



COUNCIL OF LEGAL EDUCATION  
NIGERIAN LAW SCHOOL  
BWARI – ABUJA

BAR PART I EXAMINATIONS

NIGERIAN LAND LAW

TUESDAY, SEPTEMBER 8, 2015

TIME ALLOWED: 3 HOURS

ANSWER ANY FIVE (5) QUESTIONS  
EACH QUESTION CARRY 20 MARKS

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**QUESTION 1**

- (a) Critically appraised the factors that necessitated the promulgation of the Land Use Act by the Federal Military Government of Nigeria in 1978.
- (b) Write a short note on any two (2) of the following.
- i. The requirement of the Governor's consent for a valid alienation of a right of occupancy under the Land Use Act.
  - ii. The procedure for a valid revocation of a right of occupancy under the Land Use Act.
  - iii. The value of a Certificate of Occupancy as a collateral security for secured credit transactions in Nigeria.
  - iv. The procedure for a valid devolution of a right of occupancy under the Land Use Act.

**QUESTION 2**

With the aid of relevant statutory and judicial authorities briefly discuss the following issues in relation to Section 1 of the Land Use Act:

- (a) Vesting of all land comprised in a state in the Governor of the State;
- (b) Abolition of radical title to land and replacement with a right of occupancy;
- (c) The Governor as Trustee of all land comprised in the State.

### QUESTION 3

In *Abioye v. Yakubu* (1991)5 NWLR Pt [190] 130, the Supreme Court held, inter alia, that the Land Use Act is not an expropriatory legislation in that it does not extinguish existing customary rights over land prior to its inception in 1978.

Do you agree? Justify your answer.

### QUESTION 4

The multiple sources of land law in Nigeria may lead to a state of confusion and conflict of laws. Discuss, highlighting the importance of each source of law and the growing trend in Nigeria.

### QUESTION 5

Magi Uke Tochukwu pledged his land situated at Ajale Village, Anambra State to Ifeanyi Obong. The land was pledged for a consideration for ₦200,000.00 in 1977. Ifeanyi Obong knowing that Magi Uke Tochukwu was in dire need of the money for the burial of his father made Magi Uke Tochukwu to enter into an agreement with him to the effect that if he does not pay the money back within six months, the pledged land will become his.

*lost title in possession*

In 2007, after the death of Magi Uke Tochukwu, his son Chime took ₦200,000.00 with a bottle of gin and went to Ifeanyi Obong to redeem his father's land. Ifeanyi Obong rejected the money and contended that the land now belongs to him. He said that in any case, he will release the land only on the condition that he be paid ₦200,000,000.00 which is the current value of the original amount given. He further contended that he planted kola nut trees, on the land which makes his leaving the land near possible. Chime decided to teach him a lesson by selling the land to Perfect Road Builders Limited.

Taking the issues one after the other, advise the parties.

## QUESTION 6

- (a) Critically discuss the maxim "quic quid plantatur Solo Solo cedit" under Customary Law.
- (b) Your uncle is excited to have you back in Nigeria. You have just shared with him your experiences in the Nigerian Law School, particularly with your Land Law Class. Your uncle is desirous of having his children remain united and have equal access and benefits in self-acquired properties in Maitama, Port Harcourt and Lagos.  
Advice your uncle.

## QUESTION 7

With the aid of relevant statutory and judicial authorities, explain the propriety of any three of the following.

- (a) Chief Omu, a customary tenant to the Lungu family granted a lease of 50 years to New Look Computers Limited.
- (b) Lisa Ropee was given possession of a land in return for the loan she gave to the owner N10,000.00. After 10 years of the owner's unable to repay the loan, she sold the land to Chief Ego. *Anao v Adigun, Solomon v Ojor*
- (c) A Kola tenancy was created between Magi Odogwu as the overlord and Magi Peter as kola tenant in 1919, in 1925, Magi Peter leased the land, subject to the kola tenant to Big Brothers Nigeria Limited for ten pounds per annum. Magi Odogwu is of the view that this benefit should be shared between the parties but Magi Peter refuses. *Majeleke family v Madam Iyaji, Kola Tenancy Law 1938*
- (d) Okoro Bui bought a parcel of land belonging to the Ahmed family for N500,000.00 in 2009. The consent of the family head and the principal members of the family were sought and obtained. Okoro Bui is of the view that he had gotten a valid title since that is the only consent he is required to seek.  
Advise him on the validity of the transactions in the light of the Land Use Act.