

NATIONAL INSTITUTE FOR LEGISLATIVE STUDIES

School Of Post Graduate Studies

Master in Legislative Drafting (MLD)

Subsidiary Legislation and Amendments (MLD 811)

First Semester Examination

Instructions: Answer any four (4) Question

Time: 3 Hours

1. "Legislation, conditional on the use of particular powers, or on the exercise of a limited discretion entrusted by the legislature to persons in whom it places confidence is no uncommon thing and in many circumstances it may be highly convenient."

Rv. Burch (1878) 3 APP Cas 889 at P.906.

Examine the above statement with reference to the desirability or odds and the various control measures imposed on subsidiary legislation.

2. (a) Highlight the general approaches in the drafting of delegated legislation
(b) You are instructed to draft a subsidiary legislation pursuant to section 22 of the Federal Capital Territory environmental Protection Act to regulate free hawking, management of public toilets and sewage system.
Develop a comprehensive check list to address the concern of your instructor.
(c) Enumerate and Briefly explain the procedure required for and after making subsidiary legislation.
3. (a) Give specific drafting examples of the following:
 - (i) Delegation of general powers
 - (ii) Delegation of particular purposes
 - (iii) Delegation by way of subject matter
 - (iv) Delegation, Enumerated in tabular form
 - (v) Mixed provision
- (b) Write short explanatory notes on the following:
 - (i) Declaration

- (ii) Directives
- (iii) Proclamations
- (iv) Rules
- (v) Statutory Instruments.

4. (a) Enumerate and Explain the four major considerations that are taken into account in drafting amending legislation.

(b) Write short explanatory notes on

- (i) Marginal note
- (ii) Re-numbering
- (iii) Punctuation
- (iv) Schedule
- (v) Short title

5. Re-draft the following:

(a) A bill for an act to amend the National Human Rights Commission Est. Act, Cap L20, LFN, 2004 to justify the purpose of establishing the commission, 2015.

(b) Section 30 (2) of the Principal Act is amended by replacing the subsection with the following new subsection.

(c) Section 19 (1)(a) of the Principal Act is amended by inserting a new paragraph (a) immediately after the existing paragraph (a) and deleting the existing paragraph (b).

(d) Section 8 of the Principal Law is hereby amended by deleting the section forth with.

(e) Be it enacted by the Kebbi State House of Assembly as follows:

(f) Section 10 of the Principal Law is amended thus:

(a) By substituting the existing subsection (1) with new Subsection (1).

(b) by inserting a new provision to subsection (2)

(c) In subsection (3) by inserting a comma after the word hospital in line 3.

(d) by renumbering the section based on the following amendments.

6. Draft the following:

(a) a short title of a law or act

(b) Repeal of a section or subsection

(c) repeal of a paragraph

(d) Substitution of a word or phrase

(e) Savings and transitional provision.