



**NATIONAL OPEN UNIVERSITY OF NIGERIA
UNIVERSITY VILLAGE, PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE
EXPRESSWAY, JABI, ABUJA
FACULTY OF LAW**

DEPARTMENT OF PUBLIC LAW

2023_1 POP EXAMINATION.

COURSE CODE: LAW 445

COURSE TITL: EVIDENCE 1

TIME ALLOWED: 2 ½ HOURS

INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)

Question 1

The Minister of Works has issued a press statement regarding the completion of the construction of a major rail line in the country. The Ministry of Works has alleged that the major contractor handling the construction of the rail line has defaulted in its obligation under the contract for the construction of the rail line. The contractor has commenced action in court against the Ministry of Works and the Minister. The Contractor sought to tender the press statement issued by the Minister of Works while the Ministry of Works opposed the tendering of the press statement and urged the court not to receive the press statement in evidence. Meanwhile, the National United club is a famous football club. The club is renowned in the field of football. The club employed Johnson as its technical adviser and manager. The one of the terms of the contract provides that Johnson will not offer his services to a rival club until the period of five years after the end of his contract with the club. Johnson has completed his contract with the club and four years after he entered into a contract with Flamengo, a rival club to National United Club. National United Club has commenced legal action against Johnson for breach of contract. National United Club has tendered the contract document, Johnson's qualifying certificate as a football manager and evidence of his tax default. Discuss.

Question 2

The National Council for the Establishment of universities has established the National University for Agriculture. In pursuant of that the executive arm of government has sent a bill in that regard to the National Assembly. The National Assembly has passed the bill and sent it to the President for assent. The law for the establishment of the university was sent to the Ministry of Justice after the President's assent. A contractor executing one of the projects in the university has failed to complete his contract and the university brought an action against him. The contractor is contending that the university is illegal and that the university has not shown that it has a legal existence.

Question 3

The Ministry of Housing has commenced the construction of massive housing estates to deal with the problem of shortage of houses in the country. Pursuant to that the Ministry entered into contract with a civil engineering contractor to build the housing estates. The Ministry has completed payment for the contract while the contractor has abandoned the work. The Ministry has commenced arbitral proceedings against the contractor. The contractor is insisting that the arbitrator should rely on the Evidence Act for its proceedings. Discuss.

Question 4

Jeremy is the owner of a plot of land which he acquired some three years ago. Jeremy subsequently declared that he has donated the land to Ben. Jeremy made a will wherein he made Paul one of his executors. Jeremy subsequently died. Paul has refused to hand over the land to Ben and Ben commenced an action in court contending that the car was his. Discuss. 15 Marks

Question 5

Law is essentially divided into two broad divisions, namely substantive and procedural law. Evidence belongs to the procedural branch of law and is concerned with the manner of bringing facts to the court. Discuss

Question 6

The law of Evidence divides Admission into two categories. The first category is the formal Admission while the second is informal Admission. Discuss.