

# THE YABA COLLEGE OF TECHNOLOGY DECREE 1969



## ARRANGEMENT OF SECTIONS

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## Decree No. 23

[See s. 19 (2)]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby, decrees as follows :—

## PART 1.—GENERAL

*Establishment of the Yaba College of Technology*

1. There shall be established as the successor to the Yaba College of Technology otherwise known as Yaba Technical Institute a college by the name of Yaba College of Technology (in this Decree hereafter referred to as "the College") the functions of which shall be—

Establish-  
ment and  
function of  
the Yaba  
College of  
Technology.

(a) to provide courses of instruction, training, and research in applied science, technology, commerce, management, and such other fields of learning as the Council may from time to time determine ;

(b) to arrange conferences, seminars and study groups relative to the fields of learning specified in paragraph (a) above ;

(c) to perform such other functions as in the opinion of the Council may serve to promote the objectives of the College.

*Establishment, etc. of the Council of the College*

2.—(1) There shall be established a body to be known as the Council of Yaba College of Technology (in this Decree hereafter referred to as "the Council") which shall be a body corporate.

Establish-  
ment and  
constitution  
of the  
Council, etc.

(2) The Council shall consist of the following members—

(a) a chairman who shall be appointed by the Commissioner ;

(b) the Principal of the College ;

(c) the Adviser on Technical Education ;

(d) the Permanent Secretary to the Federal Ministry of Economic Development or such other officer of his Ministry as he may designate in writing to represent him ;

(e) one person to represent the Nigerian Society of Engineers to be appointed by the Commissioner after consultation with the Society ;

(f) one person to represent the Nigeria Employers Consultative Association to be appointed by the Commissioner after consultation with the Association ;

(g) one person to represent the University of Lagos to be appointed by the Senate of that University.

(h) one person to represent the Academic Board of the College to be appointed by that Board ;

(i) two persons, of whom one shall represent industry, and the other shall represent commerce, to be appointed by the Commissioner after consultation with the Federal Ministries of Trade and Industries respectively ;

(j) three persons to be appointed by the Commissioner to represent the States in rotation for one year at a time, no two of whom shall come from one State.

(3) The provisions set out in Schedule 1 to this Decree shall apply in relation to the Constitution of the Council and as to other matters therein specified.

(4) The Commissioner may by order published in the Federal Gazette add to, delete or otherwise amend the provisions scheduled under subsection (3) of this section and set out in the order, and such provisions shall as so amended accordingly have effect.

#### *Functions and Powers of the Council*

General  
functions  
of the  
Council.

3. Subject to the provisions of this Decree, the Council shall be the governing body of the College and shall have the general management of the affairs of the College, and in particular, the control of the property and the finances of the College; and shall also have power to do anything which in its opinion is calculated to facilitate the carrying out of the activities of the College and promote its best interests.

The Power  
of the  
Council to  
enter into  
contracts,  
to hold  
property and  
to invest.

4.—(1) The Council may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Decree.

(2) The Council may acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Decree, and for the same purpose may sell, lease, mortgage, or otherwise alienate or dispose of any property so acquired.

(3) Subject to section 12 (1) of this Decree the Council may invest its funds in such manner and to such extent as it may think necessary or expedient.

#### *Establishment of the Academic Board of the College*

The  
Academic  
Board.

5.—(1) There shall be established a board to be known as the Academic Board of the College which shall consist of the Principal of the College as chairman, the Vice-Principal, Heads of Departments, the College Librarian, and not more than 2 members of the teaching staff of the College, other than Heads of Departments, as may be co-opted by the Academic Board.

(2) The Registrar of the College shall be the Secretary to the Academic Board.

(3) The Academic Board shall perform the following functions—

(a) the direction and management of academic matters of the College including the regulation of admission of students, the award of certificates and diplomas, scholarships, prizes and other academic distinctions;

(b) the making of such reports to the Council as the Board thinks fit on any academic matter;

(c) any other functions which may be delegated to it by the Council.

#### *Supplementary Provisions*

Secretary to  
the Council.

6.—(1) The Registrar of the College shall be Secretary to the Council and shall attend all meetings of the Council and its committees unless excused for good cause by the Chairman of the Council.

(2) In the absence of the Registrar, the Chairman of the Council may, after consultation with the Principal, appoint a suitable person to act as Secretary for any particular meeting.

(3) The Secretary to the Council or a person appointed under subsection (2) of this section shall not be entitled to vote on any question before the Council unless he is so entitled as a member of the Council.

7.—(1) The Principal of the College, who shall be the chief academic and administrative officer, shall be appointed by the Council on such terms and conditions as it may think fit, and he shall have power to exercise general authority over the staff, and shall be responsible for the discipline of the College.

Appointment  
of the  
Principal and  
other staff.

(2) The Vice-Principal, Heads of Departments, the Registrar, and any other academic and senior administrative staff shall be appointed by the Council on the recommendations of a Committee appointed under paragraph 3 of Schedule 1 to this Decree, to be known as the "Appointments Committee" which shall be charged by the Council with responsibility for the making of recommendations for the appointments of academic and senior administrative Staff.

(3) The power to appoint other categories of staff shall be exercised by the Principal with the assistance of such committee as may be constituted by him for such purpose.

8.—(1) If it appears to the Council that a member of the Council (other than a person who is a member by virtue of paragraph (b), (c), (d) or (e) of section 2 (2) of this Decree) should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall, after consultation with the interest represented by such member, make a recommendation to that effect to the Commissioner; and if the Commissioner, after making such inquiries as he considers necessary, approves the recommendation he may declare, in writing, the office of such member vacant.

Removal  
from office  
of members  
of the  
Council, etc.

(2) If it appears to the Council that the Principal, Vice-Principal or any other member of the academic or senior administrative staff of the College should be removed from office or employment on the ground of misconduct or inability to perform the functions of his office or employment, the Council shall—

(a) give notice to the person concerned specifying the reasons therefor;

(b) make arrangements for an investigating committee to investigate and report on the matter;

(c) afford the person concerned an opportunity of making representation in person, or by his representative on his behalf, on the matter before the investigating committee,

and if the Council, after considering the report of the committee is satisfied that the person concerned should be removed, the Council may so remove him by an instrument in writing signed on the directions of the Council in the following circumstances, that is—

(i) if a resolution is passed at a special meeting convened for the purpose of which 30 clear days notice has been given by the Chairman in writing to each member of the Council, in which the notice to remove the person concerned is clearly set out; and

(ii) where not less than 15 members are present in person and the said resolution is passed by at least two-thirds majority of those members present and voting.

(3) In the application of subsection 2 of this section the Council shall at any stage of the proceedings have power to suspend from office until the investigation is completed and a decision taken any member of the staff of the College whose conduct is being investigated.

(4) Other categories of staff shall for the purposes of discipline be subject to the authority of the Principal, so however that no member of such staff (except members who are daily paid) shall be removed from office without the approval of the Council; and in exercise of his authority under this section, the Principal shall have power to appoint, in any case where he considers it appropriate so to do, a disciplinary panel of such number of members of the staff of the College as he may in his discretion determine for the purpose of advising him on any particular matter relating to discipline.

Discipline  
of students.

9.—(1) Subject to the provisions of any by-law made under the provisions of section 14 of this Decree, the Principal shall have power to exclude or suspend for such period as he may in his discretion determine any student from attending the College for any cause which the Principal considers adequate to warrant such action; and any such exclusion or suspension shall be reported to the Council so soon thereafter as may be convenient.

(2) A student may, with the approval of the Council, be expelled by the Principal for misconduct.

## PART 2

### *Financial Provisions*

Annual  
budget  
estimates,  
etc.

10.—(1) As soon as may be after the appointed day the Council shall cause to be prepared a statement of its income and expenditure during the previous financial year together with a statement of the assets as valued by a competent valuer and the liabilities of the Council as at the last day of that financial year.

(2) The statements referred to in subsection (1) above shall, when certified by the Principal, be audited by an independent firm of auditors appointed by the Council on the advice of the Accountant-General of the Federation and approved by the Permanent Secretary, Federal Ministry of Education, and shall be published within six months thereafter in at least two widely circulated newspapers in Nigeria and in the *Federal Gazette*.

(3) The Council shall cause to be prepared not later than 1st December in any year estimates of revenue and expenditure for the ensuing financial year and when prepared they shall be submitted to the Council for approval.

Revenue of  
the Council.

11. The revenue of the Council shall include—

- (a) fees charged by and payable to the Council in respect of students;
- (b) any other amounts, charges or dues recoverable by the Council;
- (c) revenue from time to time accruing to the Council by way of subvention, grant-in-aid, endowment or otherwise;
- (d) interest on investments; and
- (e) donations and legacies accruing to the Council from any sources for the general or special purposes of the Council.



12.—(1) Donations of money to be applied for any particular purpose shall be placed to the credit of a special Reserve Account and may be invested in such securities or other investments as may be approved by the Commissioner until such time as they may be expended in fulfilment of such purpose :

Donations for particular purposes.

Provided that the Council shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attaching to such donation.

(2) The interest derived from the investments referred to in subsection (1) above, unless the terms of the donation forbid, shall be deemed to be a revenue of the Council.

13. All sums of money received on account of the Council shall be paid into such bank as may be approved by the Council, for the credit of the Council's general or current or deposit account :

Payment into bank.

Provided that the Council may invest, as it deems fit, any money not required for immediate use, other than donation of money referred to in subsection (1) of section 12 of this Decree.

### PART 3

#### *Miscellaneous*

14.—(1) The Council may, within the scope of its authority under this Decree, make by-laws relating to any internal and domestic matters placed by this Decree under its control and superintendence other than matters for which provision is to be made by Standing Orders under paragraph 7 of Schedule 1 or in pursuance of paragraph 8 of the said Schedule.

Power to make by-laws.

(2) All such by-laws shall be in writing and shall come into force when sealed with the seal of the Council, unless some other date for commencement be therein prescribed.

(3) Nothing in subsection (2) above shall make it obligatory for the Council to publish any of the said by-laws in the Gazette.

15. 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—

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

(a) a student at the College ;

(b) the holder of any diploma of the College ;

(c) the holder of any appointment or employment at the College ; or

(d) 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 College, by reference to any of those matters.

16. Subject to the provisions of this Decree and any standing orders or by-laws made thereunder the quorum and procedure of any body of persons established by this Decree shall be such as may be determined by that body.

Quorum and procedure of bodies established by this Decree.

Transitional provisions as to existing appointments and properties, etc.

17.—(1) Where immediately before the appointed day any person is the holder of any post by whatever name known under any instrument such person shall on and after the appointed day be deemed to have been duly appointed pursuant to the respective powers conferred by or under this Decree, and subject to the terms and conditions relating to such office as may have been specified in the instrument.

(2) Property held immediately before the appointed day by or on behalf of the former College shall, on that day and thereafter by virtue of this section and without any further assurance, vest in the Council and be held by it for the purposes of the College.

(3) The provisions of Schedule 2 to this Decree shall have effect in relation to any matter arising from the transfer to the Council of any property by virtue of this section.

Interpretation.

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

“Academic Board” means the academic board established under section 5 of this Decree ;

“by-laws” means by-laws made under section 14 of this Decree ;

“the College” means the Yaba College of Technology established under section 1 of this Decree.

“Commissioner” means the Federal Commissioner charged with responsibility for education ;

“Council” means the governing body of the College ;

“the former College” means the Yaba College of Technology otherwise known as the Yaba Technical Institute ;

“property” includes rights, liabilities, and obligation ;

“Registrar” means the Registrar of the College ;

“staff” means all persons employed by the Council to serve at the College ;

“Yaba College of Technology” means the institution carried on under that name in the Lagos State and administered by the Federal Ministry of Education.

Citation, application and commencement

19.—(1) This Decree may be cited as the Yaba College of Technology Decree 1969 and shall apply throughout the Federation.

(2) This Decree shall come into force on such day as the Commissioner may by order published in the Federal Gazette appoint, in this Decree referred to as “the appointed day”.

## SCHEDULES

### SCHEDULE 1

### Section 2 (3)

#### SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

#### *Terms of Office of Members*

1.—(1) A member of the Council (other than a member holding office under paragraphs (b), (c), (d) or (e) of section 2 (2) of this Decree) shall hold office for a period of three years beginning with the date on which he was appointed.

(2) A member of the Council holding office as specified in paragraph 1 (1) above may, by notice to the Council, resign his office.

(3) A person ceasing to hold office as a member of the Council otherwise than by removal for misconduct shall be eligible for reappointment.

*Vacancy*

2.—(1) Where a vacancy occurs in the membership of the Council that vacancy shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest as his predecessor.

(2) The Council may act notwithstanding any vacancy in its membership or the absence of any member.

*Committees*

3.—(1) The Council may appoint one or more committees to which it may delegate any of its functions.

(2) No decision of a committee shall have effect unless confirmed by the Council.

*Meetings of the Council*

4.—(1) The Council shall meet for the conduct of business at such times and places as the Chairman may appoint but shall not meet less than twice in a year.

(2) The Chairman may at any time, and shall at the request in writing of not less than eight members of the Council, summon a meeting.

(3) Particulars of the business to be transacted at any meeting shall be circulated to members with the notice of the meeting.

*Power to co-opt Members*

5.—(1) Where the Council desires to obtain the advice of any person on any particular matter, it may co-opt such person as a member for a meeting whether or not expressly convened for the purpose of considering the particular matter.

(2) Such member shall not be entitled to vote nor shall he count towards a quorum.

*Questions how decided*

6.—(1) Every question put before the Council at a meeting shall be decided by a majority of the votes of the members present and voting.

(2) Nine members shall form a quorum at any meeting of the Council.

(3) The Chairman shall, at any meeting, have a vote and, in the case of an equality of votes, may exercise a casting vote.

*Standing Orders*

7. Subject as aforesaid, the Council shall make standing orders with respect to the holding of meetings, the nature of notices to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

*Absence of the Chairman*

8. If the Chairman is absent from a meeting of the Council, the members present shall elect one of their number to act as Chairman for the purpose of that meeting.



*Contracts and Instruments*

9.—(1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may in like manner be entered into or executed on behalf of the Council by any person generally or specifically authorised by it for that purpose.

(2) Any member of the Council or of a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement.

*Seal of the Council*

10.—(1) The Common Seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting.

(2) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman or some other member authorised generally or specifically by the Council to act for that purpose.

(3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

## SCHEDULE 2

## Section 17 (3)

## TRANSITIONAL PROVISIONS AS TO PROPERTY AND FUNCTIONS

*Transfer of Property*

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

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

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

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

(2) Other documents, including enactments which refer (whether specifically or generally) to the former College shall be construed in accordance with the provisions of sub-paragraph (1) of this paragraph.

(3) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by the operation of any of the foregoing provisions or of section 17 of this Decree, any right, liability or obligation vests in the Council, the Council and all other persons shall, as from the appointed day, have the

same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation of the Council.

(4) Any legal proceedings or application to any authority pending on the appointed day by or against the former College and relating to property transferred under this Decree to the Council may be continued on or after that day by or against the Council.

#### *Transfer of Functions*

2.—(1) The students of the former College shall, on the appointed day become the students of the College.

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

MADE at Lagos this 25th day of June 1969.

MAJOR-GENERAL Y. GOWON,  
*Head of the Federal Military Government,  
Commander-in-Chief of the Armed Forces,  
Federal Republic of Nigeria*

## CINEMATOGRAPH (AMENDMENT) DECREE 1969



## Decree No. 24

[11th June 1969]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Where the Federal Commissioner for Internal Affairs (in this Decree hereafter referred to as “the Commissioner”) after consultation with the Head of the Federal Military Government is satisfied that it is in the public interest of Nigeria so to do, and notwithstanding that a film has already been approved for exhibition under any enactment or Law, or that provision is there made for appeals by persons aggrieved, he may by such means (including sound or television broadcast) as he thinks fit, give public notice of the cancellation of the approval ; and the cancellation shall have immediate effect and no appeal shall lie therefrom in respect of the cancellation.

Power for  
Commis-  
sioner to  
cancel  
approval of  
exhibition.

(2) If public notice has been given of the cancellation otherwise than by publication in the Federal Gazette, notice of such cancellation shall forthwith thereafter be published in the Gazette aforesaid ; and the Commissioner shall as soon as may be inform the Federal Executive Council of the reasons for his action.

(3) The failure to comply with the requirement of the Commissioner under this section shall be an offence punishable on conviction by a fine of not less than five hundred pounds and if the offence is a continuing one by an additional penalty of one hundred pounds for every day during which the offence continues.

(4) The question whether any consultation was in fact held and the decision come to thereat shall not be inquired into by any court or person.

2.—(1) This Decree may be cited as the Cinematograph (Amendment) Decree 1969 and shall apply throughout the Federation.

Citation,  
application  
etc

(2) This Decree shall be read as one with Parts I and III of the Cinematograph Act 1963, so however that in respect of section 9 (2) where a State in the exercise of its powers makes provision for censorship and control of the exhibition of a film inconsistent with this Decree, any such provision shall be construed and have effect subject to this Decree.

1963 No. 7.

(3) This Decree shall be deemed to have come into operation on 11th June 1969, so however that nothing in this Decree shall be construed as enabling the conviction of any person for a criminal offence on account of any act or omission which did not constitute such an offence when it took place, or as authorising the imposition of a heavier penalty than that in force when the offence was committed.

MADE at Lagos this 25th day of June 1969.

MAJOR-GENERAL Y. GOWON,  
*Head of the Federal Military Government,  
Commander-in-Chief of the Armed Forces,  
Federal Republic of Nigeria*