



Decree No. 13

[17th May 1984]

Commence-
ment.

1984 No. 1.

WHEREAS the military revolution which took place on 31st December 1983 effectively abrogated the whole pre-existing legal order in Nigeria except what has been preserved under the Constitution (Suspension and Modification) Decree 1984 :

AND WHEREAS the military revolution aforesaid involved an abrupt political change which was not within the contemplation of the Constitution of the Federal Republic of Nigeria 1979 (hereafter in this Decree referred to as the Constitution) :

AND WHEREAS by the Constitution (Suspension and Modification) Decree 1984 aforesaid 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 to remain in operation :

1984 No. 1.

AND WHEREAS by section 5 of the said Constitution (Suspension and Modification) Decree 1984, no question as to the validity of any Decree or any Edict (in so far as by section 2 (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 section 1 (2) of the said Constitution (Suspension and Modification) Decree 1984 the provisions of a Decree shall prevail over those of the unsuspended provisions of the said Constitution :

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 Federal Republic of Nigeria ; and

Exclusion of
civil pro-
ceedings.

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

(i) no civil proceedings shall lie or be instituted in any court for or on account of or in respect of any act, matter or thing done or purported to be done under or pursuant to any Decree or Edict and if any such proceedings are instituted before, on or after the commencement of this Decree the proceedings shall abate, be discharged and made void.

(ii) the question whether any provision of Chapter IV of the Constitution has been, is being or would be contravened by anything done or proposed to be done in pursuance of any Decree or an Edict shall not be inquired into in any court of law and, accordingly, no provision of the Constitution shall apply in respect of any such question.

Citation.

2. This Decree may be cited as the Federal Military Government (Supremacy and Enforcement of Powers) Decree 1984.

MADE at Lagos this 17th day of May 1984.

MAJOR-GENERAL M. BUHARI,
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 purport)

Section 5 (1) of the Constitution (Suspension and Modification) Decree 1984 had earlier affirmed the supremacy of a Decree or, in an appropriate case, an Edict over the modified or unsuspended provisions of the 1979 Constitution. For the avoidance of doubt, the Decree reaffirms that position, and accordingly, renders null and void any suit pending before any court of law challenging the competence of the Federal or State Military Government to make any Decree or Edict.

PUBLISHED BY AUTHORITY OF THE FEDERAL MILITARY GOVERNMENT OF NIGERIA
AND PRINTED BY THE MINISTRY OF INFORMATION, PRINTING DIVISION, LAGOS