



NATIONAL OPEN UNIVERSITY OF NIGERIA
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
SCHOOL OF LAW
JUNE/JULY 2013 EXAMINATIONS

COURSE CODE: LAW323

COURSE TITLE: LAW OF TORTS 1

TIME ALLOWED: 3 Hours

INSTRUCTION: Answer any 5 questions. All questions carry equal marks

1. The common law rule in *Smith v. Selwyn* (1914) 3 KB 98 is inapplicable within the Nigerian jurisdiction. Discuss.
2. Ernest bought a bottle of drink manufactured by Poison Pill plc. After drinking halfway he discovered a dead soldier ant in the bottle of drink. He alerted his neighbour Ogwashi who is an employee of Bitterpill plc, a manufacturing company also in the production of soft drinks and in competition with Poison Pill. Ogwashi as a result decided to exclude Poison Pill from their manufacturing association and persuaded people not to buy Poison Pill's products. Meanwhile, Ogwashi granted an interview with Shoibi TV alleging that there were 5 dead soldier ants in the bottle and Poison Pill does not carry out their operations in accordance with the required health and safety procedures. Advise the parties.
3. Mrs. Okon a widow, went to her farm to cultivate her crops. She has been doing this for the past 13 years. Mr Okon her brother in-law came into the land with four thugs and asked them to carry Mrs. Okon out, since the land belonged to their late father and by custom at the death of their late father devolved on him. When Mrs. Okon resisted the thugs called her an old witch and beat her up, threw her out of the land and carried all her crops to Mr. Okon's wife who used it to cook food for her family. Mrs. Okon was later detained by the thugs in a dark room for 3 hours before she was released. Advise Mrs. Okon.
4. Discuss briefly the objective test in the law of tort and the egg shell rule.
5. What are the elements of false imprisonment
6. (i) Your neighbour alleges that a co-worker brought an action against him for false imprisonment. Advise him on defense available to him.
(ii) Write short notes on any 3 of the following:
(a) trespass to personal property
(b) trespass to land

(c) conversion
(d) detinue

7. What type of damages can be pleaded in a tort action?
8. Battery need not be intentional, negligent or reckless. Discuss with the help of relevant case law.
9. There are some areas of overlap between contract and tort. In the light of this discuss the distinction between contract and tort. Refer to the relevant decided cases.