

NATIONAL OPEN UNIVERSITY OF NIGERIA

14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
FACULTY OF LAW

JANUARY / FEBRUARY 2018 EXAMINATION

COURSE CODE: PPL422

COURSE TITLE: Land Law II

TIME ALLOWED: 3 hours

INSTRUCTION: ANSWER FOUR QUESTIONS IN ALL

QUESTION 1 IS COMPULSORY AND ANY OTHER THREE QUESTIONS

Question 1 carries 25 marks and others carry 15 marks each, total 70marks

1. Abubakar is a vocal supporter of government intervention to provide grazing land for cattle owners all over the country. He justifies his support with the following quote which he says is the exact position of the law:

'all land comprised in ... the Federation are vested and such land should be held in trust and administered for the use and common benefit of all Nigerians...'

Advise Abubakar on the actual provision of the law that he has quoted, pointing out what Abubakar has left out and the implication of the provision of the law for recently proposed legislative instruments alleged to be in pursuance of grazing rights over private land.

2. a. Discuss the definition of natural resources as enunciated in AG (Federation) v. AG (Abia State) (No. 2) (2002) 6 NWLR (PT 764) 542
- b. Diamonds have just been discovered in Bagradi – a town in Eastern Nigeria. Umbopa, the traditional ruler of Bagradi holds dual Nigerian/American citizenship and has property in Texas, US from which he collects royalties from oil companies who prospect for and explore shale oil on his property. He has approached De Beers Diamond Company in South Africa to apply to the Bagradi Council of Chiefs for permission to mine the diamonds and pay the Bagradi community.
 - i. Advise De Beers Diamond Company on the provisions of the law applicable to ownership of the Bagradi diamonds and procedure for exploring same.
 - ii. Advise Umbopa on Bagradi's rights to the proceeds of the exploration and payments due to the Bagradi community under the principle of derivation.
3. Extensively discuss the concept of freehold estates and the effect of the Land Use Act on free hold interest giving relevant examples.
4. a. Explain the relevance of the 'unities' for the validity of a joint tenancy.
- b. Abike and Kaka are joint tenants. Following the death of Kaka, his wife and children have approached Abike seeking to be recognised as inheritors of Kaka's interest. Advise Abike on the possibility of this request.

A joint tenancy is like a catholic marriage, it is only severable by death.
Discuss with the aid of relevant authorities.

5. a. Chief Guru recently died leaving 2 wives, one mistress and 3 children (one child from each woman). While he was alive, all three women and their children lived with him in his property on which there was a storey building and a 3 room boys quarters behind the storey building which was accessible through the side of the storey building. The eldest wife and her child lived upstairs with him, the 2nd wife lived downstairs with her child and the mistress lived in the BQ with her child. In his will, he gave each women/child the flat in which they lived as inheritance. The first and 2nd wife have connived and fenced off the only access point to the BQ, contending that it is part of their inheritance. Advise the parties.

- b. Classify the following profits-a-prendre
 - i. Alaba has left his farmland fallow in readiness for the next planting season. Before clearing, he has allowed Chike and Soyo to bring in their horses to be fed and watered from the grass and pond on the farmland.
 - ii. St. Michael's Catholic Church just completed the decking of their church building. They have announced that church members can apply to collect the planks and bamboo sticks leftover from the construction.
- c. State 3 ways in which an easement differs from a profit-a-prendre

6. a. Making reference to Justice Vaughan's example, discuss
 - i. the nature of a licence coupled with a grant and
 - ii. the essential distinction between a licence and a grant.
- b. Gordons was invited to perform for 10 minutes at the AY Comedy Show for a fee of N500,000. Gordons however agreed to collect N450,000 in exchange for a VVIP ticket valued at N50,000 which would entitle him to a front row seat to watch the entire 4 hour show. For friendship sake, AY agreed to allow Gordons' bring his wife to watch the show free of charge. During Gordons' performance, he insulted one of AY's major sponsors. He was therefore asked to leave the show with his wife. When they refused, they were manhandled and locked in the VVIP toilet for 2 hours after which they were dragged out of the venue in full view of all attendees and Gordons' fans. A week later, Gordons received a letter from AY's lawyers with an enclosed cheque of N450,000 being his fee for performing at the show. Discuss the legal issues.
- c. Explain the principle of licence by estoppel.