2017. You were posted to 40-40 Solicitors for your externship module. You attended the first board of directors' meeting of the company with your principal. You are asked to resolve the following issues:-

- i. Fixing of the financial year of the company.
- ii. Quorum of the first annual general meeting.
- iii. Employment of Expatriates of the company.
- iv. Date for holding the statutory and annual general meeting.
- v. Appointment of the first auditors.

Answer the following questions:

- 11. The quorum at the annual general meeting shall be formed:
 - (a) If at least 25 members are present.
 - (b) The quorum is as determined by the articles of the company.
 - (c) If at least 30 members constituting 1/3 of membership is present.
 - (d) None of the above.
- 12. The financial year of the company will be:-
 - (a) 1st January to 31st December every year.
 - (b) As determined by members at Annual meeting general.
 - (c) 2nd January to 31st December every year.
 - (d) As determined by the Board.
- 13. The statutory meeting must hold:
 - (a) If the board deemed it necessary.
 - (b) 1st July, 2017
 - (c) 2nd July, 2017
 - (d) 3rd July, 2017
- 14. The minutes of the above board of directors meeting is authenticated if it is signed by:
 - (a) The Chairman

- (b) The Chairman and Secretary
- (c) The Executive Directors
- (d) The Chief Executive Officer

Section 274 of the Investment and Securities Act (ISA) 2007 provides:

"There is established a body to be known as the Investments and Securities Tribunal to exercise the Jurisdictions, powers and authority conferred on it by or under this Act".

Answer the following questions:-

15. The Investment and Securities Tribunal shall be composed of ----- members and duly constituted if it consists of ----- members.

- (a) 8, 3
- (b) 10, 2
- (c) 10, 3
- (d) 8, 44

16. The following are correct statements about Investment and Securities Tribunal, except:-

- (a) The Tribunal has both civil and criminal jurisdiction.
- (b) The Tribunal may make rules regulating its procedure.
- (c)
- (d) The proceeding of the Tribunal may be held in camera

(d) The Tribunal exercise both original and appellate jurisdiction.

During the externship programme, you accompanied your field supervisor to the recently concluded Extra-Ordinary General Meeting of Perfect Plc at the Transcorp Hotel, Calabar, Perfect Plc resolved to increase its share capital from N5 million to N100 million.

The existing shareholders were offered rights issues and bonus shares. New members were also invited to purchase the shares of the company. Dr. Jacqueline Zerb of the Netherlands also bought shares of the company.

Answer the following questions:-

17. To subscribe to the shares of the company, Dr. Jacqueline Zerb requires one of the following:

- (a) Driver's license
- (b) National Identity card
- (c) Only the data page of her International passport.
- (d) All of the above.

18. The appropriate method for Perfect Plc to adopt in order to achieve the aim of issuing its shares to the existing shareholders and at the same time invite new members to subscribe is:-

- (a) Bond time

- (b) Rights of Issue
- (c) Placement
- (d) Hybrid Issue

19. Which of the following is not a document required to be shown by the administrator or executor to the company for transmission of shares:

- (a) Letter of application
- (b) Passport photos of the deceased
- (c) Death certificate
- (d) Letter of administration or probate.

20. Which of the following is incorrect about the crystallization of a floating charge?

- (a) When the security becomes enforceable and the holder appoints a receiver or manager or enters into possession of the assets.
- (b) When court appoints a receiver or manager upon the holder's application.
- (c) When the company goes into liquidation.
- (d) When the debt is paid and a Memorandum of satisfaction filed with the Corporate Affairs Commission.

PROPERTY LAW PRACTICE

BimpeUsman, OkiemuteOkeke and Enelisiechi were externs in the Law office of Flourish Law Firm. During their externship, they were invited to observe a legal interview for a sale of land. They were also exposed to the preparation of different instruments in land transactions, probate practice, administration of estates and the various taxes payable in land transactions. In oder to make some of the transactions more practical, their Principal took them on a visit to both the Land Registry and the Probate Registry.

Answer the following questions with the aid of your observation during the client interview:

1. Which of the following is correct of the stages in sale of land?
 - (a) Oral contract, open contract and completion stages.
 - (b) Formal contract, governor's consent, stamping and registration.
 - (c) Pre-contract, contract post contract, completion and post completion stages.
 - (d) Governor's consent, stamping and re-registration.
2. The client was also advised that the following are advantages of a contract for the sale of land except:
 - 15

- (a) Scrutiny of the parties.
 - (b) Opportunity to investigate title.
 - (c) Prevention of unexpected increase or change in purchase price.
 - (d) Prevention of parties withdrawing.
3. Which of the following is not an ingredient of a good root of title?
- (a) A good root of title must establish both the legal and equitable interests.
 - (b) Nothing on the face of a good root of title should cast doubt on its authenticity.
 - (c) It must clearly describe the property.
 - (d) It must contain the equitable interests only.
4. During their visit to the Probate Registry, they discovered that Caveats are entered by:
- (a) The executors and beneficiaries only.
 - (b) The beneficiaries only.
 - (c) Only the spouse in a marriage under the Marriage Act.
 - (d) Any person interested in the estate.

Chief Nduka Sam resides at 10 Road, 14 Block, Aggrey Quarters, Capetown, South Africa. He recently purchased the following properties through his agent, Mr. Duro Okey of 25, Jumai Street, Wuse, Abuja: - a block of six

flats at Gboko, Benue State and a 5-room buglow in Calabar, Cross River State. Mr. Nduka Sam had executed an instrument of authority in favour of Mr. Duro Okey for the purpose of purchase of the two properties. Now, Mr. Nduka Sam wants Mr. Duro Okey to act for him for purposes of putting tenants in the property at Gboko and also for the proposed sale of the property in Calabar.

Answer the following questions:

5. Which of the following statements is TRUE of the above scenario?
- (a) Chief Nduka Sam would need to execute an instrument of authority in favour of Mr. Duro Okey for purposes of the proposed tenancy and sale.
 - (b) Chief Nduka Sam does not need to execute any instrument of authority in respect of the proposed tenancy and sale.
 - (c) The instrument of authority which Chief Nduka Sam executed in favour of Mr. Duro Okey for the purchase of the two properties must be executed by at least two parties.
 - (d) The instrument of authority Chief Nduka Sam executed in favour of Mr. Duro Okey for purchase of the two properties does not need any special attestation.

6. Assuming that Mr. Duro Okey agrees to put Madam Ojoke in the property at Gboko for a period of three years, the document that the parties must execute to complete the transaction is:
- (a) Deed of Subdemise.
 - (b) Deed of Lease.
 - (c) Deed of Sublease.
 - (d) Tenancy Agreement.
7. To deduce Chief Nduka Sam's title in the property at Calabar for purposes of the proposed sale, the document that will constitute Chief Nduka Sam's good root of title is:
- (a) Duly perfected Deed of Assignment.
 - (b) Duly perfected Deed of Lease.
 - (c) Duly perfected power of Attorney.
 - (d) Duly perfected Deed of Mortgage.
8. Which of the following laws will not apply to the proposed sale of the property in Calabar:
- (a) Property and Conveyancing Law 1959..
 - (b) Legal Practitioners Act.
 - (c) Evidence Act.
 - (d) Value Added Tax Act.
- There are properties for lease, sale and mortgage transaction respectively.
- As an Extern in the Law Firm, briefed to handle the above transactions, answer the following:
9. Which of the following documents relating to the transactions will contain a red dendum?
- (a) Deed of Lease.
 - (b) Deed of Mortgage.
 - (c) Contract of Sale.
 - (d) Deed of Assignment.
10. The main distinction between the lease and sale transaction in the above scenario is:
- (a) Whether a deed is needed or not.
 - (b) Length of time.
 - (c) Reversionary interest,
 - (d) The amount paid.
11. Assuming that the deed of lease contains a covenant not to sublet, a breach of this covenant may be enforced by Chief Babalika Obaba through:
- (a) Option to renew.
 - (b) Forfeiture.
 - (c) Specific Performance.
 - (d) Eviction.

Mrs. Lilian Pius-Akanga, a Lagos based trader has approached the Law Firm of A. A. Alli & Co where you had your externship assignment to represent her in letting out her 2 bedroom bungalow, located at Ota, Ogun State.

Benn Limited, a company undertaking the business of Aluminium Roofing and located at 10, Many Land, Ikeja is desirous of leasing the apartment for use as residential quarters for the company's Secretary for a period of 5 years.

Answer the following questions:

12. Benn Limited wants the opportunity to extend their tenancy on the property after the expiration of the current term.

Which of the following clauses should be inserted in the document?

- (a) User covenant.
- (b) Rent renewal clause
- (c) Lease renew clause
- (d) Option to renew.

13. Assuming that Mrs. Pius-Akanga refuses to pay the Law Firm of A. A. Alli & Co their Solicitors fees, what will you advise them to do in order to recover their fees?

- (a) Prepare, sign and deliver a Bill of Charges in the prescribed form to Mrs. Pius-Akanga.
- (b) Wait for one month period.
- (c) File an application for recovery of charges.
- (d) Commence an action for breach of contract.

14. Which of the following is true of the document to be drawn up and executed by the parties?
- (a) It must be created by Deed.
 - (b) It must not retain a reversionary interest.
 - (c) It must transfer ownership.
 - (d) It must be preceded by investigation of title before creation.

15. What kind of fees will not be appropriate for your Principal to charge in the circumstance?

- (a) Scale fees.
- (b) Consultation fees.
- (c) Appearance fees
- (d) Hourly fees.

Fill in the gaps in the scenario below, using the correct options from 16-20.

Joyce, a new wig has been instructed by her Principal to advise a client on some issues relating to Conveyancing Practice and then draft for the client a Deed of Assignment. In furtherance of the Principal's Instrument, she advised the client that where an illiterate is a party to a conveyance of land, a Jurat which states that the contents of the instrument has been read and interpreted from English language to the illiterate's native language must be inserted in the instrument by virtue of the ----- 16 Act or Law. That where an Instrument that is registerable is not registered, it does not have one of the following defects ----- 17

Upon the death of a holder of interest in land, issues such as devolution of

estate on personal representatives, rights, duties and obligations of personal representatives are provided for by the ----- 18 of each State. Such personal representative may either be ----- or ----- 19. Finally, she said that while drafting the Deed of Assignment, the following are matters to be included in the operative part of the document ----- 20

16. (a) Illiteracy protection.
(b) Illiterate protection
(c) Conveyancing Practice and Procedure.
(d) Custom and usage.
17. (a) It cannot be used as evidence of payment for the land.
(b) It cannot be pleaded in court.
(c) It is inadmissible in evidence as proof of title.
(d) The transaction is illegal.
18. (a) Probate Law.
(b) Wills Act.
(c) Wills Law.
(d) Administration of Estate Law.
19. (a) Executors or Executrices.
(b) Executors or Administrators.
(c) Testators or Testatrix.
(d) Donee or Agent.
20. (a) Testatum, Consideration, Habendum, Testimonium.
(b) Testatum Receipt Clause, Consideration, Habendum.
(c) Testatum, Consideration, Habendum, Parcels.
(d) Testatum, Consideration, Receipt Clause Habendum.

PROFESSIONAL ETHICS & CRIMES

In the course of your extramural, you accompanied your Principal to the swearing in of 19 newly appointed Judges of the National Industrial Court (N.I.C.). They were sworn in by the ----- 21. Your Principal later gave you an assignment to briefly state the procedure for their appointment. She stated that the 2 ----- 22 governs the 3 ----- 23 who then recommends them to the 4 ----- 24. To qualify for appointment, a candidate must----- 25

1. (a) Ag. President of Nigeria.
(b) Attorney-General of the Federation.
(c) Chief Judge of the Federal High Court.
(d) Chief Justice of Nigeria.
2. (a) National Judicial Council.
(b) The Federal Ministry of Justice.
(c) The Federal Judicial Service Commission.
(d) The Federal Judicial Agency.
3. (a) Attorney-General of the Federation.
(b) The President.
(c) The National Judicial Council.
(d) The Federal Judicial Service Commission.
4. (a) The Senate.
(b) The President.
(c) House of Representatives.
(d) The Attorney-General of the

Federation and Minister
of Justice.

5. (c) Be of good behaviour in and out of court.
(b) Must not be involved in any act of corruption or corrupt practices.
(c) Must not have rendered dishonest or questionable legal opinion or advise to clients or in court.
(d) All of the above.
6. During the Law Firm's weekly meeting, Mr. Adetunji Williams an extern, was asked to take down minutes of the meeting. He noted that certain persons were "In attendance" in the minutes, which meant:
(a) Members of the firm present.
(b) Invited persons other than members present.
(c) Members absent with apologies.
(d) Members represented by proxies.
7. Mr. Adetunji Williams during his court externship to the Federal High Court sitting in Port Harcourt, Rivers State observed that the inner bar or front row in Courts are exclusively reserved for all but one of the following:
(a) The Attorney-General of the Federation.
- (b) The Attorneys-General of the States.
(c) The President of Nigerian Bar Association.
(d) Senior Advocates of Nigeria.
8. Joseph Ojo accompanied his Principal to the Lagos Maitland Courthouse during the externship for the purpose of having the ADR Judge endorse a settlement that had earlier on been reached by parties. The Principal explained to him that once endorsed, it would qualify as:
(a) An award enforceable by court, upon application by motion.
(b) A consent judgment of the Lagos High Court and enforceable by the Lagos High Court.
(c) A Memorandum of Understanding enforceable by Court, upon application by originating summon.
(d) None of the above.
- As an extern in Nnaemeka Olamiyu & Associates, you participated in a first client interview of Chief Adetayo Coker, who is a sole beneficiary of a trust. He wants the firm to commence an action against the trustees at the High Court of Plateau State.
9. The firm is not under an obligation to accept the instructions of Chief Adetayo Coker in the following circumstance except:

- (a) Where the client fails to offer adequate remuneration.
- (b) Where one of the trustees is the spouse of the Lawyer - O. A. Nnaemeka, Esq.
- (c) Where a Partner in the firm- Olaniyi, Esq is likely to be a witness in the case.
- (d) The client refused to accept contingent fee arrangement proposed by the firm.
10. The most appropriate stage at which A. O. Olaniyi, Esq will tell Chief Emeka Coker that communication between them is confidential during the interview is the:
- (a) Preparation of interview stage.
- (b) Beginning of the interview stage (meet& greet stage).
- (c) Telling the story stage.
- (d) Information gathering stage.
11. Unless Chief Emeka Coker authorises A. O. Olaniyi Esq, the duty of confidentiality ceases in the following circumstance except:
- (a) Where disclosure accords with the client's religious belief.
- (b) Where the Lawyer is ordered by a Court to disclose.
- (c) Where the disclosure is necessary for a Lawyer to defend himself or associates.
- (d) Where communication is in furtherance of an illegal purpose.
12. A. O. Olaniyi Esq received a cheque of N10 million from the trustee, being proceeds of the trust due to Chief Emeka Coker pursuant to the Judgment of the Court. The cheque ought to be finally paid into:
- (a) The Firm's Account.
- (b) The Client's Account.
- (c) The Trust Account.
- (d) None of the above.
13. In compliance with Legal Practitioners Accounts Rules, the N10million Judgment sum and proceeds of trust received by A. O. Olaniyi ought to be posted to the:
- (a) Debit Column
- (b) Credit Colum.
- (c) Expenditure Column.
- (d) Income Column.
14. Where G. N. Assumpta, Esq has been briefed by Chief Emeka Coker to take over the Matter, the new Counsel should do the following except:
- (a) Inform the Court of the change.
- (b) Ensure the fees of the former Counsel is paid.
- (c) Inform the Nigerian Bar Association (NBA)
- (d) Inform the old Counsel of the change.

You were at the Federal High Court, Akure on May 19, 2017 when the following transpired in Court:

Court Clerk: Suit No. FHC/CS/50/13 - Oku Vs NDD & 2 Ors.

Mr. Oku: With utmost humility My Lord, My name is O. O. Oku Esq and I am appearing for myself.

Court Clerk: "My Lord, parties are present in Court and are ready to go on."

Mr. Oku fully robed, conducted his case from the Bar and went into the witness box to be cross examined with his robe on. Another Counsel in the Court interrupted the proceedings to state that Mr. Oku had no right to conduct his case from the Bar fully robed.

Mr. Oku: "My friend, keep quiet if you don't know the Law. By Rule 6 of the RPC, 1976 and on the authority of Gani Vs NBA, I can only remove my wig and gown with the permission of this Court."

Answer the following questions using the above scenario:

15. Mr. Oku's introduction of himself before the Court is called:

- (a) Announcing his presence.
- (b) Entering appearance.
- (c) Standing in for the Plaintiff.
- (d) Announcing his appearance.

16. Which of the following comments on Mr. Oku's representation of himself and his conduct of the case, is correct?

- (a) He can appear for himself and conduct his case while fully robed.
- (b) He can appear for himself but it was unethical and against the RPC for him to conduct his case from the Bar and in full robes.
- (c) His appearance was wrong since he is a litigant but he was right to have conducted his case in the manner he did.
- (d) Both his representation of himself and his conduct of the case are unethical under the RPC.

17. The reaction of Mr. Oku to the objection raised in respect of his conduct of the case amounts to:

- (a) A breach of his duty to the legal profession.
- (b) A breach of his duty to the Court.
- (c) A breach of his duty to his colleague.
- (d) All of the above.

Bello Uche was posted to the Law Firm of Ugochukwu & Co at Wuse II, F.C.T. for the just concluded externship programme. At the Law Firm, he was exposed to actual law practice and was also involved in many activities including client interview where the

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18. (a) Avran Sherr's 7 stage model.
(b) Chay and Smith 3 state model.
(c) Avran Sherr's 3 state model.
(d) Chay and Smith 9 stage model.
19. (a) Oratory skill.
(b) Negotiation skill.
(c) Advocacy skill.
(d) Interviewing skill.
20. (a) Ledger, client account and journal.
(b) Ledger, Bank statement and Journal.
(c) Cash book, ledger and Journal.
(e) All of the above.



COUNCIL OF LEGAL EDUCATION

NIGERIAN LAW SCHOOL

BAR FINAL EXAMINATIONS

MULTIPLE CHOICE QUESTIONS

FRIDAY, JULY 20, 2018

TIME ALLOWED: 60 MINUTES

INSTRUCTIONS:

CANDIDATES ARE TO ANSWER ALL QUESTIONS. ALL ANSWERS MUST BE PROPERLY SHADED ON THE PROVIDED COMPUTER SHEET. USE HB PENCIL ONLY

CIVIL LITIGATION

At the Law Firm of Fidelity Chambers where you did your externship programme, your Principal informed you that one of his clients, Madam Sade, a very popular philanthropist who lives in Lagos, lent her childhood friend Adaora, who also lives in Lagos the sum of N12 million to set up her mechanised farming business.

The loan agreement was entered into in Lagos and guaranteed by Adaora's boy friend, Sulu Anga who resides in Abuja. Adaora has defaulted in repaying the loan despite several demands, by Madam Sade. Madam Sade has therefore decided to commence an action at the Lagos High Court against both Adaora and Sulu Anga in order to recover the money from them.

Answer the following questions:

1. Assuming that she desires to adopt the fastest procedure to get judgment expeditiously

against the defendants, which of the following procedures will be most appropriate?

- (a) Summary judgment under Order 22.
 - (b) Summary judgment under Order 19.
 - (c) Summary judgment under Order 11.
 - (d) Undefended list under Order 23.
2. When commencing the action, the claimant is not required to file one of the following documents:
- (a) Statement of claim.
 - (b) List and copies of documents to be relied upon.
 - (c) Deposition of witnesses on oath.
 - (d) List of witnesses to be called at the trial.
3. Service of the originating processes on the defendants must be done by:

- (a) Dropping same with an adult member found in the premises where they reside.
 - (b) Serving them personally on the defendants.
 - (c) Serving them through an advertisement in a newspaper with wide circulation.
 - (d) Any of the above.
4. To effect service of the originating processes on Sulu Anga in Abuja? The claimant is required to comply with one of the following:
- (a) The writ of summons must be endorsed by the Registrar that it is to served out of Lagos State and in the Federal Capital Territory, Abuja.
 - (b) The defendant is to be given a period of not less than 30 days from the date of service within which to enter an appearance in the matter or such longer period as prescribed by the rules under which the writ is issued.
 - (c) (a) and (b).
 - (d) None of the above.
5. Assuming Adaora is also a yearly tenant in Madam Sade's 3 Bedrooms flat at 3, Kando Street, Apapa; Lagos and she wants to recover possession of the property from her, she must

do one of the following to properly recover possession:

- (a) Issue her with a 6 months notice to quit to expire on the eve of the anniversary of her tenancy.
- (b) Issue her with a 6 months notice to quit to expire any time during or after the expiration of her tenancy.
- (c) Issue her with a 3 months notice to quit, to expire on the anniversary of her tenancy.
- (d) Issue her with a 7 days notice of owners intention to apply to recover possession

6. During your externship programme, Mrs. Agaga Okafor briefed your Field Supervisor, Mr. Kola Ken that the Economic and Financial Crimes Commission on the 28th June, 2018 arrested and detained her husband on the allegation of money laundering. All efforts made to secure his release has proved abortive. Mr. Kola Ken has instructed Mr. Tijani Bello, a colleague in the Law Firm to prepare the processes that would be filed in court to challenge the action of the Commission.

Answer the following questions:

8. In which of the under listed courts will the action be filed?
- (a) Magistrate Court.
(b) National Industrial Court.
(c) State High Court.
(d) None of the above.
7. Which of the following best describes the mode to be adopted to commence the action?
- (a) Petition.
(b) Writ of summons.
(c) Originating motion.
(d) All of the above.
8. One of the options below describes the processes that would accompany the mode you identified in (8) above.
- (a) Originating application, statement setting out the name and description of the applicant; the relief sought and the ground; affidavit and written address.
- (b) Statement setting out the name and description of the applicant, the relief sought and the ground; affidavit and written address.
- (c) Statement setting out the name and description of the applicant, the relief sought and the ground and a written address.
- (d) Statement setting out the name and description of the applicant, the relief sought and the ground and an affidavit.
9. Assuming the Commission is served with the processes you identified in (8) and (9) above and intends to defend the action, one of the following describes the processes it would file:
- (a) Counter affidavit and reply on points of law.
(b) Written address, counter affidavit and reply on points of law.
(c) Written address and a counter affidavit.
(d) Written address and a further affidavit.
10. Which of the following option describes when the case will be slated for hearing from the date of filing?
- (a) 5 days.
(b) 14 days.
(c) 8 days.
(d) 7 days.

During your Law Office Placement, you accompanied your Principal, Mr. Ben Davies, SAN, to the Lagos Division of the Lagos State High Court in respect of a Civil action against his client on getting to Court,

the Learned Silk asked you to check the(11) to know what number the case was on the list. You discovered that the case was listed as number 9.

When the Court started sitting at 9 a.m., the Presiding Judge called on the Learned Silk to.....(12).....his case after which the case was(13)..... It was then discovered that neither the claimant nor his Counsel was in Court, whereupon the Learned Silk applied that the case be(14)..... The Learned Judge went through the case file and discovered that the claimant and his Counsel had never been absent from Court. His Lordship expressed the belief that since the case was listed for definite hearing, the claimant and his Counsel were very likely to attend Court that day. His Lordship therefore decided to(15) the case till 11.00 a.m.

11. (a) The cause list.
(b) The Court list
(c) Barristers' list.
(d) All of the above.

12. (a) Identify.
(b) Mention.
(c) Call.
(d) Point out.

13. (a) Mentioned out of turn.
(b) Called out of turn.
(c) Announced out of order.

Ques. 10. What is the meaning

- (a) Dispersed list
 - (b) Adjourned
 - (c) Adjourned to another date
 - (d) Adjourned without notice
- (e) Case was not ready
 - (f) Adjourned to another date
 - (g) Dispersed to another date
 - (h) Dispersed

- (i) Dispersed
- (j) Stopped
- (k) Suspended
- (l) Stand down

During your examination of the witness of your Principal you learnt that he has filed an application in respect of the election of the office of the Governor of his State. The Independent National Electoral Commission had on 17 April, 2014 declared the result of the election, thereby returning the candidate of the Upper Nigeria Congress as the winner. Aggrieved by the declaration, the candidate for Champion Party of Nigeria has filed an action in the Governorship Election Tribunal.

In the course of the cross-examination of the witness, you observed that your Principal employed three techniques. After the hearing, judgment was delivered.

Answer the following questions:

16. The Governorship Election Tribunal will be properly constituted by:
- (a) 3 members including the Chairman.
 - (b) 5 members including the Chairman.
 - (c) 9 members including the Chairman.
 - (d) 1 member only.
17. The three cross-examination techniques applied by your Principal were:
- (a) Confrontation, proving and co-operative.
 - (b) Probing, win-win and insinuation.
 - (c) Confrontation, probing and insinuation.
 - (d) Probing , close and open question.
18. The judgment of the above tribunal should be delivered:
- (a) 90 days from the date of declaration of results of the election.
 - (b) 180 days from the date of the filing of the petition.
 - (c) 90 days from the date of filing of the petition.
 - (d) 180 days from the date of declaration of result of the election.
19. Appeal against the decision of the Tribunal should be heard within:
- (a) 60 days from the declaration of result of election.
 - (b) 21 days from the date of the delivery of judgment by the Tribunal.
 - (c) 60 days from the date of delivery of the judgment by the Tribunal.
 - (d) 21 days from the declaration of result of election.
20. If the petition was filed against the declaration of result in an election in the National Assembly, the ultimate appellate court would be:
- (a) The Supreme Court.
 - (b) The Court of Appeal.
 - (c) The Election Tribunal Appellate Tribunal.
 - (d) The Federal High Court.

CRIMINAL LITIGATION

You witnessed Criminal Proceedings during your court externship programme. Answer the following questions.

1. From your observations, in what order were defendants arraigned?
 - (a) The accused was placed in the dock fettered, the charge was read to him and he was asked to plead.
 - (b) The accused was placed in the dock unfettered; the charge was

- prosecution counsel employed more of Close ended questions
- (a) Open ended questions
- (b) Balanced questions
- (c) All of the above.
2. During bail applications, counsel to the defendants concluded by saying:
- (a) My Lord, we urge the honourable court to grant our application as prayed.
- (b) My Lord, bail is the right of the accused person.
- (c) My Lord, kindly grant our request.
- (d) None of the above.
3. Before the testimony of each witness, the judge would ask the registrar to:
- (a) Put the witness on oath
- (b) Warn the witness sternly not to mislead the court.
- (c) Inform the witness about the courts rules and regulations.
- (d) All of above.
4. You observed that during the examination in chief of the persecution witness (PW1) the
- The confessional statement of defendants was tendered by the prosecution through:
The investigating police officer
The Defendants
The Defendants' spouses
Eye Witnesses.
5. The defence counsel objected to the attempt to re-examine PWI on the ground that:
- (a) There was no ambiguity from the cross examination.
- (b) The prosecution covered the ground during examination in chief.
- (c) There was no ex-improviso matter.
- (d) All of the above.

In the course of your Court Externship in Bwari, Federal Capital Territory, one of the activities you recorded in your Log Book was the trial of Mary and Aisha on a one count Information of conspiracy to commit Culpable

Homicide Punishable with Death of their former friend, Esther. You stated that Mary pleaded "guilty with reason," while Aisha pleaded "guilty". At the conclusion of trial, both defendants were convicted.

Using the above scenario, answer questions 7-10:

7. Assuming you were the defence counsel, what will be your objection to the information?
 - (a) That the consent of the Judge was not sought and obtained before the Information was filed.
 - (b) That the information was bad for misjoinder of offences.
 - (c) That the Information was bad for misjoinder of offenders.
 - (d) That the Information was bad for duplicity.
 8. In respect of the plea of Mary, the trial Judge will:
 - (a) Record a plea of 'guilty'
 - (b) Record a plea of "not guilty"
 - (c) Investigate whether it is act of malice or visitation of God.
 - (d) None of the above.
 9. In respect of the plea of Aisha the trial Judge will:
 - (a) Call upon the prosecution to narrate the facts of the case.
- (b) Explain the essential element of the offence to her and if she understands and admits, proceed to convict her.
- (c) All of the above.
- (d) Record a plea of "not guilty" and proceed with the trial.
10. The sentence that will be imposed upon the defendants will be:
 - (a) Death by hanging
 - (b) Death by lethal injection
 - (c) Either (a) or (b) above
 - (d) Life imprisonment.

Toms, 13 (years old) and Jones, (8 years old) saw Bindo in Avensis Supermarket at Kalgo Close, Wuse 2, Abuja, secretly taking and hiding a pack of golden necklace worth N4 million with the intention of stealing it. He was arrested and made a statement to the police, confessing to the crime. He was taken to court, convicted and sentenced to 3 years imprisonment without option of fine after the final addresses. He has instructed his counsel to appeal the judgement but he died that same day.

Now answer the following questions 11-14:

11. For the evidence of Toms and Jones to be admissible in court:
 - (a) Their respective ages must be established by expert witness.

- (b) The court shall conduct a preliminary investigation to ascertain whether they understand the effect of speaking on oath, the duty of speaking the truth and the capacity of giving rational answer to questions.
- (c) The prosecution will require the consent of their parents or guardians before they can give evidence.
- (d) The prosecution has to first establish that they understand and can speak the language of the court.
12. If Bindo's confessional statement is made in Okun Language but merely interpreted by Corporal John, it is:
- (a) Only admissible if John is called as a witness and the statement is tendered through him.
- (b) Admissible whether or not John is called as a witness.
- (c) Cannot be admitted since Okun language is not the language of the court.
- (d) It must be interpreted by another Okun person before it can be admitted as evidence.
13. Where evidence is adduced by both parties, final address is usually given first by:
- (a) The prosecution
- (b) Depends on the discretion of the judge or Magistrate presiding.
- (c) The amicus curiae
- (d) The defence
14. Bindo can exercise a right of appeal within _____ after judgement but his appeal _____ being a sentence of _____ after his death.
- (a) 9 months; abates; Imprisonment
- (b) 90 months; abates; fine
- (c) 9 months; abates; canning
- (d) 90 days; abates; imprisonment.

At the trial of Taiwo Omodada at the Magistrate Court, Dugbe, Ibadan, Oyo State, for stealing and rape of one Miss Okafor, the two offences were stated in count one and read to him. He pleaded not guilty to it. At the end of the trial the accused was discharged and acquitted of the offences. Miss Okafor wants to appeal against the decision on two grounds: (1) That the interpreter used in the case was not qualified. (2) That the Magistrate was biased against her. Answer the following questions 15-17:

15. Which of the following is the basic qualification of an interpreter in court:
- (a) Must be bold in the course of interpreting.
- (b) Must be competent enough.

- (c) Must be knowledgeable in Law
- (d) Must be of the same tribe with the accused person.
16. Miss Okafor does not have the right of appeal against the decision because:
- (a) She is the victim
- (b) She is not the accused
- (c) She is not the prosecutor
- (d) All of the above.
17. What is the effect of pleading NOT guilty to the offences charged?
- (a) He is saying that he does not want to be tried.
- (b) The accused is joining issues with the prosecution.
- (c) That he has reasons why the offence was committed.
- (d) None of the above.

During Bosu's externship Programme in the Law Firm of Messrs, Udom, Akpan & Co., he accompanied his field Supervisor Udom, Esq. to the Lagos Island Divisional Police Command to negotiate the bail of one Mr Baloo who had been detained by the police on allegation of armed robbery. He had been in detention for over five days. Mr Baloo's mother went with them to act as surety.

Now answer the following questions

18-20:

18. Which of the following statements is true from the Scenario:
- (a) Police cannot grant bail in this case.
- (b) Police can grant bail in this case.
- (c) Only the Area Commander can grant bail in this case.
- (d) None of the above.
19. The detention of the suspect by the Police for five days is a breach of which of the following rights?
- (a) Freedom of Speech
- (b) Freedom of Association
- (c) Right to Liberty
- (d) Right to citizenship.
20. Which of the following statement is true?
- (a) Baloo's mother is not qualified by law to stand as his surety.
- (b) Baloo's mother is qualified as surety in this case.
- (c) Baloo's mother needs an affidavit of good character to be a surety in this case.
- (d) Only male adults can serve as surety.

CORPORATE LAW PRACTICE

Zion Nigeria Ltd was incorporated on the 25th August, 2014. At its first Annual General Meeting in 2016, the following Resolutions were passed;

- (a) Conversion and Re-registration of the company to a public company.
- (b) Increase in share capital from N100 million ordinary shares to N500 million ordinary shares.

Answer the following questions 1 – 5:

1. Which of the following is not an ordinary business to be conducted at the Annual General Meeting of Zion Nigerian Ltd?

- (a) Appointment of the members of the Audit Committee,
- (b) Election of directors in place of those retiring.
- (c) Appointment of Directors
- (d) Declaration of Dividend.

2. Whose duty is it to prepare the Financial Statements of Zion Nigeria Ltd?
- (a) Members in a General Meeting

- (b) Bankers of the Company
- (c) The Board of Directors
- (d) The Institute of Chartered Accountants of Nigeria.

3. Which of these is not one of the alterations to be made by Zion Nigeria Ltd in its Memorandum of Association after its registration as a public company?

- (a) The name clause must end with PLC Instead of Ltd.

- (b) The capital clause must be altered to state an amount not less than N500,000

- (c) The status (type of company) must change to public company

- (d) The number of Directors and subscribers must be changed.

4. Which of these is not one of the alterations to be made in the Article of Association of Zion Nigeria Ltd?

- (a) Any clause on qualification of company secretary must be amended to reflect that required for PLC.

- (b) Any clause allowing written resolution for General Meeting must be deleted.

- (c) Clause on restriction of share capital must be removed.

- (d) The subscription column will be altered.

5. The Resolution increasing the Share Capital of Zion Nig. Ltd must be filed at the CAC within:

30 days

(b) 15 days

(c) 14 days

(d) 42 days.

Emerald Nigeria Limited was incorporated in 2013. The company now seeks to change its name to Favour Nigeria Limited.

Answer the following questions:

6. The procedure for change of name of the company includes the following except:

- (a) Search for availability and reservation of name.
- (b) Application to SEC to register the new name.
- (c) Holding a General Meeting of the company.
- (d) Alteration of the company seal, certificates and letter heads of the company.

7. The following are the documents that must be submitted to the CAC in order to validly change the name of the Company except:

- (a) Copy of the special resolution
- (b) Original Certificate of incorporation
- (c) Memorandum and Articles of Association as attached to reflect the new name.

(d) Copy of the balance sheet of the company not exceeding 6 months.

8. Upon successful change of name of the company, CAC is expected to do the following except:

- (a) Publication of change of name in a daily newspaper.
- (b) Advertisement of change of name in the official gazette
- (c) Issuance of a new certificate of incorporation.
- (d) Enter the new name of the company in the register of companies.

9. Upon change of name of the company, the company is expected to do the following except:

- (a) Alter the memorandum and articles of association of the company reflecting the new name.
- (b) Alteration of the company seal, certificates and letter heads.
- (c) Advertisement of change of name in a daily newspaper circulating nationwide.
- (d) Application to Federal High Court to sanction the change of name.

Success Ventures PLC with registered

Office at No.12, Nsude Road, 9th Mile, Enugu State was incorporated to carry on the business of sale and supply of computers. A year after, it realised that the capital of the company was not sufficient to run the business as planned. Consequently, the company offered its shares to the members of the public.

Answer the following questions 10-11:

10. What is the prescribed period for the Company to file return of Allotment upon completion of the public offer?
- (a) 14 days
 - (b) 30 days
 - (c) 1 month
 - (d) 42 days.
11. What is the prescribed time for the company to complete and deliver the share certificates to allottees?
- (a) 40 days
 - (b) 2 months
 - (c) 3 months
 - (d) 90 days.

Capital Gain Ventures Limited is a key player in the energy sector in Nigeria. The Board of Directors is divided along the line of the major political parties in Nigeria. They have failed to hold Board meetings or convene a general meeting of the company. There is evidence that the Chairman and the

Managing Director are running the affairs of the company in a manner that is unfairly prejudicial and oppressive.

Answer the following questions:

12. Which of the following is not relevant for the prosecution of a suit arising from the above scenario in the court?
- (a) Companies Investigation Rules
 - (b) Federal High Court Rules
 - (c) Companies Proceedings Rules
 - (d) Winding up Rules.
13. Which of the following will adequately address the alleged infraction of minorities rights by the Managing Director and Chairman?
- (a) Derivative Action
 - (b) Member's Direct Action
 - (c) Representative Action
 - (d) Third Party Action.
14. The reliefs that the Court may grant when a petition on the ground of unfairly prejudicial and oppressive conduct is brought includes all except one:
- (a) Winding up of the Company
 - (b) Order of derivative action

- (c) Appointment of Receiver Manager
- (d) Directing investigation to be conducted by CAC.
15. _____ is saddled with the responsibility of making the Winding up Rules:
- (a) Chief Registrar, Federal High Court
- (b) Chief Justice of Nigeria
- (c) Chief Judge, Federal High Court
- (d) Registrar general, Corporate Affairs Commission.
- Your Law Office Externship programme at the Corporate Solicitors with specialisation in company incorporated by business advisory services among others.
- Answer the following questions:
16. The following are the business associations recognised under CAMA except.
- (a) Sole Proprietorship
- (b) Partnership
- (c) Company
- (d) Incorporated Trustee.
17. The following are the contents of the Memorandum of Association of the company except:
- (a) Name Clause
- (b) Object Clause
- (c) Capital Clause
- (d) Allotment Clause
18. The incentives for locating a company within an area designated as economically disadvantaged area is:
- (a) 7 years tax exemption
- (b) 3 years tax exemption
- (c) Duty Draw Back
- (d) Suspension scheme
19. Assuming the company obtains pioneer status in the course of carrying on business in Nigeria, the incentives available to the company is:
- (a) 2 years tax exemption renewable for another 2 years
- (b) 3 years tax exemption subject to extension for another 2 years
- (c) 5 years tax exemption
- (d) 7 years tax exemption.
20. Assurances to the foreign partners to encourage them to invest directly in the company with foreign loan include the following except:
The repatriation of capital and profit.

- (b) Purchase of foreign currency at official rate from Central Bank of Nigeria.
- (c) Exemption from registering a company in Nigeria.
- (d) Prompt and adequate payment of compensation upon nationalisation of the foreign investment.

PROPERTY LAW PRACTICE

Mr. Powell Ukpata is the Managing Director, Chief Executive Officer and majority shareholder in NK-Global Limited. The property used as the company's head office is registered in the name of the company. Mr. Powell Ukpata has just taken a loan of N150 million from Trust Bank PLC, in his personal name, but plans to use the property housing his company's head office as Security for the loan.

Answer the following questions:

1. In the above transaction, NK-Global Ltd. is the:
 - (a) Surety
 - (b) Mortgagor
 - (c) Lender
 - (d) Grantee
 2. Assuming the head office of NK-Global is in Asaba, Delta State and the parties to the mortgage have now opted for a Legal mortgage, all the following are relevant EXCEPT:
 - (a) Subdemise
 - (b) Charge by Deed expressed to be by way of Legal Mortgage.
 - (c) Charge by Deed expressed to be by way of Statutory Mortgage.
 - (d) Statutory Charge
3. Assuming Mr.OgbosuAmofu acted as the solicitor to Mr.Ukpata in the mortgage transaction. On conclusion of the transaction and following Mr.Ukpata's refusal to settle Mr.OgbosuAmofu's professional fees despite repeated written demands, Mr.Ogbosu has withheld all original documents belonging to Mr.Ukpata, including the Deed of Legal Mortgage. Mr.Ukpata is aggrieved. The conduct of Mr.Ogbosu in withholding Mr.Ukpata's documents is:
 - (a) unprofessional
 - (b) criminal
 - (c) justified in Law
 - (d) based on agreement.
 4. One of the following persons has an obligation to pay Capital Gains Tax in respect of the mortgage transaction.
 - (a) Trust Bank PLC
 - (b) Mr. Powell Ukpata
 - (c) NK-Global Ltd.
 - (d) None of the above.
 5. Assuming Mr.Ogbosu acted as Solicitor to both parties in the mortgage transaction, the formula for calculating his professional fees under the Scale is:

- (a) One-quarter from the mortgagor and full from the mortgagee.
- (b) One quarter from the mortgagee and full from the mortgagor.
- (c) Half from the Mortgagor and full from the Mortgagee.
- (d) Half from the Mortgagee and full from the mortgagee.

6. Mr. Paul Bassey granted a term of 5 years over his four bedroom bungalow at No. 10 Sabo, Ibadan, Oyo State to Mariam Tukur and used his three storey building at No 49, Airport Road, Ikeja, Lagos as security in favour of Jewel Bank Plc for a loan of N8m.

Answer the following questions:
The document to be executed between Paul Bassey and Mariam Tukur as well as the Solicitor to prepare the document would be:

- (a) A lease/lessor's solicitor
- (b) A lease/lessee's solicitor
- (c) A tenancy/agreement/landlord's solicitor
- (d) A mortgage/mortgagor's solicitor

7. Where Paul Bassey and Mariam Tukur are considering who to insure the property in the transaction, the following except one should be a factor to be considered:

- (a) Existing obligations
- (b) The risk involved
- (c) The nature of the demised premises.
- (d) The insurance company

- 8. The appropriate clause to be inserted in the instrument to protect Mariam Tukur from being liable to pay rent after the destruction of the property is:
 - (a) Abatement of rent clause
 - (b) Abatement of rent review clause.
 - (c) Abatement of rent renewal clause.
 - (d) Option to renew clause.

- 9. To create a legal mortgage between Paul Bassey and Jewel Bank Plc, the following laws will apply except:
 - (a) Mortgage and Property Law
 - (b) Property and Conveyancing Law
 - (c) Legal Practitioners Act
 - (d) Stamp Duties Act.

- 10. Where the parties decide to create a legal mortgage by sub demise, the Bank can exercise its power of sale, only if one of the following is inserted in the agreement:
 - (a) Declaration of Trust
 - (b) Power of Attorney
 - (c) A and B
 - (d) None of the above

- 11. In the event that Mr. Paul Bassey defaults in repaying the mortgage sum and interest, the Bank can exercise its Power of Sale, if any of the following conditions are met except:
 - (a) Notice requiring payment of the mortgage sum and interest has been served on the mortgagor

- and there is default of payment for three months.
- (b) There has been breach of some provisions in the mortgage deed.
 - (c) Some interests under the mortgage is in arrears and unpaid for two months.
 - (d) Some interests under the mortgage is in arrears and unpaid for three months.

12. In December 2012, Dr. Mike Maigida of No. 20 Lamido Adamawa Way Yola, Adamawa State Nigeria, made a Will wherein he appointed Alhaji Usman Ike, Hajia Faruk Adebayo and Chief Nura Okenwa as his executors/executrix. After his death and burial in 2015, his will was read. However, the executors/executrix of his Will renounced the Will.

Answer the following questions:

In order to administer the estate of Dr. Mike Maigida:

- (a) His executors/executrix have to apply for probate.
- (b) His executors/executrix have to apply for letters of administration with the Will annexed.
- (c) Persons entitled to his estate have to apply for probate.
- (d) Persons entitled to his estate have to apply for letters of administration with the Will annexed.

13. For Dr. Mike Maigida's Will to be valid, inter alia, it has to be:
- (a) Signed by at least two witnesses in his presence and that of each other.
 - (b) Signed by at least two witnesses in the presence of a high Court Judge.
 - (c) Signed by Dr. Mike Maigida in the presence of at least two witnesses.
 - (d) A and c above.

14. Apart from the Will, Dr. Mike Maigida could give his property to persons of his choice using:

- (a) Deed of Transfer
- (b) Deed of Conveyance
- (c) Deed of Gift
- (d) All of the above

15. As an extern in the law office of John Ebot & Associate you perused a case file of Madam Koku, an illiterate who gave an authority to her solicitor to sell her property at plot 770 Cadastral Layout, Wuse Abuja. in her will, she bequest the property to her first son Deji Koku.

Answer the following questions:

One of the following is correct:

- (a) The bequest to Deji Koku must contain an illiterate jurat.
- (b) The instrument given to Madam Koku's solicitor must be by deed which must have illiterate jurat.
- (c) The instrument of transfer should be endorsed by a High Commissioner.

(d) All of the above.

16. Assuming the bequest to Deji is for his life time and after which to his niece, the legal implication will be:

- (a) Deji can sell the property in his life time.
- (b) Deji may bequeath it in his life time.
- (c) Deji must give his niece in his life time.
- (d) Deji should be entitled to the property only during his life time.

17. Assuming before Madam Koku's death she sold the property through her solicitor, the property will be said to:

- (a) Adeem
- (b) Abate
- (c) Renounce
- (d) Residuary

18. Which of the following is incorrect about why physical inspection of a property in Ibadan is necessary?

- (a) Purchaser is deemed to have constructive notice of any existing encumbrance on property.
- (b) To avoid the effect of the doctrine of caveat emptor.
- (c) To discover latent defects.
- (d) To discover patent defect.

19. Who is to prepare the contract of sale of land at the contract stage and, the final document of transfer on execution?

(a) Vendor and Purchaser's solicitor

(b) Vendor's Solicitor and lessee's solicitor

(c) Vendor's Solicitor and Assignee's solicitor.

(d) Assignor and Assignee's solicitor.

20. After the vendor has deduced title, which of the following will not be discovered from the documents handed over?

- (a) All discharged mortgages and charges
- (b) Number of tenants occupying the bungalow.
- (c) Whether documents are well executed.
- (d) Breaks in chain of devolution.

PROFESSIONAL AND SKILLS

Fola was an extern in the Law Firm of Okon & Co. In his Court log book, he made an entry about having witnessed "a motion moved on terms". During his portfolio assessment, one of the assessors read the entry and asked him to explain what that meant. Which of the under listed best explains what Fola meant?

1. (a) The motion was moved in terms of the Court.
- (b) The motion was moved with cost because Counsel was late to Court.
- (c) The motion was harmless and not opposed and therefore

- Counsel moved it in terms of the motion paper without belabouring it
- (d) The Court gave leave for the motion to be moved.
2. Fola made reference to another term she heard Counsel use in Court: "Counsel should refrain from undressing the Court". That statement or term meant:
- Counsel should not disrespect the Court.
 - Counsel should refrain from leaving the Court room after the completion of his matter, once the number of Counsel present in Court will be less than two.
 - Counsel must not remove his wig and gown after the completion of his matter, while still within the Court room.
 - Counsel must not remove from the Court any of its equipment or furniture.
3. Ude Okonkwo successfully completed his Law Office Attachment in the office of A.O. Okwor, SAN. In the course of his portfolio assessment, he told the panel that his Principal testified in Court in one of the Civil cases he was handling; that his Principal refused two briefs brought by one company; that an accused person, Joseph

Okiri, admitted the commission of the offence he was charged with before his Principal in Chambers; his Principal visited the Judge who was presiding over one of his cases and they discussed the case during the visit and that his Principal appeared alone in the open Court during a trial of one of his cases.

Answer the following questions:

3. One of the following is correct concerning the activities of Mr. Okwor as a witness in the suit:
- His testimony in the case must be corroborated by another witness.
 - His testimony is not admissible.
 - He ought not to have accepted the brief if he knew or ought reasonably to know that he was going to act as a witness in the suit.
 - He should charge professional fees for testifying in the suit.
4. Mr. Okwor may be permitted by the Rules of Professional Conduct to testify in the suit in the following situations except:
- Where his testimony relates solely to a matter of formality.
 - Where he obtains the consent of the General Council of the Bar before the testifying.

- (c) Where his testimony relates solely to the nature and value of legal services rendered by him.
- (d) Where his refusal to testify would work hardship on the client.
- After the admission of the offence by his client in his Chambers, Mr. Okwor may take the following steps in Court during trial except:
- Try to discredit prosecution witnesses through cross-examination.
 - Allow the client to plead not guilty and leave the prosecution to prove the charge.
 - Ask the client to plead guilty to the charge and ask for the mitigation of the sentence.
 - Call witnesses to establish alibi.
6. Mr. Okwor's rejection of the briefs may be consistent with the Rules of Professional conduct in the following cases except:
- Where inadequate professional fee was offered by the company.
 - He is a director in the company and the briefs involved litigation.
 - He is a shareholder in the company.
- (d) If it is likely that he would give evidence on the merits of the case in Court.
7. Mr. Okwor may properly appear in open Court to conduct his cases in any of the following save one:
- He must appear with another Senior Advocate of Nigeria and a Junior Counsel in his law office.
 - He may appear alone to conduct a criminal case in open Court.
 - He should appear with Senior Advocate of Nigeria or a Junior Counsel in civil cases.
 - He may appear with three Senior Advocate of Nigeria and a Member of Body of Benches.
8. Fola wrote a reflective essay titled: "The Management and Organisation of the Law Firm where I was placed". In the essay, he observed that Okon Idom Law Office was organised as a sole Practitionership. This gave the Law Firm the advantages under listed, except:
- Fast decision making.
 - Professional isolation.
 - Proprietor takes credit for success of the firm.
 - He enjoys all the profits from the office.

9. During the externship, Fola was opportune one day to follow his Principal to the Abuja Multi-door Courthouse (AMDCH) where the parties succeeded in reaching a mediated agreement. His Principal explained to him that enforcement of the mediated agreement would be through all but one of the following:
- (a) Seeking permission of the Chief Judge of the FCT.
 - (b) Litigation.
 - (c) Consent judgment.
 - (d) Filing of terms of settlement.
10. Under the Nigerian law, all but one of the following is not the exclusive right of a Legal Practitioner:
- (a) To be appointed as the Attorney-General of the Federation and Minister of Justice of the Federation and States.
 - (b) To be made a Notary Public.
 - (c) To be appointed a Judge of the Customary Court of Appeal of a State or FCT.
 - (d) To draft instrument of transfer of title to land for consideration.
11. Assuming your Field Supervisor has completed the work but Mr. Usman Amechi failed to pay the professional fees, you can only sue Mr. Amechi if he has served _____ and waited for a period of _____ before bringing the action:
- (a) Bill of charges and one month
 - (b) Bill of charges and 30 days,
 - (c) Bill of assessment and one month.
 - (d) Bill of lading and 30 days.
12. Assuming Mr. Usman Amechi contested the Bill served on him for the services rendered, he could opt for one of the following:
- (a) Bills of costs review.
 - (b) File an action in Court to mandate your Field Supervisor to prove the bill.
 - (c) Request for taxation of the bill.
 - (d) None of the above.
13. Fola noted in his Law Firm log Book that the most effective Personal reminder system used by the practitioners at Okon & Co. was diary and they kept all the under listed diaries except:
- (a) Office (desk) diary.
 - (b) Personal diary (pocket size).
 - (c) Firm diary (desk size).
 - (d) Court diary.

[14] The law firm of Otalo & Co. made certain resolutions recently, one of which was to publish the bio-data of all its lawyers in a reputable law list as a means of improving its clientele. As an extern in the law firm, you were asked to itemize the information to be published in the law list. Which of the following does not qualify to be published in the law list?

- (a) The lawyer's name, address, email address and year of call.
- (b) The lawyer's name, any public or quasi public office held and post of honour.
- (c) The lawyer's name, email address, any public office held, notable cases handled and schools attended.
- (d) The lawyer's name, email address and position held in the NBA and in a legal scientific society.

The Secretary in the law firm where Beatrice was an extern is interested in studying law someday. She asked Beatrice to give her a brief history of the legal profession. Beatrice told her about the first, second and third periods in the history of the legal profession, from [15] -----. Beatrice listed for [15] -----, Beatrice listed for her the deficiencies which an English trained lawyer practicing in Nigeria then encountered, being the under listed except [16] -----. The secretary then sought to know the bodies that regulate the legal

profession and their responsibilities. Beatrice listed them and their responsibilities. She explained in detail the functions of the Nigerian Bar Association which are the following except [17] -----. Beatrice explained to the Secretary that it is unprofessional for a lawyer to take briefs outside a law office. She gave reasons for establishing a law office which are stated below except [18] -----. The Secretary was newly employed and Beatrice explained to her the various filing systems a law office can adopt, and they include the following except [19] -----.

- (15) (a) 1861 to 1912, 1912 to 1961, and 1961 to date respectively.
- (b) 1863 to 1913, 1913 to 1964, and 1964 to date respectively.
- (c) 1876 to 1914, 1914 to 1962, and 1962 to date respectively.
- (d) 1874 to 1914, 1914 to 1962, and 1962 to date respectively.

[16] (a) They studied English cases which are more binding in Nigerian counts.

- (b) They studied under the unitary system of government while Nigeria practices the federal system of government.
- (c) There was a lack of appreciation of the local laws in Nigeria.

(d) There was a lack of appreciation of legal procedure in Nigeria.

- (17) (a) Keeps data base of legal practitioners who have law offices at the various branches of the NBA nationwide.
(b) Promotes good relationship among members of the profession.
(c) Takes necessary measures for the maintenance of the traditional values of the legal profession by exercising disciplinary jurisdiction over erring members of the profession through its committee known as LPDC.
(d) Investigates complaints against erring legal practitioner through its committee, and if a prime facie case is made, forward same to LPDC.

- (18) (a) Profitability
(b) Necessary
(c) Independence
(d) Comparison

- (19) (a) Numerical
(b) Alphabetical
(c) Tropical
(d) Geographical

- (20) Benson, an extern observed that at Okon & Co., Information Technology was deployed to great advantage. As a result,

whenever his principal assigned him to carry out legal research, he learned to use all but one of the following for easier and faster access to information and resources:

- (a) Search engines
(b) Online law libraries
(c) Twitter
(d) Legal websites.

MULTIPLE CHOICE QUESTION AND ANSWER July, 20th 2018.

N	Civil	Criminal	Corporate	Law in Practice
1	C	B	A	C
2	D	A	C	B
3	B	A	D	C
4	C	B	D	B
5	A	A	B	D
6	D	A	B	C
7	C	BONUS	D	BONUS
8	B	B	A	B
9	C	D	D	A
10	D	C	C	C
11	A	B	B	A
12	B	A	A	C
13	B	D	BONUS	D
14	B	D	BONUS	C
15	D	B	C	C
16	A	D	D	A
17	C	B	D	C
18	B	A	A	D
19	C	C	C	C
20	B	B	C	C