



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

COURSE CODE: LAW 211

COURSE TITLE: NIGERIAN LEGAL SYSTEM I

TIME ALLOWED: 3 Hours

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

1. Obaseki, JSC gave 12 commandments for interpreting and construing the constitution. State any 6 of them.
2. Discuss the *expressio unius est exclusio alterius* principle
3. What is a convention? State the conditions that must be met for an unenacted convention to be required.
4. In the case of *Jide V. Oha*, the Supreme Court held that a man may beat his wife if she abuses him. Oko was told by his sister that his wife, Iyawo called him 'that lazy man' so he beat Iyawo mercilessly. Iyawo sued Oko for assault. When the case came up at Oshogbo High Court, Barrister Too Know contended on behalf of Oko that in line with the doctrine of precedence, the Court must follow the Supreme Court's decision in *Jide V. Oha* and hold in Oko's favour. On the other hand, Barrister Enough Is Enough maintains that the Court should depart from the Supreme Court decision. Advise the Court.
5. With the aid of relevant authorities, differentiate between *ratio decidendi* and *obiter dictum*.
6. With reference to decided cases discuss 5 equitable maxims giving examples of how such maxims may be applied to your study in NOUN.
7. Discuss 6 problems associated with the Common Law and juxtapose them with present day complaints about litigation in Nigerian courts.
8. The Federal Military of Government of the Republic of Utopia wishes to pass a law for establishing the Utopia Raw Meat Products Regulatory Agency to regulate the sale of raw meat products in Utopia. Draft a bill for the said law. Your bill should contain the following parts in the correct order:
 - a. Long title
 - b. Short title
 - c. Commencement
 - d. Body – include the following sections
 - i. establishment of food management centres in all capital cities
 - ii. prohibition of sale of raw meat products without licence

- iii. establishment of the raw meat products regulatory agency
 - e. Schedule on procedure for establishment of food management centres
- 9. Discuss 5 factors that a judge must weigh before deciding to depart from a previous decision of a superior court.