



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 343 (PPL 343)

COURSE TITLE: FAMILY LAW I

CREDIT UNIT: 4

TIME ALLOWED: 2 ½ HOURS

INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY.

QUESTION ONE IS COMPULSORY

QUESTION

- 1a. The law does not allow the marriage of persons related by blood or by marriage because, it is within the prohibited degrees of consanguinity and affinity as stated under the Matrimonial Causes Act. Examine the circumstance under which this may be waived.
- 1b. Marriage is a universal institution, the root of a family and the society. It is characterised by the acquisition of status. It is a social institution founded on and governed by the social and religious norms of the society. Marriage is valid only if certain legal requirements are met. With the aid of relevant authorities, critically examine this statement with particular regard to the legal requirements for the conclusion of a valid marriage.
- 2a. Discuss the factors that are likely to affect the jurisdiction of a court in matrimonial causes.
- 2b. Discuss the grounds for dissolution of marriage under Customary Law.
- 2c. Examine the circumstances under which an engagement can be terminated.
3. A marriage will be regarded as having broken down irretrievably where the respondent has deserted the petitioner for a continuous period of at least one year immediately preceding the presentation of the petition. Critically examine the concept of desertion under the Matrimonial Causes Act.

4. The consequences of a marriage can be divided into variable and invariable consequences. Statutory marriage confers on the husband and wife rights and obligations that are peculiar to persons who have acquired a status. The rights and obligations, relate to consortium, maintenance, property and other civil matters. Distinguish between the invariable and variable consequences of marriage.
- 5a. The family is the smallest unit in the social structure of every society. The family may be defined under the wide and restricted connotations. Examine this statement with particular reference to the concept of family in the Nigerian context.
- b. Explain how Family law is related to the other branches of law.
- 6a. Customary courts in Nigeria possess original and unlimited jurisdiction in matrimonial causes and matters between persons married under customary law or connected with a union contracted under customary. On the other hand, state High Courts and Magistrates Courts do not as a general rule possess original jurisdiction in matrimonial causes arising under customary law. The statute establishing the High Courts and the Magistrate Courts clearly provides that, the High Courts shall not exercise original jurisdiction in any matter which is subject to the jurisdiction of a customary Court relating to marriage and family status. However, there are exemptions to the general rule. Enumerate the circumstances under which a High Court could be conferred with original jurisdiction in customary law matters.
- 6b. The jurisdiction of the courts to entertain proceedings in matrimonial causes is based largely on domicile. Jurisdiction is a word that bears diverse meanings depending on the purpose and nature of the enquiry at hand. It is a technical word that has been used and abused. It is the administration of justice; exercise of judicial authority or of the functions of a judge or a legal tribunal, legal authority or power. Examine this statement with particular reference to the domicile of a married woman under the Nigeria law?
- 6c. State the divorce law explain in detail when a marriage can be considered as having broken down irrevocable