



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE EXPRESS WAY, JABI – ABUJA
FACULTY OF LAW
DEPARTMENT OF PRIVATE AND PROPERTY LAW
COURSE CODE: PPL521
COURSE TITLE: LEGAL DRAFTING AND CONVEYANCING I

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER FOUR QUESTIONS IN ALL. QUESTION 1 IS COMPULSORY, AND ANY OTHER THREE QUESTIONS

Question 1 carries 25 marks and each other question carries 15 marks

1. Towards reducing the spread of Covid-19 pandemic in Nigeria, the Lagos State House of Assembly considered and passed an emergency Coronavirus Pandemic Bill 2020 into law to combat and stop the spread of the virus in the state. Among other part of the Bill contain a long title, explanatory notes and a preamble.
 - a. Draft the following parts of the bill, namely enacting clause and long title.
 - b. Comment on the following:-
 - i. the importance of long title
 - ii. the meaning and instances in which preamble is used in a statute.
 - iii. the meaning and import of explanatory notes to the bill.
 - iv. the import of the maxim “EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS”
 - c. The responsibilities of a draftsman at the analysis stage of drafting the legislation.
 - d. The golden rule is an extension of the literal rule. Briefly discuss.
2. On the 12th of May, 2010, the Federal Ministry of Education entered into a contract with Timberland Construction Company at 1323 Awolowo way, Maitama, FCT to construct a library at the Abuja Headquarters of the National Open University, in Nigeria. The total sum of the contract is N100,000,000 (One Hundred Million Naira) out of which the contractor was paid a part payment in the sum of N30, 000,000(Thirty Million Naira) the balance payable on completion. The contract was to be completed within 24 months. Fifteen months after, the contractor is yet to commence the work. The Minister of Education is angry and has asked you to write a letter to the company on its behalf before it institute any legal proceedings.
 - i. Write a letter to the company
 - ii. Assuming the letter contain the phrase ‘WITHOUT PREJUDICE’ on top, state the implication of the phrase.
 - iii. State the importance of writing the letter

3. Chief Anthony Ochuko, a Lagos High Chief made his Will on July 12, 2003, four witnesses attested the Will. They were Peter Longstaff, Lucky Benjamin, Richard John and Danny Nolan.

The relevant portions of the Will reads:-

Paragraph 4- I give my Toyota Highlander Jeep with registration no. SMK 478 LA to Peter Longstaff.

Paragraph 5- I make no devise to my son Chris Ochuko, a 300 level Medicine student of University of Limpopo

Paragraph 6- I give to my brother Stanley Ochuko the sum of N1,000,000 which is in my account number FB 3456700 at Alausa Branch of Finland Bank Limited.

While the testator was alive, his son Chris, depended entirely on him for his education, even though he was very stubborn. Also one of the executors to the Will, Bernard Lewis, is a fraudster, a fact known by everyone. Though the gift given to Stanley came after the signature of the testator and the witnesses. On May 10, 2005, Chief Anthony died and the Will was challenged in Court. Your advice is being sought on the following issues-

- i. the methods by which Chief Anthony could have executed the Will.
- ii. what options are available to Chris to help him continue his education.
- iii. the propriety of appointing Bernard Lewis as an executor to the Will.
- iv. what other factors could the testator have borne in mind when appointing an executor and ways by which such an appointment should have been made.
- v. The validity of having three (3) witnesses instead of 2 witnesses.

4a. A Will may be amended, revoked, or revived by a testator during his life time at any time. Hence, the provisions of section 20 of Wills Act and section 13 Wills Law (Lagos) state how a Will can be revoked. With reference to relevant authorities, discuss ways of revoking a Will by a testator and when a codicil may be use.

b. Distinguish between a trustee and an executor.

5a. John Bala, a Lagos based businessman made a Will on July 1, 2000. In the Will, made on July 1, 2000, John gave 80% of his estate to his secretary, Ms Chidima Joy, whom he was said to have spent most of his evening with, ate her food and was fond of her. The gifts to Chidima Joy contrasted with the provisions of his 1990 Will, in which his wife, Mama John Jnr, was given all his estate.

On July 11, 2005, John Bala died and the 2000 Will was challenged. Your advice is being sought on the following issues-

i. That MsChidima Joy had unduly influenced the testator to make his will in her favour, since their relationship was tainted by immoral consideration. Do you agree?

ii. List five (5) advantages of making a Will.

b. Identify the type of legacy the following are-

- i. I give Ibukun, my daughter, the sum of one million Naira.
- ii. I give my walking stick which I purchased in Ghana to my son, Bode
- iii. I give my wrist watch to Lloyd

- iv. I give one of my house to my son Leonard
- c. Comment on the rule in JADESIMI V OKOTIE-EBOH (1996) 2 N.W.L.R. (Pt428)128
- d. Briefly distinguish between
 - i. Lapse and Ademption
 - ii. Republication and Revival of a Will.
- 6a. Customary tenancy can be determined by various ways: Discuss.
- b. Highlight the advantages of electronic memo and its importance.