



NATIONAL OPEN UNIVERSITY OF NIGERIA

DEPARTMENT OF JURISPRUDENCE AND INTERNATIONAL LAW

2023_2 EXAMINATIONS.....

COURSE TITLE: CONFLICT OF LAW 1

COURSE CODE: JIL 513

TIME ALLOWED: 3 HOURS

INSTRUCTIONS: ANSWER QUESTION ONE (1) AND ANY OTHER THREE (3) QUESTIONS QUESTION ONE (1) IS COMPULSORY AND CARRIES TWENTY FIVE (25) MARKS, WHILE OTHER QUESTIONS CARRY FIFTEEN (15) MARKS EACH

1a. The country, Derbenstaar , established a strong kinship . The King’s court decisions were supreme and final , as a result , the royal court possessed and exercised original jurisdiction which was co – extensive and gradually , evolved out of a mass of local customs, common to the whole realm . This perception brought about the idea of common law in the land. The common law rules administered became the national law of the land. This rule applied to countrymen, but was silent about citizens who travelled outside the country and entered into obligations or transacted business. As such the common law rules did not take cognisance of foreign cases .

- i. Discuss , with the aid of cases and examples , what becomes of citizens who travelled outside the country. 5 marks.
- ii. Can the decision taken in respect of citizens who travelled out of the country change at any point in time? Give reasons for your answer. 10 marks.

- 1b. Critically analyse the impact of Huber's Theory or his contribution to the development of conflict of laws. 10 marks.**
- 2. Discuss the three types of cases under which the English courts have jurisdiction to entertain actions in rem. 15 marks**
- 3 . Mr Lukas , a merchant in Zailand transacted a business with Yul Eban , a businessman resident in Queress, They entered into a contract agreement with the understanding that in the event of any dispute arising from the transaction , parties shall submit their disputes to the courts of Quaress and not Zailand where Mr Lukas resides. A dispute arose from the contract and Yul Eban, in the absence of Mr Lukas, approached a court in Quaress to determine his claim . Advise the parties with the aid of decided case (s). 15 marks**
- 4. Freindich Carl Van Savigay's international approach to solving conflict problems, proposed the principle of connecting factors. Mention the factors. 15 marks**
- 5 a. Illustrate , under the principle of relevant contacts , legal systems connected with marriage that can be taken into account in the determination of applicable law**
- 5 marks**
- 5b. Give an illustration of three out of the seven legal systems, the Nigerian courts consider as relevant for purposes of determining the validity of marriages. 5marks**
- 5c. State from Nigeria court perspective, what relevant contract include**
- 5 marks**
- 6. Discuss domicile of mentally disordered persons. 15 marks.**