

**NATIONAL INSTITUTE FOR LEGISLATIVE STUDIES;
ABUJA
UNIVERSITY OF BENIN/NILS MASTERS IN LEGISLATIVE DRAFTING
(MLD)**

2nd Semester Examination, 20th April 2015.

COURSE TITLE: Penal and Substantive Provisions

COURSE CODE: MLD 802

COURSE LECTURER: Dr. Tonye Clinton Jaja

**MARKING SCHEME: Continuous Assessment (class assignments)= 30%;
Semester Examination=70% (each questions carries 23%)**

Answer any THREE Questions

1. (a) Provide a brief definition of the meaning and purpose of Penal provisions.
(b) Why is it important to be accurate in drafting penal provisions? Provide examples from decided court cases and the provisions of the 1999 Nigerian Constitution (as amended).
(c) Provide a checklist of the nine items required in drafting penal legislation. Use the five stages of the Drafting process as a guide to identify the relevant stage of the Drafting process that corresponds to each of the nine (9) items on the checklist.

2. (a) Identify the essential elements and essential parts of penal provisions.
(b) What are the three methods of creating offences within penal provisions?
(c) What are the ten (10) defenses to offences contained within penal provisions?

3. (a) Provide a definition, meaning and *contents* of Substantive provisions?
(b) According to Lord Henry Thring, what is the structure of legislation?
(c) What is the modern structure of legislation? Identify the similarities and differences between Lord Thring's and the Modern structure of legislation.

4. (a) Provide a definition of Statutory Corporations? Mention three ways that they are different from corporations registered by the Corporate Affairs Commission (CAC)?
(b) What is the relevant section of the 1999 Nigerian Constitution (as amended) that relates to composition of the membership of the Governing Board of statutory corporations?
(c) What is the relevance of the Stephen Oronsaye Report set up in August 2011 to statutory corporations in Nigeria?

5. (a) Using the five (5) stages of the drafting process as a guide prepare drafting instructions for establishment of a statutory corporation; analyse the drafting instructions etc.
(b) Provide a checklist for drafting a legislation to establish a statutory corporation.
(c) Draft a brief Bill for establishment of a statutory corporation to regulate the activities of lawyers engaged in provision of legislative drafting within Nigeria.

6. (a) What is the purpose of Regulations and Schedules within a legislation creating a statutory corporation?
(b) What are Transitional and Financial provisions and when are they used within a legislation creating a statutory corporation?
(c) Provide a draft example of a Transitional provision.

7. (a) The Attorney-General or the Nigeria Police, who has the primary power of prosecution in Nigeria? In what specific circumstance(s) when drafting a penal provision or penal legislation why is it important to specify the prosecutorial authority? Illustrate with examples from the 1999 Nigerian Constitution (as amended); case law and relevant legislation such as the Terrorism Act (as amended).
(b) Why is it important to specify the Court of Law with jurisdiction to try offences? Illustrate with examples from case law and relevant legislation?
(c) **“Morality or immorality of a speech or conduct alone is not sufficient to constitute an offence”.**
Illustrate the truthfulness or otherwise of the above statement with the use of relevant case law and Anti-Same Sex Marriage Act, and other relevant legislation.