



NATIONAL OPEN UNIVERSITY OF NIGERIA
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
FACULTY OF LAW
2019 EXAMINATION

COURSE CODE: PPL 323

COURSE TITLE: LAW OF TORTS 1

CREDIT UNIT: 4

TIME ALLOWED: 2 ½ HOURS

Instruction: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS WHILE OTHER QUESTIONS CARRY 15 MARKS EACH)

QUESTIONS

1. (a) Mustapha is leaving work late one evening when he hears an alarm bell ringing of his manager Rasheed. He does nothing about this until he returns home then calls the emergency services. Anita who takes the call does not give it priority status and when the police arrived 5 hours later to investigate, it is discovered that robbers have escaped with most of the contents of Rasheed's office. Advice Rasheed.

(b) Discuss the ingredients of the tort of false imprisonment and the possible defences of a tortfeasor.
2. Adana is interested in investing in 'Wazup' limited. She speaks with her friend Biodun an economist and asks if he can provide him with investment report and projections in respect of Wazup ltd. Biodun who just qualified as an investment analyst two days ago is a sincere friend. Though he is not quite sure of his skills he agrees because he does not wish to let Adana down and hints Adana about possible inaccuracies in the report. She produces the report but the projections are wrong because Biodun uses the wrong indices. This would have not been the case if Biodun had reviewed Wazup's account statements. Adana is excited by the amazing projections for profit and makes an investment of ₦100,000,000 (One hundred million naira) in Wazup ltd. Wazup limited is liquidated. Adana makes a loss of approximately ₦40,000,000 (Forty million naira) She is furious and has been advised to sue Biodun and join Wazup limited as a defendant.
 - i. Advice Adana on who to sue and why.

- ii. With the help of decided cases discuss the possible defences available to the defendant
3. (a) Briefly explain and compare the rule of 'Intentional damage' and the rule of 'strict liability' in tort.
- (b) The plaintiff, a voter, was prevented from casting his vote at an election by the Governor of a state in Nigeria and his vote was discountenanced. He sued alleging wrongful rejection of his vote. Discuss with the help of decided cases.
- 4a. 'The objectives of the law of Tort are unique' Discuss.
- 4b. What is the main difference between the law of Tort and the following categories of law listed below:
- i. Criminal law
 - ii. Trust
 - iii. Contract
 - iv. Land
5. (a) Goma has just obtained his driving license last year, by good fortune and some stroke of luck, he lands a driving job with Delta Deliveries. During his first month on the job he excels. And his supervisor grades him A. Goma is excited because he believes it is only good luck he struggled to pass the driving test. For the duration of his stay at Delta Deliveries he has been driving saloon cars only and was told by a co-worker who was jealous of him and hoped to dissuade him from trying his hands at driving other cars that company policy provides that all new drivers drive salon vehicles only for the first six months and thereafter graduate to driving heavy duty vehicles (HDV's). They then undertake a test with a supervisor for the next 2 weeks in order to assess their ability to drive the HDV's after which they may handle deliveries with HDV's on their own. Goma feels confident that by then he would be capable and should be able to manage on his own. One afternoon after 5 months of work, a call comes into the office, stating that there has been a serious crash and a delivery of emergency supplies is urgently required at the nearby hospital. Paulo, the usual HDV driver is ill, and the manager who has confidence

in Goma's ability asks him to take the delivery because she is anxious to satisfy the hospital, a good client of theirs. Goma is quite nervous but wants to prove himself as his wife Aisha is expecting a child and this could be an opportunity for an early confirmation on the job and better pay if things work out right. While driving, a rabbit runs across the road and Goma trying to avoid the rabbit loses control of his lorry and crashes into Marwa a pure water hawker. Marwa saw Goma struggling to control the vehicle but there was simply not enough time to react. Goma runs into Marwa, breaking both her legs.

- i. Advise Marwa.
- ii. Does the company have any defence in law.

6. Sola is a final year student of medicine in Lagoon University and just finished her final year paper. It is a norm in their school that as soon as a student finishes her final paper, she is playfully but thoroughly beaten by his friends and colleagues to signify his passing out from university. Sola is happy to participate in this ritual and lets her friends pounce on her and beat her after her paper is done. In the midst of her friends beating her, Sola collapses and is rushed by her friends to the University's hospital. The friends abandon her at the entrance of the hospital for fear of being reprimanded. Being that it is quite late, the doctor in charge of the hospital has gone out of the hospital to have a drink with his friends and has left the hospital in the hands of his head nurse, SisiEko who is well experienced in her profession. SisiEko spots Sola at the entrance and strongly believes she is having an epileptic fit due to her experience. She immediately takes her into the hospital and administers epileptic medication on her. Sola's case worsens and she is declared dead by the morning.

- a) Who should be the proper defendant in the suit

- b) What compensation will Sola's mother be entitled to (if any)?
- c) Briefly describe the nature of the compensation (if any) and how the quantum of such compensation will be calculated.