

**COVENANT UNIVERSITY
NIGERIA**

*TUTORIAL KIT
OMEGA SEMESTER*

**PROGRAMME: ESTATE
MANAGEMENT**

COURSE: ESM 324

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ESM 324: LAND LAW II

CONTRIBUTOR:

QUESTIONS

- (1) Discuss the sources of Nigerian Law of Real property?
- (2) Explain the rule of the Latin maxim “**quic quid plantatour solo solo cedit**”
- (3) Explain the classifications of rights in land in Nigeria.
- (4) Explain the Customary land tenure system in Nigeria
- (5) Explain Four (4) ways by which a family property can be created under the customary land tenure system in Nigeria?
- (6) What is the legal effect of Certificate of Occupancy in Nigeria?
- (7) What is the effect of the Land Use Act on Customary Land Tenure System in Nigeria?
- (8) Discuss the essentials of a valid lease under the Nigeria Land Use Act 1978?
- (9) Highlight four (4) preliminary issues that are integral to securing a valid interest in land within Nigeria’s legal context?
- (10) Explain distinctions between legal mortgage and equitable mortgage in Nigeria?
- (11) Discuss the perspective that the Land Use Act, 1978 has revolutionized the land holding processes and practices in Nigeria?
- (12) Critically appraise the probable amendments to the Land Use Act, 1978 in light the challenges that have identified with practicalities of delivering value to actual as well as prospective land owners in Nigeria?
- (13) Appraise the variations in the interests captured under the indigenous land tenure system, British conveyancing, Land Use Act respectively?
- (14) Explore the view on the absoluteness or otherwise of the title vested in the Governor of each State as provided under the Land Use Act, 1978?
- (15) Briefly discuss four (4) specific objectives of the Land Use Act, 1978?
- (16) Distinguish from a legal perspective between a leasehold and tenancy?
- (17) Highlight in specific terms the classes of interests that are captured under the relevant provisions of the Land Use Act, 1978?
- (18) To what extent is the issue of the Governor’s consent integral to securing title to land in Nigeria?
- (19) How can non-Nigerian citizens or foreigners obtain a valid title to land bearing in mind the express provisions of the Land Use Act, 1978 on this issue?
- (20) What are the remedies available to a Landlord upon breach of covenants stated in the Tenancy Agreement by the tenants?

ANSWERS:

(1) Customary and Islamic land tenure

The Received land law: comprises English case law establishing the common law of England and the Doctrine Equity

Land Use Act 1978

Other Local Enactment relating to land i.e. land tenure law, property and conveyancing law, land registration Act. Land instrument registration law etc.

Nigerian case law.

(2) The basic rule of this latin maxim at common law is that all things attached to the land forms part of the land and entitled to the same rights of property as the soil itself.

(3) Ownership: Connotes an infinite and absolute right on land. When the right of a claimant to possess use and dispose of land is not subject to restricted by superior right of another person.
Possession: Connotes the direct physical relationship of a person to a thing in relation to land

Right of prescription: At common law, times runs in favour of an adverse possessor and the exercise of possessory rights over a long period of time may amount to ownership by prescription unless it is shown that the alleged true owner had no knowledge, actual or constructive of the adverse possession.

(4) The basic rule under customary law is that land belongs to the villages, communities or families with the chief or headman of the community or family as the “custodian” or “trustee” holding the land for the use of the whole village, communities or family.

(5) By way of declaration of an intention to create family property inter vivos.

By way of declaration in a will.

By way of conveyance.

By way of intestacy.

(6) The legal effect of the certificate of occupancy can construed in terms of the issuance and acceptance of same. Essentially once issued it creates leasehold with is regulated by the relevant terms and condition as contained in the certificate.

(7) The effect of the Land Use Act, 1978 on the customary land tenure system is far reaching. However, it essentially preserves existing customary land rights and interests, but on the basis that such interests are construed in accordance with the intents and purposes of the Land Use Act.

(8) The essential of valid lease will usually include: the names or identity of the parties, description of the property, location, consideration amongst other related matters necessary to execute a binding lease

(9) The issue will include amongst other; appropriate valuation, capacity of parties, and compliance with planning regulations amongst others.

- (10) The distinction between a legal and equitable mortgage will usually revolve around the mode of creation and the nature of the substantive interest that subsists between the parties upon creation of a particular type of mortgage.