

STATES (CREATION AND TRANSITIONAL PROVISIONS)
DECREE 1976



Decree No. 12

[3rd February 1976]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

Creation of new states.

1. There shall on the commencement of this Decree be created states to be known by the names in Column 1 of the Schedule to this Decree the respective areas of which shall be those provinces, divisions or districts named in Column 2 of that Schedule and the capitals of which shall be those respectively named in Column 3 of that Schedule.

Appointment of Military Governors.

2. There shall be for each state a Military Governor who shall be appointed by the Supreme Military Council.

Financial provisions.

3.—(1) There shall on the commencement of this Decree be a public fund for each state under this Decree from which shall be defrayed all expenses incurred by the Military Governor of the state in the performance of his duties.

(2) There shall be paid or credited to the fund—

(a) such sums of money provided from time to time through the statutory and non-statutory allocations from the Federal Military Government;

(b) all other moneys held by the Military Governor for the purposes of the government of the relevant state.

(3) The fund shall be managed in accordance with regulations made for the purpose by the Military Government of the state concerned, and until the regulations are made the fund shall, subject to any general or special directions of the Military Governor of the state concerned, be managed in accordance with such general rules or regulations as applied, before the commencement of this Decree, with respect to the management of the public funds of the state of which, before the commencement of this Decree, the area of the state created under this Decree formed a part.

Adjustment of States boundaries.

4.—(1) The Supreme Military Council may from time to time by order published in the Gazette appoint a States Boundaries Adjustment Commission which shall in accordance with the provisions of the order be charged with responsibility for adjusting the boundaries of any of the states created under this Decree.

(2) Where the boundaries of any state are adjusted by a Commission appointed pursuant to subsection (1) of this section, the adjustment shall have effect only after approval by the Supreme Military Council.

(3) A Commission appointed pursuant to subsection (1) of this section shall in the performance of its duties under this section comply with any directions of the Supreme Military Council, given to the Commission by the Head of the Federal Military Government.

(4) Members of a Commission appointed pursuant to subsection (1) of this section shall hold office on such terms, including salary and allowances, as may be specified by the Supreme Military Council.

5.—(1) Until other provision is made by law in that behalf, all existing law (including all law continued in force by virtue of section 1 (5) of the States (Creation and Transitional Provisions) Decree 1967) in the state of which, before the commencement of this Decree, the area of the state created under this Decree formed a part shall have effect in the state created under this Decree, subject to the modifications necessary to bring the law into conformity with the provisions of this Decree.

(2) Without prejudice to the provision of subsection (1) above, every local authority, court and other public body which immediately before the commencement of this Decree exercised its functions within the area of a state as constituted under this Decree shall continue to exercise those functions in the state.

(3) Any person who immediately before the commencement of this Decree held office as a member of the public service of a state and exercised his office at or from a place in the area included in a state under this Decree shall, on the commencement of this Decree, unless at any time he is transferred, removed from or resigns his office in the manner provided by law, continue to hold and exercise that office in the state.

(4) A body corporate or person who continues to exercise any office or function by virtue of this section shall exercise that office or function in accordance with the directions, if any, of the appropriate Military Governor.

6.—(1) For section 3 of the Constitution of the Federation there shall be substituted the following new section :—

"Territories of the Federation. 3. There shall be nineteen states that is to say, Anambra, Bauchi, Bendel, Benue, Borno, Cross River, Gongola, Imo, Kaduna, Kano, Kwara, Lagos, Niger, Ogun, Ondo, Oyo, Plateau, Rivers and Sokoto."

(2) Any reference in any enactment to any state created by the States (Creation and Transitional Provisions) Decree 1967 shall, where the context so admits, be construed as a reference to a state created by this Decree.

(3) Save as provided in section 5 (1) of this Decree, the States (Creation and Transitional Provisions) Decree 1967 shall cease to have effect and the following enactments, that is to say—

(a) the States (Creation and Transitional Provisions) (Amendment) Decree 1967 ;

(b) the States (Creation and Transitional Provisions) (Amendment) (No. 2) Decree 1967 ; and

(c) the States (Creation and Transitional Provisions) (Amendment) Decree 1974,

are hereby, consequentially, repealed.

7. This Decree may be cited as the States (Creation and Transitional Provisions) Decree 1976 and shall be deemed to have come into force on 3rd February 1976.

Name of State

(a) ANAMBRA

(b) BAUCHI

(c) BENDEL

(d) BENUE

(e) BORNO

(f) CROSS RIVER

(g) GONGOLA

(h) IMO

(i) KADUNA

(j) KANO

(k) KWARA

(l) LAGOS

(m) NIGER

Continuance of existing law, certain powers, etc. 1967 No. 14.

Consequential amendments and repeals. 1963 No. 20.

1967 No. 19.

1967 No. 25.

1974 No. 16.

Citation and commencement.

SCHEDULE

Name of State	Area	Location of Capital
(a) ANAMBRA	Enugu, Izi-Uzo, Uzo-Uwani, Ezeagu, Nkanu, Abakaliki, Ezzikwo, Njikoka, Idemili, Igbo-Eze, Nsukka, Udi, Ishielu, Izzi, Aguata, Anambra, Onitsha, Awgu, Ogbaru, Ihiala and Nnewi	ENUGU
(b) BAUCHI	Katagum, Gombe and Bauchi Division less Jarawa District.	BAUCHI
(c) BENDEL	Akoko Edo, Owan, Etsako, Ishan, Benin East, Benin, Ika, Asaba, Warri, Western Urhobo I and II, Eastern Urhobo, Aboh less Ndoni area, Isoko, Western Ijaw.	DEMIN CITY
(d) BENUE	Gboko, Makurdi, Katsina Ala, Oturkpo and Idah, Dekina, Ankpa and Igala Divisions in Kwara State.	MARURDI
(e) BORNO	Borno, Bedde, Fika, Dikwa, Gwoza Local Authority area, Biu Division plus Uba District in Adamawa Division.	MAIDUGURI
(f) CROSS RIVER	Oron, Calabar, Akamkpa, Obubra, Ikom, Ogoja, Obudu, Eket, the Opobo Town District of Opobo Division, Abak, Etinan, Uyo, Ikot-Ekpene and Itu.	CALABAR
(g) GONGOLA	Northern Division less Gwoza Local Authority area, Adamawa less Uba District, Muri, Southern Division Gashaka/Mambilla, Wukari Division in Benue-Plateau State, Numan and Shani District.	YOLA
(h) IMO	Afikpo, Oguta, Nkwerre, Mbano, Mbaise, Bende, Arochukwu, Umuahia, Okigwi, Orlu, Oru, Mbaitoli/Ikeduru, Efiu, Ohafia, Northern Ngwa, Owerri, Aba and Ukwa.	OWERRI
(i) KADUNA	Katsina and Zaria Provinces.	KADUNA
(j) KANO	Kazaure, Kano North-Central, Gumel, Hadejia, Kano West, Kano Metropolitan, Kano South-East, Kano South-West.	KANO
(k) KWARA	Ilorin, Igbomina/Ekiti, Lafiagi/Pategi, Kabba, Kogi, Igbirra, Oyun and Borgu.	ILORIN
(l) LAGOS	Badagry, Ikeja, Lagos, Ikorodu, Epe.	IKEJA
(m) NIGER	Kontagora, Bida, Minna, Agai/Lapai and Abuja.	MINNA

SCHEDULE—continued

Name of State	Area	Location of Capital
(n) OGUN ..	Egba, Egbado, Ijebu and Ijebu-Remo.	ABEOKUTA
(o) ONDO ..	Ondo, Owo, Okitipupa, Northern Ekiti, Western Ekiti, Southern Ekiti, Central Ekiti, Akure and Akoko.	AKURE
(p) OYO ..	Northern Oyo, Southern Oyo, Ibadana, Ibadan, North-West Oshun, Oshun Central, Southern Oshun, North-East Oshun, Ife and Ijesha.	IBADAN
(q) PLATEAU	Jos, Pankshin, Akwanga, Langtang Shendam and Jarawa District in Bauchi Division, Nassarawa and Lafia.	JOS
(r) RIVERS	Ogba-Egbema, Yenagoa, Ahoada, Ndoni area, Ikwerre, Etche, Kulanma, Oporoma, Ogbia, Abua/Odual, Obio, Tai-Elemo, Port Harcourt, Khana, Bori, Okrika, Bonny plus the rest of Opobo Division not included in Cross River State, Kalabari and Brass.	PORT HARCOURT
(s) SOKOTO	Sokoto, Argungu, Gwandu, Yauri and Zuru.	SOKOTO

MADE at Lagos this 10th day of March 1976.

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 purpose)

The Decree creates for Nigeria nineteen states and specifies the areas to be comprised in the states and the location of their respective capitals. It provides for the establishment of a States Boundaries Adjustment Commission which is to have responsibility for adjusting, where necessary, the boundaries of the States. Transitional provisions are made with respect to the administration of the states.

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