

**CONSTITUTION (BASIC PROVISIONS) (TRANSITIONAL  
MEASURES) DECREE 1978**



**Decree No. 15**

[24th July 1978]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) As from the appointed day, all the functions conferred upon the Military Governor of each State under or pursuant to the Constitution (Basic Provisions) Decree 1975 (hereinafter referred to as “the principal Decree”) and under any other affected enactment or instrument are hereby conferred upon and shall hereafter be exercisable by the Military Administrator of each State and, accordingly, all references in that Decree and in any other affected enactment or instrument to the Military Governor or, as the case may be, Military Governors shall be construed as references to the Military Administrator or Military Administrators appointed under this Decree.

Military  
Adminis-  
trator  
appointed  
for each  
State, etc.  
1975 No. 32.

(2) Without prejudice to the powers of the Supreme Military Council specified in paragraph (d) of section 8 of the principal Decree, the Military Administrator of each State shall be the commanding officer for the time being of any military unit or formation in the State concerned that may be assigned to him.

(3) Without prejudice to the generality of the powers of the Supreme Military Council as hereinabove mentioned, where a temporary vacancy occurs in the office of the Military Administrator, the Supreme Military Council may appoint one of the members referred to in paragraph (b) or (c) of section 7 (1) of the principal Decree to act as the Military Administrator,

(4) In this section—

“commanding officer” has the meaning assigned thereto in section 2 (1) of the Nigerian Army Act 1960 or, as the case may require, in the corresponding provision of the Navy Act 1964 or the Air Force Act 1964 ;

“military unit” means a detachment of the Nigerian Army or, as the case may require, of the Nigerian Navy or the Nigerian Air Force.

1964 No. 21.  
1964 No. 11.  
1960 No. 26.

2.—(1) As from the appointed day, there shall be a Deputy Chairman for each State Executive Council who shall be appointed by the Military Administrator from amongst members of the Executive Council specified in paragraph (d) of section 7 (1) of the principal Decree.

Executive  
Council to  
have a  
civilian  
Deputy  
Chairman.

(2) Without prejudice to section 1 (3) of this Decree, the Deputy Chairman may, in the absence of the Military Administrator, preside over the State Executive Council and he shall carry out such other functions of a routine administrative nature as the Military Administrator may delegate to him from time to time.

Interpretation.

3. In this Decree, unless the context otherwise requires—

“affected enactment or instrument” means any Act, Decree, Law, Edict and any subsidiary legislation made under any of the foregoing, rules of law, and any instrument or document whatsoever, which contain references express or implied to Military Governor or Military Governors ;

“the appointed day” means the day of coming into force of this Decree ;

“functions” includes powers and duties ;

“the principal Decree” means the Constitution (Basic Provisions) Decree 1975.

1975 No 32

Citation and commencement.

4. This decree may be cited as the Constitution (Basic Provisions) (Transitional Measures) Decree 1978 and shall be deemed to have come into force on 24th July 1978.

MADE at Lagos this 2nd day of August 1978.

LT-GENERAL O. OBASANJO,  
*Head of the Federal Military Government,  
Commander-in-Chief of the Armed Forces,  
Federal Republic of Nigeria*

#### EXPLANATORY NOTE

*(This note does not form part of the above Decree but is intended to explain its effect)*

The Decree provides for the appointment of a Military Administrator for each State in the Federation to discharge the functions hitherto conferred upon the Military Governor of that State. It also makes provision for the appointment of a civilian Deputy Chairman for the Executive Council of each State.

**NIGERIAN NATIONAL PETROLEUM CORPORATION  
(AMENDMENT) DECREE 1978**



**Decree No. 16**

[24th July 1978]

Commence  
ment

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Nigerian National Petroleum Corporation Decree 1977 is hereby amended as follows :—

Amendment  
of 1977  
No. 33

(a) in section 1 thereof—

(i) for subsection (3) there shall be substituted the following new subsection—

“(3) The Chairman shall be appointed by the Supreme Military Council.”, and

(ii) the expression “(other than the Chairman)” in subsection (4) is hereby repealed ;

(b) in subsection (3) of section 9 thereof, immediately after the word “Commissioner” there shall be inserted the words “or, as the case may require, the Chairman”, and

(c) paragraph 3 of Schedule 1 thereto is hereby repealed.

2. This Decree may be cited as the Nigerian National Petroleum Corporation (Amendment) Decree 1978 and shall be deemed to have come into force on 24th July 1978.

Citation and  
commence-  
ment

MADE at Lagos this 2nd day of August 1978.

LT-GENERAL O. OBASANJO,  
*Head of the Federal Military Government,  
Commander-in-Chief of the Armed Forces,  
Federal Republic of Nigeria*

**EXPLANATORY NOTE**

*(This note does not form part of the above Decree but is  
intended to explain its effect)*

The Decree amends the Nigerian National Petroleum Corporation Decree 1977 and provides that the Chairman of the Board of the Corporation would no longer be the Commissioner for Petroleum but such suitable person as may be appointed from time to time to serve as a part-time Chairman.

(2) Without prejudice to section 1 (3) of this Decree, the Deputy Chairman may, in the absence of the Military Administrator, preside over the State Executive Council and he shall carry out such other functions of a routine administrative nature as the Military Administrator may delegate to him from time to time.

Interpretation.

3. In this Decree, unless the context otherwise requires—

“affected enactment or instrument” means any Act, Decree, Law, Edict and any subsidiary legislation made under any of the foregoing, rules of law, and any instrument or document whatsoever, which contain references express or implied to Military Governor or Military Governors ;

“the appointed day” means the day of coming into force of this Decree ;

“functions” includes powers and duties ;

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