



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS**  
**FACULTY OF LAW**  
**2018 EXAMINATION**

**COURSE CODE: PPL 323**

**COURSE TITLE: LAW OF TORTS 1.**

**Instruction: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)**

**QUESTIONS**

- 1) Sola is a final year student of medicine in Lagoon University and just finished her final year paper. It is a norm in their school that as soon as a student finishes his final paper, he is thoroughly beaten by his friends and colleagues to signify his passing out from university. Sola is happy to participate in this ritual and lets her friends pounce on her and be at her after her paper is done. In the midst of her friends beating her, Sola collapses and is rushed by her friends to the University's hospital. The friends abandon her at the entrance of the hospital for fear of being reprimanded. Being that it is quite late, the doctor in charge of the hospital has gone out of the hospital to have a drink with his friends and has left the hospital in the hands of his head nurse, Sisi Eko who is well experienced in her profession. Sisi Eko spots Sola at the entrance and strongly believes she is having an epileptic fit due to her experience. She immediately takes her into the hospital and administers epilepsy medication on her. Sola's case worsens and she is declared dead by the morning.
  - A) Sola's mother comes to you for legal advice as she feels she has a claim in this matter. What civil wrongs have occurred in this matter? List and briefly explain each civil wrong.
  - B) What compensation will Sola's mother be entitled to (if any)? Briefly describe the nature of the compensation and how the quantum of such compensation will be calculated

2) From the above scenario Sola's mother wants to know if she can sue the hospital. She asks you as her lawyer the following questions:

2a) What can she sue the hospital for?

2b) What possible defense(s) can the hospital give to discharge themselves from liability, if any.

3) Define the Tort of Occupiers liability.

3b) What is an occupier's liability, if any, to:

a) A Trespasser (b) a licensee (c) an invitee

4) Give a detailed history and explanation of the rule established by the locus classicus of *Smith v Selwyn*.

4b) What is the status of this rule in Nigeria? Discuss with case law and statute.

5) Briefly explain and compare the rule of 'Intentional damage' and the rule of 'strict liability' in tort.

6) The French word '*J'ai tort*' means '*I am wrong*' in English. The law of tort can be said to be an attempt to correct 'wrongs' committed against members of a society. Is this statement true? Explain the statement referring to at least 5 objectives of the law of tort.