



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS WAY, JABI – ABUJA
FACULTY OF LAW
JANUARY 2018 EXAMINATION

COURSE CODE: JIL514

COURSE TITLE: CONFLICT OF LAWS II

CREDIT UNIT: 4

TIME ALLOWED: 2 ½ hrs

INSTRUCTIONS: ANSWER QUESTION ONE AND ANY OTHER THREE QUESTIONS.

1. Stay of proceeding in matrimony causes is the anti-thesis in the speedy of hearing of a matter. Discuss type of stay of proceeding, principles of refusal for stay of proceedings by the court and necessity for stay of proceedings. **25 marks.**
2. Presumption of death and dissolution of marriage is rebuttable. What are the grounds for presumption of death in respect of marriage in Nigeria? Analys the choice of Law applicable to the parties to a marriage seeking to institute proceedings based on presumption of death of one of the spouse. 15 marks.
- 3a Litigation in a contemporary world have transnational boundaries. Consequently enforcement of court's judgment obtained in one jurisdiction could pose challenges in enforcing same in another jurisdiction. In Nigeria the foreign judgment (Reciprocalcal Enforcement] Act, 2004 has attempted to ease the inconvenience. Discuss the enforcement of foreign judgment and distinguished it from recognition. Support your answers with judiciary.
 - b. The court in addition to making decree under matrimonial causes Act is empowered to make orders as to maintenance and custody of children. Elucidate. 25 marks
4. There is no universal definition of marriage under conflicts of law. The exception to the general rule for the necessity of parental consent in contracts of marriage avail a party. The general rule that marriage celebrated under the Act formally though invalid by local Law & vice versa. However there are situations where the converse position cannot be necessarily be up held. Explain. 15 marks
5. Analyze the essentials of a valid marriage and the regulatory laws as to capacity to marry. Is the place of celebration relevant to validate a marriage? Discuss. 15 marks.

6. How relevant is the consent of parties to a marriage contract and what the circumstances are when consent though validly given may be invalidated? 15 marks