

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

SEMESTER EXAMINATION

Programme: **LLM (Legislative Drafting)**
Semester: **2nd Semester**

Session: **2019/2020**
Course Code: **MLL 806**

Course Title: - **Comparative Legislative Drafting**

Instructions: i. Answer any **Four (4) Questions**.

- ii Time allowed: Three **(3) hours** iii Write your Matriculation 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

(a) Order 77 (3) of the Senate Standing Orders 2011 (as amended in 2015), states that as a mandatory requirement every Bill should be accompanied by a compendium of background information and a Compendium of Financial estimates.

Write brief notes explaining how this is justified in comparative legislative drafting using the 2011 Steve Orasonye's Report of Rationalisation of Ministries, Departments and Agencies (MDA) as a case study. **(8.75 marks)**

(b) Write brief notes on the how the two German lawyers evolved Comparative Law as a distinct area of study, what is the functionality theory in comparative law, provide an example of how the theory of functionality in comparative law can be applied in legislative drafting (use the UN Convention on the Rights of a Child, 1989 and the 2003 Child Rights Act as an example). **(8.75 marks)**

Total (17.5marks)

(b) Section 24 of the Cybercrimes Act, 2015 does not provide a definition of the word "cyberstalking", it also does not contain a "purpose clause", therefore a judge dismissed the prosecution's case. Write brief notes to explain how this would be different if Nigeria were a civil law country. **(8.75 marks)**

Total (17.5marks)

Question Five

(a) Provide brief description of the major features, similarities and differences in terms of nomenclature, drafting personnel, legislation governing legislative drafting, structure of legislation and requirement for publication between the legislative drafting styles of the European Union (EU) and Nigeria. **(8.75 marks)**

(b) Provide brief notes on the major features, similarities and difference between the drafting styles of the Islamic Law, Customary law, and Biblical law in terms of nomenclature, drafting personnel, legislation governing drafting, structure of legislation and publication of legislation. **(8.75 marks)**

Total (17.5marks)

Question Six

(a) Provide brief description of the major features, similarities and differences in terms of drafting personnel, legislation governing legislative drafting, structure of legislation and requirement for publication between the United Nations (UN) and the Nigerian National Assembly. **(8.75 marks)**

(b) Write the Enacting Formulas for United Nations legislation and explain the difference in legislative drafting style of the 1978 Hamburg and the 1924 Hague Rules (UN Convention of Carriage of Goods by Sea). Write short notes on which of them is influenced by the Common law style of drafting? **(8.75 marks)**

Total (17.5marks)