



**NATIONAL OPEN UNIVERSITY OF NIGERIA  
14-16 AHMADU BELLO WAY, VICTORIA ISLAND LAGOS  
SEPTEMBER/OCTOBER 2015 EXAMINATION**

**SCHOOL OF LAW**

**COURSE CODE: LAW 324**

**COURSE TITLE: LAW OF TORTS 11**

**TIME ALLOWED: 2 ½ HOURS.**

**INSTRUCTION: ANSWER FOUR QUESTIONS ONLY. QUESTION ONE IS  
COMPULSORY. ALL QUESTIONS CARRY EQUAL MARKS**

- 1a. Omo who married Ifeoma and lives at Dolphin Estate Lagos, has a musical set mounted in his room and he always play shina peters music and raise the volume to the highest level thereby causes excessive noise in the block of flats where he lives with his neighbours. Yemi and Abdullahi who lives in the opposite and adjacent flats always warn Omo to desist from amplifying the volume of the music to the highest level otherwise he will suffer for his action..Omo informed Yemi and Abdullahi that he is exercising his fundamental right of liberty to play music in his room without recourse to anybody..Advise Yemi and Abdullahi whether they have cause of action against Omo support your answer with authorities if any.
  - b. Discuss five possible defenses of the offence of private nuisance under the Nigerian law of Torts.
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- 2a. What do you understand by the word Nuisance? Explain the various categories of nuisance you have study in the law of torts. What are the factors to be considered by the courts for liability of private nuisance?
  - b. The tort of nuisance has a restricted scope and not every inconvenience or annoyance is actionable in law. How true is this statement? Also consider the following scenario. Mr Isong has a poultry supplying the community of Ikorodu in Lagos with good chickens and poultry products. His neighbour Alh. Adamu is complaining and threaten to sue Isong at the Magistrates court and asking the court to stop Isong from operating the poultry because of bad ordour therefrom couple with the noise coming from the crowing of cocks especially at night and early morning which always affects him and his household. Advise Alhaji Abdullahi with authorities.

- 3a The Rule in **Rylands V. Fletcher**[1866] **LR I EXCH. 265** affirmed in **[1868] LR 2 HL330** by House of Lords represents the principal areas of the law of torts today as enunciated by Blackburn J. With the aid of case law discuss the characteristics or the elements constituting liability in the above Rule.
- b. Discuss four non liability of a defendant for escape of things which are naturally on land. Support your answer with decided cases.
- 4a What are the fundamental differences between nuisance and the rule in **RYLANDS V. FLETCHER**[1866] **LR I EXCH. 265** and what is the application of the rule on Nigeria?
- b The law of defamation is design to protect, compensate or provide remedy for a for any injury done. What must plaintiff prove in order to establish his claim?
- 5a With the aid of decided cases explain in details the principles of liability under the scienter Action in the law of Torts.
- b Discuss the possible defenses available to a keeper for his animal that are vicious and explain at least seven remedies for acts of animals.
- 6a Explain why the master will be liable for the tort of the servant despite the fact that the master has specifically prohibited the servant from doing such an act? And is the master generally liable for the fraudulent acts or theft committed by his servant. In what circumstance(s) is the master relieved from liability arising from the fraud or theft of his servant
- b Who is a vehicle owner under the law of torts? Explain other torts of strict liability of acts of animals that commonly give rise to an action. What circumstances is an independent contractor relieved of his liability.