

BOWEN UNIVERSITY, IWO, OSUN STATE
COLLEGE OF LAW
SECOND SEMESTER EXAMINATION 2022/2023 SESSION
LAW AND MEDICINE II- PIL 410
TIME: 3 HOURS

INSTRUCTIONS: a. Answer **Two Questions** from each Section and a total of **Four Questions**

Section A

1. (a) *A medical report that falls short of absolute precision might be a worthless document not suitable for evidential purpose. How true is this statement?*
(b) Discuss the content of medical reports/certificates.
2. The Annual Law and Medicine Conference has been scheduled to hold sometime in September 2023. You have been invited as an expert in Medical Law and Ethics to speak on *The Ethical, Socio-cultural, and Legal Issues Surrounding Surrogacy in Nigeria*. Write a well-researched paper on the topic to be presented at the conference.
3. The lack of a legal framework to regulate Assisted Reproductive Technology (ART) in Nigeria has raised concerns amongst medico-legal experts as to the proper practice and use of ART techniques. As a law student of Bowen University who offered Law and Medicine course, discuss the issues that are likely to arise in the use of ART in Nigeria.

Section B

4. a) Mrs Hannatu Danbaba lives in Kaduna State. She is pregnant. During her last scan, it was discovered that she has a serious health problem in her uterus that is threatening her life. Mrs Chigozie Agwu who lives in Anambra State who is also pregnant has the same health problem. Mrs Hannatu Danbaba and Mrs Chigozie Agwu have come to seek your advice because they were told some time ago that abortion is illegal in Nigeria. Since you are versed in the topic Abortion and have led your group to discuss Abortion under the Criminal Code and Penal Code in Nigeria, advise Mrs Hannatu Danbaba and Mrs Chigozie Agwu appropriately.

b) Danladi called you from Katsina to inform you that he was arrested because he assisted Folashade to procure abortion in Katsina. Danladi explained that he assisted Folashade because she gave her consent. **Explain to Danladi the consequence of his action making reference to the relevant statutory provision. Further explain to him the consequence if Folashade had not given consent.**

c) Simisola in Lagos wants to procure her own abortion by herself because her boyfriend left her. She also believes she has a right to her body and privacy. **Advise Simisola appropriately.**

5. a) Desola, your roommate, said she heard two Lawyers discussing about a body that was exhumed during a case they handled in Court. Desola is of the view that exhumation is an aberration. **Explain Exhumation as an end of life issue to Desola.**

b) The Mortuary at the LASU Teaching Hospital in Lagos is congested. Dr. Femi Filani has approached you to explain what could be done to decongest the Mortuary. **Explain the relevant end of life issue to Dr. Femi Filani.**

c) Hannah's Mummy was called from Hannah's School and told that while Hannah was playing with her friends in school, she slumped and died. Hannah's corpse has been taken to the hospital and her Mummy says she wants to know the cause of Hannah's death. **Explain the relevant end of life issue Hannah's Mummy can rely on.**

6. a) The capacity of a mentally ill patient to make decisions in relation to his treatment is to be determined by a Medical Doctor. **Discuss.**

b) Explain the Burden of Proof and Standard of Proof of the Defence of Insanity and verdict given where defence of insanity succeeds.