



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

COURSE CODE: PPL324

COURSE TITL: LAW OF TORTS II

TIME ALLOWED: 3 HOURS

Instruction: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)

Question 1

1. Ocean view Ltd is a real estate company that builds, sells and maintains estate services in Lagos. One day, a number of incidents occurred in the estate. Ocean view had an electrical fault and calls in Malcom, an electrician to check the fault. Malcom is employed by Ocean view on a casual basis, three days each week. They ask that he wears their uniform, and that he is polite to customers as he works. Malcom works on an independent basis – he operates under his own name, does not receive salary but is paid according to the amount of work done in a month; Malcom files a tax returns each year declaring his income.

Malcom has been warned severally to clear his working space before he commences work on any site. On this particular day, while working, Malcom accidentally tips over the drum of diesel engine, setting up a spark and a big fire. The fire affected part of Chief Koban's apartment and his new car.

Meanwhile, Roe, a school bus driver decides to stop for lunch at a drive through restaurant within the estate. While he stopped to get his meal, a spark fell on his bus, gutting down the bus in flames.

Ocean view Ltd is facing claims from Chief Koban and Roe's employer. Advise Ocean view ltd whether it will be held vicariously for these claims.

Question 2

In what circumstances will an employer be liable for the actions of the employee? How far, if at all, should this extend to cover the things that the employee has been expressly forbidden by the employer to do?

Question 3

Ada is a social media influencer and a journalist in Bakassi state. To mark her 40th birthday, she published her autobiography, titled “*The story of my life*”. The book was a hit and sold 500,000 copies in the first week of release. In one of the chapters, she recounted how she helped her [former] childhood friend, Anna and brought her to limelight, and who afterwards, defrauded her and snatched her boyfriend from her. She stated in chapter II at page 44 that:

“I fed, clothed and gave meaning to her life; but she stabbed me on the back.

And on page 53 that:

Anna is bad business, she does not know how to handle money, she ran my business down”

Anna, who is now a very successful businesswoman in Bakassi state, has now come to you that she intends to sue Ada for the publication in her book. Anna claims that, as a result of the publication, her boyfriend abandoned her and that her investors who read the book have withdrawn their funds from her business. Discuss all the legal issues involved.

Question 4

Toby lives with his parents in a six-flat compound, where it is expressly stated that pets are not allowed in the compound. But because of his love for dogs, Toby’s father bought him a German Shepherd. So, Toby’s pet dog, Julie was always kept in the house during the day and Toby brings out the dog every 5am to walk the dog. On one of the occasions, while Toby was outside with his dog at 5am, John the next door neighbour came outside to receive fresh air due to the hot weather. On sighting the ‘intruder’, Julie gave the tenant a hot chase and he got injured in the process. John has asked Toby’s father for damages. Toby’s father argues that Julie the dog, is a domestic animal and not dangerous. Advise.

Would your answer be different if Toby says to John: “Mr. John please give me 2minutes to take Julie inside before you step out?” John refuses that Julie cannot harm him”

Question 5

Tolu runs a mega dry-cleaning services for homes, industries and offices was contracted to do a major cleaning for Cash madam, in her multi-million mansion located in the heart of the city. Tolu expressly informed Cash madam to remove valuables and fragile things that could easily break while working. Cash madam thought that her porcelain vases which she bought at the Royal sales in UK at \$5,000 per piece needed cleaning so she left them in the house. She also left a total amount of N50million in her wardrobe. After the cleaning, she discovered that her N50million had been stolen while two pieces of the porcelain vases were broken. The stolen money was found with Kansas, one of Tolu’s workers while the vases inadvertently broke while cleaning. Discuss all the legal issues.

Would your answer be different if Cash Madam had called Kansas while he was working and asked him to bring the money in her wardrobe to her at a given place? Kansas took the money, and left the house on the pretext of dropping the money with Cash Madam but never came back?

Question 6

Janet owns a house beside Fadama, a heavy agricultural area in Lagos where she lives with her husband. Janet has two neighbors – Mr. Ham owns a pig farm from which he supplies ham for the pork industry; Madam Nene operates a DJ services in a shop across Janet's house. Madam Nene's shop opens from 7am till 11pm These two neighbors affect Janet in several ways. The smell from the pig farm is almost unbearable while Madam Nene's noise from the DJ shop prevents any meaningful rest during the day. Janet's husband developed mental problems as a result of lack of adequate rest. Advise Janet, concentrating on the tort of nuisance.