



NATIONAL OPEN UNIVERSITY OF NIGERIA

Plot 91, Cadastral Zone, Nnamdi Azikiwe Expressway, Jabi, Abuja.

FACULTY OF LAW

2023_1 POP EXAMINATION...

COURSE CODE: LED709

COURSE TITLE: LEGISLATIVE STRUCTURE

INSTRUCTION: ANSWER QUESTION (1) AND ANY OTHER TWO QUESTIONS

TIME: 3 HOURS

QUESTION 1

Section 15 (1)

If an inspector believes on reasonable ground that:

- (a) An escape of dangerous goods has occurred or is occurring from a container, packaging or means of transport used in their handling or transport;
- (b) An emission of ionizing radiation exceeding levels or quantities permitted under the *Renewable Energy Act* has occurred or is occurring from any such container, packaging or means of transport;
- (c) There is serious, imminent danger of such an escape or emission; or,
- (d) Any provision of this Act or the regulations has been or is being contravened,

The inspector may take any measure referred to in subsection (2) that he or she considers necessary to prevent or reduce any serious, imminent danger to life, property or the environment.

- (a) In the above text, redraft the text according to the appropriate sentencing rules– **20marks**
- (b) Discuss the sentencing rule applied and why it was applied. – **10marks**

QUESTION 2

With drafting considerations, redraft the following article : (**20marks**)

Section 19

Where a person who handles, offers for transport or transports dangerous goods destined for Canada, or for any place outside Canada through Canada, is not resident in Canada or has their chief place of business or head office in a place outside Canada, that persons, if required by the regulations to do so, shall file with the Minister the name of a person who resides in Canada or has their chief place of business or head office in Canada and who is willing to act as an agent, together with proof of such willingness, and on such filing that person deemed to be the person handling, offering for transport or transporting for the purposes of this Act.

QUESTION 3

Look at the following draft and comment: Redraft using appropriate sentencing principles – **20marks**

Where the registrar decides to –

- (a) Refuse an application for registration or
- (b) Refuse an application for renewal of a person’s registration

The registrar must give the person to whom the decision relates notice –

- (i) Of the decision,
- (ii) Of the reason for the decision, and
- (iii) Of the right of an appeal under section 419

QUESTION 4

Write short note on “sandwich clause “ **20 marks**

QUESTION 5

In the following excerpts, provide the appropriate link words to make the passage an intelligent read:

Excerpt A: Disposal, etc., of public roads.

1.-(1) The Minister may not sell, lease or otherwise dispose of a Public road under the Land Use Act until it has been closed under section 12.

(2) the Minister may grant easements, licenses or permits Over or in respect of any public road.

Regulations.

2.-(1) The Minister may make regulations prescribing all matters Required or permitted by this Act to be prescribed.

(2) the Minister may not make regulations prescribing any fee

Unless the Minister of Finance is consulted.

Excerpt B

The following excerpt contains a number of back references. Note down whether, in each case, it is needed or could be omitted or replaced by more suitable words.

Food stores to be kept clean.

7.-(1) The occupant of a place in which any article of food intended for human consumption is stored or kept or is exposed or offered for sale must make and keep the place clean and wholesome.

(2) A food inspector may:

(a) enter *any such place* at any time to inspect any article *described in subsection (1)*, and

(b) If *the aforesaid article* appears to be unfit for human consumption, seize *the said article* and order *the same* to be destroyed or so treated as to prevent the exposure for sale or the use for food of *the same*.

(3) Both the occupant of *such place* and the person or persons responsible for exposing or offering for sale *the aforesaid article* commit an offence and are liable to a fine of ₦50,000.00. **20 marks**