

THE NIGERIAN LAW SCHOOL
BAR PART II FINAL EXAMINATION
MULTIPLE CHOICE QUESTIONS

8TH AUGUST, 2009

1 HOUR

CANDIDATES ARE TO ANSWER ALL QUESTIONS. ALL ANSWERS MUST BE ON THE PROVIDED ANSWER SHEETS. THE QUESTION PAPER MUST NOT BE RETAINED BY THE CANDIDATE. IT MUST BE PLACED UNDER THE ANSWER SHEET BEFORE LEAVING THE EXAMINATION HALL.

EACH SUBJECT CARRIES 20 MARKS

CIVIL LITIGATION

Three judicial appointments have just been announced by the Nigerian Television Authority. The first is Honorable Justice Kotako, Justice of Supreme Court, whose appointment was made by the Senate President on the recommendation of the [Judicial Service Committee](#) of the Federal Capital Territory without any confirmation the second is Honorable Justice Agabi, Chief Judge of Abia State whose appointment was made by the [Abia State Governor](#) without recommendation and confirmation by the Senate. The third is Justice Wamako, Chief Judge of the Federal Capital Territory whose appointment was made by the [FCT Minister](#) on the recommendation of the National Judicial Council, and confirmed by Senate

Answer questions 1-5 based on the above facts.

1. Which of the following statements can be said to represent the correct Position of the law in the three appointments?
 - a. All the appointments are validly made.
 - b. None of the appointments is validly made
 - c. Only the third appointment is validly made
 - d. All the appointments except the first were validly made,

2. The only valid thing in the appointment of Justice Wamako is that:
 - a. The appointment was made by the FCT Minister and confirmed by Senate.
 - b. The appointment was made on the recommendation of the National Judicial Council and confirmed by the Senate.
 - c. All actions taken in the appointment were valid.
 - d. None of the actions taken in the appointment was valid.

3. Appointment of Justice Agabi is invalid because of one of the following option
 - a. He cannot be appointed a Chief Judge while there is an incumbent Chief Judge of the State.
 - b. The appointment is not invalid.
 - c. Only because there was no recommendation of the National Judicial Council and no confirmation by the State house of Assembly.

d. Both because the confirmation by the Senate is inappropriate as there was no recommendation To the Senate.

4. Which of the Courts will have jurisdiction in respect of any dispute as to 'whether the National Judicial Council is the appropriate body under the Constitution to recommend the appointment of Justice Wamako.

- a. State High Court.
- b. Both Federal High Court and State High Court.
- c. Federal High Court to the exclusion of the State High Court.
- d. Supreme Court in its original jurisdiction.

5. Which of the following is a common requirement of the Constitution for the appointment of Honorable Justices Kotako, Agabi and Wamako?

- a. All the appointments are required to be made by the President.
- b. All the appointments are required to be confirmed by the Senate.
- c. All the appointments are required to be recommended by the National Judicial Institute.
- d. All the appointments are required to be recommended by the National Judicial Council.

6. A Delta State law which prescribed that 'an application for leave of Court to enforce fundamental rights of an individual must be filed within 6 months of the happening of the event complained of is inconsistent with Fundamental Right

Enforcement Procedure Rules because the Rules prescribe:

- a. No time frame.
- b. A lesser time than 6 months.
- c. More time than 6 months.
- d. The same time of 5 months.

Kevin Oba, a legal practitioner has a brother Vincent Oba whose first son Mike Oba was still in his 3rd year in Faculty of Law, University of Ife. To help him, Kevin employed him in his Chambers, bought him wig and gown and assigned cases to him which he handled successfully in Court with the help of Kevin. When this was discovered, Kevin quickly procured travelling documents for Mike with which he travelled to South Africa.

7. What offence has Mike Oba committed?

- a. Obtaining enrolment by fraud.
- b. Conduct incompatible with his status.
- c. infamous conduct but not in a professional respect.
- d. None of the above.

8. On the authority of Garba v. Uni Maiduguri;

- a. Kevin Oba must be expelled by NBA. .
- b. LPDC must strike out Mike Oba's name from the roll.
- c. Kevin Oba will be admonished.
- d. Kevin Oba will be prosecuted for LPDC to discipline him.

9. All but one of the following is correct.

- a. The front loading system saves COST.
- b. The front long system makes for quick dispensation of justice.
- c. Front loading system acts as a catalyst for resorting to ADR.

d. Front loading system effectuates springing of surprises on opposing parties.

10. All but one of the following is incorrect.

- a. A discharged bankrupt is disqualified from contesting election in Nigeria.
- b. A lunatic cannot contest election in Nigeria.
- c. A candidate for Governorship election must be a citizen of Nigeria.
- d. A person under a sentence of imprisonment for an offence. Involving dishonesty or fraud cannot contest for election in Nigeria.

11. The inner bar or front row in Courts are exclusively reserved for all but one of the following.

- a. The Attorney-General of the Federation.
- b. The Attorneys-General of any state.
- c. President of Nigerian Bar Association.
- d. Senior Advocates of Nigeria.

12. A lawyer who interviews his client must adhere to one of the following procedures.

- a. Questioning, listening and advising.
- b. Listening, advising and questioning.
- c. Listening, questioning and advising.
- d. Listening, questioning and further listening

13. One of the following cannot be compelled to give evidence in Court.

- a. Mr. Oladimeji Bankole, Speaker, House of Assembly.
- b. HajiaTuraiYar'adua
- c. Mrs. Shola Obada, Deputy Governor of Osun State.
- d. Former Vice President, Atiku

14. Miss Kokoma is a tenant in the property belonging to Late Mazi Okon under a yearly tenancy which commenced on 1st February 2001. After the death of Mazi Okon, his two wives and 6 children are fighting over the rightful person to collect the rents. Miss Kokoma is in a dilemma as to the rightful person to pay to. What step is appropriate to take?

- a. Third party proceedings.
- b, Interpleader summons.
- c. Application for further and better particulars.
- d. Garnishee Proceedings.

15. One of the following must be served on Miss Kokoma in order to properly determine her tenancy.

- a. A 6-month notice to quit which must expire on the 31st of January
- b. A 6-Month notice to be served anytime before the end on September in any year.
- c. A-6month notice lo quit which must expire on 1st January
- d. A 6-month notice to expire at the end of August in any year.

Mr. Ajibogun is the owner of a plot situate at 10 White chapel Street, in 'Lagos Island. Mr Gbeminiyi is encroaching on the land Mr. Ajibogun has briefed you to take up prosecution of the case against Mr Gbeminiyi for declaration of title to the Answer the following questions 16-19 based on the above scenario.

16. What will be the mode of commencement of an action brought against Mr. Gbeminiyi?
- Originating summons.
 - Ordinary summons.
 - Writ of Summons;
 - Petition

17. One of the following is not a document relevant to be filed in commencing an action against Mr. Gbeminiyi.
- Certificate of pre-action counseling.
 - List of witnesses to be called at the trial.
 - Copies of documents to be relied upon.
 - Statement on oath of the witnesses,

18. Mrs. Ajibogun would like to know the life span of the originating process issued by you on his behalf against Mr. Gbeminiyi. Your advice to him is that the life span of the originating process is
- 12 months renewable for subsequent period of 6 months.
 - 6 months, renewable for another single period of 6 months.
 - 6 months renewable for two periods of 3 months each.
 - 3 months, renewable for subsequent periods of 3 months,

19. A writ of Summons must be endorsed with the following particulars except one:
- Time within which the defendant is to enter appearance.
 - Name and particulars of the party.
 - Cost of the action.
 - The particulars of the claim.

20. The defendant will address Court first:
- If the plaintiff did not adduce evidence.
 - If the defendant did not adduce evidence.
 - If the plaintiff adduce evidence
 - If the defendant adduce evidence.

CRIMINAL LITIGATION

14 year old Mafoni was charged before the Federal High Court, Abuja for causing death by dangerous driving on a Federal High Way. His Counsel raised preliminary objections on the grounds that consent of the Judge had not been sought and obtained before the charge was filed and that since the C.P.A is applicable in all Federal High Courts, the charge ought to have been by way of information. Both objections were over ruled. The accused pleaded not guilty to the charge. The prosecution called only one witness instead of the three earlier listed.

Based on this scenario, answer the following:

- Which Court has jurisdiction over Mafoni?
 - The Federal High Court, Abuja, FCT.
 - Any Federal High Court in the Country.
 - The Juvenile Court.

d. The High Court of the Federal Capital Territory.

2. All, except which of these, will be your reply to the preliminary objections raised?

- a. That criminal proceedings can be commenced.
- b. that the Federal High Court is a Court of summary jurisdiction.
- c. That consent of the Federal High Court Judge is not required before a charge is filed.
- d. That criminal proceedings are commenced at the Federal High Court by way of charge not information.

3. How many witnesses must the prosecution call in this case?

- a. Even one witness is sufficient, if he can prove the case beyond reasonable doubt.
- b. The 3 witnesses listed must be called.
- c. At least two witnesses to corroborate each other.
- d. All eye witnesses to the accident.

4. At the trial of Dotun Alawe, the Prosecution sought to tender in evidence, a statement allegedly made by the accused. The accused denied making the statement. Learned Defence Counsel applied for trial within trial but the Judge refused. He rejected the statement on the ground that it was not confirmed by a superior police officer.

In the circumstance:

- a. The Judge wrongly rejected the statement.
- b. The Judge rightly rejected the statement.
- c. The statement was admissible only upon the fulfillment of a particular condition.
- d. None of the above.

5. The right thing the Judge should have done in the circumstance was:

- a. To admit the document and consider the weight to attach to it later.
- b. Order trial within trial.
- c. Adjourn the matter to take oral evidence.
- d. None of the above.

6. From the above scenario when would it have been appropriate to order trial within trial?

- a. If the accused had retracted his statement.
- b. if the accused denied the voluntariness of the statement.
- c. If the witness is perceived to be lying.
- d. If the prosecutor is biased.

7. Had the Court ordered trial within trial, who would have started giving evidence?

- a. The accused.
- b. The Court.
- c. The Prosecutor.
- d. The witnesses.

Sule was arrested at Owo, Ondo State for being in unlawful possession of 35 kilograms of Indian hemp. The Court ordered that Sule be detained at Governor's pleasure. Sule wants to appeal against the order.

8. The Court vested with jurisdiction to entertain this offence is:

- a. Chief Magistrates' Court, Owo, Ondo State.

- b. High Court, Ado-Ekiti, Ekiti State.
 - c. Federal High Court, Akure.
 - d. The National Industrial Court.
9. Which of the following is correct?
- a. Before Sule can be convicted by the Court, the evidence of an expert is required.
 - b. Since Sule has pleaded not guilty by reason of insanity, the Court' ought to discharge him.
 - c. Sule can be convicted by the Court without calling for the evidence of an expert. ' .
 - d. The Court was right to have detained Sule at Governor's pleasure.
10. After the plea of not guilty by reason of insanity was entered by Sule, the next thing the Court ought to ascertain is:
- a. Whether Sule did or did not commit the offence.
 - b. Whether Sule was insane at the time of committing the offence.
 - c. Whether Sule was sane at the time of committing the offence.
 - d. Whether it was the Indian hemp that made Sule to be insane.
11. Where a plea of not guilty by reason of insanity succeeds:
- a. The Court must give an order detaining the accused in an asylum at Governor's pleasure.
 - b. The Court will discharge the accused.
 - c. The Court will recommend pardon to the Governor on behalf of the accused.
 - d. The Court will acquit the accused.

That you Ogologo Nwanze on the 10th day of July, 2009 at No. 20 old Suleja – Abuja Road Minna in the Minna Magisterial District had unlawful carnal knowledge and assaulted Miss Hotlegs and thereby committed an offence punishable under

Answer the following questions:

12. What possible objection will you raise to the above charge?
- a. Bad for misjoinder of offences.
 - b. Bad for misjoinder of offenders.
 - c. Bad for duplicity.
 - d. Bad for ambiguity.
13. The charge should be laid under:
- a. The Criminal Code Act.
 - b. The Criminal Code Law.
 - c. The Penal Code.
 - d. The Penal Code Act.
14. Who is to draft the above charge?
- a. The Presiding Magistrate. '
 - b. The Police Prosecutor.
 - c. The State Counsel
 - d. The Investigating Police Officer
15. Before a charge is drafted in Magistrate Court in the North, the accused person is brought to Court by:
- a. An FIR (First Information Report)
 - b. information signed by the Police
 - c. Originating summons.

d. None of the above.

After the conviction of the accused person for stealing, his Counsel informed Court:
“My Lord, the accused person is a time offender. He is the only surviving of his parents who are aged between and 90 years and he is responsible for the sustenance. I urge your Lordship temper Justice with mercy”

Now answer the following questions:

16. The above statement is meant to:

- a. Forestall sentence.
- b. Mitigate sentence
- c. Alter the conviction.
- d. Reduce the imprisonment fine.

17. **Failure of Court to call for the statement would:**

- a. Nullify the trial and conviction.
- b. Nullify the conviction alone.
- c. Nullify the sentence alone.
- d. None of the above,

18. At the stage when the statement is made, the right term to use to describe the offender is:

- a. Accused person.
- b. Accused/applicant.
- c. Convict.
- d. Offender.

Adam, a cashier at Magic Bank was tried, convicted and sentenced to 6 months imprisonment with an option of N100 fine on a Count of stealing one million naira (N1,000,000.00) belonging to a customer named Branden. Magic Bank was also ordered in the judgment to refund one hundred thousand naira (N100, 000.00) to Mr. Branden. (The offence of stealing is *punishable with 7years imprisonment*).

19. Which of the following parties cannot appeal against the judgment?

- a. Magic Bank.
- b. The Prosecutor.
- c. Branden.
- d. Adam.

20. When can a person who is neither the prosecutor nor the accused appeal as of right in a criminal case?

- a. When the punishment is life imprisonment.
- b. When the sentence is only imprisonment. .
- c. When the sentence is both fine and imprisonment.
- d. None of the above.

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CORPORATE LAW PRACTICE

Chief Ekong Kolo, a retired civil servant has decided to engage in business with his family friends and colleagues, using his wide experience and connection made while he worked in Nigeria's foreign mission He is also interested in engaging in a community development project which would be independently managed through income from his business activities.

USE THIS CASE STUDY TO ANSWER QUESTION 1-5

1. One of these is the most appropriate business organization Chief Ekong should form with his said friends.

- (a) Public company limited by shares
- (b) Company limited by guarantee
- (c) Private company limited by shares I
- (d) Unlimited company.

2. One of these statutory forms is not required to form the most appropriate business organization in (1) above

- (a) Availability check and reservation of name
- (b) Statement of share capital and return of allotment of shares.
- (c) Notice of Registered office
- (d) Trustee Declaration form.

3. Although Chief Ekong can engage other professionals other than Lawyers to register the business; organization, but such other professional must engage a Lawyer; for completion of one of these? Statutory forms:

- (a) Particulars of Directors (CAC1)
- (b) Notice of Registered Office? (CAC 3)
- (c) Availability Check and reservation of name (CAC 1)
- (d) Declaration of compliance (CAC4)

4. Which of the following is most appropriate for Chief Ekong's Centre for Community? Development Project?

- (a) Incorporated Trustee
- (b) Partnership
- (c) Business Name
- (d) Company Limited by Guarantee.

5. Which of these instructions is not necessary to be taken from Chief Ekong to register the Centre for Community Development Project?

- (a) The Trustees
- (b) The Share Capital
- (c) The proposed name
- (d) Situation of registered office.

6. The Companies Proceedings Rules; 1992 made pursuant to the; Companies and Allied Matters Act;