



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW, DEPARTMENT OF PRIVATE AND PROPERTY LAW
Plot 91, Cadastral Zone, Nnamdi Azikiwe Express Way, Jabi – Abuja
2022_1 POP Examination...

COURSE CODE: PPL343

COURSE TITLE: FAMILY LAW 1

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY 3 (THREE) OTHER QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS. OTHER QUESTIONS ATTRACT 15 MARKS EACH)

QUESTION 1

Lopez and Cristiano graduated from the University of Lagos in 2020 and were posted to Yola in Adamawa State for their one year mandatory youth service. As both were classmates back in school, they both entered into a relationship. After some months, Lopez moved into Cristiano's house where she has been living for the past eleven months. One Sunday afternoon, while coming from church, Anita, Lopez friend met her on the road and gave her wedding invitation to Lopez. On sighting the invitation, Lopez came into conclusion that Anita is going into slavery for the rest of her life by entering into statutory marriage with her boyfriend Jackson. Lopez therefore told Anita; it is better to live together as lovers with Cristiano than to trade her freedom with any man for the rest of her life. Lopez friend is about to get married but she wants to understand the benefits of acquiring the status of a wife under the statute. Lopez has approached you on this matter. As an expert in family law matters, considering her concern, what will you address?

QUESTION 2

a. Marriage is a universal institution, the root of a family and the society. It is characterized by the acquisition of status. It is a social institution founded on and governed by the social and religious norms of the society. Marriage is valid only if certain legal requirements are met. Citing relevant case laws, examine this statement with particular regard to the legal requirements for the celebration of a valid marriage under the statute.

b. Certain rules of conduct are observed because they have become customary in the sense that they are respected by substantial group of people and it varies from one locality to the other but

the general principles are similar. It also develops from the views of the community which they lived and is carried out from generation to generation. Discuss with respect to the essential and the formal requirements (general) for the celebration of a valid customary law marriage in Nigeria.

c. The law which governs the celebration and incidents of monogamous marriage in Nigeria is the Matrimonial Causes Act of 1970. Discuss this with respect to the case of Corbett V. Corbett and Hyde V. Hyde.

QUESTION 3

Write brief but explanatory notes on the following:

- a. Factors that can affect the jurisdiction of court in matrimonial matters.
- b. Grounds for dissolution of a Customary Law marriage.
- c. Circumstances under which an engagement can be terminated.

QUESTION 4

Statutory marriage confers on the husband and wife rights and obligations that are peculiar to persons who have acquired a status. The rights and obligations, relate to consortium, maintenance, property and other civil matters. The consequences of a marriage can be divided into two. Discuss.

QUESTION 5

The smallest unit of every society is the family, which can be defined under two different connotations. Examine this statement with particular reference to the concept of family in the Nigerian context and explain how Family law is related to other branches of law.

QUESTION 6

a. Customary courts in Nigeria possess original and unlimited jurisdiction in matrimonial causes and matters between persons married under customary law or connected with a union contracted under customary. On the other hand, state High Courts and Magistrates Courts do not as a general rule have original jurisdiction in matrimonial causes arising under customary law. The statute establishing the High Courts and the Magistrate Courts clearly provides that, the High Court shall not exercise original jurisdiction in any matter which is subject to the jurisdiction of a customary Court relating to marriage and family status. However, there are exemptions to the general rule. Clearly outline them.

b. The jurisdiction of the courts to entertain proceedings in matrimonial causes is based largely on domicile. Jurisdiction is a word that bears diverse meanings depending on the purpose and nature of the enquiry at hand. It is a technical word that has been used and abused. It is the administration of justice; exercise of judicial authority or of the functions of a judge or a legal tribunal, legal authority or power. Examine this statement with particular reference to the domicile of a married woman under the Nigeria law?