



**NATIONAL OPEN UNIVERSITY OF NIGERIA  
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS  
FACULTY OF LAW  
APRIL/MAY 2019\_1 EXAMINATION**

**COURSE CODE: PPL 521**

**COURSE TITLE: (LEGAL DRAFTING AND CONVEYANCING 1)**

**CREDIT UNIT: 4**

**TIME ALLOWED: 2 1/2 hrs**

**INSTRUCTION: ANSWER FOUR QUESTIONS IN ALL. QUESTION ONE IS  
COMPULSORY, AND ANY OTHER THREE QUESTIONS**

**Question 1 carries 25 marks, while other questions carry 15 marks each, total = 70marks**

**QUESTION1.**

The activities of street hawkers and beggars have been a cause of major gridlock on daily basis in the Kaduna metropolis, with the attendant social problems. Against this background, the Kaduna State Government has resolved to enact a law that will prohibit street hawking and begging in the metropolis. The law will take effect on the date the Governor assents to it. As a student of legal drafting on internship in the Ministry of Justice, the Attorney General has approached you to prepare the Bill for presentation to the Kaduna State House of Assembly.

**A. Enumerate the materials you will sort for in drafting of the Bill.**

**B. Draft the following parts of the Bill.**

- i. The Long title**
- ii. The Commencement clause**
- iii. The Enactment clause**

**C. Identify and discuss the areas you will need to consider during the analysis stage of the drafting.**

**QUESTION 2.**

**Discuss the Mischief Rule as an approach to statutory interpretation. As part of your discussion, state the four considerations that underlie its application vis-a-vis the criticism against the rule.**

### QUESTION 3

Mr Drinkwater has just graduated from Nigerian Law School, Lagos campus with a first class. He was immediately employed by a big law firm, Okolie Robbie & Co. at 50/54 Fulham Street, Victoria Island Lagos. After working for 10 years, he decided to set up his own law office. In April 2010, Chief Lauren Adulate of 67 Lovejoy Street, Obanikoro Lagos, instructed Mr. Drinkwater to draft this Will. The Will was executed on April 2013. Chief Lauren Adulate has since the time the Will was executed, acquired more properties.

The Will inter alia, contain the following clauses.

- i. My house at No 12, Coker Street, Lagos State to my blossom friend Mr. Goodluck Otuoke of the same address.
- ii. My money in Polaris bank to Lucky, my first son.
- iii. A Mazda Jeep to Solape.
- iv. The block of six flats at 20 Aguda close, Maitama, Abuja to my wife Sandra.
- v. The remainder to all my children in equal share.

With reference to the above scenario, answer the following questions:

- a. State and briefly explain the type of gifts in Clauses (1), (2), (3) and (4) of the Will.
- b. State your observations in respect of clauses (3) and (4) of the Will.
- c. Mention the nature of properties that will constitute the gifts in clause (5) of the Will and the effect, if any, if the clause was not included in the Will.

### QUESTION 4.

With reference to the above scenario in question 3, answer the following questions:

- a. Assuming the witnesses to Chief Lauren's Will are Miss Selina Jones of 11, Alausa Street, Lagos and Mrs. Alice Otuoke of 12, Coker Street Lagos, what problem will the inclusion of Mrs. Otuoke as a witness create in the circumstances? How could this problem have been avoided?
- b. Briefly state the habits that a good draftsman should avoid in drafting a legal document?

### QUESTION 5.

Prior to the advent of English system of conveyancing in Nigeria, lands were held and subject to the incident of native law and custom. Under the native law, there are certain

ways of transferring land from one person to another. With the aid of relevant cases, discuss any five ways of conveyancing under native law in Nigeria.

**QUESTION 6**

**a. Explain the following rules of interpretation of Statutes:**

- i. LITERAL RULE**
- ii. GOLDEN RULE:**

**b. Discuss the tools for interpretation of Statutes.**