

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

COURSE CODE: LAW 211

COURSE TITLE: NIGERIAN LEGAL SYSTEM I

TIME ALLOWED: 2 1/2 HOURS

INSTRUCTIONS: ANSWER QUESTION 1 AND ANY OTHER THREE.

1."The popular meaning of words in the statute is to be adhered to unless a different legislative intention appears."-Discuss.

- 2. Write short notes on
- a. Rule of ejusdem generis.
- b. The rule in Heydon's case
- C. Hansard
- d. Preambles
- 3. a. Legal authors and academics are in no doubt that the doctrine of *stare decisis* or judicial precedent is now a notorious practice within the Nigerian Legal System and in the administration of justice. In furtherance to this position, discuss the hierarchical nature of the Nigerian court system.
- b. Putting it pointedly, Oputa J.S.C in *ADEGOKE MOTORS LTD V. ADESANYA (1989) 3NWLR 250 at 274-275* remarked:

"We are final not because we are infallible, rather we are infallible because we are final. Justice of the Court are human beings capable of erring. It will certainly be short-sighted arrogance not to accept this obvious truth...This court has the power to overrule itself...for it gladly accepts that it is far better to admit an error than to persevere in error".

Flowing from the aforementioned, is the Supreme Court always bound by its decision in a case?

- c. Write short notes on any three of the following:
 - i. Ratio decidendi
 - ii. Obiter dictum
 - iii. Per Incuriam
 - iv. Distinguishing
 - v. Judicial Review
- 4. Statutes of general application that were in force in England on the 1st day of January, 1900, form the third group of laws received under the relevant reception clauses. The courts are entrusted with the responsibility of ascertaining and applying those statutes that meet the laid down criteria for application under the general provision.

In view of the foregoing, discuss statute of general application as a source of Received English Law in the Nigerian Legal System.

- b. In recent times, authors and many academicians are in disagreement over the supremacy of Local enactment vis-a vis the Statute of general application as a source of law in the Nigerian Legal System. Discuss?
- 5. "The Constitution being the supreme law of the land stands above other enactments, statutes, or laws and its provisions cannot be made subject to any other Act or enactment except by direct and clear (other constitutional) provision to that effect."

Per OnuJSC in Adisa v Oyinlola (2002 10 WRN 125)

In the light of the above, critically examine the constitution as a source of Nigerian law.

6. Nancy Sesay, a law student and your facebook friend from University of Sierra -leone is currently working on a dissertation on legal Regimes in Post- colonial African Nation States. She is particularly bewildered about what according to her is the "apparent contradictions and complexities" of the origins, development, workings and general philosophy of the sustaining sub legal structure and institutions of Nigeria. You may wish to guide your friend through the system in view of the position of the Supreme Court of Nigeria in *Caribbean Trading and Fidelity Corporation v Nigerian National Petroleum Corporation [2002] 34 WRN*. 11 that:

Nigeria does not cease to be Nigeria because it has chosen a particular mode for ensuring the procedural completeness of its legal system, just as Nigeria does not cease to be Nigeria by choosing the English language. . . Our legal system draws much of its strength from being part of a common law system having its roots in the past while remaining organic.