

NATIONAL OPEN UNIVERSITY OF NIGERIA

14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
FACULTY OF LAW

JANUARY / FEBRUARY 2018 EXAMINATION

COURSE CODE: PPL421

COURSE TITLE: Land Law 1

TIME ALLOWED: 3 hours

INSTRUCTION: ANSWER FOUR QUESTIONS IN ALL

QUESTION 1 IS COMPULSORY AND ANY OTHER THREE QUESTIONS

Question 1 carries 25 marks and others carry 15 marks each, total 70marks

1. With the aid of relevant authorities, extensively discuss the problems of duality of tenure in Nigeria and judicial efforts at resolving them.
2. a. Sometime in 1357, in the course of his journey to look for his ancestral home in Sudan, Rabi settled with his extended family in an apparently unoccupied portion of land close to Akure. Two months after their occupation without any disturbance from anyone, a delegation of chiefs from Okija community informed him that the property was sacred land used by their crown prince as part of coronation activities since 1150 AD. They also explained that since the present king was still in good health, the land was left unoccupied but that anyone who tried to occupy it adversely would die. The Akure Community, while attesting to the truth of the claim by the Okija chiefs, is also claiming ownership of the land on the basis of long lost historical records that show that their ancestor, Akanni once lived there with his family before settling in Akure. Rabi contends that since he did not meet anyone on that land and has lived there with his family without dying, neither Akure nor Okija communities can claim ownership. Advise the parties on the validity of their claims.

b. Would your answer be different if Rabi had paid the people of Akure Community for the land or continued in occupation after waging war against the Okija community?
3. With the aid of relevant authorities, give a detailed discourse on the considerations for determining who forms part of a 'family' for purpose of determining who is entitled to inherit family property.

b. Write short notes on 3 ways in which family property may be created.

4. The Land Use Act is not a colonial creation. However, like the Marriage Act outlaws polygamy, the Land Use Act has completely abrogated customary land tenure. Discuss.
5. The notion of tenancy is unknown to customary law. Accordingly, if there is no tenancy at customary law, there can be no rights or duties. Discuss. .
6. a. With the aid of examples from two relevant customs in Nigeria, define and differentiate between patrilineal succession and primogeniture.
- b. Discuss the rules of succession under Yoruba customary law and based on the said rules, state whether succession in Yoruba land is patrilineal, matrilineal or based on primogeniture.