



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

**SEMESTER EXAMINATION**

Programmes: **LLM**  
Semester: **1<sup>st</sup>**

Session: **2022/2023**  
Course Code: **MLL 811**

Course Title: **Subsidiary Legislation and Amendment**

**Instructions:**

- i. Answer Four **Questions**, each Question carries **17.5marks**
- ii. Time allowed: **3hours**
- iii. Write your **Name and Registration Number Only**
- iv. Orderly arrangement and good presentation of materials will be considered.
- v. Cross out any unused sheet(s) in your answer booklet before you submit it.

**Question One**

Discuss the established grounds for invalidating subsidiary legislation. **(17.5marks)**

**Question Two**

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 said 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.

**(17.5 marks)**

**Question Three**

Francis Bennion is one of those to have taken a position against the Plain Language Movement. Among other things, he insists that the cause of the misapprehension of legal texts does not reside in the use of technical terms but in inadequate composition of the "old" texts. Critique the main criticisms that have been put forward against plain language. **(17.5 marks)**

**Question Four**

Discuss the stages in the drafting process of subsidiary legislation. **(17.5 marks)**

**Question Five**

Discuss the process of initiating delegated legislation focusing on when it is necessary to make delegated legislation in the first place and the steps that the drafter must take upon being instructed to draft a piece of subsidiary legislation. **(17.5 marks)**

**Question Six**

One of the reasons canvassed for the delegation of law making powers is that the legislature has neither the skill nor time to adequately tackle technical details of primary legislation on the floor of legislative houses. Having delegated its powers, however, it must find the time and skill to supervise the making of them. Discuss. **(17.5 marks)**