

THE UNIVERSITY OF LAGOS DECREE 1967



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SCHEDULES

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Decree No. 3

[See section 27 (2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

Constitution and functions of the University and its constituent bodies etc.

1.—(1) As from the appointed day the university established by the University of Lagos Act 1962 (hereafter in this Decree referred to as "the 1962 Act") shall be a body corporate by the name of the University of Lagos (hereafter in this Decree referred to as "the University") and shall be constituted in accordance with the provisions of this Decree.

Incorporation and objects of the University.
1962 No. 1.

(2) The University shall have perpetual succession and a common seal.

(3) The objects of the University shall be—

(a) to encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring a higher education;

(b) to provide courses of instruction and other facilities for the pursuit of learning in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them;

(c) to encourage, promote and conduct research in all fields of learning and human endeavour; and

(d) to undertake any other activities appropriate for a university of the highest standard.

2.—(1) There shall be established within the University, as integral parts thereof—

(a) a college which shall be a body corporate by the name of the College of Medicine of the University of Lagos; and

(b) a college which shall be a body corporate by the name of the College of Education of the University of Lagos.

(2) Each of the said colleges shall have perpetual succession and a common seal.

Establishment and objects of Colleges of Medicine and Education within the University.

(3) The objects of the College of Medicine shall be—

(a) to provide courses of instruction leading to degrees, diplomas, certificates and other university distinctions in medical studies and such related studies as may be prescribed;

(b) to provide special training courses, whether leading to university distinctions or not, for such persons as may be prescribed, taking into account at all times the requirements of the Federal Ministry of Health;

(c) to conduct research, with particular reference to research in the field of medical science;

(d) to arrange conferences, seminars, study groups and like activities; and

(e) to perform such other functions as may be conferred on it by statute.

(4) The objects of the College of Education shall be—

(a) to provide courses of instruction leading to degrees, diplomas, certificates and other university distinctions in education and such related studies as may be prescribed ;

(b) to provide special training courses in educational or related subjects, whether leading to university distinctions or not, for such persons as may be prescribed, taking into account at all times the requirements of the Federal Ministry of Education ;

(c) without prejudice to paragraph (b) above, to produce at all times, as the successor of the Federal Advanced Teachers College, an adequate supply of well-qualified non-graduate teachers in accordance with the requirements of the Federal Ministry of Education ;

(d) to conduct research, with particular reference to research in the field of education ;

(e) to arrange conferences, seminars, study groups and like activities ; and

(f) to perform such other functions as may be conferred on it by statute.

3.—(1) The University shall consist of—

(a) a chancellor ;

(b) a pro-chancellor and a council ;

(c) a vice-chancellor and a senate ;

(d) a body to be called congregation ;

(e) a body to be called convocation ;

(f) the colleges of the University and their respective courts of governors and academic boards ;

(g) the faculties, schools, institutes and other teaching units of the University ;

(h) the persons holding the offices constituted by Schedule 1 of this Decree other than those mentioned in paragraphs (a) to (c) above ;

(i) all graduates and undergraduates ; and

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

(2) Schedule 1 of this Decree shall have effect with respect to the principal officers of the University there mentioned.

(3) Provision shall be made by statute with respect to the constitution of the following bodies, namely the council, the senate, congregation, convocation, and the courts of governors and academic boards of the colleges.

4.—(1) For carrying out its objects as specified in section 1 of this Decree the University shall have power—

(a) to establish such colleges, faculties, institutes, schools, extra-mural departments and other teaching units within the University as may from time to time seem necessary or desirable ;

(b) to institute professorships, readerships, lectureships and other posts and offices and to make appointments thereto ;

Constitution and principal officers of the University.

Powers of the University, and their exercise.

(c) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance ;

(d) to provide for the residence, discipline and welfare of members of the University ;

(e) to hold examinations and grant degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down ;

(f) to grant honorary degrees, fellowships or academic titles ;

(g) to demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may from time to time determine ;

(h) subject to section 22 of this Decree, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate ;

(i) to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto ;

(j) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents ;

(k) to erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things (whether in Nigeria or elsewhere) necessary or suitable or convenient for any of the objects of the University ;

(l) to hold public lectures and to undertake publishing and bookselling ;

(m) subject to any limitations or conditions imposed by statute, to invest any moneys appertaining to the University by way of endowment, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investments or securities or in the purchase or improvement of land, with power from time to time to vary any such investments, and to deposit any moneys for the time being uninvested with any bank on deposit or current account ;

(n) to borrow, whether at interest or not and if need be upon the security of any or all of the property movable or immovable of the University, such moneys as the council may from time to time in its discretion find it necessary or expedient to borrow ;

(o) to make gifts for any charitable purpose ;

(p) to do anything which it is authorised or required by this Decree or by statute to do ;

(q) to do all such acts or things, whether or not incidental to the foregoing powers, as may advance the objects of the University.

(2) Subject to the provisions of this Decree and of the statutes and without prejudice to section 8 (2) of this Decree, the powers conferred on the University by subsection (1) above shall be exercisable on behalf of the University by the council or by the senate or in any other manner which may be authorised by statute.

(3) The power of the University to establish further colleges within the University shall be exercisable by statute and not otherwise.

Functions of the chancellor and pro-chancellor.

5.—(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.

(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.

Functions of the council and its finance and general purposes committee.

6.—(1) Subject to the provisions of this Decree relating to the visitor, the council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University, including its public relations.

(2) 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 other than that of the colleges, and perform such other functions of the council as the council may from time to time delegate to it.

(3) Provision shall be made by statute with respect to the constitution of the finance and general purposes committee.

(4) The council shall ensure that proper accounts of the University and the colleges are kept and that the accounts of the University and of each of the colleges are audited annually by an independent firm of auditors approved by the Permanent Secretary, Federal Ministry of Education, and that an annual report is published by the University together with certified copies of the said accounts as audited.

(5) Subject to this Decree and the statutes, the council and the finance and general purposes committee may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.

(6) Rules made under subsection (5) above by the finance and general purposes committee shall not come into force unless approved by the council; and in so far as any rules so made by that committee conflict with any directions given by the council (whether before or after the coming into force of the rules in question), the directions of the council shall prevail.

(7) There shall be paid to the members of the council, of the finance and general purposes committee and of any other committee set up by the council respectively allowances in respect of travelling and other reasonable expenses, at such rates as may from time to time be fixed by the council.

(8) The council shall meet as and when necessary for the performance of its functions under this Decree, and shall meet at least three times in every year.

(9) Any three members of the council may by notice in writing signed by them require the pro-chancellor to convene a special meeting of the council.

Functions of the senate.

7.—(1) Subject to section 6 of this Decree and subsections (3) and (4) below, and to the provisions of this Decree relating to the visitor, it shall be the general function of the senate to organise and control the teaching of the University and the admission and discipline of students, and to promote research at the University.

(2) Without prejudice to the generality of subsection (1) above 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, schools, institutes, and other teaching units of the University, and the allocation of responsibility for different branches of learning;

(b) the organisation and control of courses of study at the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;

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

(d) 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;

(e) the selection of persons for admission as students of the University;

(f) the establishment, organisation and control of halls of residence and similar institutions at the University;

(g) the supervision of the welfare of students at the University and the regulation of their conduct;

(h) the granting of fellowships, scholarships, prizes and similar awards, in so far as the awards are within the control of the University; and

(i) 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 shall not establish any new faculty, school, institute or other teaching units of the University, or any hall of residence or similar institution at the University, without the approval of the council.

(4) Subject to this Decree and the statutes, 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 or for the purpose of making provision for any matter for which provision by regulations is authorised or required by this Decree or by Statute.

(5) Regulations shall provide that at least one of the persons appointed as the examiners at each final or professional examination held in conjunction with any course of study of 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.

(6) Subject to a right of appeal to the council from a decision of the senate under this subsection, and to the chancellor from a decision of the council on such an appeal, the senate may deprive any person of any degree, diploma or other award of the University which has been conferred upon him if after due enquiry he is shown to have been guilty of dishonourable or scandalous conduct in obtaining that award.

8.—(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 5 of this Decree, except the pro-chancellor and any other person for the time being acting as chairman of the council.

(2) Subject to sections 6 and 7 of this Decree and the provisions of this Decree relating to the visitor, the vice-chancellor shall have the general function, in addition to any other functions conferred on him by this Decree

Functions of
the vice-
chancellor.

or otherwise, of directing the activities of the University, and shall be the chief executive and academic officer of the University and ex officio chairman of the senate.

Status,
constitution
and powers
of colleges.

9.—(1) Any college established by statute shall, like the College of Medicine and the College of Education, be a body corporate; and provision shall be made by statute with respect to the constitution of any college so established.

(2) The College of Medicine, the College of Education, and any college established by statute, shall have power to own and, subject to subsection (3) below, to manage its own property.

(3) The College of Medicine, the College of Education and any other college established by the University—

(a) shall be subject to the control of the senate as regards academic matters; and

(b) shall be subject to the overall control of the council as regards non-academic matters.

(4) Schedule 2 of this Decree shall have effect with respect to the constitution and powers of the College of Medicine and the College of Education.

*Transfer of property, etc. to the University and to the College of
Medicine and Education*

10.—(1) On the appointed day—

(a) all property held immediately before that day by or on behalf of the provisional council 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) all property held immediately before that day by or on behalf of the medical school council shall, by virtue of this subsection and without further assurance, vest in the College of Medicine and be held by it for the purposes of the College of Medicine; and

(c) all such property held by the Head of the Federal Military Government on behalf of or in trust for the Federation, or by the Federal Ministry of Education, as immediately before the appointed day was being used or applied for the purposes of the Federal Advanced Teachers College or stood appropriated for use or application for those purposes shall, by virtue of this subsection and without further assurance, vest in the College of Education and be held by it for the purposes of the College of Education; and

(d) the provisional council, the medical school council and the Federal Advanced Teachers College shall cease to exist; and

(e) the 1962 Act, the University of Lagos Act (Amendment) Decree 1966 and, subject to subsection (3) below, any instruments in force by virtue of the 1962 Act shall cease to have effect.

(2) A certificate signed by the Permanent Secretary, Federal Ministry of Education, stating that any particular property held as mentioned in subsection (1) (c) above was or was not being used or applied for the purposes of the Federal Advanced Teachers College immediately before the appointed

Transfer of
property,
functions,
etc.

day or did or did not stand appropriated for use or application for those purposes immediately before that day shall be conclusive evidence of the matters stated in the certificate.

(3) The provisions of Schedule 3 of this Decree shall have effect with respect to, and to matters arising from, the transfer of property by this section and with respect to the other matters mentioned in that Schedule,

Statutes of the University

11.—(1) Subject to this Decree, the University may make statutes for any of the following purposes, that is to say—

Power of University to make statutes.

(a) making provision with respect to the composition and constitution of any authority of the University ;

(b) specifying and regulating the powers and duties of any authority of the University, and regulating any other matter connected with the University or any of its authorities ;

(c) regulating the admission of students and their discipline and welfare ;

(d) determining whether any particular matter is to be treated as an academic or a non-academic matter for the purposes of this Decree and of any statute, regulation or other instrument made thereunder ;

(e) making provision for any other matter for which provision by statute is authorised or required by this Decree.

(2) Subject to section 25 (6) of this Decree, the Interpretation Act 1964 shall apply in relation to any statute made under this section as it applies to a subsidiary instrument within the meaning of section 27 (1) of that Act.

1964 No. 1.

(3) The Statute contained in Schedule 4 of this Decree shall come into force on the appointed day and shall be deemed to have been made under this section.

(4) The power to make statutes conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the Statute contained in Schedule 4 of this Decree or any subsequent statute.

12.—(1) The power of the University to make statutes shall be exercised in accordance with the provisions of this section and not otherwise.

Mode of exercising power to make statutes.

(2) A proposed statute shall not become law unless it has been approved—

(a) at a meeting of the senate, by the votes of not less than two-thirds of the members present and voting ; and

(b) at a meeting of the council, by the votes of not less than two-thirds of the members present and voting.

(3) A proposed statute which provides for the establishment of a new college or for the amendment or revocation of any statute whereby a college is established may originate only in the senate, and must be approved as required by subsection (2) above by the senate before being so approved by the council.

(4) Subject to subsection (3) above, a proposed statute may originate either in the senate or in the council, and may be approved as required by subsection (2) above by either one of those bodies before the other.

(5) A statute which—

(a) makes provision for or alters the composition or constitution of the council, the senate or any other authority of the University; or

(b) provides for the establishment of a new college or for the amendment or revocation of any statute whereby a college is established,

shall not come into operation unless it has been approved by the Federal Executive Council.

(6) For the purposes of section 1 (2) of the Interpretation Act 1964 a statute shall be treated as being made on the date on which it is duly approved by the council after having been duly approved by the senate, or on the date on which it is duly approved by the senate after having been duly approved by the council, as the case may be or, in the case of a statute falling within subsection (5) above, on the date on which it is approved by the Federal Executive Council.

Proof of statutes.

13. A statute may be proved in any court by the production of a copy thereof bearing or having affixed to it a certificate purporting to be signed by the vice-chancellor, the deputy vice-chancellor or the registrar to the effect that the copy is a true copy of a statute of the University.

Power of visitor to decide meaning of statutes.

14.—(1) In the event of any doubt or dispute arising at any time as to the meaning of any provision of a statute, the matter may be referred to the visitor, who shall take such advice and make such decision thereon as he shall think fit.

(2) The decision of the visitor on any matter referred to him under this section shall be binding upon the authorities, staff and students of the University, and where any question as to the meaning of any provision of a statute has been decided by the visitor under this section, no question as to the meaning of that provision shall be entertained by any court of law in Nigeria:

Provided that nothing in this subsection shall affect any power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution of the Federation.

1963 No. 20.

(3) The foregoing provisions of this section shall apply in relation to any doubt or dispute as to whether any matter is for the purposes of this Decree an academic or a non-academic matter as they apply in relation to any such doubt or dispute as is mentioned in subsection (1) above; and accordingly the references in subsection (2) above to any question as to the meaning of any provision of a statute shall include references to any question as to whether any matter is for the said purposes an academic or a non-academic matter.

Supervision and discipline

The visitor.

15.—(1) The Head of State of Nigeria shall be the visitor of the University.

(2) The visitor 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.

(3) It shall be the duty of the bodies and persons comprised in the University—

(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 Decree which may be given by the visitor in consequence of a visitation.

16.—(1) If it appears to the visitor that the chancellor should be removed from office on the ground of misconduct or of inability to perform the functions of his office, the visitor may by notice in the Federal Gazette remove the chancellor from office.

(2) If it appears to the council that the pro-chancellor or a member of the council (other than an ex officio member) should be removed from office on either of the grounds aforesaid, the council shall make a recommendation to that effect through the chancellor to the visitor, and if the visitor, 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.

(3) If it appears to the court of governors of a college that the chairman or a member of that court (other than an ex officio member) should be removed from office on either of the grounds aforesaid, the court shall make a recommendation to that effect through the council and the chancellor to the visitor; and if the visitor 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.

(4) It shall be the duty of the visitor, on signing an instrument of removal 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.

17.—(1) If it appears to the council that there are reasons for believing that the vice-chancellor, the deputy vice-chancellor, the provost of a college or any other person employed as a member of the academic or administrative staff of the University or a college should be removed from his office or employment on the ground of misconduct or of inability to perform the functions of his office or employment the council shall—

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

(b) make arrangements—

(i) for a joint committee of the council and the senate to investigate the matter, where it relates to the vice-chancellor, the deputy vice-chancellor, the provost of a college, or the registrar, and to report on it to the council; or

(ii) for a committee of the senate to investigate the matter, where it relates to any other member of the staff of the University, and to report on it to the senate and to the council; and

(c) make arrangements for the person in question or his representative to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter;

Removal of chancellor, pro-chancellor, chairman of court of governors and certain members of council or court of governors.

Removal of academic and administrative officers and staff.

and if the council, after considering the report of the investigating committee, 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.

(2) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) above 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.

(3) If it appears—

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

(b) in the case of the deputy vice-chancellor, the provost of a college or any other person employed as mentioned in subsection (1) above, to the vice-chancellor,

that the person in question should be removed from his office or employment in on either of the grounds mentioned in the said subsection (1), the council or, as the case may be, the vice-chancellor may by a notice signed on the directions of the council or by the vice-chancellor, prohibit him from exercising the functions of his office or 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.

(4) Nothing in subsection (3) above shall be construed as affecting a person's entitlement to the emoluments of his office or employment during the period of any prohibition imposed in pursuance of that subsection.

(5) Nothing in the foregoing provisions of this section shall apply to employments of such descriptions as may be designated for the purposes of this subsection by statute or by regulations.

18.—(1) If it appears to the vice-chancellor that a person appointed as an examiner for any examination of the University ought to be removed from his office or 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 section 7 (5) of this Decree, the vice-chancellor may appoint an appropriate person as examiner in the place of the examiner removed in pursuance of this subsection.

(2) It shall be the duty of the vice-chancellor, on signing an instrument of removal 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.

19.—(1) Subject to the provisions of this section, where it appears to the vice-chancellor that any student of the University has been guilty of misconduct, the vice-chancellor may, without prejudice to any other disciplinary powers conferred on him by statute or regulations, direct—

(a) that 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 ; or

(b) that 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 ; or

Removal of
examiners.

Discipline
of students.

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

(d) that the student be expelled from the University.

(2) Where a direction is given under subsection (1) (c) or (d) above 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) The vice-chancellor may delegate his powers under this section to a disciplinary board consisting of such members of the University as he may nominate.

(5) As regards students of a college the vice-chancellor's powers under this section shall be exercisable by the provost of the college (who may delegate such powers to a disciplinary board), subject, in the case of rustication or expulsion, to an appeal to the vice-chancellor and thence to the council.

(6) The vice-chancellor may empower the master of a hall of residence to inflict punishment (short of rustication or expulsion) for breach of the hall rules.

(7) 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.

(8) It is hereby declared that a direction under subsection (1) (a) above may be combined with a direction under subsection (1) (b) above.

Miscellaneous and General

20. 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 Decree ; 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.

21. 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 land is acquired by the Federal Executive Council in pursuance of this section, the Federal Executive Council may, by a certificate under the hand and seal of the Chief Federal Land Officer, transfer it to the University or to any college of the University.

22. Neither the University nor any college of the University shall dispose of or charge any land or an interest in any land (including any land transferred to the University or a college by this Decree) except with the prior written consent, either general or special, of the Federal Executive Council :

Provided that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding twenty-one years or any lease or tenancy to a member of the University for residential purposes.

Exclusion of discrimination on account of race, religion, etc.

Compulsory acquisition of land.

Cap. 167.

Restriction on disposal of land by University or colleges.

Quorum and procedure of bodies established by this Decree.

23. Except as may be otherwise provided by statute or by regulations, the quorum and procedure of any body of persons established by this Decree shall be such as may be determined by that body.

Appointment of committees, etc.

24.—(1) Any body of persons established by this Decree shall, without prejudice to the generality of the powers of that body, have power to appoint committees, which need not consist exclusively of members of that body, and to authorise a committee established by it—

(a) to exercise, on its behalf, such of its functions as it may determine ; and

(b) to co-opt members,

and may direct whether or not co-opted members (if any) shall be entitled to vote in that committee.

(2) 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 statute or by regulations, the quorum and procedure of a committee established or meeting held in pursuance of this section shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.

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

(a) enabling statutes to be made otherwise than in accordance with section 12 of this Decree ; 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.

Miscellaneous administrative provisions.

25.—(1) The seal of the University and of each college shall be such as may be determined by the council and approved by the chancellor ; and the affixing of the seals shall be authenticated, in the case of the seal of the University, by any member of the council and by the vice-chancellor, registrar or any other person authorised by statute or, in the case of the seal of a college, by any member of the court of governors of the college and by the provost or secretary of the college or any other person authorised by statute.

(2) Any document purporting to be a document executed under the seal of the University or of a college 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 or a college by any person generally or specially authorised to do so by the council or the court of governors of the college, as the case may be.

(4) The validity of any proceedings of any body established in pursuance of this Decree 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.

(6) Nothing in section 12 of the Interpretation Act 1964 (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 Decree; but the power conferred by this Decree to make statutes or regulations shall include power to revoke or vary any statute (including the Statute contained in Schedule 4 of this Decree) or any 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.

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(7) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of section 10, section 21 or Schedule 3 of this Decree or of any transfer of property from the University to a college or from a college to the University.

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

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

Interpre-
tation.

“the 1962 Act” means the University of Lagos Act 1962;

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

“college” means the College of Medicine, the College of Education or any other college which may be established by the University;

“the College of Education and “the College of Medicine” mean respectively the College of Education of the University of Lagos and the College of Medicine of the University of Lagos established by this Decree;

“the council” means the council established by this Decree for the University;

“the Federal Advanced Teachers College” means the institution carried on under that name in the Federal territory and administered by the Federal Ministry of Education;

“graduate” means a person on whom a degree (other than an honorary degree) has been conferred by the University;

“the medical school council” means the medical school council established under the 1962 Act;

“notice” means notice in writing;

“officer” does not include the visitor;

“prescribed” means prescribed by regulations;

"professor" means a person designated as a professor of the University in accordance with provision in that behalf made by statute or by regulations ;

"property" includes rights, liabilities and obligations ;

"the provisional council" means the provisional council established under the 1962 Act ;

"regulations" means regulations made by the senate ;

"the senate" means the senate established by this Decree for the University ;

"statute" means a statute made by the University under section 11 of this Decree in accordance with the provisions of section 12 of this Decree, and "the statutes" means all such statutes as are in force from time to time ;

"student" means an undergraduate and any 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, whether within a college or otherwise ;

"undergraduate" means a person in statu pupillari at the University, other than—

(a) a graduate ; and

(b) a person of such description as may be prescribed for the purposes of this definition ;

"the University" means the University of Lagos as incorporated and reconstituted by this Decree.

(2) No office or appointment in any capacity under this Decree shall be or be construed to be an office of emolument under the state.

(3) It is hereby declared that where in any provision of this Decree it is laid down that proposals are to be submitted or a recommendation is to be made by one authority to another "through" one or more intermediate authorities, it shall be the duty of every such intermediate authority to forward any proposals or recommendations received by it in pursuance of that provision to the appropriate authority ; but any such intermediate authority may, if it thinks fit, forward therewith its own comments thereon.

27.—(1) This Decree may be cited as the University of Lagos Decree 1967 and shall apply throughout Nigeria.

(2) This Decree shall come into force on such date as the Permanent Secretary, Federal Ministry of Education, may by order published in the Federal Gazette appoint.

Section 3

SCHEDULES

SCHEDULE 1

PRINCIPAL OFFICERS OF THE UNIVERSITY

The Chancellor

1. The chancellor shall be appointed by the visitor.
2. The chancellor shall take office on the date when notice of his appointment is published in the Federal Gazette and, subject to the provisions of this Decree, 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 recommendation of the council :

Provided that the first pro-chancellor shall be appointed by the visitor.

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

The Vice-Chancellor

4.—(1) The first vice-chancellor of the University as reconstituted by this Decree shall be Saburi Oladeni Biobaku, Companion of the Distinguished Order of St. Michael and St. George, Master of Arts and Doctor of Philosophy.

(2) Subject to the provisions of this paragraph, the vice-chancellor shall be appointed in such manner as may be specified by statute.

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

The Deputy Vice-Chancellor

5.—(1) There shall be a deputy vice-chancellor, who shall assist the vice-chancellor in his duties and 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 absent or otherwise unable to perform his functions as vice-chancellor.

(2) The deputy vice-chancellor shall be appointed in such manner as may be specified by statute.

(3) Subject to the provisions of this Decree, the deputy vice-chancellor shall hold office for a period of two years beginning with the effective date of his appointment, and on such terms as to the emoluments of his office and otherwise as may be specified in his instrument of appointment.

(4) 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 the chief administrative officer of the University and shall be responsible to the vice-chancellor for the day to day administrative work of the University except as regards matters for which the bursar is responsible in accordance with sub-paragraph (3) below.

(2) The person holding the office of registrar shall by virtue of that office be secretary to the council, the senate, congregation and convocation.

(3) There shall be a bursar, who shall be the chief financial officer of the University and shall be responsible to the vice-chancellor for the day to day administration and control of the financial affairs of the University.

(4) There shall be a librarian who shall be responsible to the vice-chancellor for the administration of the University library and the co-ordination of all library services in the University and its colleges, faculties, schools, and institutes and other teaching units.

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(5) The officers aforesaid shall be appointed in such manner as may be specified by statute and shall hold office for such period and on such terms as to the emoluments of their offices and otherwise as may be specified in their instruments of appointment.

(6) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the vice-chancellor.

Resignation and re-appointment

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

- (a) in the case of the chancellor, by notice to the visitor ; and
- (b) in any other case, by notice to the council.

(2) Subject to paragraph 5 (4) above, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

Section 9

SCHEDULE 2

THE COLLEGES OF MEDICINE AND EDUCATION

The College of Medicine

1.—(1) There shall be a provost of the College of Medicine who shall be the head of that College.

(2) The said provost shall be appointed in such manner as may be specified by statute and shall hold office for such period and on such terms as to the emoluments of his office and otherwise as may be specified in his instrument of appointment.

2. There shall be a deputy-provost of the College of Medicine who shall be appointed in the prescribed manner and shall hold office for such period and on such terms as to the emoluments of his office and otherwise as may be prescribed.

3. There shall be a court of governors of the College of Medicine which, subject to sections 6 (1) and 9 (3) of this Decree, shall—

- (a) control the property and expenditure of the college ;
- (b) be responsible to the council for the submission of financial proposals relating to the college through the vice-chancellor to council ; and
- (c) employ such non-academic staff as appear to the court to be necessary and on such terms as the court may determine within the framework of the conditions of service governing the appointment of non-academic staff within the University.

4.—(1) There shall be an academic board of the College of Medicine which shall, in accordance with section 9 (3) of this Decree, be responsible to and subject to the control of the senate in all academic matters.

(2) The said academic board shall exercise such of the powers of the senate as may be delegated to it by the senate.

The College of Education

5.—(1) There shall be a provost of the College of Education who shall be the head of that College.

(2) The said provost shall be appointed in such manner as may be specified by statute and shall hold office for such period and on such terms as to the emoluments of his office and otherwise as may be specified in his instrument of appointment.

6. There shall be a deputy-provost of the College of Education who shall be appointed in the prescribed manner and shall hold office for such period and on such terms as to the emoluments of his office and otherwise as may be prescribed.

7. There shall be a court of governors of the College of Education which, subject to sections 6 (1) and 9 (3) of this Decree, shall—

(a) control the property and expenditure of the college ;

(b) be responsible for the submission of financial proposals relating to the college through the vice-chancellor to the council ; and

(c) employ such non-academic staff as appear to the court to be necessary and on such terms as the court may determine within the framework of the conditions of service governing the appointment of non-academic staff within the University.

8.—(1) There shall be an academic board of the College of Education which shall, in accordance with section 9 (3) of this Decree, be responsible to and subject to the control of the senate in all academic matters.

(2) The said academic board shall exercise such of the powers of the senate as may be delegated to it by the senate.

Provisions applicable to both of the said Colleges

9.—(1) For carrying out their respective objects as specified in section 2 of this Decree the College of Medicine and the College of Education (hereafter in this Schedule referred to as "the said Colleges") shall, subject to sections 6 (1) and 9 (3) of this Decree and any statutes or regulations for the time being in force, each have power—

(a) to institute posts and offices tenable at the College and to make appointments thereto ;

(b) to institute and award scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance ;

(c) to provide for the residence, discipline and welfare of members of the College ;

(d) to hold examinations and grant diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the College and have satisfied such other requirements as the College and the University may lay down ;

(e) to demand and receive from any student or any other person attending the College for the purpose of instruction such fees as the College may from time to time determine ;

(f) subject to section 22 of this Decree, to acquire, hold, grant, charge or otherwise deal with or disposal of movable and immovable property wherever situate ;

(g) to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto ;

(h) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents ;

(i) to erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things (whether in Nigeria or elsewhere) necessary or suitable or convenient for any of the objects of the College ;

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(j) to hold public lectures and to undertake publishing and bookselling ;
 (k) subject to any limitations or conditions imposed by statute, to invest any moneys appertaining to the College by way of endowment, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investments or securities or in the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any moneys for the time being uninvested with any bank on deposit or current account ;

(l) to borrow, whether at interest or not and if need be upon the security of any or all the property movable or immovable of the College, such moneys as the court of governors of the College may from time to time find it necessary or expedient to borrow ;

(m) to do anything which it is authorised or required by this Decree or by statute to do ;

(n) to do all such acts or things, whether or not incidental to the foregoing powers, as may advance the objects of the College.

(2) Subject to the provisions of this Decree and of any statute or regulations for the time being in force, the powers conferred on each of the said Colleges by sub-paragraph (1) above shall be exercisable on behalf of the College in question by the court of governors or the academic board thereof or in any other manner which may be authorised by statute.

10. Subject to this Decree and any statute or regulations for the time being in force, the court of governors and the academic board of each of the said Colleges may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.

11. There shall be paid to the members of the court of governors of each of the said Colleges and to the members of any committee set up by either of those courts of governors allowances in respect of travelling and other reasonable expenses, at such rates as may from time to time be fixed by the council.

12.—(1) There shall be a secretary of each of the said Colleges who shall be responsible to the provost of the College for the day to day administration of the affairs of the College.

(2) The person holding the office of secretary of either of the said Colleges shall by virtue of that office be secretary to the court of governors and the academic board of that College.

(3) The secretary of either of the said Colleges shall be appointed by the court of governors of that College and shall hold office for such period and on such terms as to the emoluments of his office and otherwise as may be specified in his instrument of appointment.

Section 10

SCHEDULE 3

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of property to University

1. Without prejudice to the generality of paragraph (a) of section 10 (1) of this Decree—

(a) the reference in that paragraph to property held by the provisional council shall include a reference to the right to receive and give a good discharge for any grants or contributions which may have been voted or promised to the provisional council ;

(b) all debts and liabilities of the provisional council outstanding immediately before the appointed day shall on that day become debts or liabilities of the University.

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2.—(1) All agreements, contracts, deeds and other instruments to which the provisional council was a party immediately before the appointed day shall, so far as possible and subject to any necessary modifications, have effect from the appointed day, as respects anything falling to be done on or after that day, as if the University had been a party thereto in place of the provisional council.

(2) Documents not falling within sub-paragraph (1) above, including enactments, which refer, whether specially or generally to the provisional council, shall be construed in accordance with that sub-paragraph so far as applicable.

(3) Any legal proceedings or application to any authority pending immediately before the appointed day by or against the provisional council may be continued on or after that day by or against the University.

Transfer of property to College of Medicine

3. Without prejudice to the generality of paragraph (b) of section 10 (1) of this Decree—

(a) the reference in that paragraph to property held by the medical school council, shall include a reference to the right to receive and give a good discharge for any grants or contributions which may have been voted or promised to the medical school council ;

(b) all debts and liabilities of the medical school council outstanding immediately before the appointed day shall on that day become debts or liabilities of the College of Medicine.

4.—(1) All agreements, contracts, deeds and other instruments to which the medical school council was a party immediately before the appointed day shall, so far as possible and subject to any necessary modifications, have effect from the appointed day, as respects anything falling to be done on or after that day, as if the College of Medicine had been a party thereto in place of the provisional council.

(2) Documents not falling within sub-paragraph (1) above, including enactments, which refer, whether specially or generally to the medical school council, shall be construed in accordance with that sub-paragraph so far as applicable.

(3) Any legal proceedings or application to any authority pending immediately before the appointed day by or against the medical school council may be continued on or after that day by or against the College of Medicine.

Transfer of property to College of Education

5. Without prejudice to the generality of paragraph (c) of section 10 (1) of this Decree, and subject to section 10 (2) of this Decree—

(a) the reference in that paragraph to such property held by the Federal Ministry of Education as immediately before the appointed day was being applied for the purposes of the Federal Advanced Teachers College shall include a reference to all such rights, liabilities and obligations

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vested in or incumbent on that Ministry immediately before that day as were acquired by that Ministry in connection with the Federal Advanced Teachers College, and in particular the right to receive and give a good discharge for any grants or contributions which may have been voted or promised to the said Ministry for the benefit of the Federal Advanced Teachers College ;

(b) all debts and liabilities of the Federal Advanced Teachers College outstanding immediately before the appointed day shall on that day become debts or liabilities of the College of Education.

6.—(1) All documents (including agreements, contracts, deeds and other instruments to which the Federal Ministry of Education or a representative thereof is a party, and including enactments) which refer, whether specially or generally, to the Federal Advanced Teachers College shall have effect from the appointed day, as respects anything falling to be done on or after that day, as if for any reference to the Federal Advanced Teachers College there were substituted a reference to the College of Education.

(2) Any legal proceedings or application to any authority pending immediately before the appointed day by or against the Government of the Federation in connection with the Federal Advanced Teachers College may be continued on or after that day by or against the College of Education.

Registration of transfers

7. If the law in force at the place where any property transferred by this Decree 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 body to which any property is transferred by this Decree 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.

8.—(1) The first meetings of the council and of the respective courts of governors of the Colleges of Medicine and of Education shall be convened by the visitor for such dates (not being later than three months after the appointed day) and in such manner as he may determine.

(2) The persons who immediately before the appointed day were members of the provisional council or of the medical school council shall respectively be deemed to constitute the council and the court of governors of the College of Medicine until the respective dates determined in pursuance of the sub-paragraph (1) above.

(3) The first meeting of the senate as reconstituted by this Decree shall be convened by the visitor for such date (not being later than three months after the appointed day) and in such manner as he may determine.

(4) The persons who immediately before the appointed day were members of the senate of the University of Lagos shall be deemed to constitute the senate of the University until the date determined in pursuance of sub-paragraph (3) above.

(5) Subject to any regulations which may be made by the senate after the date on which this Decree is made, the faculties, faculty boards and students of the University as constituted immediately before the appointed day shall on that day become faculties, boards of studies and students of the University as reconstituted by this Decree.

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(6) Persons who immediately before the appointed day were deans or vice-deans of faculties or schools or members of faculty boards shall on and after that day continue to be deans or vice-deans, or become members of the corresponding board of studies, until new appointments are made in pursuance of the statutes.

9.—(1) Any person who immediately before the appointed day, was a member of the staff of the University as established under the 1962 Act or was otherwise employed by the provisional council or the medical school council shall on that day become the holder of an appointment at the University or at the College of Medicine with the status, designation and functions which correspond as nearly as may be to those which appertained to him as a member of that staff or as such an employee.

(2) Subject to sub-paragraph (3) below, any member of the public service of the Federation who immediately before the appointed day was employed as a member of the teaching or non-teaching staff of the Federal Advanced Teachers College shall on that day cease to be a member of the public service of the Federation and instead become the holder of an appointment at the College of Education with the status, designation and functions which correspond as nearly as may be to those which appertained to him as a member of that staff.

(3) If any such person as is mentioned in sub-paragraph (2) above so elects by notice in writing given to the Public Service Commission of the Federation not later than three months after the commencement of this Decree, that person—

(a) shall be deemed to have been excepted from the operation of sub-paragraph (2) above; and

(b) shall continue to be a member of the public service of the Federation in accordance with such arrangements as may be agreed between the University and the Public Service Commission of the Federation.

Section 11

SCHEDULE 4

LAGOS UNIVERSITY STATUTE NO. 1

ARRANGEMENT OF ARTICLES

Article

1. The council.
2. The finance and general purposes committee.
3. The senate.
4. Congregation.
5. Convocation.
6. Organisation of academic work of the University.
7. Academic boards.
8. Boards of studies.

9. Deans of teaching units.
10. The court of governors of the College of Medicine.
11. The court of governors of the College of Education.
12. Selection of certain principal officers.
13. Creation of academic posts.
14. Appointment of academic staff.
15. Appointment of administrative and technical staff.
16. Interpretation.
17. Citation.

The council

- 1.—(1) The council shall consist of—
 - (a) the pro-chancellor ;
 - (b) the vice-chancellor ;
 - (c) the deputy vice-chancellor ;
 - (d) six persons, representing a variety of interests, who shall be appointed by the Federal Executive Council ;
 - (e) four persons appointed by the senate from among the members of that body, of whom at least two shall be provosts of colleges ;
 - (f) one person appointed by congregation from among the members of that body ;
 - (g) one person appointed by convocation from among the members of that body ;
 - (h) the Permanent Secretary, Federal Ministry of Finance, or, in his absence, such member of his Ministry as he may designate to represent him ;
 - (i) the Permanent Secretary, Federal Ministry of Education, or, in his absence, such member of his Ministry as he may designate to represent him.
- (2) Any member of the council holding office otherwise than in pursuance of paragraph (1) (a), (b), (c), (h) or (i) above may, by notice to the council, resign his office.
- (3) A member of the council holding office otherwise than in pursuance of paragraph (1) (a), (b), (c), (h) or (i) above shall, unless he previously vacates it, vacate that office on the expiration of the period of four years beginning with 1st of August in the year in which he was appointed.
- (4) Where a member of the council holding office otherwise than in pursuance of paragraph (1) (a), (b), (c), (h) or (i) above vacates office before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office (unless he previously vacates it) for the residue of the term of his predecessor.
- (5) A person ceasing to hold office as a member of the council otherwise than by removal for misconduct shall be eligible for re-appointment as such a member.
- (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 5 of the Decree and the foregoing provisions of this paragraph, the council may regulate its own procedure.

(8) Where the council desires to obtain advice with respect to any particular matter, 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 council at any meeting but shall not be entitled to vote.

The finance and general purposes committee

2.—(1) The finance and general purposes committee of the council shall consist of—

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

(b) the vice-chancellor;

(c) the deputy vice-chancellor;

(d) six other members of the council appointed by the council, of whom two shall be selected from among the members of the council appointed by the senate and congregation respectively.

(e) the Permanent Secretary, Federal Ministry of Finance, or, in his absence, such member of his Ministry as he may designate to represent him;

(f) the Permanent Secretary, Federal Ministry of Education, or, in his absence, such member of his Ministry as he may designate to represent him.

(2) The quorum of the committee shall be six.

(3) Subject to any directions given by the council, the committee may regulate its own procedure.

The senate

3.—(1) The senate shall consist of—

(a) the vice-chancellor;

(b) the deputy vice-chancellor;

(c) the provosts and deputy-provosts of the several colleges;

(d) the professors;

(e) the librarian;

(f) the persons for the time being holding such appointments on the staff of the University as may be specified by the vice-chancellor;

(g) such teachers as may be elected from among the members of congregation to be members of the senate in accordance with paragraph (5) below (hereafter in this article referred to as "elected members"); and

(h) such persons, not exceeding two in number, whether or not members of the University, as may be appointed by the senate to be members of the senate.

(2) 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.

(3) The quorum of the senate shall be twenty; and subject to paragraph (2) above, the senate may regulate its own procedure.

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

(5) Subject to paragraph (9) below, there shall be elections for the selection of elected members which shall be held in the prescribed manner

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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.

(6) Regulations shall secure that voting at elections held in pursuance of paragraph (5) above is by secret ballot and that votes are cast either in person or by post.

(7) The number of persons to be elected at any election held in pursuance of paragraph (5) above in any year shall be one-third, or the nearest whole number less than one-third, 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.

(8) An elected member shall hold office for the period of two years beginning with 1st August in the year of his election, and may be a candidate at any election held in pursuance of paragraph (5) above 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.

(9) No election shall be held in pursuance of this article in any year if the number specified in the certificate given in pursuance of paragraph (10) below does not exceed by more than one the figure which is thrice 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 paragraph (8) above; 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 30th April in any year in which he is to continue in or take office as an elected member.

(10) In this article "total of non-elected members" means, as respects any year, such number as may be certified by the vice-chancellor on the 30th 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.

Congregation

4.—(1) Congregation shall consist of—

- (a) the vice-chancellor and the deputy vice-chancellor;
- (b) the provosts and deputy provosts of the several colleges;
- (c) all teachers within the meaning of the Decree; and
- (d) the persons holding such other appointments at the University as the senate may from time to time determine.

(2) Subject to section 5 of the Decree, 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.

(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
- (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.

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

(6) Congregation shall have such functions, in addition to the function of appointing members of the council, as may be provided by statute or regulations.

Convocation

5.—(1) Convocation shall consist of—

(a) the officers of the University mentioned in Schedule 1 of the Decree ;

(b) all teachers within the meaning of the Decree ; and

(c) all other persons whose names are registered in accordance with paragraph (2) below.

(2) 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

(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 paragraph (3) below, 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.

(3) The person responsible for maintaining the register shall, without the payment of any fees, ensure that the names of all persons who are for the time being members of convocation by virtue of paragraph (1) (a) or (b) above are entered and retained on the register.

(4) 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.

(5) The register shall, unless the contrary is proved, be sufficient 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.

(6) The quorum of convocation shall be fifty or one-third (or the whole number nearest to one-third) of the total number of members of convocation, whichever is the less.

(7) Subject to section 5 of the Decree, the vice-chancellor shall be 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.

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

Organisation of academic work of the University

6.—(1) Subject to the statutes, the academic work of the University shall be organised in such manner as may be prescribed by the senate.

(2) The academic work of the University shall be distributed, in such manner as may be prescribed, among the colleges and such faculties, schools, institutes or other teaching units as may be established by regulations

SCH. 4

(3) Regulations may provide for any school established in pursuance of paragraph (1) above to be comprised in the College of Medicine, the College of Education or any other college established by statute.

(4) Where, by virtue of regulations made in pursuance of paragraph (1) above, a college comprises two or more schools, each of those schools shall have its own board of studies which shall, without prejudice to section 9 (3) (a) of the Decree, be responsible to and subject to the control of the academic board of the college.

Academic boards

7.—(1) Without prejudice to section 9 (3) (a) of the Decree, the academic work of each college shall be under the direct control of the academic board of the college :

Provided that where a college comprises two or more schools, the academic work of each school shall be under the direct control of its board of studies, which shall be responsible to and subject to the control of the academic board.

(2) The academic board of a college shall consist of—

(a) the provost and the deputy provost of the college ;

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

(c) the professors in the college ;

(d) the persons for the time being holding such appointments on the staff of the college as may be specified by the provost of the college with the approval of the vice-chancellor ;

(e) such teachers, not exceeding six in number, as may be elected from amongst the members of the academic staff of the college to be members of the academic board ;

(f) such persons, not exceeding two in number, whether or not members of the University, as may be appointed by the academic board to be members of the academic board.

(3) The provost of the college shall be the chairman at all meetings of the academic board of a college when he is present ; and when he is not present, the deputy provost, or in his absence such other member of the academic board present at the meeting as the board may appoint for that meeting, shall be the chairman at the meeting.

(4) An elected member may, by notice to the academic board, resign his office.

(5) Regulations shall prescribe the procedure for electing members in pursuance of paragraph (2) (e) above ; and such an elected member of an academic board shall hold office for the period of two years beginning with 1st August in the year of his election, and may be a candidate at any election held for the purposes of the said paragraph (2) (e) 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 of the board for a continuous period of six years or would have so held office if he had not resigned it.

Boards of studies

8.—(1) Each faculty, school, institute or other teaching unit of the University established by regulations shall be under the direct control of a board of studies.

(2) Each board of studies shall consist of—

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

(b) such of the teachers assigned to the faculty, school, institute or other teaching unit as the senate may determine ;

(c) such persons, not exceeding four in number, whether or not members of the University, as may with the specific or general approval of the senate be appointed by the board of studies to be members of the board.

(3) The quorum of a board of studies shall be three or one-third (or the whole number nearest to one-third) of the total number of the members for the time being of the board, whichever is the greater, and subject to article 9 (3) of this Statute and to any provision made by regulations in that behalf, each such board may regulate its own procedure.

(4) Subject to the provisions of the Decree, it shall be function of each board of studies—

(a) to advise and report to the senate on all matters relating to the organisation of education, teaching and research in the subjects of the faculty, school, institute or other teaching unit, including curricula and examinations ;

(b) to consider the progress and conduct of students in that teaching unit and to report thereon ;

(c) to recommend to the senate persons for appointment as examiners ;

and
(d) to deal with any academic matters referred to it by the senate.

(5) Where a board of studies does not include all the teachers assigned to the faculty, school, institute or other teaching unit in question, there shall be an assembly of those teachers which shall have such functions as may be prescribed.

Deans of teaching units

9.—(1) In the case of each faculty, school, institute or other teaching unit established by regulations, one of the professors assigned to that teaching unit shall be dean of that teaching unit.

(2) The dean of a teaching unit shall be appointed in such manner as may be prescribed and shall hold the office of dean for such period and on such terms as may be prescribed.

(3) The dean shall be chairman at all meetings of his board of studies when he is present ; and when he is not present, such other member of the board present at the meeting as may be prescribed, or in that member's absence such other member of the board present at the meeting as the board may appoint for that meeting, shall be the chairman at the meeting.

(4) It shall be the function of the dean of a teaching unit 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 board of studies of that unit.

The court of governors of the College of Medicine

10.—(1) The court of governors of the College of Medicine shall consist of—

(a) a chairman appointed by the chancellor, acting in accordance with the advice of the vice-chancellor given after consultation by the vice-chancellor with the Federal Ministry of Health ;

(b) the vice-chancellor ;

(c) the provost and deputy provost of the said College ;

(d) one member appointed by the Permanent Secretary, Federal Ministry of Health ;

(e) two members appointed by the council ;

SCH. 4

(f) two members appointed by the senate, of whom at least one shall be a member of the academic staff of the said College ;

(g) two members appointed by the Lagos University Teaching Hospital Management Board ;

(h) such persons, not exceeding two in number, whether or not members of the University, as may be appointed by the court of governors of the said College to be members of that court ; and

(i) the Permanent Secretary, Federal Ministry of Health or, in his absence, such member of his Ministry as he may designate to represent him.

(2) Subject to the provisions of the Decree, the chairman of the said board shall hold office for a period of four years beginning with the date of his appointment.

(3) A member of the board appointed under sub-paragraphs (d) to (h) of paragraph (1) above shall hold office for such period not exceeding four years as may be determined by the appointing authority.

(4) A member whose term of office expires shall be eligible for re-appointment.

(5) The quorum of the board shall be six.

(6) The board may, subject to any directions given by the council, regulate its own procedure.

The court of governors of the College of Education

11.—(1) The court of governors of the College of Education shall consist of—

(a) a chairman appointed by the chancellor, acting in accordance with the advice of the vice-chancellor given after consultation by the vice-chancellor with the Federal Ministry of Education ;

(b) the vice-chancellor ;

(c) the provost and deputy provost of the said College ;

(d) one member appointed by the Permanent Secretary, Federal Ministry of Education ;

(e) two members appointed by the council ;

(f) two members appointed by the senate, of whom at least one shall be a member of the academic staff of the said College ;

(g) such persons, not exceeding two in number, whether or not members of the University, as may be appointed by the court of governors of the said College to be members of that court ; and

(h) the Permanent Secretary, Federal Ministry of Education or, in his absence, such member of his Ministry as he may designate to represent him.

(2) Subject to the provisions of the Decree, the chairman of the said board shall hold office for a period of four years beginning with the date of his appointment.

(3) A member of the board appointed under sub-paragraphs (d) to (g) of paragraph (1) above shall hold office for such period not exceeding four years as may be determined by the appointing authority.

(4) A member whose term of office expires shall be eligible for re-appointment.

(5) The quorum of the board shall be six.

(6) The board may, subject to any directions given by the council, regulate its own procedure.

Selection of certain principal officers

12.—(1) When a vacancy occurs in the office of vice-chancellor, deputy vice-chancellor, provost of a college, registrar, bursar or librarian, a selection board shall be constituted by the council as follows—

- (a) for the office of vice-chancellor the selection board shall consist of—
- (i) the pro-chancellor;
 - (ii) three members appointed by the council, not being members of the senate; and
 - (iii) three members appointed by the senate;
- (b) for the office of deputy vice-chancellor the selection board shall consist of—
- (i) the vice-chancellor;
 - (ii) three members appointed by the council, not being members of the senate; and
 - (iii) three members appointed by the senate;
- (c) for the office of provost of a college the selection board shall consist of—
- (i) the vice-chancellor;
 - (ii) two members appointed by the council, not being members of the senate;
 - (iii) two members appointed by the court of governors of the college; and
 - (iv) four members appointed by the senate, at least two of whom shall be members of the staff of the college;
- (d) for the office of registrar, bursar or librarian the selection board shall consist of—
- (i) the pro-chancellor;
 - (ii) the vice-chancellor;
 - (iii) two members appointed by the council, not being members of the senate; and
 - (iv) two members appointed by the senate.

(2) The selection board, after making such inquiries as it thinks fit, shall recommend a candidate to the council for appointment to the vacant office; and after considering the recommendation of the board the council shall make an appointment to that office.

Creation of academic posts

13. Recommendations for the creation of academic posts other than those mentioned in article 12 of this Statute shall be made by the senate to the council through the finance and general purposes committee or, in the case of a post tenable at a college, through the court of governors of that college.

Appointment of academic staff

14.—(1) Subject to the Decree and the statutes, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the senate.

(2) For the purpose of filling such vacancies the senate shall set up suitable selection boards to select and make appointments on its behalf.

(3) For appointments to professorships, a board of selection (with power to appoint) shall consist of—

- (i) the vice-chancellor;
- (ii) if the post is tenable at a college, or is within a school comprised in a college, the provost of that college;
- (iii) if the post is within a faculty, school, institute or other teaching unit of the University, the dean of that teaching unit;
- (iv) two members appointed by the council;
- (v) four members of the senate appointed by the senate, at least two of whom shall, if the post is tenable at a college, be senior members of the staff of the college;

(vi) such other persons as the senate may from time to time appoint.

(4) Subject to paragraph (5) below, for appointments to associate professorships, readerships, senior lectureships and other academic posts, a selection board (with power to appoint) shall consist of—

(i) the vice-chancellor ;

(ii) if the post is tenable at a college or is within a school comprised in a college, the provost of that college ;

(iii) if the post is within a faculty, school, institute or other teaching unit of the University, the dean of that teaching unit ;

(iv) four members of the senate appointed by the senate, at least two of whom shall, if the post is tenable at a college, be members of the staff of the college ; and

(v) such other persons as the senate may from time to time appoint.

(5) Where an appointment falling within paragraph (4) above is tenable at a college, the senate may authorise the college to set up a selection board therefor (with power to appoint) ; but every selection board set up in pursuance of this paragraph shall include the vice-chancellor and shall also include at least two members of the senate, nominated by the senate, who are not members of the academic staff of the college.

(6) A college shall have power to make appointments to academic posts within the college below the level of associate professor or reader.

(7) For the purpose of exercising the power conferred by paragraph (6) above the college shall set up suitable selection boards to select and make appointments on its behalf.

(8) Every selection board set up in pursuance of paragraph (7) above shall include the vice-chancellor and shall also include at least two members of the senate, nominated by the senate, who are not members of the academic staff of the college.

(9) All appointments to senior library posts shall be made in the same way as equivalent appointments in the academic staff ; and for all such posts, other than that of librarian, the librarian shall be a member of the selection board.

(10) Boards of selection may interview candidates directly or consider the reports of assessors or specialist interviewing panels.

Appointment of administrative and technical staff

15.—(1) The administrative and technical staff of the University, other than those mentioned in article 12 of this Statute, shall be appointed by the council or on its behalf by the vice-chancellor or the registrar in accordance with any delegation of powers made by the council in that behalf.

(2) Administrative and technical staff of a college, other than those referred to in article 12 of this Statute, shall be appointed by the court of governors of the college or by the provost or secretary of the college in accordance with any delegation of powers made by the court in that behalf.

(3) In the case of administrative or technical staff who have close and important contacts with the academic staff, there shall be senate or (in the case of a college) academic board participation in the process of selection.

Interpretation

16. In this Statute, the expression "the Decree" means the University of Lagos Decree 1967 and any expression defined in the Decree has the same meaning in this Statute.

Citation

17. This Statute may be cited as Lagos University Statute No. 1.

DATED at Lagos this 8th day of March 1967.

LIEUTENANT-COLONEL Y. GOWON
*Head of the Federal Military Government,
Supreme Commander of the Armed Forces,
Federal Republic of Nigeria*

THE POLICE (AMENDMENT) DECREE 1967



Decree No. 4

[6th March 1967]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

Amendment
of s.14D of
Police Act.
Cap. 154.
1965 No. 19.

Amend-
ment of
s. 31 of
Police Act.

1. The ranks to which supernumerary police officers may be appointed in accordance with section 14D (2) of the Police Act, as amended by the Police (Amendment) Act 1965, shall not be restricted to those of inspector or below; and accordingly in the said section 14D (2) the words "but no such rank shall be above that of inspector" shall be omitted.

2. Section 31 of the Police Act (which confers power on the court to make orders with respect to the disposal of property in the possession of the police) shall be amended by inserting after subsection (1) the following subsection—

"(1A) Without prejudice to the generality of subsection (1) of this section, and subject to the provisions of subsection (2) of this section and of section 32, an order made under the said subsection (1) with respect to any property the owner of which cannot be ascertained may direct—

(a) in the case of property that has not previously been sold in pursuance of section 32, that the property be sold; and

(b) in any case, that the proceeds of sale be paid into the Police Reward Fund, after deduction of the cost (if any) of the sale and of any sum which the court may direct to be paid as a reward to any person by whom the property was delivered into the possession of the police."

Substitu-
tion of new
section for
s. 34 of
Police Act.

3.—(1) The section set out in the Schedule of this Decree shall be substituted for section 34 of the Police Act (which relates to the Police Reward Fund).

(2) Nothing in this Decree shall affect the validity of any payment made into or out of the Police Reward Fund before the commencement of this Decree.

4.—(1) Rule 22 (2) of the Public Funds of the Federation (Disbursement) Rules 1959, as amended by the Public Funds of the Federation (Disbursement) (Amendment) Rules 1962, shall be amended as follows—

Consequen-
tial amend-
ments of
Public
Funds
Rules.
L.N. 49 of
1959.
L.N. 106
of 1962.

(a) in paragraph (a), for the words from "for" to the end of the paragraph there shall be substituted the words "for extra or special services";

(b) in paragraph (b), for the words "chargeable to general revenue" there shall be substituted the words "authorised to be paid for out of moneys provided by the Federal Military Government";

(c) in paragraph (c), after the word "payment" there shall be inserted the words "ex gratia", and the words "who are not provided for under the Police Act" shall be omitted;

(d) in paragraph (d), after the word "for" there shall be inserted the words "making ex gratia payments towards the" and for the words "rank and file" there shall be substituted the word "Force".

1958 No. 33.

(2) The amendment of the said rule 22 by this section shall not preclude its subsequent variation or revocation by rules made under section 23 of the Finance (Control and Management) Act 1958; and subsection (1) above may be varied or revoked by rules so made in like manner as if it were contained in such rules.

Citation,
extent and
repeals.

Cap. 154.
L.N. 199
of 1959.

Section 3.

5.—(1) This Decree may be cited as the Police (Amendment) Decree 1967 and shall apply throughout Nigeria.

(2) Section 33 of the Police Act and regulations 42, 43 and 47 (2) of the Police Regulations shall cease to have effect.

SCHEDULE

SECTION TO BE SUBSTITUTED FOR S. 34 OF THE POLICE ACT (CAP. 154)

34.—(1) There shall be established a fund to be called "the Police Reward Fund" (in this section referred to as "the Fund") into which shall be paid the following—

(a) all pay forfeited by order of a superior officer on members of the Force for offences against discipline;

(b) all fines levied for assaults on members of the Force;

(c) one-third of any fees paid by members of the public in respect of extracts from reports of accidents made by the police;

(d) one-third of any fees paid in accordance with Standing Orders for the services of police officers who would otherwise be off duty;

(e) all sums ordered to be paid into the Fund under section 31 (1A).

1958 No. 33.

(2) Subject to the rules for the time being in force under section 23 of the Finance (Control and Management) Act 1958 with respect to disbursements from the Fund, the Fund shall be applied at the discretion of the Inspector-General for any of the following purposes, that is to say—

(a) to reward members of the Force for extra or special services;

(b) for procuring comforts, conveniences or advantages for members of the Force which are not authorised to be paid for out of moneys provided by the Federal Military Government;

(c) for payment of ex gratia compassionate gratuities to widows or children of deceased members of the Force;

(d) for making ex gratia payments towards the funeral expenses of any member of the Force who dies in the service of the Force.

DATED at Lagos this 6th day of March 1967.

LIEUTENANT-COLONEL Y. GOWON
*Head of the Federal Military Government,
Supreme Commander of the Armed Forces,
Federal Republic of Nigeria*

THE TERRITORIAL WATERS DECREE 1967



ARRANGEMENT OF SECTIONS

Section

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Extension of limits of territorial waters. 2. Jurisdiction in respect of offences committed in territorial waters. 3. Restriction on trial of persons other than Nigerian citizens for offences committed in territorial waters. | <ol style="list-style-type: none"> 4. Consequential repeals. 5. Citation, extent and commencement. |
|---|--|

Decree No. 5

[See section 5 (2)]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) The territorial waters of Nigeria shall for all purposes include every part of the open sea within twelve nautical miles of the coast of Nigeria (measured from low water mark) or of the seaward limits of inland waters.

Extension of limits of territorial waters.

(2) Without prejudice to the generality of the foregoing subsection, that subsection shall in particular apply for the purposes of any power of the Federal Military Government or of the Military Governor of a Region to make with respect to any matter laws applying to or to any part of the territorial waters of Nigeria.

(3) Accordingly—

(a) in the definition of territorial waters contained in section 18 (1) of the Interpretation Act 1964, for the words "three nautical miles" there shall be substituted the words "twelve nautical miles"; and

1964 No. 1.

(b) references to territorial waters or to the territorial waters of Nigeria in all other existing Federal enactments (and in particular the Sea Fisheries (Lagos) Act 1961) shall be construed accordingly.

1961 No. 30.

In this subsection "existing Federal enactment" means any Act of Parliament or Decree passed or made before the commencement of this Decree (including any instrument made before 1st October 1960 in so far as it has effect as an Act) or any order, rules, regulations, rules of court or byelaws made before the commencement of this Decree in exercise of powers conferred by any such Act, Decree or instrument.

(4) Nothing in this section shall be construed as altering the area covered by any lease, licence or prospecting right granted before the commencement of this Decree under the Mineral Oils Act or the Minerals Act.

Caps. 120
and 121.

Jurisdiction
in respect of
offences
committed
in territorial
waters.

2.—(1) Any act or omission which—

(a) is committed within the territorial waters of Nigeria, whether by a citizen of Nigeria or a foreigner; and

(b) would, if committed in any part of Nigeria, constitute an offence under the law in force in that part, shall be an offence under that law, and the person who committed it may, subject to section 3 of this Decree, be arrested, tried and punished for it as if he had committed it in that part of Nigeria.

(2) The foregoing subsection—

(a) shall apply whether or not the act or omission in question is committed on board or by means of a ship or in, on or by means of a structure resting on the sea bed or subsoil; and

(b) in the case of an act or omission committed by a foreigner on board or by means of a foreign ship, shall apply notwithstanding that the ship is a foreign one.

(3) For the purposes of the issue of a warrant for the arrest of any person who is by virtue of this section liable to be tried in some part of Nigeria for an offence, that offence may be treated as having been committed in any place in that part.

(4) Any jurisdiction conferred on any court by this section shall be without prejudice to any jurisdiction (and in particular any jurisdiction to try acts of piracy as defined by the law of nations) exercisable apart from this section by that or any other court.

(5) Nothing in this section shall be construed as derogating from the jurisdiction possessed by Nigeria under the law of nations, whether in relation to foreign ships or persons on board such ships or otherwise.

(6) In this section—

"foreigner" means a person who is not a citizen of Nigeria;

"foreign ship" means a ship of any country other than Nigeria;

"ship" includes floating craft and floating structures of every description.

3.—(1) Subject to the provisions of this section, a Nigerian court shall not try a person who is not a citizen of Nigeria for any offence committed on the open sea within the territorial waters of Nigeria unless before the trial the Attorney-General of the Federation has issued a certificate signifying his consent to the trial of that person for that offence.

(2) Nothing in subsection (1) above—

Restriction
on trial of
persons
other than
Nigerian
citizens for
offences
committed
in territorial
waters.

(a) shall affect any power of arrest, search, entry, seizure or custody exercisable with respect to an offence which has been, or is believed to have been, committed as aforesaid ;

(b) shall affect any obligation on any person in respect of a recognizance or bail bond entered into in consequence of his arrest, or the arrest of any other person; for such an offence ;

(c) shall affect any power of any court to remand (whether on bail or in custody) a person brought before the court in connection with such an offence ;

(d) shall affect anything done or omitted in the course of a trial unless in the course of the trial objection has already been made that, by reason of subsection (1) above, the court is not competent to proceed with the trial ; or

(e) shall, after the conclusion of a trial, be treated as having affected the validity of the trial if no such objection as aforesaid was made in the proceedings at any stage before the conclusion of the trial.

(3) Subsection (1) above shall not apply to the trial of any act of piracy as defined by the law of nations.

(4) A document purporting to be a certificate issued for the purposes of subsection (1) above and to be signed by the Attorney-General of the Federation shall be received in evidence and shall, unless the contrary is proved, be taken to be a certificate issued by the said Attorney-General.

(5) Nothing in this section shall be construed as derogating from the provisions of any other enactment restricting the prosecution of any proceedings or requiring the consent of any authority to the prosecution thereof.

(6) In this section "offence" means any act or omission which by virtue of section 2 of this Decree or any other enactment is an offence under the law of Nigeria or any part thereof.

4. The Territorial Waters Jurisdiction Act 1878 and section 58 of the Criminal Procedure Act (which are superseded by sections 2 and 3 of this Decree respectively) are hereby repealed.

5.—(1) This Decree may be cited as the Territorial Waters Decree 1967 and shall apply throughout Nigeria.

(2) This Decree shall come into force at the expiration of the period of one month beginning with the date on which it is made.

DATED at Lagos this 8th day of March 1967.

LIEUTENANT-COLONEL Y. GOWON,
Head of the Federal Military Government,
Supreme Commander of the Armed Forces,
Federal Republic of Nigeria

Conse-
quential
repeals.

41 and 42
Vict. c. 73.
Cap 43.

Citation,
extent and
commence-
ment.

THE CUSTOMS TARIFF (AMENDMENT) DECREE 1967



Decree No. 6

[See section 2 (2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) In section 3 of the Customs Tariff Act 1965 (charge of import duty), the words "in the third column" shall be omitted.

Amendments
of 1965
No. 3.

(2) In section 7 of the said Act (power to impose, vary or remove import duties), after subsection (1) there shall be inserted the following subsection—

"(2) Without prejudice to the generality of section 12 (1) (a) of the Interpretation Act 1964, a resolution or Order made under this section may differentiate between the goods of different countries for the purpose of implementing the provisions of any agreement between the government of the Federation and any other government or any international organisation or authority."

1964 No. 1

and the existing subsection (2) shall become subsection (3) and be renumbered accordingly.

(3) In section 9 of the said Act (effect of order reducing or removing duty)—

(a) for subsection (2) there shall be substituted the following new subsection—

"(2) All payments made under subsection (1) shall, without prejudice to the provisions of section 10 (1), be brought to account as duties of customs." ;

(b) in subsection (3), for the words "shall be", where they first occur, there shall be substituted the word "is".

2.—(1) This Decree may be cited as the Customs Tariff (Amendment) Decree 1967 and shall apply throughout Nigeria.

Citation,
extent and
Commence-
ment.

(2) This Decree shall come into operation on a day to be appointed by the Chairman of the Board of Customs and Excise by notice published in the Federal Gazette.

DATED at Lagos this 8th day of March 1967.

LIEUTENANT-COLONEL Y. GOWON.
*Head of the Federal Military Government,
Supreme Commander of the Armed Forces,
Federal Republic of Nigeria*

LAGOS TOWN PLANNING (MISCELLANEOUS PROVISIONS) DECREE



ARRANGEMENTS OF SECTIONS

Section

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Decree No. 7

[6th March 1967]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) If the Controller is satisfied that it is in the public interest, he may by writing under his hand direct the Lagos Executive Development Board (in this Decree referred to as "the board") to prepare a plan (in this Decree referred to as "the master plan") with the general object of securing the development of the city of Lagos in accordance with recognised principles of town planning ; and by the same or any subsequent direction the Controller may require the board to give notice in such manner as is best suited to inform residents and rate-payers in Lagos of its intention to prepare the master plan.

Power to
prepare town
planning
scheme for
Lagos etc.

(2) The master plan shall be signed by the Chairman of the board and be produced by him to the Controller for approval not later than six months after the date of the direction given by the Controller under subsection (1) of this section ; and during the aforesaid period of six months no scheme shall be prepared by any person other than the board, and no plan of development by an owner, or dealing having in contemplation change of ownership of any land, registered or not, shall have effect or be settled, as the case may be, without application to, and approval by, the board.

(3) Where application for approval is made under subsection (2) of this section, the board shall, in respect of any plan of development, or any dealing, as the case may be, give its decision within fourteen days after receipt by it of the application. If the board fails, within the time prescribed, to notify the applicant of its refusal, it shall be deemed to have approved the plan of development or, as the case may be, the dealing, for the purposes of this Decree.

(4) An appeal shall lie to the Controller from a refusal by the board under the foregoing provisions of this section to approve a plan of development or any such dealing by an owner; and the appeal shall be filed within one month after such refusal by the board. The Controller shall give his decision on the appeal within one month after its receipt by him and an appeal by any person claiming to be adversely affected shall lie from his decision by way of petition to the High Court.

(5) The failure to comply with the requirements of this section as to approval shall be an offence punishable on conviction by a fine of not less than one hundred pounds or more than five hundred pounds. The court dealing with the offender may require particulars of any scheme, or plan of development or dealing affecting the land to be produced to it and, as the case may require, may order demolition of buildings or give such directions as to the scheme or dealing as it thinks fit.

Notice of the master plan and of objections to be given.

2.—(1) If a master plan is prepared under section 1 of this Decree and approved by the Controller, the Board shall give notice of the approval in newspapers printed and published in Lagos in each of three successive weeks, and in such other manner as the board thinks fit; and the notice shall invite free inspection by, and objection from, any owner likely to be adversely affected by the master plan. The board shall in the notice, fix a time limit (not less than two months from the date of the first of such publications) for receipt by it of objections.

(2) Any owner claiming to be adversely affected by the requirements of the master plan may within the time fixed by the board under subsection (1) of this section, lodge with the board a notice of objection in writing duly signed by the objector setting out the grounds of his objection. If the board refuses to accept the notice, or having accepted it does not within six weeks from the date of receipt thereof notify the objector in writing of its decision, the objector may appeal to the High Court by petition, for an order in such terms as the case may require.

(3) The board shall within a period of one month after the expiry of the time fixed for receipt of objections in accordance with subsection (1) of this section, prepare and forward to the Controller a list of objections received by it and the nature of the objections, and shall inform the Controller of proposals by the board to meet the objections. Decisions on the proposals as considered by the Controller shall be notified in writing by the board to objectors concerned; and where not approved or, if approved the decision is unacceptable to an objector, the provisions of subsection (2) of this section shall have effect as if the board had, in the first instance, refused to accept the relevant notice of objection.

(4) Subject to the provisions of subsection (2) of this section, notice of modification (if any) made to the master plan by the board in consequence of any objection met by the board shall be published in such manner as the board thinks fit; and the provisions of this section as to notice of objection and of appeals shall apply with all necessary changes.

Effect of master plan.

3.—(1) Subject to the right of an owner to appeal against acts by the board under this section, the master plan when approved by the Controller shall have effect for a period of five years from the date of approval; and at the expiry of that period the master plan shall then be reviewed. If approval is given after such review without amendment, the master plan shall, if not

sooner cancelled by the Controller, have effect for a further period of five years from the date of that approval; and where the master plan is approved with amendments likely in the opinion of the Controller to affect the interest of owners he may direct notice in writing to be given by the board to such owners and the provisions of section 1 (4) of this Decree as to appeals shall apply.

(2) Every scheme prepared in respect of a town planning area declared under the Lagos Town Planning Act (in this Decree referred to as "the principal Act") shall take into account the requirements of the master plan; and no plan of development by an owner shall have effect without the approval of the board.

Cap. 95.

(3) Where application for approval of a plan of development is made, the board shall give its decision within one month after receipt by it of the application; and if the board fails within that time to notify the applicant of its rejection of the plan of development, it shall be deemed to have approved it.

(4) An appeal by any person claiming to be adversely affected shall be by way of petition to the High Court from a refusal to approve, or from the rejection, by the board, of a plan of development submitted to it for approval under this section.

(5) Without prejudice to any power of the board under the principal Act to cause demolition of buildings erected without authority, the failure to apply for approval as required by this section shall be an offence punishable on conviction by a fine of not less than one hundred pounds or more than five hundred pounds; and in proper case, the court convicting may order the demolition of buildings erected without approval under this Decree or may make such further or other order in the circumstances, as it thinks fit

4. If default is made in complying with the requirement of any demolition order of the court the person in default shall in addition to any other penalty, be liable to a fine not exceeding twenty pounds for every day during which the default continues.

Fine in cases of continuing default.

5.—(1) If under the powers conferred by section 38 of the principal Act a redistribution of holdings is proposed to be effected by assignment of final holdings to original owners, the Controller may, if he thinks fit, cause notice to be published in the Federal Gazette and in newspapers published and circulating in Lagos that the provisions of this section are being invoked; and upon publication of the notice, this section shall have effect, anything to the contrary in the principal Act or any other enactment notwithstanding.

Re-distribution of holdings to owners and others.

(2) Where land acquired by the board at any time is no longer required by it for the purpose of the execution of the provisions of the principal Act, the board may, in such manner as it thinks fit, amalgamate holdings and lay out roads, and thereafter invite offers to purchase from original owners of the land then remaining for distribution, upon such terms and conditions (including the execution of covenants as to future alienation) as the Controller may in writing under his hand direct or require. If the original owners or their successors are not interested or are unable to finance the transaction, the board may dispose of any such land as it thinks fit.

(3) In the application of subsection (2) of this section no land shall be disposed of below the then current market value, and offers when made shall be subject to the terms and conditions therein so directed or required; and offers may, in the discretion of the board, be general and irrespective of original holdings, or be restricted to land within the boundaries of an

original holding. If the number of offers made to the board exceeds the number of final holdings available for purchase, selection shall be made from the offers in such manner (including selection by ballot) as the board may, from time to time, approve.

(4) Any person acquiring land under the foregoing provisions of this section shall execute in a form acceptable to the board, a deed of covenant restricting further alienation of the land, and the deed of covenant may be registered under the provisions of any enactment relating to the registration of land or of titles thereto, as the case may be, as a restrictive covenant; but title to any such land shall not pass or be acquired at law or in equity until the covenant is executed and delivered to the board, and payment is made of all costs of and incidental to acquisition of the land under this section, or security therefor satisfactory to the board is given.

(5) The failure to comply with the requirements of a covenant executed under this section shall be an offence punishable on conviction in the High Court by a fine of five hundred pounds or by imprisonment for a term of two years, or by both; and if the failure by any means to comply occurs within 12 months from the date of execution of the covenant, the court convicting shall direct the forfeiture to the board of the land affected.

(6) In this section,—

(a) "land" includes holdings owned or occupied by the State or any person and whether or not amalgamated for the purpose of this section; and

(b) "roads" include public or private streets, back-lanes and open spaces.

6. Where the board requires finance for the furtherance of the master plan or any scheme, and a power to borrow is conferred on it by the principal Act, the power shall include authority to issue debenture stock upon such terms and conditions as the Controller may approve; and section 57 of the principal Act, in so far as it confers authority to borrow money at interest, shall be so construed and have effect.

7. The Controller may make regulations generally for the purposes of this Decree, and may prescribe the fees payable under any application for the consent of the Board.

8. The Chief Justice of Lagos may make rules of court for the purpose of any appeal to the High Court under this Decree, or may adapt existing rules of court for such purpose.

9.—(1) This Decree may be cited as the Lagos Town Planning (Miscellaneous Provisions) Decree 1967 and shall be read as one with the principal Act.

(2) In this Decree,—

"the board" means the Lagos Executive Development Board;

"Controller" means the permanent secretary charged with responsibility for town planning in Lagos;

"the master plan" means the town planning scheme to be prepared in accordance with section 1(1) of this Decree;

"principal Act" means the Lagos Town Planning Act.

(3) In the application of this Decree, references in the principal Act—

(a) to a scheme, shall be construed as including the master plan under this Decree and section 16 of the principal Act and the interpretation of "scheme" in section 2 thereof shall have effect accordingly;

Power of board to issue debenture stock.

Regulations etc.

Rules of Court.

Citation, interpretation and application.

Cap. 95.

(b) to "Minister" shall be construed as references to the Controller under this Decree.

(4) For the purposes of this Decree in so far as it relates to the master plan, "owner" includes a mortgagee in possession and in the case of the allodium or the freehold means the person entitled to the possession at the time, and in the case of leasehold tenure means the lessee thereof where the term or, as the case may be, the unexpired portion of the term at the date when objections to the master plan are first invited by the board, is not less than fifty years.

(5) This Decree and, in so far as it is hereby affected, the principal Act, shall bind the State; and the principal Act shall have effect accordingly.

(6) This Decree shall apply to the Federal territory.

DATED at Lagos this 6th day of March 1967.

LIEUTENANT-COLONEL Y. GOWON,
*Head of the Federal Military Government,
Supreme Commander of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note is not part of the Decree but is intended to explain its purpose)

This Decree authorises the permanent secretary charged with the responsibility for town planning in Lagos to direct the Lagos Executive Development Board to prepare a master plan with the general object of securing the development of City of Lagos in accordance with recognised principles of town planning.

If the master plan is approved by the permanent secretary the Lagos Executive Development Board will give notice of the approval in newspapers printed and published in Lagos inviting free inspection and objection from any owner likely to be adversely affected by the plan. Objections and the grounds therefor are to be lodged with the Lagos Executive Development Board. The Board may accept or reject the objection subject in the case of its rejection to an appeal to the High Court by petition.

Schemes prepared in respect of a town planning area declared under the Lagos Town Planning Act (Cap. 95) shall take into account the requirements of the master plan; and no plan of development by an owner shall have effect without the approval of the Board.

The Decree provides that where the Board requires finance for the furtherance of the master plan or any scheme and a power to borrow is conferred on it by the Lagos Town Planning Act (Cap. 95) the power to borrow shall include authority to issue debenture stock.