



NATIONAL OPEN UNIVERSITY OF NIGERIA
14-16 AHMADU BELLO WAY, VICTORIA ISLAND LAGOS
SCHOOL OF LAW
MAY/JUNE 2012 EXAMINATION

LAW343 FAMILY LAW I
Time allowed: 3 Hours

INSTRUCTION: Attempt any five questions. All questions carry equal marks.

1. Chaz was registered at birth as a male but subsequently underwent a sex change operation to become female. One Valentine's day 2008, Chaz met Gay who said he had fallen in love and wanted to marry Chaz. They got married on 1st May 2009 but spent most of their married life quarrelling. In December 2009, Gay said he had had enough and filed for a declaration that the marriage was void because Chaz was male and unable to consummate their marriage.
 - a. Drawing from recent legislative actions in Nigeria, explain why the above issue is unlikely to have arisen in Nigeria.
 - b. With the aid of *Corbett. V. Corbett*, advise the parties on the definition of marriage under English Law, distinguishing it with the present situation in the Western World.
2. Tinuke has fallen in love with B-Danj, a well known Nigerian musician and is dreaming of becoming a celebrity wife. Her mother is of the opinion that she is too naive and has brought her to you for help. With the aid of relevant authorities, advise Tinuke on requirements for and effects of monogamous marriage.
3. Differentiate between customary marriage and statutory marriage under Nigerian Law.
4. Bakare is a rich Ile- Ife Chief. He has 4 sons and 1 daughter but several of his younger ones call him 'daddy' because he brought them up. Upon his death, his younger brothers took over control of his properties and proposed to share it amongst family members. They gave 50% of his properties to his 4 sons and appropriated 50% to be shared by his younger ones.
 - a. With the aid of relevant authorities, advise Bakare's surviving wife and daughter on their inheritance rights under customary law.

- b. Would your answer be different if Bakare came from Onitsha or Kano?
- 5a. With the aid of relevant authorities, state 5 requirements for the celebration of a valid customary marriage in Nigeria.
- b. Giving examples, explain the present statutory treatment of the caste system as a bar to customary marriage in Nigeria.
6. Koko and Kokolette got married on 6th January 2011. Soon after their marriage, Koko stopped giving Kokolette money to run the house. When Kokolette demanded upkeep money, he called her a Tweet who could not satisfy him in any way. He also told her that he likes S&M and would teach her how to do it. One night, Koko tied Kokolette's hands and whipped her with a belt while having intercourse with her. The next morning, Kokolette fled to her parents home and remained there for 2 days in the hope that Koko would be sorry for being so cruel to her and beg her to return. When Koko did not come looking for her, she went back home and found Koko in bed with 2 prostitutes. She was recently diagnosed with venereal disease and wishes to end the marriage.
 - a. In view of what Kokolette has gone through what first steps will you take as her lawyer to ensure that she can end the marriage?
 - b. Draft Kokolette's petition for dissolution of marriage.
7. A customary marriage is a marriage for life. Unlike statutory marriage, it cannot be dissolved or tampered with by the husband and wife. Discuss.
8. 'It is necessary to bear in mind the fact that although the Matrimonial Causes Act created only one ground for divorce, to wit, that the marriage has broken down irretrievably, the facts which may lead to the marriage breaking down irretrievably are categorised in sub-section (a) to (h) of Section 15(2)'. Discuss.
9. Martina caught her husband in bed with Jokojaiye, an infamous brothel owner in Lagos where they both live. He has begged her for forgiveness but she is deeply hurt and wishes to stay away from him for some time while they undergo professional counselling. She has been told that the court can make an order for her to be separated from her husband for a while and wishes to take that option. Advise her on judicial separation, distinguishing it from dissolution of marriage under the Matrimonial Causes Act.