

NCSJ

COUNCIL OF LEGAL EDUCATION

NIGERIAN LAW SCHOOL

BWARI ABUJA

NIGERIAN LEGAL SYSTEM

THURSDAY 23RD SEPTEMBER, 2010

TIME: 3 HOURS

ANSWER FIVE QUESTIONS IN ALL

Question 1

Discuss the application of Statutes of General Application in force in England as at 1st January 1900 as one of the sources of Nigerian Law.

What are the tests to determine if a Statute is of General Application?

Question 2

"The draftsman.....conceived certainty but has brought forth obscurity, sometimes even absurdity"

-Lord Denning, The Discipline of Law, 1979.

One of the primary duties of the court is to interpret the provisions of a statute in order to arrive at the true intention of the legislature. In carrying out this duty, the court is guided by certain canons of statutory interpretation. List five canons of statutory interpretation. Briefly discuss any three.

Question 3

Chief Dede Tom, a wealthy Yoruba businessman died intestate, leaving behind Tola, his wife of many years and their four children. However, Chief Dede Tom also has two other children Ola and Akin from Miss Pepeye, his secretary of many years. Although he never married Miss Pepeye, he always acknowledged Ola and Akin as his children.

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Ola and Akin insist that they must share in their late father's estate. They have filed an action at the High Court and one of the reliefs they are seeking is a declaration that they are legitimate children of late Chief Dede Tom, having been acknowledged by their late father. One of the submissions of their counsel at the trial is that the Yoruba custom of legitimacy by acknowledgement has been established and therefore the court ought to apply it.

- (a) What is your reply to the above submission of counsel at the High Court?
 (b) Using relevant authorities, discuss the three tests that a customary law must pass before it is applied by the courts.

Question 4

A legal system encompasses the system of administration of justice including the making of laws, the judicial set up and the legal profession.

Briefly discuss the nature of the Nigerian Legal System, highlighting its peculiarities?

Question 5

Stare decisis and effective law reporting are the necessary tools for the effective application of judicial precedent. Discuss the above statement within the context of the Nigerian Legal System.

Question 6

The general principle as established in the case of *LABINJO v. ABAKE* (1924) N.L.R P.33 is that cases between natives (Nigerians) is governed by Customary Law. State the exceptions where customary law will not be applicable and support your answer with authorities, if any.

Question 7

Every lawyer called to the Nigerian Bar is entitled to practice as Solicitor and Advocate in Nigeria. However, there are certain duties imposed on lawyers in the legal profession. State three (3) of these duties and discuss them.

- SI-7 - R FC in LP
- uphold rule of law, foster course of justice
 - uphold himself in high professional character
 - Not to aid non-lawyer
 - no inter-meddling

Y/S