



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE
EXPRESS WAY, JABI - ABUJA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW (JIL)
OCTOBER/NOVEMBER EXAMINATION 2016

COURSE CODE: LAW 412 (PUL 412)

COURSE TITLE: OIL AND GAS II

CREDIT UNIT: 4

TIME ALLOWED: 2 ½ HOURS

INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY.

QUESTION ONE IS COMPULSORY

QUESTION

- 1.(a) Mr Fred wants to sue for damages for the total or permanent destruction of their family's fish ponds, fish lakes, fish channels and creeks lying and situate at Lagos near Bonga oil fields. The said destruction occurred when mud dredged from the land in the possession of the Johnson oil company covered the said fish ponds and lakes. According to the plaintiffs, this incident deprived the entire family of their means of livelihood. Fred's action is found on negligence.
- (b) Apart from negligence can Mr Fred bring his action under any other heads of claim?
2. Company X is one of the oldest oil exploration and exploitation companies in Nigeria. It is equally common knowledge that it flares large volumes of gases yearly contrary to the Associate Gas-Reinjected Act 1979 Law abolishing gas flaring. Company X has not been paying any penalty in line with the Associated Gas Re-injection (Continued Flaring of Gas) Regulations 1984. The community has suffered health challenges on account of the flaring and has come to you for legal advice.
- 3.(a) Can the defence of due care and prompt sincere apology avail a company from liability where substances accumulated on its property escapes and damages property belonging to its neighbor? Discuss this issue relying on decided cases and advise the community.
- (b) Discuss the role of NESREA and NOSDRA in effectively controlling land pollution in Nigeria.
4. Oil prospecting activities have contributed greatly to the pollution of the environment. Discuss this statement with particular reference to Nigeria.
- 5(a) In an action by Mrs Shuaibu for damages against Congo oil company for oil spillage that destroyed her agricultural produce, it was submitted by Congo oil company that they are not the owner of the land but merely leased it temporarily for three months. Mrs shuaibu has rejected the offer of 3million naira as compensation for the

destroyed items contending that her losses are far in excess of the amount and that the pollution has destroyed both the agricultural produce and the land. Please advise the company on their chances.

(b) Would it have made any difference if the company is the owner of the land?

6. Discuss the following:

(a) Principles underlying State Participation in the Petroleum industry

(b) Reasons for State participation.