

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

MASTERS IN LEGISLATIVE STUDIES (MLS)

SEMESTER EXAMINATION

Programmes: **MLS**

Session: **2016/2017**

Semester: **2nd Semester**

Course Code: **MLS 804/802**

Course Title: **Constitutional Law**

Instructions:

- i. Answer any **4** questions
- ii. Write your Registration Number **only**
- iii. Orderly arrangement and good presentation of materials will be considered.
- iv. Time allowed: **3hours**
- v. Each question carries 17.5marks

Question One

The procedure for the removal of a Governor under the 1999 Constitution of the Federal Republic of Nigeria, as amended, is subject to judicial intervention. Critically evaluate this statement. **(17.5 marks)**

Question Two

"A federal government will mean what the Constitution writers say it means. And this can be procured within the four walls of the Constitution. Therefore, a general definition of federalism or federal government may not be the answer to the peculiar provisions of a nation's constitution which is the *fons et origo* of its legal system. Thus the word 'federalism conveys different meanings in different constitutions as the constitutional arrangements show particularly in the legislative lists"- *per* Niki Tobi in *Chief Adebisi Olafisoye v. Federal Republic of Nigeria* [2004] 4 NWLR (Part 864) 580 at 649.

Question Three

(a) Provide brief description of the major similarities and differences in terms of drafting personnel, structure of legislation, legislation for drafting and requirement for publication between the Legislative Drafting styles in the National Assembly and a State House of Assembly within Nigeria.

Question Four

(a) Provide brief description of the major similarities and differences in terms of drafting personnel, structure of legislation, legislation for drafting and requirement for publication in the United Kingdom and the National Assembly of Nigeria respectively.

(b) Write the Enacting Formulas for the United Kingdom and the National Assembly, of Nigeria respectively.

Question Five

(a) In the civil law drafting tradition practiced in France, civil servants are the legislative drafters, provide an explanation of how this is different from the common law drafting tradition practiced in the United Kingdom and in Nigeria.

(b) Why do the legislative drafters in France use "Purpose Clause" while it is not used in Nigerian legislative drafting style? Draft a sample of a "purpose clause".

(c) What is a "travaux preparatoires" and how is it used by legislative drafters in France?

Question Six

(a) Write brief notes and description of the major similarities between the drafting personnel, legislation governing legislative drafting, structure of legislation and requirement for publication of legislation between Islamic Law, Customary Law, and Biblical law.

(b) Draft samples of the Enacting Formulas for the Customary Law, Islamic Law, and Biblical Law, respectively.