



NATIONAL INSTITUTE FOR LEGISLATIVE AND DEMOCRATIC STUDIES/ UNIVERSITY OF BENIN POST GRADUATE PROGRAMMES

SEMESTER EXAMINATION

Programmes: **MLS & MPD & MLD**

Session: **2017/2018**

Semester: **1st Semester**

Course Code: **MLD 811**

Course Title: - **Subsidiary Legislation and Amendment**

Instruction: i. Answer question 1 **question and any other questions.**

ii. Time allowed: **3hours** iii Write your **Matriculation Number Only**

iv. Credit will be given for orderliness and accurate presentation of answers.

Question One

Section 3(2) of the Export (Prohibition) Act reads:

The yams prohibited under this section do not include Benue yams loaded on 911 trucks going to Kaduna unless the Benue yams have been cleared by the Export Council at least 14 days before the journey to Kaduna.

Now, Hon. Ado, a member of the House of Representatives has briefed you on his intention to amend the Act (i) to alter the period within which the Benue yams are to be cleared by the Export Council to 23 days; and (2) to stipulate that the clearance by the Export Council shall be predicated on an application by the truck driver.

Draft the following:

- (a) A textual version of the amendment;
- (b) A consolidated version of the amendment;
- (c) A non-textual version of the amendment.

(25 marks)

Question Two

1. (a) Section 135(2)(b) of the Constitution provides, "A candidate for an election to the office of President shall be deemed to have been duly elected where, there being more than two candidates for the election he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja".

Attempt a redraft of the provision that makes it intelligible to the ordinary man on the street. **(15 marks)**

Question Three

2. Hon. Ekanem, a member of the House of Representatives has approached you to draft for him a Bill establishing the Cotton Sale Management Agency in which you should include a clause authorising the Board of the Agency to make regulations on a number of subject matters including:

- (a) the administration of the affairs of the Commission;
- (b) the method and manner by which the tax stipulated under this Act may be collected;
- (c) the introduction of a cotton sale tax to be payable licensees; and
- (d) such other regulations as may be required.

Do a scrutiny explaining the implications of this clause, if any.

(15 marks)

Question Four

Discuss the various steps in the drafting process of subsidiary legislation.

(15 marks)

Question Five

In delegating legislative functions, at what point can it be said that Parliament has abdicated its legislative function? Using your index or indices from your answer to the last question, how much evidence of abdication of the legislative function do you see in Nigeria?

(15 marks)

Question Six

Section 22 of the Institute of Management Act provides that the Institute's Governing Council shall constitute a disciplinary committee to determine cases of misconduct brought against senior staff of the Institute and that the decision of the disciplinary committee shall be subject only to appeal to the Governing Council. Section 29 of the Act also authorises the Director General of the Institute to issue practice licences to qualified professional managers. Anabe, a deputy director at the Institute, is accused of the theft of four (4) chairs although he is also a qualified professional manager who has applied for a practice licence from the Institute. Council has directed the Director General to constitute a disciplinary committee to try Anabe for the misconduct while the Vice Chancellor has directed the Director (Research) to issue him with a practice licence.

As Anabe's lawyer and, against the background of the above facts:

- (a) Enumerate the critical issues on which Anabe will require legal advice;
- (b) Advise Anabe as to the state of the law and the validity of the various steps taken in his case.

(15 marks)