



NATIONAL OPEN UNIVERSITY OF NIGERIA
14-16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
SCHOOL OF LAW
JANUARY/FEBRUARY 2013 EXAMINATION

INSTRUCTION: Answer five questions in all
TIME: 3 Hours
LAW 211 - NIGERIAN LEGAL SYSTEM I

1. Legal philosophers do not always agree on a common definition of law. Discuss
2. Critically examine the positivist idea that law is a closed logical system.
3. With reference to the case of Dr. Ohonbamu, discuss the enforcement power of the Federal Military Government.
4. Classify the sources of law, giving examples of each.
5. a. Differentiate between construction and interpretation
b. State 5 guidelines in legal draftsmanship
6. Trace the origin of Equity
7. One defect of the literal rule of construction is the likelihood of an interpretation that is contrary to the intention of the legislature. Discuss with reference to relevant authorities.
8. Obi is a well known human rights activist. Subsequent upon the gruesome murder of 4 Nigerians by Mali tribesmen, Obi blamed the Minister for Internal Affairs calling him a rolling stone that gathers no moss. He was arrested and charged with Treason. He engaged the services of QC, a well known British human rights lawyer who has been called to the Nigerian Bar. QC was prohibited from entering Nigeria by the Minister for Internal Affairs under the S.2 of the Immigration (Foreigners' Entry) Act 2012 ('S. 2') which provides that 'The Minister shall have the discretion to prohibit entry of any foreigner into Nigeria'. Obi knows that the Constitution allows him the right to be defended by counsel of his choice and is aware that the Minister's action was informed by anger at his utterances. Interpret S.2 and advise Obi.
9. a. Following the passing into law of the Arms Importation Prohibition Act ('the Act') which proscribes the importation of guns and ammunition, rifles, explosives and any other goods into Nigeria during the election period, the Nigerian Customs Service has come up with a Prohibition list to act as a guide to its officers in enforcing the Act. Item 8 on the list is 'hydrochloric acid'. Advise them on Item 8, applying the Ejusdem Generis rule.
b. The Nigerian Legislature just passed the Companionship Act which defines marriage as a legal union between two consenting adults. James and John contend that the Act allows

same sex marriage in Nigeria despite the fact that the 'Same Sex (Prohibition) Act has been passed into law and is still in force. Applying the Lex non Cogit rule, advise James and John on what the rule permits and their chances of success in the light of the rule.

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