

CONSTITUTIONAL REFERENDUM ACT, 1962



ARRANGEMENT OF SECTIONS

Section

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1962, No. 4

AN ACT TO REGULATE ANY REFERENDUM REQUIRED IN PURSUANCE OF PARAGRAPH (b) OF SUBSECTION (5) OF SECTION FOUR OF THE CONSTITUTION OF THE FEDERATION ; AND FOR PURPOSES CONNECTED THEREWITH.

[13th April, 1962]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

1. The provisions of this Act shall apply in relation to any referendum required in pursuance of paragraph (b) of subsection (5) of section four of the Constitution of the Federation (which provides that an Act altering the Constitution for the purpose of establishing a new Region or transferring part of one territory to another territory shall not come into operation until, among other things, it is approved at a referendum held in the area affected).

Application
of Act.

2.—(1) Subject to the following provisions of this Act, the referendum shall be held on a day appointed by the Prime Minister by notice published in not less than two issues of the Gazette of the Federation, and the day so appointed (hereinafter referred to as "the appointed day") shall not be before the expiration of the period of one month beginning with the date of the first publication of the notice.

Date and
time of
referendum.

(2) Voting for the purposes of the referendum shall take place on the appointed day during such hours as may be specified in the notice.

3. The sole matter on which each voter shall be invited to cast his vote at the referendum shall be the question as to whether he agrees that the Act in question shall have effect so as to secure that the areas proposed to be included in the new Region, or as the case may be to be transferred from one territory to another, shall be so included or transferred.

Form of
question at
referendum.

4. If the Prime Minister considers that the area in which the referendum is required to be held should be divided into districts for the purposes of voting at the referendum, the notice aforesaid may provide that the area shall be divided into such voting districts as may be specified in the notice.

Referendum
districts.

Regulations.

5.—(1) Subject to the provisions of paragraph (b) of subsection (5) of the said section four and the foregoing provisions of this Act, the Governor-General, acting in accordance with the advice of the Prime Minister, may make regulations as to the organisation and conduct of the referendum and as to any other matters for which it appears to him, acting as aforesaid, that provision should be made for the purposes of the referendum.

(2) Without prejudice to the generality of the power conferred by the foregoing subsection, the regulations may include provision—

(a) for the appointment of a person (hereinafter referred to as “the supervisor”) to make arrangements for and to supervise the holding of the referendum, and for the appointment and control of persons to assist the supervisor in the exercise of his functions ;

(b) as to the procedure to be followed in holding the referendum, including the manner of voting and of ascertaining and publishing the results of the voting ;

(c) specifying the circumstances and manner in which, and the conditions upon which, persons of such descriptions as may be prescribed by the regulations (including the Prime Minister) may apply to the Federal Supreme Court for the determination of any question arising in connection with the organisation, conduct or result of the referendum ;

(d) for declaring void the votes cast at the referendum, either generally or in a particular voting district, in any case where the Prime Minister considers it proper so to do in consequence of a determination of the Federal Supreme Court as respects any question referred to it (whether by the Prime Minister or otherwise) in pursuance of this Act, and for requiring a fresh vote to be taken for the purposes of the referendum on a subsequent occasion either generally or, as the case may be, in that district ;

(e) for the definition and trial of offences connected with the referendum and the imposition of penalties with respect to the offences, not exceeding for any offence imprisonment for a term of twelve months or a fine of one hundred pounds or both.

(3) Regulations under this section shall include provision—

(a) requiring the voting at the referendum to be by secret ballot ;

(b) authorising the persons appearing to the supervisor to be the representative body of any distinct political party to appoint not more than two persons in respect of each place at which votes are cast at the referendum and not more than two persons in respect of each place at which those votes are counted (hereinafter referred to as a “polling station” and a “counting station” respectively) ;

(c) requiring the supervisor, not later than the beginning of the period of seven days ending with the appointed day, to publish in the Gazette of the Federation a notice stating the location of each polling and counting station ;

(d) authorising any person appointed in pursuance of paragraph (b) of this subsection, on production of his instrument of appointment, to be present throughout the voting or the counting of the votes at the polling or counting station for which he is appointed, and requiring

the person in charge of the station to afford him adequate facilities for observing the manner in which the polling station is conducted or, as the case may be, for observing the count ;

(e) entitling any person so appointed for a counting station to require a recount or further recount of the votes counted at the station, and requiring the person in charge of the station to comply with the requisition unless in his opinion the requisition is unreasonable.

(4) In paragraph (b) of the last foregoing subsection, "distinct political party" means any body as respects which a symbol is, on the first day of the period of fourteen days ending with the appointed day, entered in the register of symbols maintained by the Electoral Commission of the Federation for the purposes of elections to the House of Representatives.

(5) Regulations under this section may make different provision for different circumstances.

6.—(1) The Federal Supreme Court shall have original jurisdiction to determine any question referred to it in accordance with regulations made by virtue of this Act, and the regulations may make provision as to the practice and procedure of the court for the purpose of the jurisdiction conferred by this subsection.

Determina-
tion of
questions as
to conduct,
etc., of
referendum.

(2) Except as provided by the Constitution of the Federation or this section, no court shall issue any proceedings or entertain any question with respect to the organisation, conduct or result of the referendum ; but nothing in this subsection shall be construed as affecting any jurisdiction in criminal matters or in any other matters in which the organisation, conduct or result of the referendum is not called into question.

7. Any expenses certified by the Prime Minister to be expenses of the referendum shall be a charge upon the Consolidated Revenue Fund of the Federation.

Expenses.

8. This Act may be cited as the Constitutional Referendum Act, 1962, and shall apply throughout the Federation.

Short title
and extent.

(796)

UNIVERSITY OF LAGOS ACT, 1962



ARRANGEMENT OF SECTIONS

<p>PART I—UNIVERSITY OF LAGOS</p> <p>Preamble</p> <p><i>Section</i></p> <ol style="list-style-type: none"> 1. University of Lagos. 2. Senate. 3. Powers of senate. 4. Meetings of senate. 5. Faculty boards. <p>PART II—PROVISIONAL COUNCIL</p> <ol style="list-style-type: none"> 6. Provisional council. 7. Meetings of provisional council. <p>PART III—MEDICAL SCHOOL COUNCIL</p> <ol style="list-style-type: none"> 8. Medical school council. 9. Meetings of medical school council. 10. Powers of medical school council. 	<p>PART IV—MISCELLANEOUS</p> <ol style="list-style-type: none"> 11. Seals of councils. 12. Power to enter into contracts. 13. Power to employ staff, etc. 14. Power to receive money, etc. 15. Power to borrow money. 16. Payment into bank and investment. 17. Audit of accounts and report, etc. 18. Power to delegate functions. 19. Standing Orders. 20. Tenure of office. 21. Discipline. 22. Travelling, etc., expenses. 23. No loss of office for senators and others appointed. 24. Provisional council to report on constitution. 25. Interpretation. 26. Short title, application, etc.
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1962, No. I

AN ACT TO CONSTITUTE A UNIVERSITY FOR LAGOS, TO MAKE PROVISION FOR SUNDRY COUNCILS THEREOF, AND TO CONFER UPON THEM CERTAIN DUTIES AND POWERS, AND TO PROVIDE FOR MATTERS ANCILLARY THERETO OR CONNECTED THEREWITH.

[13th April, 1962]

Commence-
ment.
Preamble.

WHEREAS it is desirable and in the public interest that a university be established in the Federal Territory to provide courses of instruction and learning in divers faculties :

AND WHEREAS it is expedient and necessary to make provision for a constitution for the university and to establish certain councils for the university as bodies corporate empowered to institute courses of instruction and learning, and under the general direction of the appropriate Minister for them to be charged with the control and superintendence of the property and policy of the university :

BE IT THEREFORE ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

PART I.—THE UNIVERSITY OF LAGOS

1.—(1) There shall be in the Federal territory a university to be known as the University of Lagos (in this Act referred to as "the university") to provide courses of instruction and learning in the faculties of arts, law, medicine, science, education, commerce and business administration, engineering, and any other faculties which may from time to time be approved under this Act.

University
of Lagos.

(2) Until the passing of an Act of Parliament giving effect to any recommendation under this Act for a constitution for the university, the provisions of this Act shall have effect and apply to the university.

(3) The medical school in Lagos shall for all purposes be an autonomous unit of the university.

Senate.

2.—(1) There shall be for the purposes of the university, an academic body to be called the senate which shall consist of,—

(a) the vice-chancellor, who shall be chairman ;

(b) the heads of the several faculties within the university ;

(c) the professors of the university ;

(d) three fit persons holding high academic qualifications, and whether occupying university academic posts or not, of whom two shall be appointed by the provisional council and one by the medical school council.

(2) The term of office of members of the senate appointed otherwise than by office shall be two years but any such member shall be eligible for re-appointment.

(3) The registrar of the university shall be secretary to the senate.

(4) Where an appointment otherwise than by office is to be made to the senate by a council it shall consult the senate before making the appointment.

Powers of Senate.

3.—(1) Subject to the provisions of this Act, the senate shall have and may exercise all or any of the following functions necessary in connection with the university, that is to say,—

(a) the regulating of the academic requirements for the admission of students to courses of instruction and study, the award of fellowships, scholarships, titles, distinctions and awards at all levels ;

(b) the preparing and co-ordinating of the general regulations of the courses of study, the appointment of examiners and the examinations of the university ;

(c) the controlling and directing generally in research and research subjects and facilities ;

(d) advising any council under this Act from time to time on measures likely to promote the interests of the university as a place of instruction and learning and research, and to assess, attain and maintain academic standards ;

(e) advising any such council or the faculties or departments of the university with respect to matters of academic interest ;

(f) the regulating of its own procedure and the conduct of its meetings ;

(g) recommending in any appropriate case the appointment of members of the academic staff, other than the academic staff of the medical school.

(2) Subject to the provisions of this Act as to the requirements of the medical school the senate may give such directions as it thinks fit for the administration of the university.

4.—(1) The senate shall meet for the despatch of business at such times and in such places as it may prescribe or the vice-chancellor may require, not being less than three times during an academic year or session.

Meetings of
Senate.

(2) Where the vice-chancellor is present at any meeting of the senate, five members shall be a quorum for the meeting, but otherwise not less than three-quarters of the members of the senate shall be a quorum; and where there is a quorum at a meeting, decisions taken shall bind the senate.

5.—There shall be for the purpose of organising the structure and contents of courses of instruction in the respective disciplines, and the co-ordination of studies within the several faculties of the university, boards to be known as faculty boards which shall be composed of such members as the academic staff of the several faculties from time to time decide.

Faculty
Boards.

PART II—THE PROVISIONAL COUNCIL

6.—(1) There shall be established for the university a body corporate with perpetual succession and a common seal to be known as the provisional council of the university of Lagos which shall have the powers and duties under this Act; and subject to any directions from time to time given under this Act the provisional council shall be charged with the general control and superintendence of the property and policy of the university other than the property and policy of the medical school as an autonomous unit of the university.

Provisional
Council.

(2) The provisional council shall consist of a chairman to be appointed by the Prime Minister and ten other members as follows—

(a) the vice-chancellor, the first holder of the office to be appointed by the Prime Minister, and office holders thereafter to be appointed as provided by this Act;

(b) three members broadly representative of all parts of the Federation to be appointed by the Prime Minister;

(c) two members being persons ordinarily resident in the Federal territory and interested in education, and appointed by the Prime Minister;

(d) two members to be appointed from the medical school by the Minister of Health;

(e) one member appointed by the Minister of Education on the joint recommendation of the faculty boards;

(f) the permanent secretary of the Federal Ministry of Education *ex-officio* or in his absence any fit person authorised by him and on his behalf.

(3) The registrar shall be the secretary to the provisional council.

(4) The first vice-chancellor shall hold office for a term of three years and any subsequent vice-chancellor shall for such term as it thinks fit be appointed by the provisional council after consideration of a report of the senate: provided that the person appointed as first vice-chancellor shall be eligible for re-appointment under this subsection.

7.—(1) The Minister shall fix the date, time and place of the first meeting of the provisional council, and the provisional council shall thereafter meet at least three times in every year as and when required for the due fulfilment of its functions under this Act.

Meetings of
Provisional
Council.

(2) Any three members of the provisional council may by notice in writing signed by them require the chairman to convene a special meeting of the provisional council and if the chairman fails within the time prescribed or a reasonable time thereafter to convene the meeting, the power may be exercised by the Minister.

(3) No act or proceeding of the provisional council shall be invalidated by reason of any vacancy amongst its members or because of any defect in the appointment of a member.

(4) Five members shall be a quorum at any meeting of the provisional council.

(5) Any matter for decision by the provisional council shall be determined by a majority of the members present and voting; and where there is an equality of vote the chairman shall have a casting vote in addition to his deliberative vote.

(6) Where the chairman or any other member of the provisional council is temporarily incapacitated by illness or is absent from Nigeria the Minister appointing him may, subject to the provisions of this Act, appoint any other fit person to hold office during the incapacity or absence of the chairman or other member; and the powers and duties of the chairman or the member, as the case may be, shall devolve upon the person so temporarily appointed.

(7) If the chairman is for any other reason absent from any meeting of the provisional council, the members present may elect one of their numbers to preside at that meeting.

(8) Where the provisional council desires to obtain advice for a particular purpose it may co-opt not more than two persons for that purpose; and the persons co-opted may take part in the deliberations of the provisional council at any meeting but shall not be entitled to vote.

PART III—THE MEDICAL SCHOOL COUNCIL

Medical
School
Council.

8.—(1) There shall be established for the medical school of the university a body corporate with perpetual succession and a common seal to be known as the medical school council which, as the governing body of the medical school shall, where not inconsistent with this Act, be charged with the control and superintendence of the property and policy of the medical school.

(2) The medical school council shall consist of the following members,—

(a) the dean ex-officio as chairman;

(b) the vice-dean ex-officio as deputy chairman;

(c) three pre-clinical professors to be elected by the faculty board of the medical school;

(d) three clinical professors to be elected by that faculty board;

(e) two representatives of the provisional council elected by that council;

(f) two representatives of the Lagos university teaching hospital management board appointed by the Minister of Health;

(g) the permanent secretary of the Federal Ministry of Health ex-officio or in his absence any fit person authorised by him or on his behalf;

(3) The first holders of the offices of dean and vice-dean shall be appointed by the Minister and shall hold office for a term of three years, and shall be eligible for re-appointment by the medical school council thereafter for such term as that council may think fit.

(4) The medical school council shall appoint some fit person to be secretary to the medical school council.

9.—(1) The Minister shall fix the date, time and place of the first meeting of the medical school council, and the medical school council shall thereafter meet at least three times in every year as and when required for the due fulfilment of its functions under this Act.

(2) Any three members of the medical school council may by notice in writing signed by them require the chairman to convene a special meeting of the medical school council and if the chairman fails within the time prescribed or a reasonable time thereafter to convene the meeting the power may be exercised by the Minister.

(3) No act or proceeding of the medical school council shall be invalidated by reason of any vacancy amongst its members or because of any defect in the appointment of a member.

(4) Five members shall be a quorum at any meeting of the medical school council.

(5) Any matter for decision by the medical school council shall be determined by a majority of the members present and voting; and where there is an equality of votes the chairman shall have a casting vote in addition to his deliberative vote.

(6) Where the chairman is temporarily incapacitated by illness or is absent from Nigeria the deputy chairman shall act, and in the case of any other member of the medical school council the Minister may, subject to the provisions of this Act, appoint any other fit person to hold office during the incapacity or absence of the member, and the powers and duties of the member shall devolve upon the person so temporarily appointed.

(7) If the chairman is for any other reason absent from any meeting the deputy chairman shall preside, and if both are absent the members present may elect one of their numbers to preside at that meeting.

(8) Where the medical school council desires to obtain advice for a particular purpose it may co-opt not more than two persons for that purpose; and the persons co-opted may take part in the deliberations of the medical school council at any meeting but shall not be entitled to vote.

10.—(1) The medical school council shall have and may exercise all or any of the following powers that is to say,—

(a) the co-ordination and control of education in the medical school and in any teaching hospital with which it is associated;

(b) the control of medical research and post-graduate work;

(c) in consultation with the Minister of Health, all development planning and policy decisions touching or concerning the medical school;

(d) the regulating of academic requirements for the admission of students to the medical school;

(e) the appointment of members of the academic staff of the medical school on the nomination of the appropriate faculty board or of its own motion;

Meetings of
Medical
School
Council.

Powers of
Medical
School
Council.

(f) the appointment of examiners for the medical profession examinations.

(2) The medical school council shall consider any advice given by the senate in respect of the exercise of the powers of the medical school council under this section, and to such extent as it thinks fit shall report to the senate; but nothing in this section shall be construed to require the medical school council to take advice given by the senate on matters affecting the medical school.

PART IV.—MISCELLANEOUS

Seals of Councils.

11.—(1) The seal of any council under this Act shall be authenticated on any document by the signature of the chairman or of any other member authorised by the council to act in that behalf.

(2) Judicial notice shall be taken of the seal of a council; and every document purporting to be an instrument made by a council and to be sealed with its seal shall be received in evidence and be deemed to be an instrument authenticated in accordance with this section without further proof unless the contrary is shown.

Power to enter into contracts.

12. Subject to the provisions of this Act, any council under this Act may enter into such contracts as appear to it to be necessary or expedient.

Power to employ staff, etc.

13.—(1) A council may, subject to the provisions of this Act employ such academic and administrative staff as appear to it to be necessary.

(2) The terms and conditions of service (including terms and conditions as to salary, allowances, other remuneration and disciplinary control) in respect of academic and administrative staff employed pursuant to subsection (1) of this section shall be such as the employing council may determine.

(3) The appropriate minister may from time to time give directions of a general nature, and the council affected shall, in the exercise of its powers under this section, comply with the directions of the Minister.

Power to receive money, etc.

14. Any council under this Act shall have power to receive sums of money and any other description of property (movable or immovable) by way of grant or donation from any source whatsoever and to expend such sums or dispose of such property as it thinks expedient for the purpose of the development and maintenance of the university:

Provided that the council affected shall not be obliged to accept any grant or donation for a particular purpose unless it approves the terms and conditions attaching to the grant or donation.

Power to borrow money.

15. Any council under this Act may with the consent of the appropriate Minister given upon such terms and conditions as he may approve, borrow from any person such sums as it may require to meet its obligations or discharge its functions under this Act.

Payment into bank and investment.

16.—(1) Subject to the provision of this section, all moneys received by a council shall be paid into such bank or banks in Nigeria as may be approved by the council concerned for the credit of the general current or deposit account of the council,

(2) With the consent of the appropriate Minister given after consultation with the Minister of Finance, moneys standing to the credit of a council may from time to time be invested in securities approved by the Minister of Finance; and with the like consent a council may from time to time sell the securities, or any of them.

17.—(1) Every council under this Act shall keep accounts which shall be audited by an independent firm of auditors approved by the appropriate Minister.

Audit of accounts and report, etc.

(2) Every council shall as and when required by the appropriate Minister, produce to him estimates of expenditure for the next ensuing year, and shall as soon as may be after the end of each financial year publish its annual report for the past financial year together with a certified copy of the accounts of the council as audited; and the annual report of the auditor shall accompany the report.

18. Any council under this Act may in writing delegate administrative functions of a routine nature to a committee of its members, and the fact that a council has delegated any of its functions shall not prevent the council from itself exercising these functions.

Power to delegate functions.

19. Subject to the provisions of this Act, any council may regulate its own procedure by standing orders; and without prejudice to the generality of the foregoing, a council may make standing orders in respect of the following matters that is to say,—

Standing Orders.

- (a) The proper conduct of the business and meetings of the council;
- (b) The method of entering into and execution of contracts;
- (c) The signing of cheques, documents and other instruments;
- (d) The keeping and custody of minutes of proceedings at meetings;
- (e) The custody of the common seal;
- (f) The transaction of business by any committee of the council.

20.—(1) Persons appointed otherwise than by office shall hold office for a term of two years; and subject to the next succeeding subsection shall be eligible for re-appointment.

Tenure of office.

(2) The office of any member under this Act shall become vacant if,—

- (a) he dies, or
- (b) he resigns office by notice in writing under his hand addressed to the authority which appointed him, or
- (c) the Minister or other authority appointing him is satisfied that it is not in the interest of the senate or council as the case may be for the person appointed to continue in office, and notifies the member in writing to that effect.

21. Discipline shall be enforced in all respects by the vice-chancellor or where he has delegated the duty to any other member of the academic staff, by that member; and the power to discipline any student shall include the power to recommend—

Discipline.

- (a) to the senate, the suspension of a student for a period;
- (b) to the provisional council or to the medical school council as the case may be, the removal of a student from the University.

22. There shall be paid to members of any council under this Act, travelling and other reasonable expenses at rates from time to time to be fixed by the Minister of Finance.

Travelling, etc., expenses.

No loss of office for senators and others appointed.

Provisional Council to report on constitution.

Interpretation.

Short title, application, etc.

23. No office or appointment in any capacity under this Act shall be or be construed to be an office of emolument under the Crown.

24.—(1) The provisional council not later than two years after the commencement of this Act or within such extended time as the Prime Minister by writing under his hand may allow, shall prepare and present to the Prime Minister a report setting out its recommendations for the constitution of the university.

(2) The report shall be laid before both Houses of Parliament within three months after its presentation to the Prime Minister.

25.—(1) In this Act unless the context otherwise requires—

“the medical school council” means the medical school council under this Act;

“the Minister” in relation to the medical school council means the Federal Minister charged with responsibility for health and in any other case means the Federal Minister charged with responsibility for education, and where used in this Act, “appropriate Minister” shall have the connotation of health or education as the case may require;

“the provisional council” means the provisional council under this Act;

“the registrar” means the registrar of the university.

(2) Any notice or direction under this Act shall be in writing and may without prejudice to any other method of service, be served by post.

26. This Act may be cited as the University of Lagos Act, 1962 and shall apply to the Federal territory.