

**COURSE CODE: AAD 508**

**COURSE TITLE: AGRARIAN LAW**

**NUMBER OF CREDITS: 2 Credits/Compulsory**

**COURSE DURATION: two hours per week for 15 weeks  
(30hours)**

**As taught in (2009/2010) session.**

**Courseware developed by: R. A. OYEYINKA**

Nigeria Certificate of Education (Ila-Orangun), B. Sc. (Ed) Agricultural Sciences (Abraka), M. Sc. Agricultural Extension Services, (Ibadan), Ph.D. Agricultural Extension and Rural Development (Ibadan).

E-mail: [drroaoye@yahoo.com](mailto:drroaoye@yahoo.com), [akinoye2009@gmail.com](mailto:akinoye2009@gmail.com)

Office Location: AERD Upstair, Department of Agricultural Administration

Consultation Hours: 12:30 – 1:30pm Monday & Wednesday

## **2. LECTURER DETAILS:**

Richard Akinwumi **OYEYINKA**

NCE, Agricultural Education (Ila-Orangun), B. Sc. Agricultural Sciences (Abraka), M. Sc. Agricultural Extension Services (Ibadan), Ph.D. Agricultural Extension and Rural Development (Ibadan),

Certificate in Basic Internet and Computer Application (Oyo), Diploma in Computer Application (Oyo), MTRCN, MAESON, MNATT, MCYAIP

E-mail: [drroaoye@yahoo.com](mailto:drroaoye@yahoo.com), [akinoye2009@gmail.com](mailto:akinoye2009@gmail.com)

Office Location: AERD Upstair, Department of Agricultural Administration

Consultation Hours: 12:30 – 1:30pm Monday & Wednesday

### **3. 0 COURSE DETAILS:**

#### **3.1 Agrarian Law**

This course is a two unit course for undergraduate students in the department of agricultural administration. The material have been developed with Nigeria context in view. This course guide gives the students an overview of the course, it also provides them with information on the organization requirements of the course and laws that are related to agricultural administration.

#### **3.2 Course Content**

Meaning of Law and Sources of Nigerian Law. Meaning of torts, classification of torts and the relevance of torts to agricultural administration e.g. trespassing to land as a tort. The law of contract and its effect on land acquisition, Nigeria land use decree act of 1978, problems and prospects. The definition of negotiable instruments and types of negotiable instruments. Nature and legal interpretation of agricultural goods/characteristics of agricultural goods and methods of transaction of agricultural products.

#### **3.3 Course Justification**

Agrarian Laws, (Leges agrariae), are the laws for the distribution and regulation of property in land , the principle are in enforcing the regular payment of rent from the occupants, preventing them from exceeding the limits assigned to them and compelling the surrender of portions for division among the poorer citizens; in insisting upon the immediate application of newly-acquired territories to the

establishment of colonies, or its assignment to individuals. The knowledge therefore acquired from the course will enable students to understand land law management act, their problems and prospects as an agricultural administrator.

### **3.4 Course Objectives:**

The general objective of the course is to enable students acquire knowledge of general principles of agrarian law, which are needed by an agricultural administrator in carrying different tasks in an agricultural organization.

At the end of the course students will: be able to

- ✓ Define the meaning of Law
- ✓ State different sources of Nigeria Law.
- ✓ Explain the meaning of tort
- ✓ List the types/classification of torts
- ✓ Describe law of contract and its effects on land acquisition
- ✓ Describe land use decree act of 1978
- ✓ Enumerate the problems and prospects of land use decree act
- ✓ Define negotiable instrument
- ✓ Enumerate types of negotiable instruments
- ✓ Explain the nature and legal interpretation of agricultural goods.

### **3.5 Course Requirements:**

Students are expected to participate in all the course activities and have a minimum of 75% attendance to qualify for writing the final examination. Students will be required to submit a report of web research on any of the topics treated in this course. This will account

for part of the continuous assessment. Students will be expected to treat all study questions and submit assignments fortnightly for grading. All class assignments should be word processed on A4 paper.

### 3.6 Methods of Grading:

Serial No	ITEM	SCORE
1	Class Assignment	5
2	Class Participation	5
3	Class Test	15
4	Internet Contribution	5
5	Comprehensive Final Examination	70
Total		100

### 3.7 Course Delivery Strategies:

The objectives of the course will be achieved by the traditional face to face weekly lecture on designed topics, theoretical materials (lecture notes) provided during lectures, seminars, visiting speakers and group exercises. The course delivery strategies will be supported through tutorials and revision exercises at the end of the semester. Students will be encouraged and required to read around the topics and follow current administrative principles and theories in an agricultural organization. Groups will be created to facilitate topical discussion of the course and students will be encouraged to open gmail, e-mail account.

## **4.0 LECTURE CONTENT**

### **Week1: Meaning and concept of Law and agrarian law.**

**Objective:** Students will be able to explain the meaning of law and agrarian law

#### **Description:**

**1st Hour:** A general overview of the course will be introduced to students. Definition of law and concept of agrarian law juxtaposed. The course requirements, methods of grading and some of the course delivery strategies will be explained.

**2nd Hour:** law defined, and classification of law; identified. In general, a rule of being or of conduct, established by an authority able to enforce its will, a controlling regulation, the mode or order according to which an agents or power acts is defined as law. Different types of law will also be discussed as; external law, divine law and natural law represents what ought to be law and not what is law – that all beings have their laws.

#### **Study Questions:**

- 1) What is law?
- 2) Explain the concept agrarian law
- 3) State types of law
- 4) Distinguish between external and define law

#### **Reading List:**

1. Atiyah, P. S. (1983) – Law and Modern Nigeria, London, Oxford University Press.
2. Ese Malemi (2008) Administrative Law, Lagos Princeton Publishing Co. Limited ISBN 978-088-609-7

3. Olugbenga, A. F. (2009). Jurisfat Fundamental of Torts Ibadan.  
Jurisfat Publication Limited

**Week 2 – Classification of torts and Functions of Law of torts in administration defined.**

**Objective:** Students will be able to describe the classification of torts and state the functions of law of torts.

**Description:**

**1st Hour:** classification of law of torts into negligence torts, intentional torts, statutory torts, Economic torts will be discussed in details. Also the sources of Nigerian Law of torts will be explained under, English law, common law, doctrine of equity.

**2nd Hour:** Functions of law of torts will be discussed with reference to agricultural administration

**Study Questions:**

1. identify the categories of torts
2. Differentiate between Intentional torts and Negligence torts.
3. Describe the functions of law torts
4. What is torts law?

**Assignment:**

1. Discuss in detail agrarian law
2. What is agricultural law

**Reading List**

1. Atiyah, P. S. (1983) – Law and Modern Nigeria, London, Oxford University Press.
2. Deakin, J. and Markesinis (2008) Markesinis & Deakins Torts Law. Oxford. Oxford University Press. ISBN 978-019-928246-3

3. Ese Malemi (2008) administrative Law, Lagos Princeton Publishing Co. Limited ISBN 978-088-609-7
4. Mack L, and Ken Oliphant (2003) Torts Law – Texts, Cases Oxford. Oxford University Press Limited ISBN 0-19-926055-9
5. Olugbenga, A. F. (2009). Jurisfat Fundamental of Torts Ibadan. Jurisfat Publication Limited

### **Week 3: Law of Contract**

**Objective:** Students will be able to understand the general principles of contract law and how they operate in practice

**Description:**

**1st Hour:** Explain the term formation of contract and identify factors that can vitiate a contract e.g. duress, undue influence and unconscionable conduct.

**2nd Hour:** Define duress and identify the elements of undue advantage, duress of the person, duress of goods and economic duress will be discussed in details..

**Study Questions:**

1. Explain the meaning of contract
2. State types of Duress
3. Distinguish between undue influence and unconscionable conduct.

**Reading List:**

1. Atiyah, P. S. (1983) – Law and Modern Nigeria, London, Oxford University Press.
2. Deakin, J. and Markesinis (2008) Markesinis & Deakins Torts Law. Oxford. Oxford University Press. ISBN 978-019-928246-3

3. Ese Malemi (2008) administrative Law, Lagos Princeton Publishing Co. Limited ISBN 978-088-609-7
4. Mack L, and Ken Oliphant (2003) Torts Law – Texts, Cases Oxford. Oxford University Press Limited ISBN 0-19-926055-9
5. Olugbenga, A. F. (2009). Jurisfat Fundamental of Torts Ibadan. Jurisfat Publication Limited
6. <http://www.nou.edu.ng>

#### **Week 4: Trespass to land acquisition**

**Objective:** Students will be able to explain the concept trespass to land acquisition. Discuss construction trespass and identify the duties to trespassers.

**Description:**

**1st Hour:** The concept trespass to land acquisition will be discussed in details – trespass to land is an unjustifiable, direct and intentional interference with the possession of land of the plaintiff by the defendants

**2nd Hour:** Explain constructive trespass occurs when a person who has permission to be on the land overstays his welcome and identify the duties to trespassers to include first the undiscovered trespasser and second the anticipated or discovered trespasser.

**Study Questions:**

1. What is trespass to land?
2. Explain constructive trespass
3. Distinguish between undiscovered and anticipated trespassers
4. When will trespassing to land becomes a torts?

**Assignment:**

1. If A and B are standing next to C's land, and A pushes B onto the land without entering it himself. Who is liable for the trespass to C's land? Discuss.

**Reading List:**

1. Atiyah, P. S. (1983) – Law and Modern Nigeria, London, Oxford University Press.
2. Deakin, J. and Markesinis (2008) Markesinis & Deakins Torts Law. Oxford. Oxford University Press. ISBN 978-019-928246-3
3. Ese Malemi (2008) administrative Law, Lagos Princeton Publishing Co. Limited ISBN 978-088-609-7
4. Mack L, and Ken Oliphant (2003) Torts Law – Texts, Cases Oxford. Oxford University Press Limited ISBN 0-19-926055-9
5. Olugbenga, A. F. (2009). Jurisfat Fundamental of Torts Ibadan. Jurisfat Publication Limited

**Week 5: Forms of Trespass to Land**

**Objective:** Students will be able to identify the forms of trespass to land with case studies.

**Description:**

**1st Hour:** Discuss the forms of trespass under Trespass by wrongful entry, trespass by remaining on land and trespass by placing objects on the land. Examples of cases related to these forms of trespass will be discussed in details and expanciated.

**2nd Hour:** Explain to the students forms of trespass to land under the following, trespass abinitio, trespass above and beneath the surface.

Give examples of cases related to these forms of trespass to land acquisition.

**Study Questions:**

1. Describe the concept trespass abinitio?
2. What is trespass above and beneath the surface.
3. Cite case study of trespass abinitio

**Reading List:**

1. Atiyah, P. S. (1983) – Law and Modern Nigeria, London, Oxford University Press.
2. Deakin, J. and Markesinis (2008) Markesinis & Deakins Torts Law. Oxford. Oxford University Press. ISBN 978-019-928246-3
3. Ese Malemi (2008) administrative Law, Lagos Princeton Publishing Co. Limited ISBN 978-088-609-7
4. Mack L, and Ken Oliphant (2003) Torts Law – Texts, Cases Oxford. Oxford University Press Limited ISBN 0-19-926055-9
5. Olugbenga, A. F. (2009). Jurisfat Fundamental of Torts Ibadan. Jurisfat Publication Limited

**Week 6: Forms of trespass to land and Person who may sue for trespass to land.**

**Objective:** - Students will be able to identify the forms of trespass to land and know those persons who may sue for trespass to land acquisition

**Description:**

**1st Hour:** Explain the forms of trespass to land by relation and co-owners.

**2nd Hour:** Identify and discussed persons who may sue for trespass to land these include any person who has title or right possession, whether temporary or long term possession which means physical control of a land or landed property, physical occupation or occupation through servant.

**Study Questions:**

1. Distinguish between trespass to relation and co-owners
2. Identify persons who may sue for trespass to land.
3. What does possession of a parcel of land means?

**Reading List:**

1. Atiyah, P. S. (1983) – Law and Modern Nigeria, London, Oxford University Press.
2. Deakin, J. and Markesinis (2008) Markesinis & Deakins Torts Law. Oxford. Oxford University Press. ISBN 978-019-928246-3
3. Ese Malemi (2008) administrative Law, Lagos Princeton Publishing Co. Limited ISBN 978-088-609-7
4. Mack L, and Ken Oliphant (2003) Torts Law – Texts, Cases Oxford. Oxford University Press Limited ISBN 0-19-926055-9
5. Olugbenga, A. F. (2009). Jurisfat Fundamental of Torts Ibadan. Jurisfat Publication Limited

**Week 7: Remedies for Trespass to Land**

**Objective:** Students will be able to identify and discuss remedies for trespass to land

**Description:**

**1st Hour:** remedies for trespass to land will be discussed on these basic points – Re-entry and Ejection, with illustration and case studies.

**2<sup>nd</sup> Hour:** Injunction and Damages as a remedies for trespass land will be elucidated with given examples.

**Study Questions:**

1. Discuss Re – entry as a remedies for trespass land?
2. Differentiate between Ejection and Injunction?
3. What is Damages under remedies to trespass to land acquisition?

**Reading Lists:**

1. Atiyah, P. S. (1983) – Law and Modern Nigeria, London, Oxford University Press.
2. Deakin, J. and Markesinis (2008) Markesinis & Deakins Torts Law. Oxford. Oxford University Press. ISBN 978-019-928246-3
3. Ese Malemi (2008) administrative Law, Lagos Princeton Publishing Co. Limited ISBN 978-088-609-7
4. Mack L, and Ken Oliphant (2003) Torts Law – Texts, Cases Oxford. Oxford University Press Limited ISBN 0-19-926055-9
5. Olugbenga, A. F. (2009). Jurisfat Fundamental of Torts Ibadan. Jurisfat Publication Limited

**Week 8: Defenses to Trespass to land**

**Objective:** Students will be able to identify and discuss defenses to trespass to land

**Description:**

**1<sup>st</sup> Hour:** This lecture will describe defenses to trespass to land like, licenses, laches and acquiescence.

**2<sup>nd</sup> Hour:** Discuss the topic under these headings Justification by law, justertii and Necessity

**Study Questions**

1. Distinguish between laches and acquiescence
2. Identify three situations where the defence of necessity might apply
3. What is justertii under defence to trespass to land acquisition?

**Assignment:**

- Under acquiescence, if a party having a right stands by and sees another dealing with the property in a manner inconsistent with that right, and makes no objection while the act is in progress can the party sue for trespass? Discuss.

**Reading Lists:**

1. Atiyah, P. S. (1983) – Law and Modern Nigeria, London, Oxford University Press.
2. Deakin, J. and Markesinis (2008) Markesinis & Deakins Torts Law. Oxford. Oxford University Press. ISBN 978-019-928246-3
3. Ese Malemi (2008) administrative Law, Lagos Princeton Publishing Co. Limited ISBN 978-088-609-7
4. Mack L, and Ken Oliphant (2003) Torts Law – Texts, Cases Oxford. Oxford University Press Limited ISBN 0-19-926055-9
5. Olugbenga, A. F. (2009). Jurisfat Fundamental of Torts Ibadan. Jurisfat Publication Limited

**Week 9: Nigeria Land Use Decree**

**Objectives** – Students will be able to discuss Nigeria land use decree act of 1978. also identify some of the underlining principles of the act.

**Description**

**1<sup>st</sup> Hour:** Discuss the Nigeria Land use decree act of 1978 with students pointing out the bases for these decree

**2<sup>nd</sup> Hours:** Identify and describe in details the basic principles under which the land use decree was operated like power of the governor, local government rights and occupiers rights to the use of the land/acquisition/power of the local governments in relation to land not in urban centres will be elucidated.

**Study Questions:**

1. What is land use decree act of 1978
2. Enumerate the principles underlining the land use act.
3. Describe the oil pipeline act of (1990)

**Reading Lists:**

1. Atiyah, P. S. (1983) – Law and Modern Nigeria, London, Oxford University Press.
2. Deakin, J. and Markesinis (2008) Markesinis & Deakins Torts Law. Oxford. Oxford University Press. ISBN 978-019-928246-3
3. Ese Malemi (2008) administrative Law, Lagos Princeton Publishing Co. Limited ISBN 978-088-609-7
4. Mack L, and Ken Oliphant (2003) Torts Law – Texts, Cases Oxford. Oxford University Press Limited ISBN 0-19-926055-9
5. Olugbenga, A. F. (2009). Jurisfat Fundamental of Torts Ibadan. Jurisfat Publication Limited

## **Week 10: Class Test**

**Objective:** students will be tested on what has been learnt in the course in the past ten weeks.

## **Week 11: Problems and Prospects of land use decree act of 1978**

### **Description**

**1<sup>st</sup> Hour:** This lecture identify the problems inherent in the land use decree act and discuss each points in details.

**2<sup>nd</sup> Hours:** The prospects of the land use decree will be identified and discussed.

### **Study Questions:**

1. List the problems of the land use act decree of 1978
2. Identify the prospects of the land use decree act.
3. What is grazing reserve law?

### **Reading Lists:**

1. Atiyah, P. S. (1983) – Law and Modern Nigeria, London, Oxford University Press.
2. Deakin, J. and Markesinis (2008) Markesinis & Deakins Torts Law. Oxford. Oxford University Press. ISBN 978-019-928246-3
3. Ese Malemi (2008) administrative Law, Lagos Princeton Publishing Co. Limited ISBN 978-088-609-7
4. Mack L, and Ken Oliphant (2003) Torts Law – Texts, Cases Oxford. Oxford University Press Limited ISBN 0-19-926055-9
5. Olugbenga, A. F. (2009). Jurisfat Fundamental of Torts Ibadan. Jurisfat Publication Limited

## **Week 12: Negotiable Instruments and Types of Negotiable Instruments.**

**Objective:** Students will be able to discuss negotiable instruments and identify types of negotiable instruments.

### **Description:**

**1<sup>st</sup> Hour:** Discuss negotiable instruments and describe their features like negotiable instrument is freely transferable, confers absolute and good title to on the transferee, negotiable instrument must be in writing and unconditional order of payment etc.

**2<sup>nd</sup> Hours:** Describe types of negotiable instruments – promissory note, Bill of exchange, cheque and Hundi. Also the features of each type of negotiable instruments will be explained with given examples.

### **Study Questions:**

1. What is negotiable instrument?
2. List the types of negotiable instruments
3. Distinguish between a promissory note and a cheque
4. State the important features of negotiable instruments
5. Enumerate important features of a bill of exchange.
6. The drawer can only draw a “Time Bill”. Do you agree with this statement? Give reason.

### **Reading Lists:**

1. Atiyah, P. S. (1983) – Law and Modern Nigeria, London, Oxford University Press.
2. Deakin, J. and Markesinis (2008) Markesinis & Deakins Torts Law. Oxford. Oxford University Press. ISBN 978-019-928246-3
3. Ese Malemi (2008) administrative Law, Lagos Princeton Publishing Co. Limited ISBN 978-088-609-7

4. Mack L, and Ken Oliphant (2003) Torts Law – Texts, Cases  
Oxford. Oxford University Press Limited ISBN 0-19-926055-9
5. Olugbenga, A. F. (2009). Jurisfat Fundamental of Torts Ibadan.  
Jurisfat Publication Limited
6. <http://www.nos.org/secbuscour/17>

### **Week 13: Nature of agricultural Goods**

**Objective:** Students will be able to identify and describe the nature of agricultural goods/products.

**Description:**

**1<sup>st</sup> Hour:** the nature of agricultural goods will be explained in this lecture and also the characteristics features of agricultural goods will be identified and described.

**2<sup>nd</sup> Hours:** The general methods of sales and marketing agencies of agricultural products will be discussed – Under cover or Hatta system, Open action system, Dara system, Moghum sale, Private agreement, Government purchase and Marketing Agencies.

**Study Questions:**

1. Describe the nature of agricultural goods
2. State the characteristics features of agricultural goods/products.
3. Identify the methods use in the transaction of agricultural produce/goods
4. Distinguish between government agencies and private agencies

**Assignment:**

1. Compare and contract between cooperative societies and private agencies mode of operation.

### **Reading Lists:**

1. Atiyah, P. S. (1983) – Law and Modern Nigeria, London, Oxford University Press.
2. Deakin, J. and Markesinis (2008) Markesinis & Deakins Torts Law. Oxford. Oxford University Press. ISBN 978-019-928246-3
3. Ese Malemi (2008) administrative Law, Lagos Princeton Publishing Co. Limited ISBN 978-088-609-7
4. Mack L, and Ken Oliphant (2003) Torts Law – Texts, Cases Oxford. Oxford University Press Limited ISBN 0-19-926055-9
5. Olugbenga, A. F. (2009). Jurisfat Fundamental of Torts Ibadan. Jurisfat Publication Limited
6. <http://www.world-agricultural.com/agricultural-marketing>

### **Week 14: Agricultural product law and legal definition of the concept “Agricultural Goods”**

**Objectives:** Students will be able to describe the legal interpretation of agricultural products. Also different aspect of agricultural law will be discussed – agricultural cooperative, farm financing and borrowers right, lease of agricultural land and pasture, agricultural production contract, insurance coverage against flooding and drought.

#### **Description:**

**1<sup>st</sup> Hour:** describe agricultural products and identify their characteristics nature/legal definition of the concept “agricultural Goods”

**2<sup>nd</sup> Hours:** Different aspect of agricultural law, like cooperative laws, farm financing and borrow rights will be discussed.

#### **Study Questions:**

1. What is the legal definition of agricultural goods?
2. Mention some of the cooperative laws.
3. Explain the concept 'borrowers' rights
4. What is agricultural insurance?

### **Reading Lists:**

1. Atiyah, P. S. (1983) – Law and Modern Nigeria, London, Oxford University Press.
2. Deakin, J. and Markesinis (2008) Markesinis & Deakins Torts Law. Oxford. Oxford University Press. ISBN 978-019-928246-3
3. Ese Malemi (2008) administrative Law, Lagos Princeton Publishing Co. Limited ISBN 978-088-609-7
4. Mack L, and Ken Oliphant (2003) Torts Law – Texts, Cases Oxford. Oxford University Press Limited ISBN 0-19-926055-9
5. Olugbenga, A. F. (2009). Jurisfat Fundamental of Torts Ibadan. Jurisfat Publication Limited
6. <http://www.world-agricultural.com/agricultural-marketing>

### **Week 15: Revision**

**Objective:** Students will revise all topics taught during the semester.

**Description:** All topics dealt with in this course will be reviewed. The study questions and assignments will be given special attention, students will discuss what they have learnt from the course. Advance courses that will treat this course in future will also be highlighted.

### **Study Questions:**

1. Give a concise meaning of the concept of law and law of torts.
2. Enumerate and discuss the sources of Nigerian Law.
3. Describe the factors that vitiate a contract.

4. Distinguish between undiscovered and anticipated trespass.
5. What is trespass to land acquisition?
6. Differentiate between Ejection and Injunction?
7. Land use decree act of 1978 is a failure/blessing to Nigerian farmers – Discuss.
8. What is negotiable instruments? Give examples
9. Identify the feature of a cheque and or promissory note
10. Cooperative laws are democratic in nature – Elucidated.

**Key for the Reading List:**

1. Available in the University Library
2. Available in Bookshops
3. Available on the Internet
4. Personal collections
5. Departmental Library.