

Supplement to Official Gazette Extraordinary No. 94, Vol. 49, 28th November,
1962—Part C

The following Bills, which will in due course be presented to Parliament for enactment, are published for general information.

UNIVERSITY OF IBADAN BILL

EXPLANATORY MEMORANDUM

The purpose of this Bill is to convert the University College, Ibadan, into an independent university.

AJA NWACHUKU,
Minister of Education

ARRANGEMENT OF CLAUSES

Establishment, constitution and functions of the university and its constituent bodies, etc.

Clause

1. Establishment and general purpose of the university.
2. Constitution of the university.
3. Functions of the chancellor and pro-chancellor.
4. Functions of the council.
5. Functions of the senate.
6. Functions of the vice-chancellor.

Transfer to the university of the property, etc., of University College, Ibadan

7. Transfer to university of college property, etc.

Supervision and discipline

8. The visitor.
9. Removal of chancellor and other officers, etc.

10. Discipline of students.

Miscellaneous and general

11. Exclusion of discrimination on account of race, religion, etc.
12. Compulsory acquisition of land.
13. Appointment of committees, etc.
14. Miscellaneous administrative provisions.
15. Interpretation, etc.
16. Short title, extent and commencement.

SCHEDULES :

First Schedule—Principal officers of the university.

Second Schedule—Constituent bodies of the university.

Third Schedule—Organisation faculties.

Fourth Schedule—Transitional provisions as to property, etc.

A BILL

FOR

AN ACT TO ESTABLISH THE UNIVERSITY OF IBADAN ; TO TRANSFER TO THE UNIVERSITY THE PROPERTY OF THE UNIVERSITY COLLEGE, IBADAN ; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[See section 16 (2)]

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 :—

Establishment, constitution and functions of the university and its constituent bodies, etc.

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1.—(1) There shall be established, as the successor of the University College, Ibadan, a university which shall be a body corporate by the name of the University of Ibadan (hereafter in this Act referred to as "the university") and shall be constituted in accordance with the provisions of this Act.

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Establish-
ment and
general
purpose of
the
university.

(2) It shall be the general function of the university to encourage the advancement of learning throughout Nigeria and to hold out to all persons, without distinction of race, creed or sex, the opportunity of acquiring a liberal education; and for the purpose of carrying out that function it shall be the duty of the university, so far as its resources permit,— 5

(a) to provide such facilities for the pursuit of learning and the acquisition of a liberal education as are appropriate for a university of the highest standing; and

(b) to make those facilities available on proper terms to such persons as are equipped to benefit from the use of the facilities. 10

Constitution
of the
university.

2.—(1) The university shall consist of—

(a) a chancellor;

(b) a pro-chancellor and a council;

(c) a vice-chancellor and a senate; 15

(d) a body to be called congregation;

(e) a body to be called convocation;

(f) the persons holding offices constituted by the First Schedule to this Act and not mentioned in the foregoing provisions of this section; 20

(g) all graduates and undergraduates; and

(h) all other persons who are members of the university in accordance with provision made by statute in that behalf.

(2) The First Schedule to this Act shall have effect with respect to the principal officers of the university there mentioned; and the Second Schedule to this Act shall have effect with respect to the bodies referred to in the foregoing subsection. 25

Functions of
the
chancellor
and pro-
chancellor.

3.—(1) The chancellor shall, in relation to the university, take precedence before all other members of the university, and when he is present shall preside at all meetings of congregation held for conferring degrees and at all meetings of convocation. 30

(2) The pro-chancellor shall, in relation to the university, take precedence before all other members of the university except the chancellor and except the vice-chancellor when acting as chairman of congregation or convocation and except the deputy vice-chancellor when so acting; and the pro-chancellor shall when he is present be the chairman at all meetings of the council. 35

Functions of
the council.

4.—(1) Subject to the provisions of this Act relating to the visitor, the council shall be the governing body of the university and shall have the general management of the affairs of the university and in particular the control of the property and expenditure of the university. 40

(2) Subject to subsection (6) of this section, the council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of the activities of the university.

(3) The council may make statutes regulating the constitution and conduct of the university and regulating any authority or matter connected with the university; and a statute may alter or repeal any provision of this Act but shall not— 45

(a) come into force until it has been confirmed by the Minister ; or
(b) have effect in any part of Nigeria in so far as it is inconsistent with the law in force in that part of Nigeria.

(4) The Minister shall, on confirming a statute, forthwith lay a copy of it before each House of Parliament ; and if either House, on any of the twenty days on which it sits next after the day on which the statute is laid before it, resolves that the statute be annulled it shall cease to have effect on the day next following the date of the resolution and be deemed never to have had effect.

(5) Nothing in subsection (3) or (4) of this section shall be construed as preventing the council from giving instructions, in writing or otherwise, for the purpose of exercising any power conferred on it by subsection (2) of this section.

(6) The council shall not have power to dispose of or charge any lands or an interest in any lands (including any lands transferred to the university by this Act) which are held by or on behalf of the university except with the prior written consent, either general or special, of the Minister.

(7) There shall be a committee of the council, to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the council, exercise control over the property and expenditure of the university, and shall consist of—

(a) the pro-chancellor, who shall be the chairman of the committee at any meeting at which he is present ; and

(b) the vice-chancellor ; and

(c) eight other members of the council appointed by the council, of whom—

(i) not less than two shall be teachers ; and

(ii) if the council has appointed a treasurer, one shall be the treasurer ;

and the quorum of the committee shall be four and (subject to the provisions of this subsection) the committee may regulate its own procedure.

(8) The council shall keep proper accounts in respect of the period of twelve months ending with the thirtieth day of June in each year, and proper records in relation to those accounts ; and without prejudice to any other requirement as to accounting or control imposed, whether by an enactment or otherwise, with respect to the finances of and the lands, endowments and other property held by or for the purposes of the university, the council shall cause the accounts kept in pursuance of this subsection for any period to be audited as soon as may be after the end of that period by an approved auditor within the meaning of section fifteen of the Banking Act (which provides for the accounts of banks to be audited by a member of a professional body approved by the Minister of the government of the Federation responsible for finance).

(9) The council shall prepare and submit to the Prime Minister, not later than the thirty-first day of January in each year, a report in such form as the Prime Minister may direct on the activities of the university during the period of twelve months ending with the preceding thirty-first day of August, and shall include in the report a copy of the last accounts audited in accordance with subsection (8) of this section

and a copy of the auditor's report on the accounts; and the Prime Minister shall cause a copy of each report made to him in pursuance of this subsection to be laid before each House of Parliament.

Functions of
the senate.

5.—(1) Subject to the last foregoing section and the provisions of this Act relating to the visitor, it shall be the general function of the senate to organise and control the teaching at the university and the admission and discipline of students and to promote research at the university.

(2) Without prejudice to the generality of the foregoing subsection and subject as there mentioned, it shall in particular be the function of the senate to make provision for—

(a) the establishment, organisation and control of faculties and other departments of the university, and the allocation to different departments of responsibility for different branches of learning;

(b) the appointment and promotion of teachers at the university;

(c) the organisation and control of courses of study at the university and of the examinations held in conjunction with those courses;

(d) the award of degrees, and such other qualifications as may be prescribed, in connection with examinations held as aforesaid;

(e) the making of recommendations to the council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus;

(f) the selection of persons for admission as students at the university;

(g) the establishment, organisation and control of halls of residence and similar institutions at the university;

(h) the supervision of the welfare of students at the university and the regulation of their conduct;

(i) the grant of fellowships, scholarships, prizes and similar awards, in so far as the awards are within the control of the university;

(j) determining what descriptions of dress shall be academic dress for the purposes of the university, and regulating the use of academic dress.

(3) The senate may make regulations for the purpose of exercising any function conferred on it either by the foregoing provisions of this section or otherwise.

(4) Regulations shall provide that at least one of the persons appointed as the examiners at each examination held in conjunction with any course of study at the university is not a teacher at the university but is a teacher of the branch of learning to which the course relates at some other university of high repute.

(5) Any department established for the university and designated by regulations as a faculty of the university shall be organised in accordance with the provisions of the Third Schedule to this Act.

Functions of
the vice-
chancellor.

6.—(1) The vice-chancellor shall, in relation to the university, take precedence before all other members of the university except the chancellor and, subject to section three of this Act, except the pro-chancellor and any other person for the time being acting as chairman of the council.

(2) Subject to the two last foregoing sections and the provisions of this Act relating to the visitor, the vice-chancellor shall have the general function, in addition to any other functions conferred on him by this Act or otherwise, of directing the activities of the university.

5 *Transfer to the university of the property, etc.,
 of University College, Ibadan*

7.—(1) On the appointed day—

10 (a) all property held immediately before that day by or on behalf of the college shall, by virtue of this subsection and without further assurance, vest in the university and be held by it for the purposes of the university; and

 (b) the college shall cease to exist; and

15 (c) the University College, Ibadan, Act and, subject to the following subsection, any instruments in force by virtue of that Act shall cease to have effect; and

20 (d) in item 17 of Part I of the Schedule to the Constitution of the Federation (which specifies higher educational institutions as respects which Parliament has exclusive legislative powers) for the words "The University College at Ibadan" there shall be substituted the words "The University of Ibadan".

(2) The provisions of the Fourth Schedule to this Act shall have effect with respect to, and to matters arising from, the transfer by this section to the university of the property of the college and with respect to the other matters mentioned in that Schedule.

25 *Supervision and discipline*

8.—(1) The Governor-General shall be the visitor of the university and may at any time conduct a visitation of the university or direct that a visitation of the university shall be conducted by such persons and for such purposes as may be specified in the direction.

30 (2) It shall be the duty of the bodies and persons comprising the university—

35 (a) to make available to the visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation; and

 (b) to give effect to any instructions consistent with the provisions of this Act which may be given by the visitor in consequence of a visitation.

40 9.—(1) If it appears to the Governor-General that the chancellor should be removed from office on the ground of misconduct or of inability to perform the functions of his office, the Governor-General may by notice in the Gazette of the Federation remove the chancellor from office.

Transfer to
university of
college
property,
etc.

Cap. 206.

The
visitor.

Removal of
chancellor
and other
officers, etc.

(2) If it appears to the council that the pro-chancellor or a member of the council (other than the pro-chancellor, the vice-chancellor or the deputy vice-chancellor) should be removed from office on either of the grounds aforesaid, the council shall make a recommendation to that effect to the Governor-General; and if the Governor-General, after making such enquiries (if any) as he considers appropriate, approves the recommendation he may, by an instrument in writing signed by him, remove the person in question from office. 5

(3) If it appears to the council that there are reasons for believing that the vice-chancellor, the deputy vice-chancellor or any other person employed as a member of the staff of the university should be removed from his employment on either of the grounds aforesaid, the council shall— 10

(a) give notice of those reasons to the person in question;

(b) afford him an opportunity of making representations in person on the matter to the council; and 15

(c) if he or any three members of the council so request within the period of one month beginning with the date of the notice, make arrangements—

(i) for a joint committee of the council and the senate to investigate the matter and to report on it to the council; and 20

(ii) for the person in question to be afforded an opportunity of appearing before and being heard by the committee with respect to the matter;

and if the council, after considering any representations and report made in pursuance of this subsection, is satisfied that the person in question should be removed as aforesaid, the council may so remove him by an instrument in writing signed on the directions of the council. 25

(4) If it appears to the vice-chancellor that a person appointed as an examiner for any examination organised by the senate ought to be removed from his appointment, then, except in such cases as may be prescribed, he may, after affording to the examiner an opportunity of making representations in person on the matter to the vice-chancellor, remove the examiner from the appointment by an instrument in writing signed by the vice-chancellor; and, subject to the provisions of regulations made in pursuance of subsection (4) of section five of this Act, the vice-chancellor may appoint an appropriate person as examiner in the place of an examiner removed in pursuance of this subsection. 30 35

(5) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of this section to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates. 40

(6) If it appears—

(a) in the case of the vice-chancellor, to the council;

(b) in the case of the deputy vice-chancellor or any other person employed as mentioned in subsection (3) of this section, to the vice-chancellor, 45

that the person in question should be removed from his employment in accordance with that subsection, the council or, as the case may be, the vice-chancellor may by a notice signed on the directions of the 50

council or by the vice-chancellor, prohibit him from exercising the functions of his employment with a view to his removal; and on exercising his powers under this subsection the vice-chancellor shall forthwith refer the case to the council, and the council shall give such directions in the matter as it thinks proper.

(7) Nothing in the last foregoing subsection shall be construed as affecting a person's entitlement to the emoluments of his employment during the period of any prohibition imposed in pursuance of that subsection.

(8) Nothing in subsection (3) or (6) of this section shall apply to employments of such descriptions as may be prescribed.

10.—(1) Where it appears to the vice-chancellor that any student at the university has been guilty of misconduct, the vice-chancellor may, without prejudice to any other disciplinary powers conferred on him by regulations, direct that—

(a) the student shall not, during such period as may be specified in the direction, participate in such activities of the university, or make use of such facilities of the university, as may be so specified;

(b) the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified;

(c) the student be rusticated for such period as may be specified in the direction;

(d) the student be expelled from the university.

(2) Where a direction is given under paragraph (c) or (d) of the foregoing subsection in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal from the direction to the council; and where such an appeal is brought the council shall, after causing such inquiry to be made in the matter as the council considers just, either confirm or set aside the direction or modify it in such manner as the council thinks fit.

(3) The fact that an appeal from a direction is brought in pursuance of the last foregoing subsection shall not affect the operation of the direction while the appeal is pending.

(4) Lack of diligence shall be treated as misconduct for the purposes of this section.

(5) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the university otherwise than on the ground of misconduct.

Miscellaneous and general

11. No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, place of birth or of family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the university, the holder of any degree of the university or of any appointment or employment at the university, or a member of any body established by virtue of this Act; and no person shall be subjected to any disadvantage or accorded any advantage, in relation to the university, by reference to any of those matters.

Discipline of students.

Exclusion of discrimination on account of race, religion etc.

Compulsory
acquisition of
land.

Cap. 167.

Appointment
of
committees,
etc.

Miscella-
neous
administra-
tive
provisions.

12. For the purposes of the Public Lands Acquisition Act (which provides for the compulsory acquisition of land for public purposes) the purposes of the university shall be public purposes of the Federation; and where an estate or interest in lands is acquired by the Governor-General in pursuance of this section, he may, by a certificate under the hand and seal of the Chief Federal Land Officer, transfer it to the university.

13.—(1) Any body of persons established by this Act, shall, without prejudice to the generality of the powers of that body, have power to appoint committees consisting of members of that body and, subject to the provisions of subsection (7) of section four of this Act, to authorise a committee established by it to exercise, on its behalf, such of its functions as it may determine.

(2) Subject as aforesaid, any two or more such bodies may arrange for the holding of joint meetings of those bodies, or for the appointment of committees consisting of members of those bodies, for the purpose of considering any matter within the competence of those bodies or any of them, and either of dealing with it or of reporting on it to those bodies or any of them.

(3) Except as may be otherwise provided by regulations, the quorum and procedure of a committee established or meeting held in pursuance of this section shall be such as may be specified by the bodies which determine to establish the committee or hold the meeting.

(4) Nothing in the foregoing provisions of this section shall be construed as—

(a) enabling the council to empower any other body to make statutes; or

(b) enabling the senate to empower any other body to make regulations or to award degrees or other qualifications.

(5) The pro-chancellor and the vice-chancellor shall be members of every committee of which the members are wholly or partly appointed by the council (other than a committee appointed to inquire into the conduct of the officer in question); and the vice-chancellor shall be a member of every committee of which the members are wholly or partly appointed by the senate.

14.—(1) The seal of the university shall be such as may be determined by the council and approved by the chancellor; and the fixing of the seal of the university shall be authenticated by the signature of the chancellor or the pro-chancellor or the vice-chancellor or such other person as may be provided by statute.

(2) Any document purporting to be a document executed under the seal of the university authenticated as aforesaid shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

(3) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the university by any person generally or specially authorised by the council to do so.

5 (4) The validity of any proceedings of any body established in pursuance of this Act shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body, or by reason that any person not entitled to do so took part in the proceedings.

(5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith disclose his interest to the body and shall not vote on any question relating to that matter.

10 (6) Nothing in section twenty-two of the Interpretation Act (which provides for the application, in relation to subordinate legislation, of certain incidental provisions) shall apply to statutes or regulations made in pursuance of this Act; but the power conferred by this Act to make
15 statutes or regulations shall include power to revoke or vary any statute or regulation by a subsequent statute or, as the case may be, by a subsequent regulation, and statutes and regulations may make different provision in relation to different circumstances.

Cap. 89.

20 (7) No stamp or other duty shall be payable in respect of any transfer of property to the university by virtue of section seven or section twelve of this Act.

(8) Any notice or other instrument authorised or required to be served by virtue of this Act may, without prejudice to any other mode of service, be served by post.

25 15.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

Interpretation, etc.

“the appointed day” means the day on which this Act comes into force;

“the college” means the University College, Ibadan;

30 “the council” means the council established by this Act for the university;

35 “graduate” means a person on whom a degree (other than an honorary degree) has been conferred by the university, and includes a person on whom a degree has been conferred by the university of London, or such other university as may be prescribed, as the result of an examination taken in conjunction with a course of study at the college;

“the Minister” means the Minister of the government of the Federation responsible for education;

40 “notice” means notice in writing;

“prescribed” means prescribed by regulations;

“property” includes rights, liabilities and obligations;

“professor” means a person designated as a professor of the university in accordance with provision in that behalf made by regulations;

45 “regulations” means regulations made by the senate;

“the senate” means the senate established by this Act for the university;

“statute” means a statute made by the council and having effect in accordance with section four of this Act;

50 “student” means an undergraduate and a person of such description as may be prescribed for the purposes of this definition;

"teacher" means a person holding a full-time appointment as a member of the teaching or research staff of the university ;

"undergraduate" means a person *in statu pupillari* at the university, other than a graduate or a person of such description as may be prescribed for the purposes of this definition ; and

"the university" means the university established by this Act.

(2) References in this Act to any other enactment are references to that enactment as amended by or under any subsequent enactment.

(3) Nothing in this Act shall be construed as purporting to prejudice the provisions of section eighty-six of the Constitution of the Federation (which requires the Governor-General, except as there provided, to act in accordance with the advice of Ministers).

16.—(1) This Act may be cited as the University of Ibadan Act, 1962, and shall apply throughout the Federation.

(2) This Act shall come into force on such date as the Minister may by order appoint.

Short title,
extent and
commence-
ment.

Section 2.

SCHEDULES

FIRST SCHEDULE

Principal officers of the university

The Chancellor

1. The chancellor shall be appointed by the Governor-General.

2. The chancellor shall take office on the date when notice of his appointment is published in the Gazette of the Federation and, subject to the provisions of this Act, shall hold office for a period of seven years beginning with that date.

The Pro-Chancellor

3.—(1) The pro-chancellor shall be appointed by the chancellor, acting in accordance with the advice of the council.

(2) Subject to the provisions of this Act, the pro-chancellor shall hold office for a period of four years beginning with the date of his appointment.

The Vice-Chancellor

4.—(1) Without prejudice to the generality of section seven of this Act, the first vice-chancellor shall be Kenneth Onwuka Dike, Master of Arts, Doctor of Philosophy, Doctor of Laws and Principal of the University College, Ibadan.

(2) Subject to the foregoing sub-paragraph, the vice-chancellor shall be appointed by the council after consideration of any recommendation with respect to the appointment made, within the period of four months beginning with the date when the office became vacant, by a joint meeting of the council and the senate.

(3) Subject to the provisions of this Act, the vice-chancellor shall hold office for such period and on such terms as to the emoluments of his office as may be specified in his instrument of appointment.

The Deputy Vice-Chancellor

5.—(1) There shall be a deputy vice-chancellor, who shall act in the place of the vice-chancellor when the office of vice-chancellor is vacant or the vice-chancellor is for any reason (including absence from the

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precincts of the university) unable to perform his functions as vice-chancellor; and references in this Act to the vice-chancellor shall be construed accordingly.

5 (2) The deputy vice-chancellor shall be appointed by the council after consideration of any recommendation with respect to the appointment made as mentioned in subparagraph (2) of the last foregoing paragraph.

10 (3) Subject to the provisions of this Act, the deputy vice-chancellor shall hold office for a period of two years beginning with the first day of August of the year in which he is appointed, and on such terms as to the emoluments of his office as may be specified in his instrument of appointment.

15 (4) If the deputy vice-chancellor vacates office before the expiration of his period of office, the council may if it thinks fit appoint a successor to hold office for the unexpired portion of that period.

20 (5) A person who has held office as deputy vice-chancellor for a continuous period of four years or longer, or would so have held it but for his resignation, shall not be eligible for appointment as deputy vice-chancellor during the two years immediately following the end of that period.

Other principal officers of the university

6.—(1) There shall be a registrar, who shall be responsible to the vice-chancellor for the day to day administration of the affairs (other than academic and financial affairs) of the university.

25 (2) There shall be a bursar, who shall be responsible to the vice-chancellor for the day to day administration of the financial affairs of the university.

30 (3) There shall be a librarian, who shall be responsible to the vice-chancellor for the administration of the library of the university in accordance with regulations.

(4) The officers aforesaid shall be appointed by the council for such period and on such terms as to the emoluments of their offices as may be specified in their respective instruments of appointment.

35 (5) Any question as to what are academic or financial affairs of the university for the purposes of this paragraph shall be determined by the vice-chancellor.

Resignation and reappointment

7.—(1) An officer mentioned in the foregoing provisions of this Schedule may resign his office—

40 (a) in the case of the chancellor, by notice to the Governor-General;
(b) in any other case, by notice to the council.

(2) Subject to subparagraph (5) of paragraph 5 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for appointment to that
45 office.

Section 2.

SECOND SCHEDULE

Constituent bodies of the university

The Council

- 1.—(1) The council shall consist of—
 - (a) the pro-chancellor ; 5
 - (b) the vice-chancellor and the deputy vice-chancellor ;
 - (c) four persons appointed by the Minister ;
 - (d) a number of persons equal to twice the number of the Regions of which Nigeria consists for the time being, of whom two shall be appointed by the Governor of each Region respectively ; 10
 - (e) four persons appointed by the senate from among the members of that body ;
 - (f) two persons appointed by congregation from among the members of that body ;
 - (g) one person appointed by convocation from among the members of that body ; and 15
 - (h) such persons, not exceeding four in number, as may be appointed by the council to be members of the council.
- (2) Any member of the council holding office otherwise than in pursuance of paragraph (a) or (b) above may, by notice to the council, resign his office. 20
- (3) A member of the council holding office otherwise than in pursuance of paragraph (a) or (b) above shall, unless he previously vacates it, vacate that office on the expiration of the period of four years beginning with the first day of August of the year in which he is appointed. 25
- (4) Where a member of the council holding office otherwise than by virtue of paragraph (a), (b) or (h) above vacates office before the expiration of the period aforesaid, the body or person by whom he was appointed may, and shall if the vacancy occurs more than three months before the expiration of that period, appoint a successor to hold office (unless he previously vacates it) for the residue of the term of his predecessor. 30
- (5) A person ceasing to hold office as a member of the council otherwise than by removal for misconduct shall be eligible for appointment as such a member. 35
- (6) The quorum of the council shall be eight.
- (7) If the pro-chancellor is not present at a meeting of the council, such other member of the council present at the meeting as the council may appoint as respects that meeting shall be the chairman at that meeting ; and subject to section three of this Act and the foregoing provisions of this subparagraph, the council may regulate its own procedure. 40
- (8) The registrar, or in his absence such member of his department as he may designate, shall act as secretary at any meeting of the council. 45

2. If it appears to the council that one of its members holding office by virtue of paragraph (c) or (d) above is specially qualified to advise the council in relation to the property and expenditure of the university, the council may confer on him, for the remainder of his period in office, the style of treasurer of the university.

The Senate

3. The Senate shall consist of—
- (a) the vice-chancellor;
 - (b) the deputy vice-chancellor;
 - 10 (c) the professors, and the director of extra-mural studies;
 - (d) the librarian;
 - (e) the persons for the time being holding such appointments on the staff of the university as may be specified by the vice-chancellor;
 - 15 (f) such teachers as may be elected to be members of the senate in accordance with paragraph 5 of this Schedule (hereafter in this Schedule referred to as "elected members").

- 4.—(1) The vice-chancellor shall be the chairman at all meetings of the senate when he is present; and when he is not present the deputy vice-chancellor, or in his absence such other member of the senate present at the meeting as the senate may appoint for that meeting, shall be the chairman at the meeting.

(2) The quorum of the senate shall be twenty; and subject to the foregoing subparagraph the senate may regulate its own procedure.

- 25 (3) An elected member may, by notice to the senate, resign his office.

- 5.—(1) Subject to subparagraph (5) of this paragraph, there shall be elections for the selection of elected members which shall be held in the prescribed manner on such day in the month of May or June in each year as the vice-chancellor may from time to time determine, and at which all members of congregation shall be entitled to vote.

(2) Regulations shall secure that voting at elections held in pursuance of this paragraph is by secret ballot and that votes are cast either in person or by post.

- 35 (3) The number of persons to be elected at any election held in pursuance of this paragraph in any year shall be one half, or the nearest whole number less than one half, of the total of non-elected members, so however that the said number of persons shall be reduced by the number of elected members whose periods of office do not expire during that year.

- 40 (4) An elected member shall hold office for the period of two years beginning with the first day of August in the year of his election, and may be a candidate at any election held in pursuance of this paragraph in the year in which his period of office expires, so however that no person shall be such a candidate if at the end of his current period of office he will have held office as an elected member for a continuous period of six years or would have so held office if he had not resigned it.

45 (5) No election shall be held in pursuance of this paragraph in any year if the number specified in the certificate given in pursuance of the next following subparagraph does not exceed by more than one

the figure which is twice the number of those elected members holding office on the date of the certificate who do not vacate office during that year in pursuance of the last foregoing subparagraph ; but for the avoidance of doubt it is hereby declared that no person shall be precluded from continuing in or taking office as an elected member by reason only of a reduction in the total of non-elected members occurring on or after the thirtieth day of April in any year in which he is to continue in or take office as an elected member. 5

(6) In this paragraph, "total of non-elected members" means, as respects any year, such number as may be certified by the vice-chancellor on the thirtieth day of April of that year to be the number of persons holding office as members of the senate on that day otherwise than as elected members. 10

Congregation

6.—(1) Congregation shall consist of— 15

(a) the vice-chancellor and the deputy vice-chancellor ;

(b) all teachers within the meaning of this Act ; and

(c) the persons holding such other appointments at the university as the council, after consultation with the vice-chancellor, may from time to time determine. 20

(2) Subject to section three of this Act, the vice-chancellor shall be the chairman at all meetings of congregation when he is present and when he is not present the deputy vice-chancellor, or in his absence such other member of congregation present at the meeting as congregation may appoint for that meeting, shall be the chairman at the meeting. 25

(3) The quorum of congregation shall be one-third, or the whole number nearest to one-third, of the total number of members of congregation.

(4) A certificate signed by the vice-chancellor specifying—

(a) the total number of members of congregation for the purposes of any particular meeting or meetings of congregation ; or 30

(b) the names of the persons who are members of congregation during a particular period,

shall be conclusive evidence of that number or, as the case may be, of the names of those persons. 35

(5) Subject to the foregoing provisions of this paragraph, congregation may regulate its own procedure.

7. Congregation shall have such functions, in addition to the functions of appointing members of the council, as may be provided by statute. 40

Convocation

8. Convocation shall consist of—

(a) the officers of the university mentioned in the First Schedule to this Act ;

(b) all teachers within the meaning of this Act ; and 45

(c) all other persons whose names are registered in accordance with the next following paragraph.

9.—(1) A person shall be entitled to have his name registered as a member of convocation if—

(a) he is either a graduate or a person satisfying such requirements as may be prescribed for the purposes of this paragraph ; and 50

(b) he applies for the registration of his name in the prescribed manner and pays the prescribed fees ;

and regulations shall provide for the establishment and maintenance of a register for the purposes of this paragraph and, subject to the next following subparagraph, may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.

(2) The person responsible for maintaining the register shall, without the payment of any fee, ensure that the names of all persons who are for the time being members of convocation by virtue of paragraph (a) or (b) of paragraph 8 above are entered and retained on the register.

(3) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register, or a copy of the register, at the principal offices of the university at all reasonable times.

(4) The register shall be conclusive evidence that any person named therein is, and that any person not named therein is not, a member of convocation ; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.

10.—(1) The quorum of convocation shall be one-third, or the whole number nearest to one-third, of the total number of members of convocation.

(2) Subject to section three of this Act, the vice-chancellor shall be the chairman at all meetings of convocation when he is present, and when he is not present the deputy vice-chancellor, or in his absence such other member of convocation present at the meeting as convocation may appoint for that meeting, shall be the chairman at the meeting.

11. Convocation shall have such functions, in addition to the function of appointing a member of the council, as may be provided by statute.

THIRD SCHEDULE

Section 5.

Organisation of faculties

Branches of the faculty

1. The faculty shall be divided into two or more branches in the prescribed manner.

The faculty board

2.—(1) The faculty shall be under the direct control of a body, to be known as the faculty board (and hereafter in this Schedule referred to as "the board"), which shall consist of—

(a) the vice-chancellor and the deputy vice-chancellor ;

(b) the persons severally in charge of the branches of the faculty ;

(c) such of the teachers assigned to the faculty and having the prescribed qualifications as the board may determine ; and

(d) such persons, whether or not members of the university, as the board may determine with the general or special approval of the senate.

(2) The quorum of the board shall be three or one-third (or the whole number nearest to one-third) of the members for the time being of the board, whichever is the greater; and, subject to paragraph 3 of this Schedule and to any provision made by regulations in the behalf, that board may regulate its own procedure.

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The dean of the faculty

3.—(1) The board shall, in the prescribed manner, from time to time appoint one of the professors assigned to the faculty to be the dean of the faculty; and the person so appointed shall, on his appointment being confirmed by the senate, hold office as dean on such terms (including terms as to the period of tenure of office) as may be prescribed.

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(2) The dean shall be the chairman at all meetings of the board when he is present.

(3) It shall be a function of the dean to present to congregation for the conferment of degrees persons who have qualified for degrees of the university at examinations held in the branches of learning for which responsibility is allocated to the faculty.

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Section 7.

FOURTH SCHEDULE

Transitional provisions as to property, etc.

Transfer of property

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1.—(1) Every agreement to which the college was a party immediately before the appointed day, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned by the college, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this subparagraph, have effect from the appointed day, so far as it relates to property transferred by this Act to the university, as if—

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(a) the university had been a party to the agreement;

(b) for any reference (however worded and whether express or implied) to the college there were substituted, as respects anything falling to be done on or after the appointed day, a reference to the university; and

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(c) for any reference (however worded and whether express or implied) to an authority or officer of the college there were substituted, as respects anything falling to be done on or after the appointed day, a reference to the authority or officer of the university who corresponds as nearly as may be to the authority or officer in question of the college.

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(2) Other documents, including enactments, which refer, whether specially or generally, to the college shall be construed in accordance with subparagraph (1) of this paragraph so far as applicable.

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(3) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by the operation of any of them or of section seven of this Act, any right, liability or obligation vests in the university, the university and all other persons shall, as from the appointed day, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making

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or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the university.

- 5 (4) Any legal proceedings or application to any authority pending on the appointed day by or against the college and relating to property transferred by this Act to the university may be continued on or after that day by or against the university.

- 10 (5) If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property aforesaid; and it shall be the duty of the council
15 to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

Transfer of functions, etc.

- 20 2.—(1) The first meeting of the council shall be convened by the Minister for such date (not being later than three months after the appointed day) and in such manner as he may determine; and the Minister may give directions as to the procedure and agenda for that meeting.

- 25 (2) The council of the college shall be deemed to be the council of the university until the date determined in pursuance of the foregoing subparagraph, and shall cease to exist on that date.

(3) The foregoing provisions of this paragraph shall apply to the senates of the university and the college as they apply to the councils of the university and the college.

- 30 (4) Any person who, immediately before the appointed day, held office as the chairman or a nominated or co-opted member of the council of the college by virtue of any provision repealed by this Act shall on that day become the pro-chancellor or, as the case may be, a member of the council of the university, and shall be deemed—

- 35 (a) to have been appointed to that office in pursuance of the provision of this Act corresponding to the repealed provision in question; and

- (b) to have been so appointed on the date on which he took office, or last took office, in pursuance of the relevant repealed provision;
40 and for the purposes of this subparagraph the provisions of subparagraphs (i) and (ii) of paragraph (a) of Statute 3 set out in the First Schedule to the University College, Ibadan, Act shall be treated as corresponding to the provisions of paragraph (c) of subparagraph (1) of paragraph 1 of the Second Schedule to this Act.

- 45 (5) The faculties, faculty boards and students of the college shall, on the appointed day, become faculties, faculty boards and students of the university; and, without prejudice to the generality of the provisions of this Schedule relating to the transfer of property, any person who, immediately before the appointed day, was a member of the
50 staff of the college within the meaning of the University College, Ibadan, Act shall on that day become the holder of an appointment at the

university with the status, designation and functions which correspond as nearly as may be to those which appertained to him in his capacity as a member of that staff.

(6) For the purposes of paragraph 5 of the First Schedule to this Act, a person holding office as deputy vice-chancellor by virtue of this Schedule shall be treated as having held that office during any period when he was vice-principal of the college, and as having been appointed to that office on the first day of August of the year in which his appointment as vice-principal was last renewed.

(7) All regulations, rules and similar instruments made for the purposes of the college and in force immediately before the appointed day shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf, have effect, with any necessary modifications, as if duly made for the corresponding purposes of the university.

(787)

CUSTOMS AND EXCISE BILL

EXPLANATORY MEMORANDUM

This Bill seeks to make a number of minor amendments to the customs and excise laws.

Clause 1 provides for exemption from customs duty of goods which are exported temporarily.

Clause 2 empowers the Board, in cases where it would be inequitable to charge the full duty on composite goods, to charge duty on the goods by reference to the rates of duty applicable to the ingredients contained in the goods.

Clause 3 provides for exempting from excise duty spirits manufactured in Nigeria which are exported or loaded as stores in accordance with the customs or excise laws.

Clause 4 provides for the warehousing of dutiable goods which are manufactured in Nigeria and are subject to excise duty, in the same way as imported goods may at present be warehoused.

Clause 5 empowers the Board to require the holder of an excise licence to provide suitable living accommodation for an excise officer whose duties require him to reside on or near the licensed premises.

Clause 6 enables the Board to require a person who claims repayment of excess duty to defray the administrative expenses of the Board in connection with the repayment.

Clause 7 provides for the arming of all members of the Customs Preventive Service while they are under the personal supervision of an officer not below the rank of Senior Preventive Officer.

Clause 8 empowers any officer authorised in writing by the Board to search any premises licensed under the Liquor (Licensing) Act, 1959, and provides, among other things, for the forfeiture of liquor licences in connection with offences under the clause.

F. S. OKOTIE-BOH,
Minister of Finance

ARRANGEMENT OF CLAUSES

Clause

- | | |
|--|--|
| 1. Exemption from customs duties of goods temporarily exported.
2. Relaxation of import duty on composite goods.
3. Exemption from excise duty of exported spirits.
4. Extension to all dutiable goods of provisions as to warehousing. | 5. Provision of living accommodation for officers at premises licensed for excise purposes.
6. Recovery of Board's expenses in refunding excess payments of duty.
7. Possession of arms by members of Customs Preventive Service.
8. Power of officers to search licensed premises.
9. Short title, extent and construction. |
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A BILL FOR

AN ACT TO AMEND THE LAW RELATING TO CUSTOMS AND EXCISE.

[

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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. Where—
- 5 (a) any goods are entered outwards for the purpose of being exported from Nigeria ; and
- (b) by virtue of section five of the Customs Tariff Act, 1958 (which relates to export duties) a duty of customs is chargeable on the goods ; and
- 10 (c) the Board of Customs and Excise is satisfied that it is proposed to import those goods into Nigeria within such period as the Board may determine in the case of those goods ;
- the Board may, either unconditionally or on such conditions as the Board may determine, allow the goods to be exported from and subsequently
- 15 imported into Nigeria without payment of any customs duty.

Exemption
from
customs
duties of
goods
temporarily
exported.
No. 60 of
1958.

2.—(1) Where—

- (a) any imported goods are, apart from this section, chargeable with a duty of customs in accordance with subsection (1) of section twelve of the Customs Tariff Act, 1958 (which provides that, subject to certain
- 20 safeguards, the duty on goods of which a part or ingredient is a dutiable article or dutiable articles shall be charged as if the goods consisted wholly of that article, or of such of those articles as is chargeable with the highest rate of duty) ; and
- (b) it appears to the Board inequitable that the goods should be so
- 25 chargeable,
- then, subject to the provisions of subsection (2) of that section,—
- (i) the goods shall be treated as comprising only those articles which form a part or ingredient of the goods and which would be chargeable with such a duty if imported separately (excluding any of them of
- 30 which, in the opinion of the Board, the quantity is negligible) ; and

Relaxation
of import
duty on
composite
goods.

(ii) the amount of the duty in respect of the goods shall be the amount or aggregate amount which would have been chargeable on the article or articles taken into account in accordance with paragraph (i) above if it or they had been imported separately.

1961,
No. 44.

(2) The Customs Tariff (Amendment) Act, 1961 (which amended the said section twelve) is hereby repealed and shall be deemed never to have been enacted.

Exemption
from excise
duty of
exported
spirits.

3.—(1) The Governor-General may by regulations provide for the exportation and loading as stores of spirits without the payment of any excise duty chargeable on spirits apart from this section.

(2) Regulations under this section may make different provision for different circumstances and may contain such incidental and supplementary provisions as the Governor-General considers expedient for the purposes of the regulations, including in particular provision for the imposition of fines in respect of offences against the regulations (not exceeding a fine of two hundred pounds for each offence) and provision for forfeitures in connection with such offences.

Extension to
all dutiable
goods of
provisions
as to
warehousing.
No. 55 of
1958.

4. Nothing in the customs or excise laws shall be construed as limiting to imported goods the provisions of those laws relating to the warehousing of goods; and accordingly the words "upon first importation" in section seventy-three of the Customs and Excise Management Act, 1958, the words "on first importation" in subsection (1) of section seventy-four of that Act, and the words "on importation" in subsection (2) of section seventy-eight of that Act are hereby repealed.

Provision
of living
accommoda-
tion for
officers at
premises
licensed for
excise
purposes.

5. The requirements which the Board is authorised to impose on the holder of an excise licence by subsection (1) of section one hundred and eleven of the Customs and Excise Management Act, 1958, shall include the requirement to provide at his own expense and lease to the Board, on such reasonable terms as the Board may determine, living accommodation which the Board considers suitable for occupation by, and by the household of, any officer charged with duties which, in the opinion of the Board, make it desirable that he should reside on or near the premises for which the excise licence in question is granted; and the provisions of subsection (2) of that section (which provide for the revocation or suspension of an excise licence for failure to comply with a requirement made in pursuance of the said subsection (2)) shall have effect accordingly.

Recovery of
Board's
expenses in
refunding
excess
payments of
duty.

6. Where a claim is made to the Board for the repayment of any sum in respect of an amount paid by way of duty in excess of the amount chargeable in respect of that duty, the Board may if it thinks fit require the claimant to defray, in accordance with such reasonable scales as the Board may determine, the administrative expenses incurred by the Board in connection with the repayment.

Possession
of arms by
members of
Customs
Preventive
Service.
1962, No. 26.

7. The authorisation to possess and control arms and ammunition given by the Customs Preventive Service (Firearms) Act, 1962, to members of the Customs Preventive Service not below the rank of Assistant Superintendent shall extend to officers of that service not below the rank of Senior Preventive Officer, and to members of that service below that rank when, but only when, they are acting under the personal supervision of such an officer.

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8.—(1) Any officer who is authorised in writing by the Board to exercise the powers conferred by this subsection may, for the purpose of enforcing the customs or excise laws, at any time, on production if so required of his authority and if need be by force, enter and search any premises in respect of which he reasonably believes that a licence under the Liquor (Licensing) Act, 1959, is in force and any room or place adjacent to and communicating with the premises.

Power of officers to search licensed premises.

No. 39 of 1959.

(2) Any person who obstructs an officer acting in pursuance of the foregoing subsection shall be liable on summary conviction to imprisonment for a term not exceeding two years or to a fine of an amount not exceeding five hundred pounds or to both; and where a person who has committed an offence under this subsection is the manager or servant of the holder of such a licence as aforesaid in respect of the premises in question, the holder also shall be deemed to have committed the like offence and shall be liable to be proceeded against and punished accordingly.

(3) The provisions of paragraph (c) of section twenty, section forty-two and section forty-five of the said Act of 1959 (which provide for the endorsement on licences of convictions under that Act and for the refusal and forfeiture of licences) shall apply in relation to a conviction under this section as they apply in relation to a conviction under that Act.

9.—(1) This Act may be cited as the Customs and Excise Act, 1962, and shall apply throughout the Federation, except that section eight of this Act shall apply only to the Federal territory.

Short title, extent and construction.

(2) This Act shall be construed as one with the Customs and Excise Management Act, 1958.

EXPLANATORY MEMORANDUM

The Provincial Administration Law, 1962, of Northern Nigeria designates the Ministers of the Region responsible for administering provinces as Provincial Commissioners, and transfers to them the functions of the Residents in so far as it is within the power of the Regional Legislature to do so.

This Bill makes the consequential adaptation necessary for transferring to the Provincial Commissioners the functions conferred on the Residents by Federal law.

ABUBAKAR TAFAWA BALEWA,
Prime Minister

A BILL

FOR

AN ACT TO PROVIDE FOR REFERENCES TO THE RESIDENT IN ANY FEDERAL LAW TO HAVE EFFECT, IN RELATION TO NORTHERN NIGERIA, AS REFERENCES TO THE PROVINCIAL COMMISSIONER.

[15th September, 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. Any reference to the Resident in any enactment contained in,
5 or in force by virtue of, an Act of Parliament shall have effect, as respects the operation of that enactment in relation to Northern Nigeria, as a reference to the Provincial Commissioner within the meaning of the Provincial Administration Law, 1962, of Northern Nigeria.

Construction
of references
to the
Resident.

- 2.—(1) This Act may be cited as the Provincial Commissioners
10 (Northern Nigeria) Act, 1962, and shall apply throughout the Federation.

Short title,
extent and
commence-
ment.

(2) This Act shall be deemed to have come into force on the fifteenth day of September, one thousand nine hundred and sixty-two (being the date on which the Law aforesaid came into force).