



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE EXPRESS WAY, JABI – ABUJA**  
**FACULTY OF LAW**  
**2021\_1 EXAMINATION**

**COURSE CODE: PPL 323**

**COURSE TITLE: LAW OF TORTS I**

**TIME ALLOWED: 3 HOURS**

**INSTRUCTION: ANSWER QUESTION 1 AND ANY OTHER THREE (3) QUESTIONS.**  
**QUESTION ONE CARRIES 25 MARKS.**

1. (a) Sikira was being given a lift in the Soji's car. She failed to strap on the seat belt: she did not care about it and the Soji himself did not ask her to put it on. Soji's car crashed and Sikira was injured. She sued Soji who accepted being negligent but contended that Sikira was partly negligent for failing to use her seat-belt. Soji intends to call an expert to give evidence that if she had worn her seat-belt, the injury wouldn't have been very severe. Advise Soji.  
  
(b). Discuss the phrase 'Volenti non fit injuria' as a defence to the Tort of Negligence
2. It has been submitted in some quarters that every definition of the word 'Tort' will be unsatisfactory to some extent. To what extent do you agree with this assertion?  
  
(b). Discuss the objectives of the law of Tort
3. With the aid of decided cases write short notes on the following;  
  
(a) Five defences to an action for trespass to person  
  
(b) The rules that determine liability in various torts  
  
(c) Assessment of damages
4. Carol was returning from work dressed in his uniform and carrying a bag of yam when he was stopped and questioned by the defendant police officer. He was taken to the police station and charged with being in unlawful possession of yam, which charge could not be substantiated and was dismissed by court. There was no evidence to suggest that the plaintiff had stolen the goods or that he had received them knowing them to be stolen.

Carol wants to sue for false imprisonment. The police officer intends to plead as his defence Statutory or Lawful Authority and Lawful Arrest. Advise Carol.

5. A chimney sweep's boy Kindle found a jewel and gave it to a jeweler for valuation. The jeweler knowing the circumstances, took the jewel, detained and refused to return it to Kindle. Kindle then sued the jeweler for conversion and for an order for return of the jewelry to him. In his defence the Jeweler pleaded Jus tertii. Advise the parties.

(b) Discuss the Rules Regarding Finding Lost Property

6. Discuss the remedies for Trespass to Person