

THE CONSTITUTION (REPEAL AND RESTORATION) DECREE 1967



Decree No. 13

[Section 2 (2)]

Commence-
ment.

WHEREAS executive authority in Eastern Nigeria has been so exercised as to prejudice the executive authority of the Federation in circumstances such that it is expedient and necessary to make other provision for the continuance of federal government, and thereby to repeal the Constitution (Suspension and Modification) Decree 1967 in its application to the Constitution of the Federation :

THE FEDERAL MILITARY GOVERNMENT therefore hereby decrees as follows :—

1.—(1) The Constitution (Suspension and Modification) Decree 1967 (in this Decree referred to as “the Decree of 1967”) is hereby repealed, and the Constitution (Suspension and Modification) Decree 1966 which, with the Decrees mentioned in section 2 (2) of the Constitution (Suspension and Modification) (No. 10) Decree 1966 are in this Decree referred to as “the Constitution (Suspension and Modification) (Nos. 1 to 10) Decree 1966” (but amended as hereafter appears), and every rule of law amended, suspended or otherwise affected shall, to the extent to which any such rule is not inconsistent with the Constitution (Suspension and Modification) (Nos. 1 to 10) Decree 1966, have effect in relation to the Constitution of the Federation as if the Decree of 1967 had not been made.

Restoration
of former
Constitution
(Suspension
and Modifi-
cation)
Decrees.
1966 No. 1.
1966 No. 69.

1963 No. 20.

(2) The revival under subsection (1) above shall have effect as if in the application of the Decrees collectively referred to as the Constitution (Suspension and Modification) (Nos. 1 to 10) Decree 1966, Nos. 7 and 8 thereof had never been made, and—

1966 No. 59.
1966 Nos.
50 and 55.

(a) in No. 4 thereof section 1 had never been made ; and

(b) in No. 1 thereof and in,

(i) section 8 (2) there were substituted for paragraphs (g) and (h) the following—

“(g) the Military Governors of all the states ;” and

“(h) the Inspector-General and the Deputy Inspector-General of the Nigeria Police.” ;

(ii) section 8 (3) there were inserted after paragraph (f) the word "and" and there were substituted for paragraphs (g) and (h) one new paragraph as follows—

"(g) such other members as the Head of the Federal Military Government may from time to time appoint." ;

(iii) section 11 (1) and in paragraph (b) there were substituted for all words after "Justices of" the words "each of the states of Nigeria;" ; and

(iv) section 16 in the definition, "the Head of the Federal Military Government" there were substituted for the words "Supreme Commander", the words "Commander-in-Chief".

Citation,
application
and
commence-
ment.

2.—(1) This Decree may be cited as the Constitution (Repeal and Restoration) Decree 1967 and shall apply throughout the Federation.

(2) This Decree shall be deemed to have come into force on 26th May 1967.

MADE at Lagos this 27th day of May 1967.

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

STATES (CREATION AND TRANSITIONAL PROVISIONS) DECREE 1967



ARRANGEMENT OF SECTIONS

Sections

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Creation of new states, etc. 2. Continuance of certain powers, etc. 3. Jurisdiction of High Courts. 4. Transfer of public property. | <ol style="list-style-type: none"> 5. Financial provisions, etc. 6. States Boundaries Delimitation Commission. 7. Citation, application, etc. Schedule. |
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Decree No. 14

[27th May 1967]

Commence-
ment.

WHEREAS it is expedient and in the interest of federal government that provision should be made for the alteration of certain of the territories of the Federation mentioned in section 3 of the Constitution of the Federation :

THE FEDERAL MILITARY GOVERNMENT therefore hereby decrees as follows :—

1.—(1) There shall, on the commencement of this Decree, be created out of the Regions (other than Mid-Western Nigeria) states to be known by the names in Column 1 of the Schedule of this Decree the respective areas of which are those provinces or districts named in Column 2 of that Schedule.

Creation of
new states,
etc.

(2) Accordingly,—

(a) section 2 of the Constitution of the Federation shall be renumbered as subsection (1), and for the words "Regions and a Federal territory," there shall be substituted the word "states"; and as subsection (2) there shall be added the following—

1963 No. 20.

"(2) Lagos shall be the seat of the Federal Government."

(b) for section 3 of the Constitution aforesaid there shall be substituted the following section—

"Territories
of the
Federation.

3. There shall be twelve states that is to say, North-Western, North-Central, Kano, North-Eastern, Benue-Plateau, Central-West, Lagos, Western, Mid-Western, Central-Eastern, South-Eastern and Rivers."

(3) There shall be for each state a Military Governor and, subject to the next succeeding subsection, the Military Governors shall be appointed by the Head of the Federal Military Government.

(4) The Military Governor who immediately before the commencement of this Decree held such appointment in Mid-Western Nigeria shall on the commencement of this Decree be deemed to have been appointed under subsection (3) above.

(5) All existing law in the Region out of which a state under this Decree is created shall have effect, subject to the modifications necessary to bring it into conformity with the provisions of this section.

Continuance
of certain
powers, etc.

2.—(1) Subject to section 3 of this Decree and without prejudice to the provisions of this Decree relating to existing law, every local authority, court and other public body which immediately before the commencement of this Decree exercised its functions wholly within a state as herein constituted shall continue to exercise those functions in the state.

(2) Any person who immediately before the commencement of this Decree held office as a member of the public service in a Region affected by this Decree and exercised his office at or from a place in the area in a state under this Decree shall, on and after the commencement of this Decree unless at any time he is removed from or resigns his office in the manner provided by law, continue to hold and exercise that office in the state under this Decree.

(3) A body corporate or person who continues to exercise any office or function by virtue of this section shall exercise that office or function in accordance with the directions of the Military Governor.

Jurisdiction
of High
Courts.

3. The jurisdiction of the High Court of Lagos or of any other High Court shall at the direction of the Head of the Federal Military Government extend to any state created under this Decree, so however that proceedings pending before a High Court of a Region immediately before the commencement of this Decree may, after such commencement, be continued before that court and shall not be affected by the provisions of this section.

Transfer of
public
property.

4.—(1) Subject to subsection (2) of this section, any immovable property (including unworked minerals) and any chattel which, immediately before the commencement of this Decree was situated in the area comprised in a state under this Decree, and was held—

(a) on behalf of the Federation for the purposes of the Government of the Region of which the state was part; or

(b) by a body corporate directly established by a Law of the Legislature or of the Military Governor of that Region or an instrument having effect as such a Law;

shall, by virtue of this section and without further assurance than this section, vest in the Military Governor of the state concerned and be held by him on behalf of the Federation for the purposes of the government of the state; and no compensation shall be payable in respect of any transfer effected by this section.

(2) Nothing in this section shall apply to any such property held on behalf of the Federation for the purposes of the Government of Western Nigeria, or to immovable property and chattels in the ownership of statutory corporations or, as the case may be, of public companies owned or controlled by the Government of Western Nigeria.

5.—(1) There shall on the commencement of this Decree be an administration fund for each state under this Decree from which shall be defrayed all expenses incurred by the Military Governor of the state in the performance of his functions.

Financial provisions, etc.

(2) There shall be paid or credited to the fund—

(a) such sums out of moneys provided by the Supreme Military Council as that Council may from time to time determine; and

(b) all other moneys held by the Military Governor for the purposes of the government of the relevant state.

(3) Every such fund shall be managed in accordance with regulations made for the purpose by the Military Governor of the state concerned; and without prejudice to the generality of the power conferred, the regulations shall in particular include provision—

(a) specifying the manner in which the assets of the fund are to be held, and regulating the making of payments to and from the fund;

(b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in pursuance of the regulations;

(c) for securing that the accounts are audited periodically by the Director of Audit of the Federation; and

(d) requiring copies of the accounts and of the auditor's report on them to be furnished to the Military Governor of the state concerned as soon as may be at the end of the period to which the accounts relate.

(4) Regulations may also provide—

(a) for the form in which a record of assets (other than assets of the fund) is to be kept;

(b) for the inspection by the Director of Audit of the Federation or otherwise, of any such record and of assets required to be mentioned in the record;

(c) for the furnishing to the Military Governor of the state concerned of information with respect to the record and any such assets as are mentioned in paragraph (b) above, and, in particular, of reports on inspections made in pursuance of that paragraph.

6.—(1) There shall be for the purposes of this Decree a commission to be known as the States Boundaries Delimitation Commission (in this section referred to as "the Commission") appointed for the purpose of adjusting, where necessary, the boundaries of states constituted under this Decree by reference to districts, provinces or ethnic groups, as the case may be.

Delimitation.

(2) Where the boundaries of any state are adjusted by the Commission under this section, the adjustment shall have effect only after approval by the Supreme Military Council.

(3) Members of the Commission shall be appointed in writing by the Head of the Federal Military Government, and shall hold office on such terms and conditions, including salary and allowances, as may be specified in the instruments of their appointment.

(4) The Commission in the performance of its duties under this section shall comply with the requirements of the Supreme Military Council, given to the commission by the Head of the Federal Military Government.

Citation,
application,
etc.

7.—(1) This Decree may be cited as the States (Creation and Transitional Provisions) Decree 1967 and shall apply throughout the Federation.

(2) The reference in the Interpretation Act 1964 and in any other enactment to "state" as denoting Nigeria, shall be read and construed as a reference to the Federation and not to a state under this Decree; and references in the Constitution of the Federation to "Region" shall be construed as references to a state under this Decree.

(3) In the definition of "territory" in section 165 of the Constitution of the Federation for the words "Region or the Federal territory" there shall be substituted the words "state within the meaning of the States (Creation and Transitional Provisions) Decree 1967".

SCHEDULE

Section 1

<i>Name of State</i>	<i>Area</i>
	All that area comprising—
(a) North-Western ..	Sokoto and Niger Provinces
(b) North-Central ..	Katsina and Zaria Provinces
(c) Kano ..	The present Kano Province
(d) North-Eastern ..	Bornu; Adamawa, Sardauna and Bauchi Provinces
(e) Benue-Plateau ..	Benue and Plateau Provinces
(f) Central-West ..	Ilorin and Kabba Provinces
(g) Lagos ..	The Federal territory, and the Badagry, Epe and Ikeja Divisions (the boundaries of which are described in Schedules 1 to 4 of a proclamation made under the Nigeria (Electoral Provisions) Order in Council 1951 and published in the Gazette as Public Notice No. 116 of 1951)
(h) Western ..	The present Western Region (excluding the Colony Province)
(i) Mid-Western ..	The present Mid-Western Region
(j) Central-Eastern ..	The present Eastern Region (excluding Calabar, Uyo and Ogoja Provinces and the Ahoada, Brass, Degema, Ogoni and Port Harcourt Divisions)
(k) South-Eastern ..	Calabar, Uyo and Ogoja Provinces
(l) Rivers ..	Ahoada, Brass, Degema, Ogoni and Port Harcourt Divisions.

MADE at Lagos this 27th day of May, 1967.

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

THE CONSTITUTION (FINANCIAL PROVISIONS) DECREE 1967



Decree No. 15

[27th May 1967]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) The several sums which immediately before the making of the States (Creation and Transitional Provisions) Decree 1967 were payable in pursuance of section 141 of the Constitution of the Federation by the Federation to the Regions in the percentages there shown shall, on the commencement of this Decree be payable as provided in this Decree; and section 164 of the Constitution aforesaid, shall for the purposes of this subsection be deemed to be suspended, and section 141 thereof shall cease to apply.

Transitional
payments to
Regions from
Distributable
Pool
Account.

1967 No. 14.
1963 No. 20.

(2) Accordingly there shall during the continuance of this Decree be paid by the Federation to the States mentioned in this subsection hereunder at the end of each quarter, sums equal to the following fractions set out opposite the names of each of the States of the amount standing to the credit of the Distributable Pool Account at that date, that is to say—

(a) to North-Western State	..	seven one hundredths ;
(b) to North-Central State	..	seven one hundredths ;
(c) to Kano State	..	seven one hundredths ;
(d) to North-Eastern State	..	seven one hundredths ;
(e) to Benue-Plateau State	..	seven one hundredths ;
(f) to Central-West State	..	seven one hundredths ;
(g) to Lagos State	..	two one hundredths ;
(h) to Western State	..	eighteen one hundredths ;
(i) to Mid-Western State	..	two-twenty-fifths ;
(j) to Central-Eastern State	..	seven fortieths ;
(k) to South-Eastern State	..	three fortieths ;
(l) to Rivers State	..	one twentieth.

2. This Decree may be cited as the Constitution (Financial Provisions) Decree 1967 and shall apply throughout the Federation.

Citation,
etc.

MADE at Lagos this 27th day of May 1967.

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