

CONSTITUTION (BASIC PROVISIONS) DECREE 1975



ARRANGEMENT OF SECTIONS

Sections

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|---|--|
| 1. Powers of Federal Military Government and Military Governors of States to make laws. | 11. Powers of Head of Federal Military Government, Supreme Military Council, National Council of States, Federal Executive Council and Military Governors to delegate functions conferred on them by laws. |
| 2. Mode of exercising legislative powers. | 12. Execution of instruments made by certain authorities. |
| 3. Making and commencement of Decrees, Edicts, etc. | 13. Establishment and functions of Advisory Judicial Committee. |
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| 5. Executive authority of the Federal Republic of Nigeria. | 15. Modification of existing law. |
| 6. Establishment of Supreme Military Council, National Council of States and Federal Executive Council. | 16. Continued operation of certain existing law. |
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| 8. Functions of the Supreme Military Council. | 18. Succession to property, etc. |
| 9. Functions of the National Council of States. | 19. Application of Interpretation Act 1964 to Decrees. |
| 10. Functions of the Federal Executive Council. | 20. Meaning of certain expressions in Decrees and other laws. |
| | 21. Citation, commencement, repeal, etc. |

SCHEDULE
Enactments Repealed.

Decree No. 32

[See section 21 (1)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) The Federal Military Government shall have power to make laws for the peace, order and good government of Nigeria or any part thereof with respect to any matter whatsoever.

Powers of
Federal
Military
Government
and Military
Governors
of States to
make laws.

(2) The Military Governor of a State—

(a) shall not have power to make laws with respect to any matter included in the Exclusive Legislative List ; and

(b) except with the prior consent of the Federal Military Government, shall not make any law with respect to any matter included in the Concurrent Legislative List.

(3) Subject to subsection (2) above and to the Constitution of the Federation, the Military Governor of a State shall have power to make laws for the peace, order and good government of that State.

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(4) If any law—

(a) enacted before 16th January 1966 by the legislature of a Region, or having effect as if so enacted, or

(b) made after that date by the Military Governor of a Region or State, is inconsistent with any law—

(i) validly made by Parliament before that date, or having effect as if so made, or

(ii) made by the Federal Military Government on or after that date, the law made as mentioned in paragraph (i) or (ii) above shall prevail and the Regional or State law shall, to the extent of the inconsistency, be void.

(5) Nothing in subsection (2) of this section shall—

(a) preclude the Military Governor of a State from making provision for grants or loans from or the imposition of charges upon any of the public funds of that State or the imposition of charges upon the revenues and assets of that State for any purpose, notwithstanding that it relates to a matter included in the Exclusive Legislative List ; or

(b) require the Military Governor of a State to obtain the consent of the Federal Military Government to his making such provision as aforesaid for any purpose, notwithstanding that it relates to a matter included in the Concurrent Legislative List.

(6) The question whether a law made by the Military Governor of a State with respect to a matter included in the Concurrent Legislative List was made with the consent required by subsection (2) (b) above shall not be enquired into in any court of law.

(7) In this section "the Exclusive Legislative List" and "the Concurrent Legislative List" have the same meanings as in the Constitution of the Federation.

Mode of
exercising
legislative
powers.

2.—(1) The power of the Federal Military Government to make laws shall be exercised by means of Decrees signed by the Head of the Federal Military Government.

(2) The power of the Military Governor of a State to make laws shall be exercised by means of Edicts signed by him.

(3) A Decree or Edict may be made known to the public by means of a sound or television broadcast, or by publication in writing, or in any other manner.

(4) In so far as a Decree published on any date in the *Federal Gazette* makes provision with respect to the same matters as a Decree which—

(a) was made known to the public on or before that date ; but

(b) has not been published in the *Federal Gazette*,

the Decree published in the *Federal Gazette* shall prevail.

(5) In so far as an Edict published on any date in the *Gazette* of the State to which it applies makes provision with respect to the same matters as an Edict which—

(a) was made known to the public on or before that date ; but

(b) has not been published in that *Gazette*,

the Edict published in the *Gazette* shall prevail.

(6) Any Decree made by the Military Governor of a Region before 16th February 1966 shall, notwithstanding anything in this section (but subject to section 1 of this Decree), be deemed to be, and to have taken effect as, an Edict ; and references to an Edict shall be construed accordingly.

Making and
commence-
ment of
Decrees,
Edicts, etc.

3.—(1) A Decree is made when it is signed by the Head of the Federal Military Government, whether or not it then comes into force.

(2) An Edict is made when it is signed by the Military Governor of the State to which it applies, whether or not it then comes into force.

(3) Where no other provision is made as to the time when a particular provision contained in a Decree, Edict or subsidiary instrument is to come into force, it shall, subject to subsection (4) below, come into force on the day when the Decree, Edict or subsidiary instrument, as the case may be, is made.

(4) Where a provision contained in a Decree, Edict or subsidiary instrument is expressed to come into force on a particular day, it shall be construed as coming into force immediately on the expiration of the previous day.

(5) In this section "subsidiary instrument" means any order, rules, regulations, rules of court or byelaws made in the exercise of powers conferred by a Decree or Edict.

Validity of
Decrees and
Edicts not to
be enquired
into.

4. No question as to the validity of this or any other Decree or of any Edict shall be entertained by any court of law in Nigeria.

Executive
Authority of
the Federal
Republic of
Nigeria.

5.—(1) The executive authority of the Federal Republic of Nigeria shall be vested in the Head of the Federal Military Government and shall be exercised by him in consultation with the Supreme Military Council.

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(2) The question whether there has been any consultation with the Supreme Military Council with respect to any exercise of the executive authority of the Federal Republic of Nigeria shall not be enquired into in any court of law.

(3) The executive authority of the Federal Republic of Nigeria may be exercised by the Head of the Federal Military Government: either directly or through persons or authorities subordinate to him.

(4) Nothing in the foregoing provisions of this section shall prevent any authority having power to make laws from conferring functions on persons or authorities other than the Head of the Federal Military Government.

(5) The executive authority of the Federal Republic of Nigeria shall extend to the execution and maintenance of the Constitution of the Federation, as modified and supplemented by this or any other Decree, and to all other matters whatsoever throughout Nigeria.

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(6) Without prejudice to subsection (1) above, the Head of the Federal Military Government may either conditionally or unconditionally delegate to the Military Governor of a State executive functions falling to be performed within that State in relation to any matter.

(7) Subject to subsection (8) below, all executive functions which immediately before 16th January 1966 were vested in or exercisable by the Governor or any officer or authority of a Region by virtue of section 86 or 99 of the Constitution of the Federation shall be treated as having been delegated under subsection (6) above to the Military Governor of each State.

(8) Any delegation effected under subsection (6) above (including any delegation which in accordance with subsection (7) above is to be treated as having been effected under subsection (6) above) may be varied or revoked by the Head of the Federal Military Government at any time.

(9) Any executive function which by virtue of any such delegation as is mentioned in subsection (8) above is exercisable by the Military Governor of a State may, subject to any conditions imposed under subsection (6) above, be exercised by him either directly or through persons or authorities subordinate to him.

6.—(1) There shall be for Nigeria a Supreme Military Council, a National Council of States and a Federal Executive Council.

(2) The Supreme Military Council shall consist of—

(a) the Head of the Federal Military Government, who shall be President of the Supreme Military Council;

(b) the Chief of Staff, Supreme Headquarters;

(c) the Chief of Army Staff;

(d) the Chief of Naval Staff;

(e) the Chief of Air Staff;

(f) the Inspector-General of the Nigeria Police;

(g) the General Officer Commanding 1st Division, Nigerian Army;

(h) the General Officer Commanding 2nd Division, Nigerian Army;

(i) the General Officer Commanding 3rd Division, Nigerian Army;

(j) the General Officer Commanding 4th Division, Nigerian Army;

(k) twelve designated members who shall be senior officers of the Nigerian Armed Forces and the Nigeria Police Force of whom six shall be from the Nigerian Army, three from the Nigerian Navy, two from the Nigerian Air Force and one from the Nigeria Police Force; and

(l) such other members as the Council may from time to time appoint.

Establishment of Supreme Military Council, National Council of States and Federal Executive Council.

(3) A member of the Supreme Military Council shall, unless the Council otherwise directs, vacate his office as a member if he ceases to be the holder of any office by virtue of which he was appointed a member.

(4) The National Council of States shall consist of—

- (a) the Head of the Federal Military Government who shall be President of the National Council of States ;
- (b) the Chief of Staff, Supreme Headquarters ;
- (c) the Chief of Army Staff ;
- (d) the Chief of Naval Staff ;
- (e) the Chief of Air Staff ;
- (f) the Inspector-General of the Nigeria Police ;
- (g) the Military Governors of the States ; and
- (h) such other members as the Supreme Military Council may from time to time appoint.

(5) The Attorney-General of the Federation shall attend meetings of the Supreme Military Council and the National Council of States in an advisory capacity.

(6) The Federal Executive Council shall consist of—

- (a) the Head of the Federal Military Government who shall be the President of the Federal Executive Council ;
- (b) the Chief of Staff, Supreme Headquarters ;
- (c) the Inspector-General of the Nigeria Police ;
- (d) the Attorney-General of the Federation ; and
- (e) such other members (to be known as commissioners) as the Supreme Military Council may from time to time appoint.

(7) Each of the Councils established by this section—

- (a) shall be presided over by the Head of the Federal Military Government or in his absence by the Chief of Staff, Supreme Headquarters ; and
- (b) subject to paragraph (a) of this subsection, may regulate its own procedure and, subject to its rules of procedure, may act notwithstanding any vacancy in its membership or the absence of any member.

(8) Without prejudice to paragraph (b) of subsection (7) of this section the Supreme Military Council shall meet at least once every three months, the National Council of States shall meet at least thrice every year and the Federal Executive Council shall meet normally once every week.

7.—(1) There shall be for each State an Executive Council which shall consist of—

- (a) the Military Governor as chairman ;
- (b) one senior officer each from the Nigerian Army, the Navy and the Air Force in the State ;
- (c) the most senior officer of the Nigeria Police in the State ; and
- (d) such other members (to be known as commissioners) as the Military Governor, in his discretion may, from time to time appoint.

(2) Each State Executive Council may regulate its own procedure and, subject to its rules of procedure, may act notwithstanding any vacancy in its membership or the absence of any member.

8.—The functions of the Supreme Military Council include—

(a) the determination from time to time of national policy on major issues affecting the Federal Republic of Nigeria ;

(b) constitutional matters, including amendments of the Constitution of the Federation ;

(c) all national security matters, including the authority to declare war or proclaim a state of emergency or martial law ;

(d) exclusive responsibility for the appointment of the Head of the Federal Military Government, the Chief of Staff, Supreme Headquarters, the Chief of Army Staff, the Chief of Naval Staff, the Chief of Air Staff, the General Officers Commanding, the Inspector-General of the Nigeria Police, Military Governors, members of the National Council of States and of the Federal Executive Council ;

(e) the ratification of the appointment of such senior public officers as the Council may from time to time specify ; and

(f) general supervision of the work of the National Council of States and the Federal Executive Council.

9. The National Council of States is, subject to the overall control of the Supreme Military Council, charged with the responsibility for—

(a) policy guidelines on financial and economic matters and social affairs in so far as they affect the States ;

(b) the formulation and general implementation of National Development Plans including State Programmes ;

(c) constitutional matters especially in so far as they affect the States ; and

(d) such other matters as the Supreme Military Council may from time to time determine.

10. The Federal Executive Council is charged with the responsibility for determining and executing the general policy of the Federal Military Government within such framework as may from time to time be determined by the Supreme Military Council.

11.—(1) The Head of the Federal Military Government may, subject to such conditions (if any) as he may think fit, delegate any function conferred on him by any law (including the Constitution of the Federation or the constitution of a State) to the Federal Executive Council or to any other authority in Nigeria :

Provided that this subsection shall not apply to the function of signing Decrees.

(2) The Supreme Military Council may, subject to such conditions (if any) as it may think fit, delegate any function conferred on it by any law (including the Constitution of the Federation or the constitution of a State) to any of its members.

(3) The National Council of States may, subject to such conditions (if any) as it may think fit, delegate any function conferred on it by any law (including the Constitution of the Federation or the constitution of a State) to any of its members.

Functions of
the Supreme
Military
Council.

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Functions of
the National
Council of
States.

Functions of
the Federal
Executive
Council.

Powers of
Head of
Federal
Military
Government,
Supreme
Military
Council,
National
Council of
States,
Federal
Executive
Council and
Military
Governors
to delegate
functions
conferred
on them by
laws

1961 No. 20

(4) The Federal Executive Council may, subject to such conditions (if any) as it may think fit, delegate any function conferred on it by any law (including the Constitution of the Federation or the constitution of a State) to any of its members or to any officer in the public service of the Federation.

(5) The Military Governor of a State may, subject to such conditions (if any) as he may think fit, delegate any function conferred on him by any law in force in the State (including the Constitution of the Federation and the constitution of the State) to any member of the public service of the State.

Provided that this subsection shall not apply to the function of making and signing Edicts.

(6) Any function of the Head of the Federal Military Government or of the Supreme Military Council or of the National Council of States or of the Federal Executive Council or of the Military Governor of a State may be exercised respectively by the Head of the Federal Military Government or that Council or Governor notwithstanding any delegation of that function for the time being in force under the foregoing provisions of this section.

(7) References in this section to functions conferred by a law do not include references to executive functions conferred by section 5 of this Decree.

Execution of
instruments
made by
certain
authorities.

12.—(1) Where a power to make an instrument is conferred on the Head of the Federal Military Government or the Supreme Military Council or the National Council of States by any law, then, without prejudice to the exercise of the power by the Head of the Federal Military Government in person or by the Supreme Military Council or the National Council of States itself, as the case may be, any instrument made in exercise of that power may be executed under the hand of the Secretary to the Federal Military Government.

(2) Where a power to make an instrument is conferred on the Federal Executive Council by any law, then, without prejudice to the exercise of the power by the Council itself, any instrument made in the exercise of the power may be executed under the hand of the commissioner or permanent secretary to the department of government of the Federation responsible for the matter to which the instrument relates, or under the hand of the Secretary to the Federal Military Government.

(3) Where a power to make an instrument is conferred on the Military Governor of a State by any law, then without prejudice to the exercise of the power by the Military Governor in person, any instrument made in the exercise of that power may be executed under the hand of the commissioner or permanent Secretary to the department of government of that State responsible for the matter to which the instrument relates, or under the hand of the Secretary to the Military Government of that State.

Establish-
ment and
functions of
Advisory
Judicial
Committee.

13.—(1) There shall continue to be an Advisory Judicial Committee which shall consist of—

- (a) the Chief Justice of Nigeria, who shall be chairman ;
- (b) the Attorney-General of the Federation ;
- (c) the President of the Federal Court of Appeal ;
- (d) the President of the Federal Revenue Court ;
- (e) the Chief Justice of each of the States of Nigeria ; and

(f) one Grand Kadi of the Sharia Court of Appeal appointed annually in rotation by the Supreme Military Council from the States having a Sharia Court of Appeal.

(2) The Advisory Judicial Committee may, with the consent of the Head of the Federal Military Government, by regulation or otherwise regulate its own procedure and, subject to its rules of procedure, may function notwithstanding any vacancy in its membership or the absence of any member.

(3) It shall be the duty of the Advisory Judicial Committee to advise the Supreme Military Council on—

(a) the appointment of the President and the Justices of the Federal Court of Appeal;

(b) the appointment of the President and Judges of the Federal Revenue Court, the Chief Justices and Judges of the High Courts of the States and the Grand Kadi and other Judges of the Sharia Courts of Appeal of the States and;

(c) any matter pertaining to the judiciary that may be referred to the Committee by the Supreme Military Council.

14.—(1) The provisions of the Constitution of the Federation and of the States set out respectively in Schedules 1 and 3 to the Constitution (Suspension and Modification) Decree 1966 and suspended by sections 1 (1) and 2 (1) of that Decree, in so far as those provisions have not been revived by any other Decree before the commencement of this Decree, shall continue to be suspended.

(2) The provisions of the Constitution of the Federation and of the States not suspended by Decree No. 1 of 1966, to the extent that those provisions were in force immediately before the commencement of this Decree, shall continue in force as modified or amended by Decree No. 1 of 1966 or any other Decree but shall, for the avoidance of doubt, have effect subject to this Decree.

15.—(1) Subject to this or any other Decree all existing law, that is to say, all law (other than the Constitution of the Federation or the constitution of a State) which, whether being a rule of law or a provision of an Act of Parliament or of a Law made by the legislature of a Region or any other enactment or instrument whatsoever, was continued in force by Decree No. 1 of 1966 as affected by any other Decree, shall, until that law is altered by an authority having power to do so, continue to have effect with such modifications (whether by way of addition, alteration or omission) as may be necessary to bring that law into conformity with the Constitution of the Federation and the constitution of each State, as affected by this or any other Decree, and with the provisions of any Decree or Edict relating to the performance of any functions which are conferred by law on any person or authority.

(2) It is hereby declared that the continued suspension by this or any other Decree of any provision of the Constitution of the Federation or of the constitution of a State shall be without prejudice to the continued operation in accordance with subsection (1) of this section of any law which immediately before the commencement of this Decree was in force by virtue of that provision.

(3) Any function which is conferred by any existing law within the meaning of subsection (1) of this section—

(a) on the President or on the Prime Minister, shall continue to vest in the Head of the Federal Military Government;

(b) on the Council of Ministers, House of Representatives, or Senate, shall continue to vest in the Federal Executive Council;

Transitional provisions in respect of the Constitution of the Federation and of the States.
1963 No. 20
1966 No. 1.

Modification of existing law.

(c) on any Minister in the Government of the Federation (other than the Prime Minister) shall continue to vest in the appropriate commissioner, and where there is no commissioner the function shall vest in the Head of the Federal Military Government.

(4) Any function which is conferred by any existing law within the meaning of subsection (1) of this section—

(a) on the Governor or Premier shall continue to vest in the Military Governor of the State ;

(b) on the Executive Council, House of Assembly, or House of Chiefs, shall continue to vest in the Executive Council of the State ; and

(c) on any Minister of the Government (other than the Premier) shall continue to vest in the appropriate state commissioner and where there is no state commissioner shall vest in the Military Governor of the State.

(5) Where, in respect of Lagos State, there are references in any existing law to "President", "Prime Minister", "Governor", "Premier" or "Minister", as the case may be, and that existing law—

(a) was made for, or has been adapted to, the former Federal territory, or for or to Lagos as if it were a Region ; or

(b) is applicable by reason of adjustment of boundaries,

the references, however made, shall continue to be construed as references to the Military Governor of Lagos State ; and references in any such existing law to "House of Assembly", "House of Chiefs", "Council of Ministers" or to "Executive Council", as the case may require, shall be construed as references to the Executive Council of Lagos State.

(6) Save as aforesaid, in the application of this section to the functions of commissioners, the provisions of the Ministers Statutory Powers and Duties (Miscellaneous Provisions) Act shall apply to the same extent as if the reference therein to "Minister" were a reference to a commissioner under this section and the functions were so exercisable accordingly.

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Continued
operation of
certain
existing law.

16. All law (other than any law to which section 15 of this Decree applies), which, whether being a rule of law or a provision of a Decree or of an Edict or of any other enactment or instrument whatsoever, was in force immediately before the commencement of this Decree or made before that date but comes into force on or after the commencement of this Decree, shall, until that law is altered by an authority having power to do so, continue to have effect as if made in exercise of the powers conferred by or derived under this Decree.

Savings for
existing
offices,
appoint-
ments,
etc.

1963 No. 20

17.—(1) Subject to this and any other Decree, any court of law, authority or office which was established, any appointment which was made, and any other thing whatsoever which was done before 26th May 1967 in pursuance of any provision of the Constitution of the Federation or of the constitution of a Region, being a provision that is continued in operation by this Decree or which was deemed by virtue of any such provision to be so established, made or done before that date, shall be deemed to have been duly established, made or done in pursuance of that provision as modified by this Decree.

(2) The continued suspension by this Decree of section 98 of the Constitution of the Federation (which relates to the constitution of offices and the making of appointments thereto) and of the corresponding sections of the constitutions of the Regions, shall not affect any office which was constituted under any of those sections before 26th May 1967 or any appointment to any such office which was made before that date.

18.—(1) All property held on behalf of or in trust for the Federal Military Government before the commencement of this Decree (including the property referred to in section 14 (1) of Decree No. 1 of 1966) shall by virtue of this subsection and without further assurance, continue to vest in the Head of the Federal Military Government and be held by him on behalf of, or as the case may be on the like trust for the benefit of, the Federal Military Government.

Succession
to property
etc.

(2) All property held by the Military Governor of a State on behalf of or in trust for the Government of the State before the commencement of this Decree (including the property referred to in section 14 (2) of Decree No. 1 of 1966) shall by virtue of this section and without further assurance continue to vest in the Military Governor of that State and shall be held by him on behalf of, or as the case may be on the like trust for the benefit of the Government of that State.

(3) Any contract or other arrangement entered into by any person or authority on behalf of the Federal Military Government or the Government of a State before the commencement of this Decree shall have effect as if the contract or arrangement was entered into on behalf of the Federal Military Government or, as the case may be, the Government of the State concerned by the appropriate person or authority having power to do so under or pursuant to this Decree.

(4) All promissory notes, stock, bonds and debentures issued under the General Loan and Stock Act, the Local Loans (Registered Stock and Securities) Act or the Government Promissory Notes Act 1960 at any time before the commencement of this Decree by or on behalf of the Federal Commissioner responsible for finance (including the promissory notes, stock, bonds and debentures referred to in section 14 (4) of Decree No. 1 of 1966) shall, so far as any liability of the Federal Military Government in respect thereof remained undischarged immediately before the commencement of this Decree, be deemed—

Caps. 74
and 111
1960 No. 6

(a) to have been duly issued under the Act in question by the Federal Executive Council; and

(b) to have been so issued on the date on which (and with the date of redemption with which) they were actually issued; and the principal sums and interest represented or secured thereby shall accordingly continue to be charged on the Consolidated Revenue Fund of the Federation.

(5) Subsections (1) and (2) of this section shall with the necessary modifications apply in relation to rights, liabilities and obligations arising out of a contract or other arrangement as they apply in relation to property.

19. Without prejudice to the generality of section 12 of this Decree, the Interpretation Act 1964 (except section 2 thereof) shall apply in relation to a Decree as it applies in relation to an Act of Parliament; and accordingly any reference in that Act (except in section 2 thereof) to an enactment shall include a reference to any provision of a Decree.

Application
of Interpretation Act
1964 to
Decrees.
1964 No. 1.

20. In this Decree, and in any other law—

"Decree" means an instrument made by the Federal Military Government and expressed to be, or to be made as, a Decree;

"Decree No. 1 of 1966" means the Constitution (Suspension and Modification) Decree 1966;

Meaning of
certain
expressions
in Decrees
and other
laws.
1966 No. 1.

"Edict" means an instrument made by the Military Governor of a Region or State and expressed to be, or to be made as, an Edict;

"enactment", unless the contrary intention appears, includes any provision of a Decree or an Edict;

"the Head of the Federal Military Government" means the Head of the Federal Military Government, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria;

"Military Governor" in relation to a State means the Military Governor of that State.

Citation,
commence-
ment,
repeal, etc.

21.—(1) This Decree may be cited as the Constitution (Basic Provisions) Decree 1975 and shall be deemed to have come into force on 29th July 1975.

(2) The enactments mentioned in the Schedule to this Decree are hereby repealed to the extent specified in that Schedule.

(3) Save as provided in this Decree, the Constitution (Suspension and Modification) Decree 1966 shall cease to have effect.

(4) Where a power to delegate a function is conferred by this Decree, that power includes—

(a) power to delegate the function to a limited extent only; and

(b) power to delegate the function to different persons or authorities for different purposes, or in respect of different matters or different parts of Nigeria.

(5) In this Decree "functions" includes powers and duties.

(6) For the avoidance of doubt it is hereby declared that any power to make laws conferred by this Decree includes power to make laws having extra-territorial operation.

SCHEDULE

Section 21

ENACTMENTS REPEALED

| No. | Title | Extent of Repeal |
|-------------|---|------------------|
| 1967 No. 20 | Constitution (Miscellaneous Provisions) Decree 1967 | The whole Decree |
| 1967 No. 27 | Constitution (Miscellaneous Provisions) (No. 2) Decree 1967 | Section 2 |
| 1969 No. 46 | East-Central State (Administration) Decree 1969 | The whole Decree |

MADE at Lagos this 15th day of October 1975.

BRIGADIER M. R. MUHAMMED,
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)

The Decree sets out the constitutional framework relative to the government of the Federation. Provisions are made with respect to the legislative, executive and other powers of the Federal Military Government and with respect to the composition and functions of the principal organs of the Federal Military Government.

The unsuspended provisions of the Constitution of the Federation are continued in operation but these are to have effect subject to the provisions of the Decree.

Transitional and other provisions are made, among other things, with respect to the modification of existing law (within the meaning of the Decree) the vesting of public property and a number of ancillary matters.