



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS**  
**WAY, JABI - ABUJA**  
**FACULTY OF LAW**  
**DEPARTMENT OF PRIVATE AND PROPERTY LAW (PPL)**  
**OCTOBER/NOVEMBER EXAMINATION 2016**

**COURSE CODE: LAW 324(PPL 324)**

**COURSE TITLE: LAW OF TORTS II**

**CREDIT UNIT: 4**

**TIME ALLOWED: 2 ½ HOURS**

**INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY.**

**QUESTION ONE IS COMPULSORY**

**QUESTIONS**

1.(a) Audu, upon attaining the age of 13, received 30 cows from his father. Every day he takes them out to graze. On this day, the cattle entered into the farm of one Mallam Nasir, ate up some of his cassava and trampled upon the remainder. His farm was completely destroyed.

(b) Bingo was a very friendly dog which the children in the neighbourhood usually played with. Sometimes, some unruly children will throw stones at Bingo on their way from school and the dog would pursue them, barking furiously all the way. On this fateful day, Bingo pursued the children when they threw stones at him and bit one of them in the leg.

(c) Okonta, the greatest village hunter, saw a newly born cub in the forest on one of his hunting trips and decided to take it home as his pet. The cub has lived with him for 2 years now and has never harmed anyone. On this day, the lion attacked Alike and mauled him. Okonta maintains that his darling lion is not a dangerous animal.

From the scenarios above answer the following questions:

- (i) For the purpose of tortious liability of an owner or keeper, animals have been classified into three categories. Classify the animals in the three scenarios.
- (ii) Identify the liability or otherwise of the owner or keeper of the animals.
- (iii) Outline the defence(s) available to the owners or keepers of the animals, if any.

2. Lady White has a palmwine bar at No. 15, Graceville Street which is open from 6:00pm where she plays loud hip hop music till 02:00am every day. Mr. Innocent lives at No. 17, Graceville street and comes back home from work by 7:00pm. Mr. Innocent has complained to Lady White that the noise from her palmwine bar does not allow him sleep at night but she has refused to listen to him. Mr. Innocent does not know if he has any redress for the wrong being done to him and so he has come to you for help. Advise Mr. Innocent on whether or not he has any redress in law.

3. Kopiko, a black marketer of PMS, usually stocked his merchandise in a big plastic tank which unknown to him had a little hole at the bottom from where PMS would seep into the ground. His neighbours had agreed to let him keep such hazardous product in the area so far he would give each of them 5 litres of PMS every month. Recently, the children in the neighbourhood have come down with diarrhoea which has been traced to the polluted water from their well. The problem with the well was eventually traced to the PMS leaking from Kopiko's tank. The neighbours have brought an action against Kopiko under the rule in *Rylands v. Fletcher*. Advise the parties on their rights and obligations.

4. It was one of the terms of the contract that the driver of this school bus must follow a certain route which the school considered to be safe whenever students were in the bus. On the way to drop the students off at home one afternoon, the driver encountered traffic on his usual route. An accident had occurred on that road and all vehicles were rerouted by traffic wardens. He followed suit and on the way he smashed into another person's car. Would he be liable? Will your answer be different if there was a caveat in the contract that in the event that the driver will take an alternative route, he must first inform the school authorities?

5. The Board of Directors of Techy Minds, a technology outfit in Nigeria, had a meeting and decided to change their Internet Service Providers. Since Techy Minds was their biggest clients, their leaving has made them lose a lot of income, the ISP have therefore decided to sue the Board for the tort of conspiracy.

(a) Discuss the elements of the tort of conspiracy.

(b) Determine whether or not there is a valid case of conspiracy against Techy Minds.

6.(a) In what circumstances can the defendant be found not to be liable if his deceitful statement was relied upon by the plaintiff?

(b) Are there any differences between the tort of injurious falsehood and defamation? If yes, state two differences between the two torts.