

**THE FEDERAL MILITARY GOVERNMENT (SUPREMACY
AND ENFORCEMENT OF POWERS) DECREE 1970**



Decree No. 28

[9th May 1970]

Commence-
ment.

WHEREAS the military revolution which took place on January 15 1966 and which was followed by another on July 29 1966, effectively abrogated the whole pre-existing legal order in Nigeria except what has been preserved under the Constitution (Suspension and Modification) Decree 1966 (1966 No. 1):

AND WHEREAS each military revolution involved an abrupt political change which was not within the contemplation of the Constitution of the Federation 1963 (hereafter referred to as "the Constitution of 1963"):

AND WHEREAS by the Constitution (Suspension and Modification) Decree (1966 No. 1) there was established a new government known as the "Federal Military Government" with absolute powers to make laws for the peace, order and good government of Nigeria or any part thereof with respect to any matter whatsoever and, in exercise of the said powers, the said Federal Military Government permitted certain provisions of the said Constitution of 1963 to remain in operation as supplementary to the said Decree:

AND WHEREAS by section 6 of the said Constitution (Suspension and Modification) Decree 1966, no question as to the validity of any Decree or any Edict (in so far as by section 3 (4) thereof the provisions of the Edict are not inconsistent with the provisions of a Decree) shall be entertained by any court of law in Nigeria:

AND WHEREAS by Schedule 2 of the said Constitution (Suspension and Modification) Decree 1966 the provisions of a Decree shall prevail over those of the unsuspended provisions of the said Constitution of 1963:

NOW THEREFORE THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) The preamble hereto is hereby affirmed and declared as forming part of this Decree.

(2) It is hereby declared also that—

(a) for the efficacy and stability of the government of the Federation; and

(b) with a view to assuring the effective maintenance of the territorial integrity of Nigeria and the peace, order and good government of the Federation,

Nullity of
judicial
decisions,
etc., affecting
Decrees, etc.

any decision, whether made before or after the commencement of this Decree, by any court of law in the exercise or purported exercise of any powers under the Constitution or any enactment or law of the Federation or of any State which has purported to declare or shall hereafter purport to declare the invalidity of any Decree or of any Edict (in so far as the provisions of the Edict are not inconsistent with the provisions of a Decree) or the incompetence of any of the governments in the Federation to make the same is or shall be null and void and of no effect whatsoever as from the date of the making thereof.

(3) In this Decree—

(a) "decision" includes judgment, decree or order of any court of law, and

(b) the reference to any Decree or Edict includes a reference to any instrument made by or under such Decree or Edict.

Citation
and extent.

2. This Decree may be cited as the Federal Military Government (Supremacy and Enforcement of Powers) Decree 1970 and shall apply throughout the Federation.

MADE at Lagos this 9th day of May 1970.

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