



NATIONAL OPEN UNIVERSITY OF NIGERIA
UNIVERSITY VILLAGE, PLOT 91, NNAMDI AZIKWE
EXPRESSWAY, JABI, ABUJA
FACULTY OF LAW
JULY 2017_1 SEMESTER EXAMINATION

COURSE CODE: LAW 324

COURSE TITLE: LAW OF TORTS II

COURSE UNIT: 4 UNITS

TIME ALLOWED: 2 ½ HOURS

INSTRUCTIONS: ANSWER FOUR QUESTIONS. QUESTION ONE IS COMPULSORY AND CARRIES 25 MARKS WHILE OTHERS CARRY 15 MARKS EACH.

1. The defendants had a workshop where they carried on business of boat building and repairing adjacent to the plaintiff's chamber being a legal practitioner. The plaintiff sued for nuisance alleging that "by operating their machines continuously for several hours a day the defendants had persistently caused to emit from their workshop loud and excessive noise and noxious fumes which diffuse his premises and cause him much discomfort and convenience". **Advise the parties.**

2. The defendant who was a mill owner engaged independent contractor to build a reservoir on his land to supply water to his mill. During construction, the contractors found disused mine shafts and passages which unknown to them linked the plaintiff's mines on the adjoining land. The contractors carelessly omitted to block the disused shaft and when the reservoir was filled with water, it escaped and flooded the plaintiff's mine inflicting damage. The plaintiff then sued for damage. **Advise the plaintiff as to his chances in court.**

3. D was attacked and bitten by a dog belonging to N. There was evidence that on a previous occasion the dog had bitten a house girl and incident which was reported to N's wife but not to N himself. What are D's chances in court. **What defences are available to N.**

- 4(a). The general rule is that an employer is not liable for the torts committed by an independent contractor. What are the exceptions to this general rule?
4(b). Write notes on any two of the following.
 - i. Liability of master for fraud and theft of their servants.

ii. Distinction between Libel and Slander

iii. False Representation of Facts.

5. Nice is a well respected lawyer in her community. On Monday she had a lunch meeting with her small group of very wealthy clients at a five star hotel in Lagos. On their way out of the hotel Tony a young man she has refused her hand in marriage approached her and started screaming, 'You are a thief' , Nice, 'you are a thief'. **With the help of decided cases advice Nice on her chances in court.**

6. (a). Differences between Nuisance and the principle of Ryland v. Fletcher.

6(b). Write notes on the following;

- i. False Representation of Facts
- ii . Defences for injurious falsehood
- iii. Differences between injurious falsehood and defamation
- iv. Termination of Torts.