

Decree No. 1

[31st December 1983]

Commencement

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) The provisions of the Constitution of the Federal Republic of Nigeria 1979 mentioned in Schedule 1 to this Decree are hereby suspended.

(2) Subject to this and any other Decree, the provisions of the said Constitution which are not suspended by subsection (1) above shall have effect subject to the modifications specified in Schedule 2 to this Decree.

2.—(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.

(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 in the Concurrent Legislative List relating to Federal Legislative Powers set out in the second column of Part II of the Second Schedule to the Constitution. (3) Subject to subsection (2) above and to the Constitution of the Federal Republic of Nigeria 1979, the Military Governor of a State shall have power to make laws for the peace, order and good government of that State.

(4) If any law—
(a) enacted before 31st December 1983 by the House of Assembly of a State or having effect as if so enacted; or

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

(i) validly made by the National Assembly 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 sub-paragraph (i) or (ii) above shall prevail and the 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 concerns a matter included in the Concurrent Legislative List relating to Federal Legislative Powers.

Suspension of some and modification of other provisions of the 1979 Constitution.
Powers of Federal Military Government and Military Governors of States to make laws.

(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 relating to Federal Legislative Powers 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 Federal Republic of Nigeria 1979.

3.—(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 round 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.

4.—(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" includes any order, rules, regulations, rules of court or by-laws made in the exercise of powers conferred by a Decree or Edict.

5. 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.

State of
exercising
legislative
powers.

Meaning and
contents—
of
Decrees,
Edicts, etc.

Validity of
Decrees and
Edicts not to
be enquired
into.

Executive authority of the Federal Republic of Nigeria.

6--(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.

(2) The question whether there has been any consultation with the 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 whether 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 Federal Republic of Nigeria 1979 as modified and supplemented by this or any other Decree, and to all other matters whatsoever throughout Nigeria.

(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 31st December 1983 were vested in or exercisable by the Governor or any officer or authority of a State by virtue of section 5 (2) of the Constitution of the Federal Republic of Nigeria 1979 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.

7--(1) There shall be for Nigeria a Supreme Military Council, a National Council of State and a Federal Executive Council.

(2) The Supreme Military Council shall consist of--

- (a) the Head of the Federal Military Government, who shall be the President of the Supreme Military Council;
- (b) the Chief of Staff, Supreme Headquarters;
- (c) the Minister charged with responsibility for defence;
- (d) the Chief of Army Staff;
- (e) the Chief of Naval Staff;
- (f) the Chief of Air Staff;
- (g) the General Officer Commanding 1st Mechanised Infantry Division, Nigerian Army;
- (h) the General Officer Commanding 2nd Mechanised Infantry Division, Nigerian Army;

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

- (i) the General Officer Commanding the 3rd Armoured Division, Nigerian Army;
- (j) the General Officer Commanding 82 Division, Nigerian Army;
- (k) the Commander, the Corps of Artillery;
- (l) the Attorney-General of the Federation and Minister of Justice;
- (m) the Inspector-General of Police;
- (n) the Director-General of the Nigerian Security Organisation;
- (o) six designated members who shall be senior officers of the Armed Forces; and
- (p) such other members as the Council may from time to time appoint.

(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 State shall consist of—
 - (a) the Head of the Federal Military Government who shall be the President of the National Council of State;
 - (b) the Chief of Staff, Supreme Headquarters;
 - (c) the Minister charged with responsibility for defence;
 - (d) the Chief of Army Staff;
 - (e) the Chief of Naval Staff;
 - (f) the Chief of Air Staff;
 - (g) the Attorney-General of the Federation and Minister of Justice;
 - (h) the Inspector-General of the Nigeria Police;
 - (i) the Military Governors of the States; and
 - (j) such other members as the Supreme Military Council may from time to time appoint.

- (5) 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 Attorney-General of the Federation and Minister of Justice; and
 - (d) such other members to be known as Ministers as the Supreme Military Council may from time to time appoint.

- (6) 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.
- (7) Without prejudice to paragraph (b) of this section, the Supreme Military Council shall meet at least once every three months, the National Council of State shall meet at least three times every year and the Federal Executive Council shall meet normally once every week.

8.—(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 Force 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.

9. 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 Federal Republic of Nigeria 1979;
- (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, Staff, 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, the Director-General of the Nigerian Security Organisation, Military Governors, members of the National Council of State 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 State and the Federal Executive Council.

10. Subject to the control of the Supreme Military Council, the National Council of State is 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.

11. 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.

12—(1) The Head of the Federal Military Government may, subject to such conditions as he may think fit, delegate any function conferred on him by any law (including the Constitution of the Federal Republic of Nigeria 1979) 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 as it may think fit, delegate any function conferred on it by any law (including the Constitution of the Federal Republic of Nigeria 1979) to any of its members.

(3) The National Council of State may, subject to such conditions as it may think fit, delegate any function conferred on it by any law (including the Constitution of the Federal Republic of Nigeria 1979) to any of its members.

(4) The Federal Executive Council may, subject to such conditions as it may think fit, delegate any function conferred on it by any law (including the Constitution of the Federal Republic of Nigeria 1979) 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 as he may think fit, delegate any function conferred on him by any law in force in the State (including the Constitution of the Federal Republic of Nigeria 1979) to any member of the public service of the State :

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

(6) Any function of the Head of the Federal Military Government or of the Supreme Military Council or of the National Council of State 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 the Council or Governor concerned 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 6 of this Decree.

13. (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 State 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 State 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 Minister 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.

Execution of instruments made by certain authorities.

Power of Head of Federal Military Government to delegate functions conferred on them by laws.

(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.

14.—(1) There shall be for Nigeria 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 and Minister of Justice;

(c) the President of the Court of Appeal;

(d) the Chief Judge of the Federal High Court;

(e) the Chief Judge of each of the States of Nigeria and of the Federal Capital Territory;

(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; and

(g) one President of the Customary Court of Appeal appointed annually in rotation by the Supreme Military Council from the States having a Customary 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 Justices of the Court of Appeal;

(b) the appointment of the Chief Judge and Judges of the Federal High Court, the Chief Judges and Judges of the High Courts of the States and of the Federal Capital Territory, the Grand Kadi and other Kadis of the Sharia Courts of Appeal of the States and the President and other Judges of Customary 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.

15.—(1) Subject to this or any other Decree all existing law, that is to say, all law (other than the Constitution of the Federal Republic of Nigeria (1979) which, whether being a rule of law or a provision of an Act of the National Assembly or of a Law made by a State House of Assembly or any other enactment or instrument whatsoever, 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 Federal Republic of Nigeria 1979 as amended, suspended, modified or otherwise affected by this or any other Decree, and with the provisions of any Decree or Order relating to the performance of any functions which are conferred by law on any person or authority.

Modification of existing laws.

Establishment and functions of Advisory Judicial Committee.

(2) It is hereby declared that the continued suspension by this or any other Decree of any provision of the Constitution of the Federal Republic of Nigeria 1979 shall be without prejudice to the continued operation of the Decree of any provision of any law which immediately before the commencement of this Decree was in force by virtue of that provision.

(3) In so far as no provision to the contrary has been made in that behalf by or pursuant to this or any other Decree or enactment, any function which is conferred by any existing law within the meaning of subsection (1) of this section—

(a) on the President shall vest in the Head of the Federal Military Government;
(b) on the National Assembly shall vest in the Federal Executive Council;
(c) on any Minister in the Government of the Federation shall vest in the appropriate Minister, and where there is no Minister the function shall vest in the Head of the Federal Military Government.

(4) In so far as no provision to the contrary has been made in that behalf by or pursuant to this or any other Decree or enactment, any function which is conferred by any existing law within the meaning of subsection (1) of this section—

(a) on the Governor shall vest in the Military Governor of the State;
(b) on the State House of Assembly shall vest in the Executive Council of the State; and
(c) on any Commissioner of the Government shall vest in the appropriate State Commissioner and where there is no State Commissioner shall vest in the Military Governor of the State.

(5) 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.

6. All law (other than any law to which section 15 of this Decree applies) which, whether having a rule of law or a provision of a Decree or an Act 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.

17. 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 31st December 1983 in pursuance of any provision of the Constitution of the Federal Republic of Nigeria 1979, 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.

Cap. 122.
Continued
operation
of certain
existing laws.
Savings
for
existing
offices,
appoint-
ments,
etc.

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

"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.

21.—(1) This Decree may be cited as the Constitution (Suspension and Modification) Decree 1984 and shall be deemed to have come into force on 31st December 1983.

(2) 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.

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

(4) 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.

SCHEDULES

SCHEDULE 1

(Section 1 (1))

SUSPENDED PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1979

- Section 1 (2) and (3)
- Sections 4 and 5
- Section 7 (4) and (5)
- Sections 8 and 9
- Section 11 (2), (4) and (5)
- Section 12 (3)
- Section 32 (3) to (7)
- Section 41 (3)
- Sections 43 to 73
- Section 75 (2)
- Sections 76, 77 and 78 (5)
- Section 80 (2) and (3)
- Sections 82 to 111
- Section 113 (2)
- Sections 114, 115 and 116 (5)
- Section 118 (3)
- Sections 120 to 136
- Section 139
- Section 141 (2) and (3)
- Section 144 (3)
- Section 157 (4)
- Section 161 (2)
- Sections 162 to 174

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Section 177

Section 183

Section 193

Sections 201 to 206

Section 208

Section 211 (5)

Section 218 (5)

Section 235 (5)

Section 237

Section 241 (5)

Section 246 (5)

Section 260

Section 265

Section 266 (1) to (7)

Section 267

Sections 269 to 272

SCHEDULE 2

(Section 1 (2))

MODIFICATIONS OF PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1979 NOT SUSPENDED BY SECTION 1

A—General Modifications

1. Any reference to the Government of the Federation shall be construed as a reference to the Federal Military Government and any reference to the Government of a State shall be construed as a reference to the Military Government of that State.

2. Any reference to the President or Vice-President of the Federal Republic of Nigeria or to the President acting in accordance with the advice or consent of any person or body, shall be construed as a reference to the Head of the Federal Military Government.

3. Any reference to the Governor or Deputy Governor of a State or of the Governor acting in accordance with the advice or consent of any person or body shall be construed as a reference to the Military Governor of that State.

4. Any reference to any matter or thing as being provided, prescribed or established (but not to any law as being made) by the National Assembly shall be construed as a reference to its being provided, prescribed or established by law.

5. Any reference to any matter as being provided, prescribed or established by the House of Assembly of a State shall be construed as its being provided, prescribed or established by the Military Governor of that State.

6. Any reference to the Secretary to the Government of the Federation or Head of Civil Service of the Federation shall be construed as a reference to the Secretary to the Federal Military Government and Head of Service.

7. Any reference to the Secretary to the Government of a State or the Head of State Civil Service shall be construed as a reference to the Secretary to the Military Government and Head of Service of that State.

8. Paragraphs 1-7 above are without prejudice to the following provisions of this Schedule.

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of
the
provisions
of
the
Constitution
shall
be
construed
as
references
to
the
Federal
Military
Government
of
that
State.

B—Additional Modifications of Particular Provisions

Section 1
In subsection (1), after the words "This Constitution", there shall be inserted the words "as amended by this or any other Decree".

Section 3
Immediately after the words "that Schedule" there shall be inserted the words "and each unit specified in such area shall be the only unit in respect of which the Military Governor of a State is empowered to establish an authority for the purposes of local government".

Section 7
In subsection (3), the words "enacted by the House of Assembly of the State" shall be omitted.

Sections 24 to 29

In these sections, for the word "President" wherever it occurs there shall be substituted the words "Supreme Military Council".

Section 32

In subsection (2), immediately after the words "of his own choice", there shall be added the words "in Nigeria".

Section 33

In subsection (12), for the words "an Act of the National Assembly or the Law of a State" there shall be substituted the words "an Act of the National Assembly or a Decree or the Law of a State or an Edict".

Section 36

In the proviso to subsection (2), for the word "President" there shall be substituted the words "Supreme Military Council".

Section 37

The words "political party" shall be omitted and the proviso thereto shall be omitted.

Section 40

In subsection (1), for all the words after "except in the manner" there shall be substituted the words "prescribed by law".
Immediately after subsection (1) as so amended, there shall be inserted the following new subsection (1A), that is—
(1A) Notwithstanding the foregoing provision, the Federal Military Government may by Decree provide for the forfeiture of any property, right or interest described therein which has been illegally acquired, by any officer in the public service of the Federation or a State or any other person.

Section 41

In subsection (1), after the words "sections 34, 35, 36" there shall be inserted the words "as amended".

In subsection (2), after the words "National Assembly" there shall be inserted the words "or a Decree" and after the words "such Act" there shall be inserted the words "or Decree".

In subsection (3), immediately after the words "House of Assembly of the State" there shall be added the words "or Edict".

Section 113

In subsection (1), for all the words from "Governor" to "Assembly" there shall be substituted the words "Military Governor shall cause to be prepared".

In subsection (3), after the words "Appropriation Law" and "Law" in paragraphs (a) and (b) thereof there shall be inserted in each case the words "or Edict" and for all the words from "House of Assembly" there shall be substituted the words "State Executive Council".

Section 116

In subsection (4), the words "Governor, Deputy Governor" and "the State Electoral Commission" shall be omitted and for the words "State Judicial Service Commission" there shall be substituted the words "State Judicial Service Committee".

Section 117

In subsection (3), for all the words after "reports to" there shall be substituted the words "the State Executive Council".

Section 118 (1)

For all the words after "appointed by" there shall be substituted the words "the Military Governor of the State on the recommendation of the State Civil Service Commission".

Section 119

In subsection (1), for all the words from "the Governor" to "be so removed" there shall be substituted the words "the Military Governor of the State".

Section 140

In subsection (1), paragraphs (a), (e), (f), (g) and (h) shall be omitted and for paragraph (e) there shall be substituted the following new paragraph, that is—

"(e) National Defence and Security Council".

Section 141 (1)

For all the words after "appointed by" there shall be substituted the words "the Supreme Military Council".

Section 142

In subsection (1), paragraph (b) shall be omitted.

Section 143

In subsection (1), paragraph (a) shall be omitted.

Section 144

In subsection (1), for all the words from "the President" to "removed" there shall be substituted the words "the Supreme Military Council".

In subsection (2), the words "Council of State, Federal Electoral Commission" and "National Population Commission" shall be omitted.

Section 145
 In subsection (1), for the comma after the words "Federal Civil Service Commission" there shall be substituted the word "and" and the words "and the Federal Electoral Commission" shall be omitted.

Sections 140 to 145
 In these sections, for the words "Federal Judicial Service Commission" wherever they occur there shall be substituted the words "Advisory Judicial Committee".

Section 147
 In subsection (1), for the word "President" there shall be substituted the words "Supreme Military Council".

Section 149
 In subsections (2), (3), (4) and (6), immediately after the words "National Assembly" there shall be added in each case the words "or by Decree".

In subsection (7), immediately after the words "House of Assembly of the State" there shall be added the words "or by Edict".

Section 150
 After the words "Act of the National Assembly" there shall be inserted the words "or a Decree", and for the words "as the National Assembly may prescribe" there shall be substituted the words "as may be prescribed by an Act of the National Assembly or a Decree".

Section 151
 Immediately after the words "National Assembly" there shall be added the words "or a Decree".

Section 152
 After the words "National Assembly" there shall be inserted the words "or a Decree".

Section 155
 In subsection (2), for the words "National Assembly" there shall be substituted the words "Federal Military Government".

Section 156
 For the word "President" there shall be substituted the words "Supreme Military Council".

Section 157
 For the marginal note thereto, there shall be substituted a new marginal note reading "Appointments by the Supreme Military Council".

In subsections (1) and (5), for the word "President" there shall be substituted in each case the words "Supreme Military Council".

Section 160
 In paragraph (a) of subsection (1), immediately after the words "National Assembly" there shall be added the words "or a Decree".

Section 161
 In subsection (1), for the word "President" there shall be substituted the words "Head of the Federal Military Government", and in paragraph (a) thereof for the words "of the National Assembly" there shall be inserted the words "or a Decree".

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In subsection (3) for all the words from "President" to "Council of State" there shall be substituted the words "Head of the Federal Military Government".

Section 178

In subsection (1), paragraph (c) shall be omitted and for the word "Commission" in paragraph (d) there shall be substituted the word "Committee".

Section 179

For all the words from "Governor" there shall be substituted the words "Military Governor".

Section 181

In subsection (1), paragraph (a) shall be omitted.

Section 182

In subsection (1), for all the words from "the Governor" to "so removed" there shall be substituted the words "the Military Governor".

Section 191

In subsection (2), the words "the State Electoral Commission" shall be omitted and for the words "State Judicial Service Commission" there shall be substituted the words "State Judicial Service Committee".

Section 191

In paragraph (a) of subsection (1), immediately after the words "House of Assembly" there shall be added the words "or Edict".

Section 192

In paragraph (a) of subsection (1), immediately after the words "Law of a State" there shall be added the words "or Edict".

Section 194

In paragraph (a) of subsection (2), immediately after the words "National Assembly" there shall be added the words "or a Decree" and in paragraph (c) thereof for the words "National Assembly" there shall be substituted the words "Federal Military Government".

Section 195

In subsection (1), all the words from "who shall" shall be omitted.

Section 197

In subsection (1), after the words "National Assembly" there shall be inserted the words "or a Decree" and in paragraphs (c) and (d) thereof immediately after the words "National Assembly" there shall be added in each case the words "or a Decree".

Section 198

In subsection (1), for all the words from "President" to "Federation" there shall be substituted the words "Federal Military Government".

Section 21

In subsection (2), for the words "Chief of Defence Staff" there shall be substituted the words "Chief of Staff, Supreme Headquarters" and immediately after the words "National Assembly" there shall be added the words "or a Decree".

Section 21

In subsection (1), for all the words from "President" to "Federation" there shall be substituted the words "National Assembly" and immediately after the words "National Assembly" there shall be added the words "or a Decree".

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Section 21

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In subsection (1), for the words "National Assembly" there shall be substituted the words "Federal Military Government".

Section 199

For the words "National Assembly shall" there shall be substituted the words "Federal Military Government may" and for the words "National Assembly may determine" there shall be substituted the words "Federal Military Government may determine".

Section 200

In subsections (1) and (2), for the words "Act of the National Assembly" there shall be substituted in each case the word "Decree".

Section 209

The definition of "political party" shall be omitted.

Section 210

In paragraph (b) of subsection (2), immediately after the words "National Assembly" there shall be added the words "or a Decree".

Section 211

In subsection (1), for all the words after "made by" there shall be substituted the words "the Supreme Military Council".

In subsection (2), for all the words after "made by" there shall be substituted the words "the Supreme Military Council on the advice of the Chief Justice of Nigeria, the Attorney-General of the Federation and the President of the Court of Appeal sitting jointly."

In subsection (4), for the words "the President, acting in his discretion," there shall be substituted the words "the Supreme Military Council".

Section 212

For subsections (1) and (2) there shall be substituted the following new section, that is—

212. The Supreme Court shall have such original jurisdiction as may be conferred upon it by law:

Provided that no original jurisdiction shall be conferred upon the Supreme Court with respect to any criminal matter.

Section 213

In this section, for the words "Federal Court of Appeal" wherever they occur there shall be substituted the words "Court of Appeal".

In subsection (2), paragraph (e) shall be omitted.

In subsection (6), after the words "National Assembly" there shall be inserted the words "or Decree".

Section 216

After the words "National Assembly" there shall be inserted the words "or Decree".

Section 217

In subsection (2), immediately after the words "National Assembly" there shall be added the words "or a Decree".

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Section 218

In subsection (1), for all the words after "made by" there shall be substituted the words "Supreme Military Council on the advice of the Advisory Judicial Committee".

In subsection (2), for all the words from "President" there shall be substituted the words "Supreme Military Council on the advice of the Advisory Judicial Committee".

Section 220

In subsection (4), for the words "President of the Federal Republic of Nigeria acting in his discretion" there shall be substituted the words "Supreme Military Council".

Sections 222 to 224

In the above sections, wherever the words "National Assembly" occur there shall be inserted or added in each case the words "or Decree".

Section 225

In subsection (2), for the words "National Assembly may" there shall be substituted the words "Federal Military Government may" and for the words "by the National Assembly" there shall be substituted the words "by an Act of the National Assembly or a Decree".

Section 227

After the words "National Assembly" there shall be inserted the words "or Decree".

Sections 217 to 221

In these sections, for the words "Federal Court of Appeal" wherever they occur there shall be substituted the words "Court of Appeal".

In paragraph (b) of subsection (2), immediately after the words "National Assembly" there shall be added the words "or a Decree".

Section 229

In subsection (1), for the words after "President" there shall be substituted the words "Supreme Military Council on the advice of the Advisory Judicial Committee".

In subsection (3), for the words "President acting in his discretion" there shall be substituted the words "Supreme Military Council".

Section 230

In subsection (1), after the words "National Assembly" there shall be inserted the words "or a Decree" and in paragraph (a) thereof immediately after the words "National Assembly" there shall be added the words "or by Decree".

Section 231

In subsection (1), after the words "National Assembly" there shall be inserted the words "or a Decree".

In subsection (2), for the words "National Assembly" there shall be substituted the words "Federal Military Government".

Section 233
 For the words "National Assembly may" there shall be substituted the words "Federal Military Government may" and for the words "by the National Assembly" there shall be substituted the words "in that behalf".

Section 234
 In paragraph (b) of subsection (2), immediately after the words "House of Assembly of the State" there shall be added the words "or a Decree".

Section 235
 In subsections (1) and (2), for all the words after "made by" there shall be substituted in each case the words "Supreme Military Council on the advice of the Advisory Judicial Committee".
 In subsection (4), for all the words after "that behalf by" there shall be substituted the words "Supreme Military Council on the advice of the Advisory Judicial Committee".

Section 239
 Immediately after the words "House of Assembly of the State" there shall be added the words "or a Decree".

Section 240
 In subsection (2), immediately after the words "House of Assembly of the State" there shall be added the words "or by a Decree".

Section 241
 In subsections (1) and (2), for all the words after "made by" there shall be substituted in each case the words "Supreme Military Council on the advice of the Advisory Judicial Committee".

Section 242
 In subsection (4), for all the words after "that behalf by" there shall be substituted the words "Supreme Military Council on the advice of the Advisory Judicial Committee".

Section 245
 In subsection (1), after the words "Law of a State" there shall be inserted the words "or Edict".

Section 246
 In both sections immediately after the words "House of Assembly of the State" there shall be added respectively the words "or by the Advisory Judicial Committee" and "or by Edict".

Section 247
 In subsections (1) and (2), for all the words after "made by" there shall be substituted in each case the words "Supreme Military Council on the advice of the Advisory Judicial Committee".

Section 248
 In subsection (3), for the words "National Assembly" and "Judicial Service Commission" there shall be substituted respectively the words "Federal Military Government" and "Advisory Judicial Committee".

Section 249
 In subsection (4), for all the words after "that behalf by" there shall be substituted the words "Supreme Military Council acting on the advice of the Advisory Judicial Committee".

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Section 247

In subsection (2), after the words "House of Assembly" there shall be inserted the words "or by the Advisory Judicial Committee".

Section 250

In paragraphs (a) and (b) of subsection (1), after the words "Law of a State" there shall be inserted in each case the words "or Idict".

Section 274

In subsection (3), immediately after the words "as if so enacted" in the definition of "Federal offence" there shall be added the words "or, unless a contrary intention be manifested therein, of any Decree made in respect of any matter with respect to which the National Assembly has power to make laws".

Section 251

In subsection (2), the word "Federal" where it twice occurs shall be omitted.

Section 252

In subsection (1), the word "Federal" shall be omitted and for the word "President" there shall be substituted the words "Supreme Military Council".

Section 253

In subsection (2), for the words "Federal Judicial Service Commission" there shall be substituted the words "Advisory Judicial Committee" and the words in parenthesis shall be omitted.

Section 255

The word "Federal" in the "Federal Court of Appeal" shall be omitted and for all the words "member of the" to before the words "and shall" there shall be substituted the words "Advisory Judicial Committee".

Section 256

In paragraph (2) of subsection (2), for all the words after "regulated by" there shall be substituted the words "an Act or Decree or a Law or an Idict".

Section 258 and 259

In these sections, for "Federal Court of Appeal" substitute "Court of Appeal".

Section 263

In paragraph (a) for the words "a House of Assembly, the Governor" there shall be substituted the words "the Military Governor" and for "National Assembly, the President of the Federation" there shall be substituted the words "Federal Military Government".

Section 264

In paragraph (2), after the words "House of Assembly" there shall be inserted the words "or by the Advisory Judicial Committee".

Section 266

In paragraph (a) and (b) of subsection (1), after the words "Law of a State" there shall be inserted in each case the words "or Idict".

Section 279

In subsection (3), immediately after the words "as if so enacted" in the definition of "Federal offence" there shall be added the words "or, unless a contrary intention be manifested therein, of any Decree made in respect of any matter with respect to which the National Assembly has power to make laws".

Section 283

In subsection (2), the word "Federal" shall be omitted and for the word "President" there shall be substituted the words "Supreme Military Council".

Section 284

In subsection (2), after the words "House of Assembly" there shall be inserted the words "or by the Advisory Judicial Committee".

Section 285

In paragraph (a) and (b) of subsection (1), after the words "Law of a State" there shall be inserted in each case the words "or Idict".

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Section 264 Paragraphs (a), (b) and (c) shall be omitted.

Section 266 In subsection (1), the word "elected" where it twice occurs shall be omitted.

Section 274 In subsection (5), all the words after "this Constitution" shall be omitted.

Section 279 In subsection (2), for all the words after "specified by" there shall be substituted the words "the Supreme Military Council".

THE SCHEDULES TO THE CONSTITUTION

SECOND SCHEDULE

PART I

In items 9, 15 (a) and (b), 38, 48, 59 (b), 61 (b) and (c) and 63, for the words "National Assembly" there shall be substituted in each case the words "Federal Military Government".

Item 21 shall be omitted.

In item 30 all the words after "treaties" shall be omitted.

Item 46 shall be omitted.

In item 56, immediately after the words "House of Assembly of that State" there shall be added the words "or by an Idlic".

In item 66, for the words "National Assembly has" there shall be substituted the words "National Assembly immediately before 31st December 1983 had".

PART II

In paragraph (1) for the words "National Assembly may by an Act" there shall be substituted the words "Federal Military Government may".

In paragraph (2) for the words "National Assembly is" there shall be substituted the words "National Assembly was".

Paragraph 2 shall be omitted.

In paragraphs 4, 7, 13, 16, 17, 21, 23, 25 and 27, for the words "National Assembly" there shall be substituted in each case the words "Federal Military Government".

In paragraphs 9, 16 (a), 13, 22, 26, 29 and 30, for the words "House of Assembly" there shall be substituted in each case the words "Military Government".

In paragraph 4 after the words "National Assembly" there shall be inserted the words "or Idlic".

In paragraph 4 after the word "Law" there shall be inserted the words "or Idlic".

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In paragraph 10 after the words "House of Assembly" and "Law" there shall in each case be inserted the words "or Edict".

Paragraphs 11 and 12 shall be omitted.

In paragraphs 14 and 18, for the words "House of Assembly" may make Laws" there shall in each case be substituted the words "Military Governor may make Edicts".

In paragraph 19, for the word "Law" there shall be substituted the word "Edict".

In paragraph 23, all the words after "statistics" shall be omitted.

In paragraph 24, for the words "paragraph 23 (a)" there shall be substituted the words "paragraph 23".

In paragraphs 29 and 30, for the word "Laws" there shall in each case be substituted the word "Edicts".

PART III

Paragraph 1 shall be omitted.

THIRD SCHEDULE

PART I

Paragraphs 1 and 2, 5 and 6, and 11 to 16 shall be omitted.

For the heading and paragraphs 9 and 10, there shall be substituted the following new heading and paragraphs, that is—

"B—National Defence and Security Council"

9. The National Defence and Security Council shall comprise the following members, namely—

(a) the Head of the Federal Military Government who shall be the Chairman of the Council;

(b) the Chief of Staff, Supreme Headquarters

(c) the Minister charged with responsibility for defence;

(d) the Minister charged with responsibility for external affairs;

(e) the Minister charged with responsibility for internal affairs;

(f) the Chief of Army Staff;

(g) the Chief of Naval Staff;

(h) the Chief of Air Staff;

(i) the Director-General of the Nigerian Security Organisation;

(j) the Inspector-General of Police; and

(k) such other persons as the Head of the Federal Military Government may appoint.

10. The National Defence and Security Council shall have such responsibility in respect of the following matters as the Supreme Military Council may direct, either generally or from time to time, that is to say—

(a) the defence of the sovereignty and territorial integrity of Nigeria; and

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(b) public security including matters relating to any organisation or agency established by law for ensuring the security of Nigeria.

For paragraphs 17 and 18, there shall be substituted the following new paragraphs that is—

"17. The Police Service Commission shall comprise the Chief of Staff, Supreme Headquarters, as the Chairman thereof and the following other members—

(a) the Minister charged with responsibility for internal affairs;

(b) the Inspector-General of Police; and

(c) a retired High Court Judge to be appointed by the Supreme Military Council.

18. The Permanent Secretary of the Police Service Commission shall be the secretary to the Commission.

19. The Commission shall have power—

(a) to appoint persons to offices in the Nigeria Police Force, other than the office of the Inspector-General of Police or such other offices in that Force as may be specified pursuant to section 9 of the Constitution (Suspension and Modification) Decree 1984; and

(b) to dismiss and exercise disciplinary control over persons holding any office referred to in sub-paragraph (a) of this paragraph to which appointments could be made by the Commission."

PART II

Paragraphs 6 and 7 shall be omitted.

In paragraph 8, and in the heading and side note thereto, for the word "Commission" there shall be substituted in each case the word "Committee".
For paragraph 9 there shall be substituted the following new paragraph.

"9. The Committee shall have power, subject to such conditions as may be prescribed, to appoint, dismiss and exercise disciplinary control over the Chief Registrar and Deputy Chief Registrar of the High Court, the Chief Registrar of the Sharia Court of Appeal and Customary Court of Appeal, magistrates, district courts judges, Area Courts judges and members and Customary Courts judges and members."

FOURTH SCHEDULE

For the words "the House of Assembly of a State" in paragraph 1 (f) and (g) and the words "the House of Assembly of the State" in paragraph 2 (f) there shall be substituted in each case the word "law".

FIFTH SCHEDULE

PART I

In paragraph 3, after the words "as the National Assembly" there shall be inserted the words "or the Federal Military Government".
In paragraph 4 (b), for the words "National Assembly" there shall be substituted the words "Federal Military Government".
Paragraphs 15 to 20 shall be omitted.

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SIXTH SCHEDULE

In the "OATH OF OFFICE OF VICE-PRESIDENT, DEPUTY GOVERNOR OR COMMISSIONER", all references to Vice-President and Deputy Governor therein shall be omitted.

The "OATH OF A MEMBER OF THE NATIONAL ASSEMBLY OR OF A HOUSE OF ASSEMBLY" shall be omitted.

Made at Lagos this 9th day of February 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 purpose)

The Decree sets out the basic framework for the government of the Federal Republic of Nigeria and its component States, as from 31st December 1983, under a Federal Military Government and specifies the principal organs thereof.

The Decree provides for the suspension from operation of some of the provisions of the Constitution of the Federal Republic of Nigeria 1979 and modifies the unsuspended provisions thereof.

Gundry provisions are also contained therein relative to existing succession to property, functions and duties and other transitional matters.

MR. DEPUTY GOVERNOR
GOVERNOR AND DEPUTY

ASSEMBLY OR OF A HOUSE

YEAR 1983
GOVERNMENT OF NIGERIA
OFFICE OF THE ATTORNEY GENERAL
AND SOLICITOR GENERAL

Decree No. 2



[31st December 1983]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. (1) If the Chief of Staff, Supreme Headquarters is satisfied that any person is or recently has been concerned in acts prejudicial to state security or has contributed to the economic adversity of the nation, or in the preparation or instigation of such acts, and that by reason thereof it is necessary to exercise control over him, he may by order in writing direct that that person be detained in a civil prison or police station or such other place specified by him; and it shall be the duty of the person or persons in charge of such place or places, if an order made in respect of any person is delivered to him, to keep that person in custody until the order is revoked.

Special
power to
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(2) An order made under subsection (1) above shall be full authority for any police officer or any member of the armed forces or any of the security agencies to arrest the person to whom an order relates and to remove him to a civil prison or police station or such other place as specified by the Chief of Staff, Supreme Headquarters.

Review of
detention.

2. The Chief of Staff, Supreme Headquarters shall, not later than three months after the date of an order made by him under this Decree and every three months thereafter, review the case of every person detained pursuant to the order and, if satisfied that the circumstances no longer require the continued detention of the person affected, may revoke the order.

Subsisting
detentions.

3. (1) Any person detained in any such place between 31st December 1983 and the date of the making of this Decree, shall be deemed to have been detained under this Decree notwithstanding that no order was issued in respect thereof.

(2) The review provided for under section 2 of this Decree shall in respect of a person to whom this section relates be undertaken not later than three months from the making of this Decree, and every three months thereafter.

MINISTRY OF JUSTICE
Lagos

Exclusion of proceedings

4—(1) No suit or other legal proceedings shall lie against any person for anything done or intended to be done in pursuance of this Decree.

(2) Chapter IV of the Constitution of the Federal Republic of Nigeria 1979 is hereby suspended for the purposes of this Decree and any question whether any provision thereof has been or is being or would be contravened by anything done or proposed to be done in pursuance of this Decree shall not be inquired into in any court of law, and accordingly sections 219 and 259 of that Constitution shall not apply in relation to any such question.

Citation.

5—(1) This Decree may be cited as the State Security (Deletion of Persons) Decree 1984 and shall be deemed to have come into force on 31st December 1983.

Made at Lagos this 9th day of February 1984.

MAJOR-GENERAL M. BOHARI
Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria

F.G.P 795/685/R3,000

Printed by Authority of the Federal Military Government of Nigeria
and Printed by the Ministry of Information, Social Development,
Youth, Sports and Culture, Planning Division, Lagos.

Printed by Authority of the Federal Military Government of Nigeria

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