



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**UNIVERSITY VILLAGE, PLOT 91, NNAMDI AZIKWE EXPRESSWAY,**  
**JABI, ABUJA**  
**FACULTY OF LAW**  
**JULY 2017\_1 SEMESTER EXAMINATION**

**Course Code:** LAW 412  
**Course Title:** OIL AND GAS LAW II  
**Course unit:** 4 UNITS  
**Time Allowed:** 2½ HOURS  
**Instruction:** ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)

- 1.(a) A gas company has been flaring gas against all entreaties from the community. Members of the community have suffered various degrees of environmental pollution resulting in deaths and poor health conditions. The company in a reply to the community's complaint said that, although the company is yet to pay the Federal government penalty for gas flaring but it has fulfilled its own pledge to the community by building hospitals and schools for them. Advise the community. Will the payment of penalty by the company make any difference?
- 1.(b) What has been the attitude of government with regards to gas flaring?
2. Write short notes on the following:
  - i. Pollution from Oil Spill
  - ii. Water resources
  - iii. Pollution from Gas Flaring
  - iv. Noise Pollution
3. It has been submitted in some quarters that the Associated Gas Re-injection Act, 1979 and the Associated Gas Re-injection (Continued Flaring of Gas) Regulations 1984 have not achieved their set objectives. Discuss. With the aid of decided cases, discuss what the judicial attitude has been towards gas flaring and the protection of human life.
- 4.(a) Dankwa brought an action for damages against Smith oil company for oil spillage from the company which destroyed Dankwa's farm. It was submitted by Smith oil company that Dankwa has no right to complain since Smith oil company was already in operation

before Dankwa moved into the neighbourhood recently. Before Dankwa went to court, Mr. Smith as the executive Director of Smith oil company, had reported the incident at the nearby police station where both parties were advised to remain as good neighbours and bear the losses. Please advise the company on their chances in court.

- 4.(b) Does the fact that Dankwa moved into the neighbourhood newly make any difference?
5. Jide petroleum has a thriving oil business. Oil escaped from its tank farm and damaged property belonging to its neighbor Swansea Ltd. Mr. Jide has majority shares in Jide petroleum. Immediately Mr. Jide heard of the incident, he went to Swansea Ltd and apologized to the Manager of Swansea Ltd on behalf of his company. A few days later, Swansea Ltd sent a letter to Jide petroleum informing the company of Swansea's decision to go to court. In the circumstance, is the defence of due care and apology tenable in court? Discuss this issue relying on decided cases and advise Swansea Ltd.
6. Critically assess the participation of the Nigerian Government in the Petroleum industry till date.