



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS**  
**SCHOOL OF LAW**  
**OCTOBER / NOVEMBER 2013 EXAMINATION**

**COURSE CODE: LAW 212**  
**COURSE TITLE : NIGERIAN LEGAL SYSTEM II**  
**TIME ALLOWED: 3 HOURS**  
**INSTRUCTIONS: ANSWER FIVE QUESTIONS**

1. Bighead was born on 30/10/96 in Benue state where he attended his primary school. He was a very brilliant student and the best in his class. He proceeded to Rivers state for his secondary school on scholarship. He finished secondary school at the age of 14. He was unable to secure admission to any university to continue his education on scholarship. For two years he stayed at home as he had no money to pay his fees. One day, Kola told him Mrs.Kija, a very wealthy woman in the area just came back from France with lots of money and if they robbed her, they could make at least 1 million naira each from the business. Bighead agreed to go on the robbery spree with Kola. That night, the gang gained access to Mrs.Kija's house and took lots of money and other valuables. Unfortunately one of the domestic servants in the house Anya recognised Bighead through the face mask he was wearing. Bighead angrily shot and killed Anya. Bighead was arrested by the police and arraigned for murder at the juvenile court. The judge who presided over the case the younger brother of Mrs.Kija.
2. What forms of action are available in the following fact situations? Give your reasons.
  - (a) Alex borrowed N20,000 from Alaiye. He promised to pay back the money at the end of the month. After 3 months he is yet to pay back. Alaiye ran out of patience and stormed Alex's apartment one morning taking his blackberry phone and ipad as a replacement for the money owed.
  - (b) X the owner of a brand new car gave his car to his brother Y to attend a one week conference. When X asked for the car back Y replied that he would not give him back the car because X has more than enough cars and should be able to spare just one car to his

brother Y. Y also accused X of squandering the money left to X by their late father for the benefit of all the members of the family.

- (c) Ekene a trader told Jude the owner of the neighbouring shop to help him lock up his shop pending when he returns from Christmas holiday in the village. Jude took possession of the shop in Ekene's absence using it to sell his goods.
3. "The judiciary is the branch of governance invested with judicial power, the system of courts in a country, the body of judges (the bench); it is that branch of government which is intended to interpret, construe and apply the law". Discuss the statement in relation to the functions of the judiciary.
4. Advise the following parties on the appropriate court to institute the following actions:
- (a) Waygreen a customer of Greenway bank wants to sue the bank for fraud in his account balance.
- (b) Johnbull a serving military officer living in the barracks defiled his neighbour's 10 year old daughter.
- (c) The staff of Worknopay Ltd plan to sue their employer for non payment of salaries for the past 6 months.
- (d) The Governor of Hustlers state plan to sue the Federal Government for the outstanding sum of money the Governor used in repairing Federal roads in Hustlers state.
5. You have been invited to the Nigerian law school to present a paper on commencement of a civil action in court. Write the paper.
6. "The Limitation Act does not affect criminal proceedings. Only civil proceedings may be barred after a specified period of time. A criminal proceeding may be instituted at any time after commission of the offence". Discuss.
7. Blahblah employed the services of Okon as his driver. He later discovered Okon stole his wristwatch. Okon was arrested by the police and charged for stealing at the magistrate court. The judge at the magistrate court issued an order of certiorari that it lacked jurisdiction to hear the case and the case should be transferred to the high court. Okon's brother, a lawyer who was called to the Nigerian bar in 2005 is to preside over that case at the high court. Discuss the legal issues.
8. Advise the following parties:

- (a) Sellout plans to report her ex-husband an army official who planned a coup with other army officials two years ago because he divorced her.
  - (b) Hardened who is charged with murder has been denied bail.
  - (c) Glory plans to go to the Court of appeal because he is unsatisfied with the decision of the Magistrate court against him.
  - (d) Aproko plans to write a petition because a non-lawyer was appointed as the registrar of the high court.
9. "A legislation may expand the jurisdiction of the court but it cannot derogate from it, save by constitutional amendment". Discuss.