

**CREATION OF STATES AND BOUNDARY ADJUSTMENTS
(PROCEDURE) ACT 1982**



1982 No. 9

AN ACT TO REGULATE THE PROCEDURE FOR THE CREATION OF NEW STATES AND
BOUNDARY ADJUSTMENTS AND FOR MATTERS CONNECTED THEREWITH.

[15th November 1982]

Commence-
ment.

BE IT ENACTED by the National Assembly of the Federal
Republic of Nigeria and by authority of same as follows—

PART I—REQUEST AND PROPOSAL

1.—(1) A request for the creation of a new State or boundary adjustment within the Federal Republic of Nigeria shall be in writing and shall be submitted to either the President of the Senate or the Speaker of the House of Representatives or the Clerk of the National Assembly.

Requests.

(2) A request shall be deemed to be supported by at least two-thirds majority of members representing the area demanding the creation of a new State in—

- (a) the Senate and House of Representatives ;
- (b) the House of Assembly in respect of the area ; and
- (c) the local government councils in respect of the area ;

only if those members append their signatures or right-hand thumb impressions to the request.

(3) The request shall contain the following particulars—

- (a) the name of the proposed State ;
- (b) a full and clear description of the area covered by the request ; and
- (c) the names of all elected members for the time being of the Local Government Councils, House of Assembly, House of Representatives and the Senate representing the area covered by the request and supporting the request with their signatures or right hand thumb impressions appended thereto directly opposite their names ;

(4) Notwithstanding the foregoing provisions, a request for the creation of a new State received prior to the commencement of this Act and accepted by the National Assembly as having satisfied the requirements of the Constitution shall be deemed to have been made in accordance with the provisions of this Act.

Directions
to Federal
Electoral
Commission
Form 1.

2.—(1) The National Assembly shall where it is satisfied that a request so received has complied with Section 8 (1) (a) of the Constitution of the Federal Republic of Nigeria 1979, direct the Federal Electoral Commission by Resolution to conduct referendum of the area (where the demand for the creation of the new State originated) with respect to the said proposal.

(2) The proposal shall, within 30 days after it has been accepted by resolution of both Houses of the National Assembly, be published in the *Gazette*.

(3) The Clerk to the National Assembly shall communicate the directives of the National Assembly within thirty days to the Federal Electoral Commission in the form and manner prescribed in Form 1 of the Schedule to this Act.

PART II—REFERENDUM

Supervision
of referen-
dum.

3.—(1) When the Federal Electoral Commission receives the direction aforesaid it shall, within three months therefrom, organise and supervise a referendum in the area demanding the creation of a new State.

(2) The Federal Electoral Commission shall make regulations with respect to the general conduct and regulation of a referendum under the provisions of this Act.

Date and
time of
referendum.

4.—(1) Subject to the provisions of this Act, the referendum shall be held on a day appointed by the Federal Electoral Commission by notice published in the *Gazette* and in any other news media and the day so appointed (hereinafter referred to as "the appointed day") shall not be before the expiration of one month beginning with the day of the first publication of the notice.

(2) Voting for the purposes of the referendum shall take place on the appointed day during such hours as may be specified in the notice.

(3) For the purposes of the referendum it shall be lawful to use the current register of voters in existence at the time of such referendum.

Form of
question at
referendum.

5. The sole matter on which a voter shall be invited to cast his vote at the referendum shall be the question as to whether or not he agrees to the proposal to create the new State.

Federal
Electoral
Commission
to issue
certificate :
Form 2.

6.—(1) After the referendum has been held and the results ascertained, the Chairman of the Federal Electoral Commission shall forthwith issue a certificate as prescribed in Form 2 in the Schedule to this Act certifying the result of the referendum to the Clerk to the National Assembly.

(2) The Federal Electoral Commission shall also forthwith cause the result of the referendum to be published in the *Gazette* and in any other news media.

Jurisdiction
of State High
Court.

7.—(1) A State High Court shall have original jurisdiction to determine any question arising from or in connection with the organisation, conduct or result of the referendum.

(2) For speedy disposal of such matters and any appeals arising therefrom, the Chief Justice of Nigeria may make special rules of court for the exercise of the jurisdiction conferred by this section.

8. Any expenses certified by the Executive Secretary of the Federal Electoral Commission to be expenses incurred in respect of any referendum conducted under this Act shall be charged upon the Consolidated Revenue Fund of the Federation.

Expense.

PART III—TRANSMISSION OF CERTIFICATE OF RESULT

9.—(1) Upon receipt of the certificate of result of the referendum from the Federal Electoral Commission and if the result shows that the proposal for the creation of the new State has been approved by at least two-thirds majority of the people of the area who actually voted, then the President of the Senate shall transmit a copy of the said certificate of result of the referendum issued by the Federal Electoral Commission to the Speaker of every State House of Assembly in the Federation who shall cause it to be laid before the House for its consideration.

Transmission of certificate of result to States : Form 3

(2) The House shall thereupon take a vote on a motion moved by any of the members thereof for the approval of the said result of the referendum.

(3) The Clerk of each House of Assembly shall issue a certificate as prescribed in Form 3 in the Schedule to this Act certifying the result of the votes taken on the motion and forthwith deliver or cause to be delivered such certificate to the Clerk of the National Assembly who shall in turn submit same to the President of the Senate and the Speaker of the House of Representative.

(4) If the certificate of the result of the voting on the said motion in the Houses of Assembly shows that the motion has been approved by a simple majority of all the States of the Federation supported by a simple majority of members of the Houses of Assembly, a resolution may be proposed by any member in each House of the National Assembly calling on the House to approve the proposal for the creation of the new State.

(5) If the resolution is passed by two-thirds majority of members of each House of the National Assembly, the National Assembly shall proceed to enact a law creating the new State.

PART IV—MISCELLANEOUS

10. In this Act, unless the context otherwise requires—

"Clerk of the National Assembly" means Clerk to National Assembly within the meaning of section 47 of the Constitution ;

"Constitution" means Constitution of the Federal Republic of Nigeria 1979 ;

"Gazette" means the Federal Republic of Nigeria Official Gazette

"Local Government Council" means an elected local government council established in 1976 or thereafter pursuant to section 7 of the Constitution ;

Interpretation.

“President of Senate” means President of the Senate elected under section 46 (1) (a) of the Constitution ;

“Speaker of the House of Representatives” means Speaker of the House of Representatives elected under section 46 (1) (b) of the Constitution ;

“State” means a State of the Federal Republic of Nigeria.

Short title
and repeal.

11.—(1) This Act may be cited as the Creation of States and Boundary Adjustments (Procedure) Act 1982.

(2) The Constitutional Referendum Act 1962 is hereby repealed.

SCHEDULE

FORM 1

Section 2 (3)

DIRECTION TO HOLD A REFERENDUM TO ASCERTAIN THE WISHES OF PERSONS IN THE AREA WHERE CREATION OF A NEW STATE ORIGINATED

Whereas the National Assembly has received a request for the creation of a new State to be known as..... with..... as its capital city and comprising the following areas of the state namely—

(Describe the Areas in Terms of State or Federal Constituencies or Local Government Areas)

Whereas the request is supported by at least two-thirds majority of members representing the area aforementioned in each of the following, namely :

- (1) The Senate and the House of Representatives ;
- (2) The House of Assembly in..... State ; and
- (3) Two-thirds of the total number of the following Local Government Councils.
 - (a) Local Government
 - (b) Local Government
 - (c) Local Government, etc.

And Whereas it is proposed to create the said..... State.

Now, Therefore I, _____ the Clerk to the National Assembly in exercise of the powers conferred upon me by Section 2 (3) of the Creation of States and Boundary Adjustments (Procedure) Act 1982 and all other powers enabling me in that behalf hereby direct the Federal Electoral Commission to hold a referendum within three months in the areas comprising the proposed _____ State for the purpose of ascertaining the wishes of the people of the area aforesaid with respect to the proposal for the creation of the new State within the Federal Republic of Nigeria.

Dated this _____ day of _____ 19 _____

Clerk of the National Assembly

FORM 2

Section 6 (1)

FORM OF CERTIFICATE OF RESULTS OF THE
REFERENDUM

To the President of Senate

I, _____ Chairman of the Federal Electoral Commission hereby certify that the result of the referendum held on the day of _____ 19 _____ in compliance with your direction dated _____ to the Federal Electoral Commission to hold a referendum in respect of the areas demanding the creation of _____ State as described in your said direction was as follows—

- (1) Number of registered voters who actually voted.
- (2) "Yes" votes (i.e. votes in support of the creation of the said State)
- (3) Percentage of "Yes" votes.

Dated this _____ day of _____ 19 _____

Chairman,
Federal Electoral Commission

FORM 3

Section 9 (3)

FORM OF CERTIFICATE OF RESOLUTION APPROVING
OR REJECTING

THE RESULT OF A REFERENDUM FOR THE CREATION OF A NEW STATE

To the Clerk to the National Assembly

I hereby certify that on the day of 19 State passed a resolution approving the result of the Referendum as certified by the certificate dated day of 19 issued by the Chairman of the Federal Electoral Commission for the creation of State within the Federal Republic of Nigeria.

Dated this day of 19

*Clerk to the House of Assembly
of State*

I certify, in accordance with Section 2 (1) of the Acts Authentication Act 1961, that this is a true copy of the Bill passed by both Houses of the National Assembly.

GIDADO IDRIS,
Clerk to the National Assembly

SCHEDULE OF BILL PRESENTED FOR ASSENT

<i>Long Title of Bill</i>	<i>Summary of Contents</i>	<i>Date Passed by House of Representatives</i>	<i>Date Passed by Senate</i>
A Bill for an Act to regulate the procedure for the Creation of New States and Boundary Adjustments and for matters connected therewith.	The Bill makes provisions for the procedure to be adopted when a request for creation of a new State or for boundary adjustments is made.	18-10-82	13-10-82

I certify, in accordance with Section 2 (2) of the Acts Authentication Act 1961, that this Schedule is a true and correct record.

GIDADO IDRIS,
Clerk to the National Assembly

I ASSENT.



SHEHU SHAGARI.
President

15th day of November 1982.