

NIGERIAN LAW SCHOOL
BAR PART I EXAMINATION
NIGERIAN LAND LAW

MONDAY 8TH, 2012

TIME: 3 HOURS

ANSWER FIVE (5) QUESTIONS IN ALL
ALL QUESTIONS CARRY EQUAL MARKS

QUESTION 1

Critically analyses the sources of Nigerian Land Law?

QUESTION 2

The consent provisions of the Land Use Act has become a clog in the development of the real estate sector in Nigeria and an instrument of fraud. The Act should be repealed. Do you agree.

QUESTION 3

(a) Discuss the Governor's power to revoke a right of occupancy under the Land Use Act.

(b) Briefly explain the basis for compensation under the Land Use Act. Highlight instances when there can be revocation without compensation under the Act.

QUESTION 4

Explain the features of the indigenous system of land tenure.

QUESTION 5

- (a) List the rights of members to family or communal land.
(b) Explain the basic principles for valid alienation of family land under Customary Law.

QUESTION 6

Nupe Ogun owns a Kola Plantation located at Ifa road Kabba Kogi State. He wants to start a palm oil trade but lacks the capital. He approached Lucas Agadoghodi in 2002 to lend him N100, 000.00 Lucas asked for a collateral as a guarantee that

Ownership Possession

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the loan would be paid back. Nupe gave possession of his Kola plantation to Lucas Agadoghodo.

Each year Lucas sells the produce from the plantation for N10, 000.00. In August 2012, exactly 10 years later, Nupe approached Lucas and requested that his land be returned to him claiming the loan has been finally depleted. However, Lucas says he would not release possession until the N100, 000.00 loan is paid back to him.

Answer the following:

- (a) Comment on the type of transaction that took place between Nupe and Lucas giving reasons for your answer.
- (b) Comment on the contention by Nupe that the loan has been depleted.
- (c) Advise Nupe on the steps to take to recover possession.-

QUESTION 7

Discuss the factors that prompted the promulgation of the Land Use Act in 1978. With the aid of relevant statutory and judicial authorities, comment on the problem(s) created by the transitional provisions of the Act in relation to existing rights over land and how the Courts have attempted to resolve them.