



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW
2019_1 EXAMINATION QUESTION
APRIL, 2019

COURSE CODE: PUL 412

COURSE TITLE: OIL AND GAS LAW II

CREDIT UNITS: 4

TIME ALLOWED: 2 ½ HOURS

INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS WHILE OTHERS ARE 15 MARKS EACH)

1. In an effort to stop gas flaring, the Federal government introduced section 20 of the Constitution of the Federal Republic of Nigeria, the laws on Associated Gas Re-injection, the Harmful Waste (Special Criminal Provisions) Act and some other associated laws. It has however been submitted in some quarters that the government has not done enough. Do you agree?
2. The crude oil which was collected and kept in a pit under the occupation and control of the defendant escaped onto the adjoining land of the plaintiff where it damaged the fish pond and lake. With the aid of decided cases:
 - (a) Discuss the principles established in the locus classicus
 - (b) Advise the plaintiff.
- 3.(a) What in your opinion has been the contributions and challenges of OPEC to the growth of the international petroleum industry.
 - (b) Write notes on any two of the following:
 - (i.) Pollution from Oil Spill citing several cases on oil spill.
 - (ii.) The principle of liability in the torts of negligence using Nigerian cases
 - (iii.) Noise pollution
4. Mr. Zani Denis applied for and was granted an oil license in July, 2013. The license was renewed at its expiration each time. Recently he expanded his business by acquiring an adjacent premises where refining and storage of products also take place. He has applied for permission to use the newly acquired place as such. Last month he got a notice from the Licensing Board that his license is about to be revoked and he petitioned the

Minister arguing that he has always had his license renewed. You are to respond to the following:

- (a) Discuss the expiration and rational for revocation of refiner's license
 - (b) Discuss the law as to renewal of license
 - (c) Discuss the general offences and penalty under the Act
 - (d) Has Mr. Zani Denis committed any offence?
- 5.(a) The country of Gondu is desirous of entering into partnership with Israel for the mining of its new oil well. The country is however not sure what she stands to gain by venturing into such relationship. As a student of oil and Gas law, you have been consulted to educate the country of on the possible benefits.
- (b) With the help of *GBEMRE v. SHELL PETROLEUM DEVELOPMENT CONIG. LTD & ORS.*, discuss the judicial attitude to gas flaring on the environment.
6. Jessica Fields have been operating an oil field for some years. Last year there was a spill from the field which damaged some crops belonging to Ndukwe farms. In an action for damages at the Lagos High Court, the court found in favour of Ndukwe Farms and awarded N1bn as damages. Jessica believes the award is too high and went on Appeal. Jessica lost the Appeal and has approached you for advice. Please advise Jessica Fields.