



NATIONAL OPEN UNIVERSITY OF NIGERIA
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
SCHOOL OF LAW
JUNE/JULY 2013 EXAMINATIONS

COURSE CODE: LAW324

COURSE TITLE: LAW OF TORT II

TIME ALLOWED: 3 Hours

INSTRUCTION: Answer any 5 questions. All questions carry equal marks

1. Advise the parties in the following transactions:
 - (a) Kasali, a farmer alleges that his crops died as a result of the fumes from a neighbouring construction company.
 - (b) The electricity company brought light and as a result the transformer in the area went into flames and destroyed the Coolbreeze, a neighbouring company.
 - (c) Mr. Frank is known to own a very ferocious dog on the street which he uses to keep away robbers. One day his dog bit his neighbour causing severe injuries.
2. What are the defenses to an action in nuisance?
3. The rule in Rylands v. Fletcher is not applicable in Nigeria. Discuss.
4. Discuss strict liability offences.
5. The driver of a water company caused accident on the highway, causing injuries to some of the road users. The driver was able to escape from the scene of the accident. He went to the house of Franklin where he was to deliver water. Due to his negligence the water overflowed into a neighboring fishpond causing the fish to escape from the pond onto the ground and died. Advise the parties.
6. What is the difference between the liability for an agent and the liability of an independent contractor?
7. Using relevant authorities
 - (i) Compare and contrast libel and slander
 - (ii) Examine the legal implication of vulgar abuse in defamation
 - (iii) Justification as a defense to defamation
8. What are the various defenses open to a defendant in the plaintiff's suit for defamation?
9. What are the remedies and defenses to passing off?