



NATIONAL OPEN UNIVERSITY OF NIGERIA
14-16 AHMADU BELLO WAY, VICTORIA ISLAND LAGOS
MARCH/APRIL 2016 EXAMINATION
SCHOOL OF LAW

COURSE CODE: LAW211
COURSE TITLE: NIGERIA LEGAL SYSTEM I
TIME ALLOWED: 2 HRS, 30 MINUTES
INSTRUCTIONS: ANSWER FIVE QUESTIONS IN ALL.
QUESTION ONE (1) IS COMPULSORY ALL
QUESTIONS APART FROM ONE (1)
CARRY 15 MARKS EACH. QUESTION
NUMBER ONE (1) CARRIES 25 MARKS

1. (a). With the aid of a well-illustrated diagram, explain the hierarchy of courts in Osun and Jigawa states of Nigeria respectively showing the major difference(s) and what accounts for the difference(s) if any.(brevity is of the essence)
(b). you have been briefed to argue an appeal in the Supreme Court. However, there are two clear previous cases of the Supreme Court that are against the position you want to canvass in the appeal. Advise your client as to the chances of getting the Supreme Court to reverse those previous decisions.
2. (a). From your knowledge of Nigerian legal system, how will you define a legal system? (b). Why has Nigerian legal system been described as “very complex”?
3. (i) How was the Statute of General Application received in Nigeria (ii) In what way(s) was the Western region provide(s) an exception to the rule in (i) above?
Enumerate seven of the things you expect a statute to contain and discuss briefly the value of any two in the interpretation of the statute.
- 4(a) Briefly discuss any three (3) major characteristics of customary law.
(b) Dayo and Biola’s parents agreed to give the hands of the children in marriage to each other to strengthen their friendship. In line with the agreement, Dayo’s father paid Biola’s dowry to her parents when she was still in primary school. Biola graduated as the first female lawyer in her home town, while Dayo is a mechanic in the same town. When Biola’s parents informed her of her betrothal to Dayo, she became furious and vouch never to marry him or even to have anything to do with him. Biola

later got married to a philanthropist in Lagos and the marriage was blessed with two kids, a boy and a girl. Ten years later, Dayo's father remembered that his bride price has not been returned and instructed his son to institute a legal action against Biola and her husband claiming the paternity of their children in accordance with their native law and custom. You have been briefed as a Counsel by Dayo's father.

(i) Advise him.

(ii) What will be your advice if the matter had occurred after independence?

(iii) What in your opinion accounts for the variation in cases decided before and after independence?

Support your answers with relevant authorities.

5a) With the aid of constitutional provision comment briefly on the idea of State Courts?

(b) Adoki J, is a judge of the High Court having a case where the counsel on both cases have cited respectively decisions of the Supreme Court in support of their arguments on a particular issue of law. How do you think the judge would react to conflicting decisions of the Supreme Court?

6(a). Before any rule of customary law can be enforced in Nigerian courts, it must pass some tests. List these tests and give examples of their statutory provisions other than the constitutions.

(b) Why have some argued that these colonial-imposed validity tests for customary law are now superfluous?

(c) Customary law is a question of fact in superior courts in the country. List the methods through which can one establish a rule of customary law before these courts?