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**COUNCIL OF LEGAL EDUCATION
NIGERIAN LAW SCHOOL
BWARI - ABUJA**

BAR PART I EXAMINATIONS

NIGERIAN LAND LAW

MONDAY, SEPTEMBER 22, 2014

TIME ALLOWED: 3 HOURS

**ANSWER ANY FIVE QUESTIONS
ALL QUESTIONS CARRY EQUAL MARKS**

QUESTION 1 ✓

- (a) Critically appraise the factors that necessitated the promulgation of the Land Use Act in 1978.
- (b) Comment on the desirability or otherwise of the consent provision of the Land Use Act in the light of modern commercial realities in Nigeria.

QUESTION 2

The House of Representatives Committee on Judiciary and Legal Matters has invited the Nigerian Law School to present a paper on the proposed amendment to the Land Use Act at a public hearing.

Identify and discuss any five (5) amendments you intend to canvass on behalf of the Nigerian Law School to the House Committee.

QUESTION 3 ✓

Write short notes on any four (4) of the following:-

- (a) The Governor as a trustee under Section 1 of the Land Use Act.
- (b) The value of a Certificate of Occupancy as a title document under the Land Use Act. - Abioye & Yakubu.

- (c) The procedure for a valid revocation of a right of occupancy under the Land Use Act.
- (d) The power of the Area Councils in the Federal Capital Territory to grant customary right of occupancy.
- (e) The nature of a right of occupancy under the Land Use Act.

QUESTION 4

The Oyi family in Onitsha, Anambra State is made up of four branches. A parcel of land which belongs to the family was sold by its head with the concurrence of the heads of two (2) branches. The head of the third branch was not consulted at all, while the only surviving member of the fourth branch was a minor at the time.

Answer the following:-

- (a) With the aid of relevant authorities, identify what will amount to a valid alienation in the above scenario.
- (b) Distinguish between void and voidable alienation of customary land?
- (c) The right of action by a person would depend on whether the alienation was void or voidable. Discuss?
- (d) Discuss the possibility of the family heads of the four (4) branches of the Oyi family validly alienating the family land.

QUESTION 5

"There is no mathematical limit to the extent of the extended family either in number of members or in the degree to which relationship may be traced either upwards or downwards" – Sogbesan v. Adebisi (1941) 16NLR 26.

- (a) Citing relevant authorities, define the word "family" in relation to family land.
- (b) Mention and explain the three modes of:
 - i. Creating family property.
 - ii. Determining family property.
- (c) The concept of trusteeship under English Law can be equated with the powers and functions performed by the head of family. Discuss
- (d) Compare and contrast the English Law concept of joint tenancy, with family ownership of land under customary law in Nigeria.

QUESTION 6

- (a) List and discuss five exceptions to the provisions of Section 308 Constitution of the Federal Republic of Nigeria, 1999 (CFRN).
- (b) Briefly highlight the procedure for the impeachment of the President of Nigeria, citing relevant authorities.

QUESTION 7

Jerry Morgan, whose parents are both from the United Kingdom and had come to Nigeria as missionaries, was born at the Hillcrest Hospital in Jos, Plateau State on July 13, 1970. He attended the Kent Academy, Jos before proceeding to study medicine at the Ahmadu Bello University, Zaria, also in Nigeria.

In the year 2003, he married his very good friend and classmate, Dr. Olayinka Ojo, a Nigerian, and they have three lovely children. Jerry Morgan believes that by virtue of his birth in Nigeria and, having lived in Nigeria all his life as well as being married to a Nigerian, he is a Nigerian citizen.

- (a) Advise Jerry Morgan on his citizenship.
- (b) Assuming Jerry Morgan is not a Nigerian citizen and he wishes to become one, advise him on the condition(s) he must fulfill to become a Nigerian citizen.
- (c) What is the citizenship status of his children?
- (d) Assuming Jerry Morgan is a Nigerian citizen and his wife is a non-Nigerian, what will be the citizenship status of his wife under the 1999 CFRN and how can she acquire Nigerian citizenship?

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