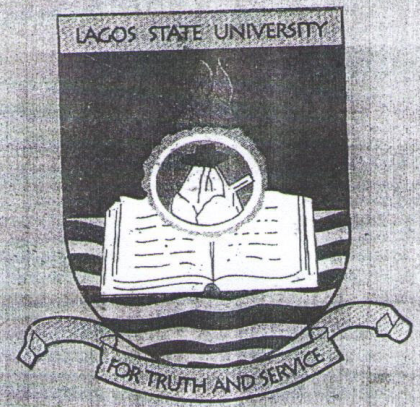


# LASU Law Journal



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Email: <adaramolaw@lasunigeria.org>  
<lanrefagbohun2001@yahoo.com>

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# THE LAGOS STATE UNIVERSITY LAW 2004 - A REVIEW

**Olaoluwa Rufus**

*LL.B (Hons), LL.M, Ph.D B. L.*

Senior Lecturer, Faculty of Law, Dept of Private & Property Laws

Lagos State University

Ojo, Lagos.

## Introduction

The Lagos State University Law 2004 is the current law regulating the Lagos State University<sup>1</sup>. The previous laws which have been repealed are the Lagos State University Laws 1983, 1985 and 1990.

The Lagos State University was established by the Lagos State University Statute No. 1 of 1983<sup>2</sup> after a bill passed by the Lagos State House of Assembly and assented to by the first Civilian Government of Lagos State Alhaji Lateef Jakande on 22nd of April 1983.

The Lagos State University Law 1983 was repealed by the Lagos State University Edict 1985 which came into force on the 3rd day of December 1985<sup>3</sup>. It should however be noted that this same 1985 Edict has also been known as the Lagos State University Edict 1986. The Official Gazette where the law was first published quoted it as Lagos State University Edict 1986 but the citation and commencement clause in Section 30 cited as 1985 Edict. The confusion on the date (year) of this Edict was also compounded by the Interpretation clause which asserted that "*In this statute, the expression "the Edict" means the Lagos State University Edict 1986 and any expression defined in the Edict has the same meaning as in this statute*"<sup>4</sup>.

The 1985 Edict was signed into law by Group Captain Gbolahan A. Mudasiru, the then Military Governor of Lagos State.

The Lagos State University Edict 1985 was cited as 1986 Edict and repealed by the Lagos State University Edict 1990<sup>5</sup>. This law was cited in the Laws of Lagos State 1994 as Cap 105 and in the Laws of Lagos State 2003 as Cap. L51. The Lagos State University Law Cap L51, Laws of Lagos State of Nigeria 2003 together with its subsequent amendments were repealed by the Lagos State University Law 2004 which came into force on the 1st day of September 2006<sup>6</sup>. This current law is the subject of this review.

1 This Law may be cited as the Lagos State University Law, 2004 and came into force on the 1st day of September 2004. See S. 44 of the Lagos State of Nigeria Official Gazette No. 57 Vol. 40, Ikeja, 6th August, 2007.

2 See S. 15 Schedule 1 Supplement to Lagos State of Nigeria Official Gazette Extraordinary No. 35, Vol. 16 of 14th July 1983 Part A.

3 See S. 29 and 30 Lagos State University Edict 1985 No. 5 1986 at A. 54.

4 See S. 16 of Schedule 3, Supra.

5 This LASU Law 1990 was enacted on the 11th April 1991 and took effect from the 28th November 1990 even though it was published as Law No. 1 1992 in the Official Gazette of 3rd January, 1992.

6 See Note No. 1, Supra.

## Establishment

The Lagos State University (LASU) Law 2004 is a law to provide for the establishment, incorporation, constitution and functions of the Lagos State University and for all other connected matters.

This law has 44 main sections and many sections having subsections and paragraphs and three schedules. The third schedule has nineteen (19) items each of which is regulated by statute. These include: the Council, the Finance and General Purposes Committee, the Senate, Congregation, Convocation, Campus, Organization of Academic Work of the University, College Board of Studies, Dean of the College, School, Institute etc; College of Medicine, and such other College, Academic Board of the College of Medicine, Academic Staff Assembly, College Board of Studies of the College of Medicine, Provost and the Deputy Provost of the College of Medicine, Court of Governors of the College of Medicine, the Secretary, Financial Controller, Creations of Academic Post and Interpretation.

The Lagos State University is established to be a body corporate with perpetual succession and a common seal; have power to sue and be sued in its corporate name and be able to acquire, hold and dispose of its movable and immovable property for the purposes of its functions under that law<sup>7</sup>.

## Purposes And Objectives Of The University

The objectives of the University shall be to:<sup>8</sup>

- a) Form the apex of the educational system of the state, facilities for learning and to give instruction and training in such branches as the university shall desire to foster and to enable students obtain the advantage of the liberal education;
- b) Promote research and other means of knowledge and practical application to social, cultural, economic, environmental, scientific, technological and ecological problems;
- c) Provide services that have practical applications in industry, government and in all areas of Human Development;
- d) A university with high moral values;
- e) Provide high level manpower with the capacity for self-employment and job creation;
- f) Encourage the advancement of learning and to provide the opportunity for acquiring higher and liberal education;
- g) Act as a vehicle of development in general and in particular as an instrument that will effectively stimulate the development of the State through continuing education, applied research, technical assistance; direct consultation, information services, internship programme and student industrial work experience scheme;

<sup>7</sup> S. 1 Lagos State University Law 2004.

<sup>8</sup> S. 3 Ibid.

- h) Provide innovative educational programmes of high standard in discipline which are relevant to Lagos State in particular and National Development in general;
- i) Provide access for citizens of Lagos State to higher education regardless of social status, or income;
- j) Meet the specific manpower needs of Lagos State;
- k) Serve as a creative custodian, promoter and propagator of Lagos State's social and cultural heritage and other resources;
- l) Undertake undergraduate and post-graduate courses in Law, the Arts, Social Sciences, Education, the Sciences, Engineering, Technology, Environmental Sciences, Medical Sciences, Agricultural Sciences, Communications and Administration and other relevant fields of study established under Section 34(2) of this Law;
- m) Adopt a merit-driven admission policy, open to Nigerians and International students with special preference to Lagosians using a guiding principle of 70:30 (Lagos State Indigenes: Others), whenever possible; and
- n) Undertake other activities appropriate for a University of the highest standard.

To achieve the above set objectives, the University shall have the following officers and bodies<sup>9</sup>:

- a) a Chancellor;
- b) Pro-Chancellor;
- c) a body to be called Governing Council of the University;
- d) a Vice-Chancellor;
- e) two Deputy Vice-Chancellor: Academic and Administrative;
- f) a body to be called Senate;
- g) a body to be called Congregation;
- h) a body to be called Convocation;
- i) schools, Institutes, Centers and other Teaching and Research Units;
- j) persons holding the offices constituted by schedule 1 to this law other than those persons mentioned in paragraphs (a), (b) and (c) of this subsection<sup>10</sup>;
- k) all Graduates and Undergraduates;
- l) all other persons who are members of the University in accordance with the provisions made by senate in that behalf; and
- m) Administrative and Service Area;

It is noteworthy that colleges, schools, centers, institutes and other teaching and research units that may thereafter be established by the University are subject to the control of Senate as

<sup>9</sup> S. 2 Ibid

<sup>10</sup> Schedule 1 Listed the Principal Officers and other officers of the University. The Principal Officers include: The Chancellor, Pro-Chancellor and Chairman of Council, the Vice-Chancellor, the two Deputy Vice-Chancellors (Academics and Administration), and other Principal Officers of the University which may include: The Registrar, the Bursar, the University Librarian and the Auditors (Internal and External).

regards academic matters, to the overall control of the Council and other officers, bodies and powers as provided for under the law<sup>11</sup>.

The powers of the University generally did not depart from usual powers of a full fledged University owned by a peoples' government and these powers are generally provided for in section 4 of this law.

### What Is Novel In The Lagos State University Law 2004

- a) The Lagos State University Law 1983 provides for the powers of the University to establish such Campuses, Colleges, Institutes, Schools, Departments and other Teaching and Research Units within the University as may from time to time seem necessary or desirable...<sup>12</sup>

Paradoxically the Lagos State University Edict 1985<sup>13</sup> and the Lagos State University Law Cap 105 and Cap L51<sup>14</sup> respectively provided that the University shall consist of only one campus with Faculties, Colleges and Schools.

The 2004 Law under review provides that the University shall operate a multi-campus system with campuses at Ojo, Epe, Ikeja, Surulere, Anthony, Isolo, Jibowu, Ikoyi, Lekki, Agege, Badagry, Festac, Ikorodu and other locations that shall be determined by the Council from time to time<sup>15</sup>. This law further provides that the University shall operate affiliated campuses as shall be approved by the Governing Council<sup>16</sup>.

- b) If the former repealed Lagos State University Laws and Edict do not mention or provide for fees, the 2004 Law provides that the University shall charge (school) fees as the Council shall determine from time to time<sup>17</sup>.

- c) The repealed Laws and Edicts of the Lagos State University had a non-residential policy for students except in the case of medical students in their clinical years for whom the provision of residence is mandatory<sup>18</sup>. The present law of 2004 extended the residential policy to all students by providing that "*A residential policy for students shall be maintained as far as practicable and in the case of medical students in their clinical years, the provision of residence is mandatory*"<sup>19</sup>.

11 See Sec. 2 S. 2-4, Lagos State University Law 2004.

12 S. 6(a) Lagos State University Law, 1983. Also see Schedule 3(6) of this law providing for Multi-Campuses.

13 S. 24 Lagos State University Edit 1985.

14 S. 34 (respectively) Lagos State University Law Cap. 105 and Cap. L 51.

15 S. 34(1) Lagos State University Law 2004.

16 S. 35 Ibid.

17 S. 37 Ibid. At inception students of the University were not charged school fees as the policy of the government that originally created the University was of provision of free education at all levels among other policies. It should be noted that the issue of school fees to be or not to be has been on the burner from the early 1990s. The University finally decided to start to charge fees in the 2005/2006 academic session being the last University in Nigeria to opt for charging of fees in the face of dwindling economic situation in Nigeria coupled with the current theory in the Nigerian nation that government alone cannot carry the financial burden of running the University.

18 See S. 27 of Edict 1985 and S. 37 respectively of Lagos State University Law 1990 Cap. 105 and Cap. L 51.

19 S. 40 Lagos State University Law 2004.

- d) This new amendment law provides for the appointment of two Deputy Vice-Chancellors (Academics and Administration)<sup>20</sup>. These positions were created in 1983<sup>21</sup> but collapsed into one deputy vice-chancellor in 1985<sup>22</sup> and in the 1990 Law<sup>23</sup>.
- e) The admission policy is now based on a ratio 70% for Lagos State indigenes and 30% for others<sup>24</sup>. This was not so provided for in the other repealed laws.

### Conclusion

The Lagos State University Law 2004 represents a modern law providing for the establishment, functioning and advancement of educational services to Lagosians, Nigerians and Humanity. The Law as it were is able generally to cover the field of running a modern day University.

Its provisions has not only enabled the operators of the University to have the necessary avenue for adjustment in space and time but has gone ahead to solve all the grey areas of disagreement in its relationship with individuals and other legal persons within and outside its jurisdictions.

It should be noted that there is no perfect law as there are no perfect human societies. As such a law is not an end in itself but a means to an end. Man is not made for law but a law is made to help man achieve peace, happiness and fulfillment of his aspirations. Therefore, if there is any defect detected in the operation of this new law, the defect should be resolved in favour of man. This is because the law should be an instrument in the hand of man and not the other way round.

It is hoped that this law will enhance the envisaged developments in moulding human minds in character and learning for the benefit of Lagos State, Nigeria and the present and future generations of humanity.

20 See S. 2 (1)(e) and Schedule 1(4) Lagos State University Law 2004.  
 21 Schedule 1(4) LASU Law 1983  
 22 Schedule 1(4) LASU Edict 1985  
 23 Schedule 3 Statute 1(c) Cap. 105 and Schedule 1(4) Cap. L 51. 1990  
 24 S. S(m) LASU Law 2004.