

THE CONSTITUTION (SUSPENSION AND MODIFICATION) DECREE 1966



ARRANGEMENT OF SECTIONS

Section

1. Suspension of some, and modification of other, provisions of Constitution of Federation.
2. Suspension of some, and modification of other, provisions of constitutions of Regions.
3. Powers of Federal Military Government and Regional Military Governors to make laws.
4. Mode of exercising legislative powers.
5. Making and commencement of Decrees, Edicts, etc.
6. Validity of Decrees and Edicts not to be enquired into.
7. The executive authority of the Federal Republic of Nigeria.
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9. Powers of Head of Federal Military Government, Supreme Military Council, Federal Executive Council and Military Governors to delegate functions conferred on them by laws.
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SCHEDULES

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Decree No. 1

[17th January 1966]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) The provisions of the Constitution of the Federation mentioned in Schedule 1 of this Decree are hereby suspended.

Suspension
of some, and
modification
of other,
provisions of
Constitution
of
Federation.
1963 No. 20.

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

2.—(1) The provisions of the constitution of each Region which are mentioned in Schedule 3 of this Decree are hereby suspended.

Suspension
of some, and
modification
of other,
provisions of
constitutions
of Regions.

(2) Subject to this and any other Decree, the provisions of the constitution of a Region which are not suspended by subsection (1) above shall have effect subject to the modifications specified in relation to that constitution in Schedule 4 of this Decree.

3.—(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 Regional
Military
Governors
to make laws.

(2) The Military Governor of a Region—

(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 Region shall have power to make laws for the peace, order and good government of that Region.

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

(b) require the Military Governor of a Region 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 Region 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.

1963 No. 20.

(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.

4.—(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 Region 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 Region 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 3 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.

5.—(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 Region 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.

6. 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.

Validity of Decrees and Edicts not to be enquired into.

7.—(1) The executive authority of the Federal Republic of Nigeria shall be vested in the Head of the Federal Military Government and may be exercised by him either directly or through persons or authorities subordinate to him :

The executive authority of the Federal Republic of Nigeria.

Provided that nothing in this subsection 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.

(2) 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.

1963 No. 20.

(3) 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 Region executive functions falling to be performed within that Region in relation to any matter.

(4) Subject to subsection (5) 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 (3) above to the Military Governor of that Region as from 17th January 1966.

(5) Any delegation effected under subsection (3) above (including any delegation which in accordance with subsection (4) above is to be treated as having been effected under subsection (3) above) may be varied or revoked by the Head of the Federal Military Government at any time.

(6) Any executive function which by virtue of any such delegation as is mentioned in subsection (5) above is exercisable by the Military Governor of a Region may, subject to any conditions imposed under subsection (3) above, be exercised by him either directly or through persons or authorities subordinate to him.

8.—(1) There shall be for Nigeria a Supreme Military Council and a Federal Executive Council.

Establishment of Supreme Military Council and 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 Head of the Nigerian Army ;

(c) the Head of the Nigerian Navy ;

- (d) the Head of the Nigerian Air Force ;
- (e) the Chief of Staff of the Armed Forces ;
- (f) the Chief of Staff of the Nigerian Army ;
- (g) the Military Governors of Northern Nigeria, Eastern Nigeria, Western Nigeria and Mid-Western Nigeria ; and
- (h) the Attorney-General of the Federation.

(3) The Federal Executive Council shall consist of—

- (a) the Head of the Federal Military Government, who shall be President of the Federal Executive Council ;
- (b) the Head of the Nigerian Army ;
- (c) the Head of the Nigerian Navy ;
- (d) the Head of the Nigerian Air Force ;
- (e) the Chief of Staff of the Armed Forces ;
- (f) the Chief of Staff of the Nigerian Army ;
- (g) the Attorney-General of the Federation ; and
- (h) the Inspector-General and the Deputy Inspector-General of the Nigeria Police.

(4) Each of the Councils established by this section 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.

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

9.—(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 Region) 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 Region) to any of its members.

(3) 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 Region) to any of its members or to any officer in the public service of the Federation.

(4) The Military Governor of a Region 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 Region (including the Constitution of the Federation and the constitution of the Region) to any member of the public service of the Region :

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

(5) Any function of the Head of the Federal Military Government or of the Supreme Military Council or of the Federal Executive Council or of the Military Governor of a Region 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.

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

10.—(1) Where a power to make an instrument is conferred on the Head of the Federal Military Government or the Supreme Military Council 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 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.

Execution of instruments made by certain authorities.

(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 that power may be executed under the hand of the 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 Region 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 permanent secretary to the department of government of that Region responsible for the matter to which the instrument relates, or under the hand of the Secretary to the Military Government of that Region.

(4) Section 23 of the Interpretation Act 1964 (which is superseded by subsection (1) above) is hereby repealed. 1964 No. 1.

11.—(1) There shall be an Advisory Judicial Committee which shall consist of—

Establishment of Advisory Judicial Committee.

- (a) the Chief Justice of Nigeria, who shall be chairman;
- (b) the Chief Justices of Northern Nigeria, Eastern Nigeria, Western Nigeria and Mid-Western Nigeria, and the Chief Justice of Lagos;
- (c) the Grand Kadi of the Sharia Court of Appeal; and
- (d) the Attorney-General of the Federation.

(2) The Solicitor-General of the Federation shall act as secretary of the Advisory Judicial Committee.

(3) 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.

Modification
of existing
law.

1963 No. 20.

12.—(1) Subject to this and any other Decree, all existing law, that is to say, all law (other than the Constitution of the Federation or the constitution of a Region) 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 of any other enactment or instrument whatsoever, was in force immediately before 16th January 1966 or having been passed or made before that date came or comes into force on or after that date, shall, until that law is altered by an authority having power to do so, 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 Region, 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 suspension by this or any other Decree of any provision of the Constitution of the Federation or of the constitution of a Region shall be without prejudice to the continued operation in accordance with subsection (1) above of any law which immediately before 16th January 1966 was in force by virtue of that provision.

(3) Any function which is conferred by any existing law within the meaning of subsection (1) above on the President or on the Prime Minister or any other Minister of the Government of the Federation or on the Council of Ministers, the House of Representatives or the Senate shall, until other provision in respect of that function is made by an authority having power to do so, vest in the Federal Executive Council :

1964 No. 5.

Provided that this subsection shall not apply to any function conferred by the National Honours Act 1964.

(4) Any function which is conferred by any existing law within the meaning of subsection (1) above on the Governor of a Region or on the Premier or any other Minister of the Government of a Region or on the Executive Council, the House of Assembly or the House of Chiefs of a Region shall, until other provision in respect of that function is made by an authority having power to do so, vest in the Military Governor of that Region.

(5) Any function which is conferred by any existing law within the meaning of subsection (1) above, or by the constitution of a Region, on the Provincial Commissioner or Provincial Administrator of a province shall vest in the Provincial Secretary of that province.

Saving for
existing
offices,
appoint-
ments, etc.

13.—(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 16th January 1966 in pursuance of any provision of the Constitution of the Federation or of the constitution of a Region, being a provision that

(a) is not suspended by this or any other Decree ; but

(b) is modified 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 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 16th January 1966 or any appointment to any such office which was made before that date.

1963 No. 20

14.—(1) Without prejudice to the generality of section 12 of this Decree, all property which, immediately before 16th January 1966, was held by the President or any Minister of the Government of the Federation on behalf of or in trust for the Federation shall on 17th January 1966, by virtue of this subsection and without further assurance, 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 trusts for the benefit of, the Federal Military Government.

Succession to property, etc.

(2) Without prejudice as aforesaid, all property which, immediately before 16th January 1966, was held by the Governor or a Minister of the Government of a Region on behalf of or in trust for the Government of that Region shall on 17th January 1966, by virtue of this subsection and without further assurance, vest in the Military Governor of that Region and be held by him on behalf of, or as the case may be on the like trusts for the benefit of, the Government of that Region.

(3) Without prejudice to the generality of section 12 of this Decree or of the other provisions of this section, any contract or other arrangement entered into before 16th January 1966 by any person or authority on behalf of the Government of the Federation or the Government of a Region shall as from 17th January 1966 be deemed to have been entered into on behalf of the Federal Military Government or the Government of that Region, as the case may be.

(4) Without prejudice to the generality of section 12 of this Decree or of the other provisions of this section, 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 before 17th January 1966 by the Minister of the Government of the Federation responsible for finance, or by any person acting on his behalf, shall, so far as any liability of the Government of the Federation in respect thereof remained undischarged immediately before that date, 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.

(5) Subsections (1) and (2) above 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.

15. 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.

16. 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;

Meaning of certain expressions in Decrees and other laws.

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

"the Head of the Federal Military Government" means the Head of the Federal Military Government, Supreme Commander of the Armed Forces of the Federal Republic of Nigeria.

Citation,
extent,
commence-
ment, etc.

17.—(1) This Decree may be cited as the Constitution (Suspension and Modification) Decree 1966 and shall apply throughout the Federation.

(2) This Decree shall be deemed to have come into force on 17th January 1966.

(3) 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.

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

(5) 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.

Section 1 (1)

SCHEDULE 1

SUSPENDED PROVISIONS OF CONSTITUTION OF FEDERATION

Section 4

Section 5 (2) to (6)

Section 6 (b)

Section 16

Sections 34 to 49

Section 50 (5)

Sections 51 to 74

Section 75 (1) and (3)

Sections 76 to 87

Section 88 (2)

Sections 89 to 96

Sections 98 to 100

Section 101 (2) to (4)

Sections 102 and 103

Section 105 (5) and (6)

Section 109 (3)

Section 114

Sections 116, 117 (3) and 118

Sections 126 and 127

Sections 131, 132 (1) and 133 (5)

Sections 139 (3) and 140 (4)

Section 145 (2)

Section 147 (4)

Section 151

Section 155 (2)

Sections 157 and 158 (1) and (2)

Section 159 (5)

Section 162 (3)

Section 165 (4) and (6)

Section 1 (2)

SCHEDULE 2

SCH. 2
(Federation)MODIFICATIONS OF PROVISIONS OF CONSTITUTION
OF FEDERATION NOT SUSPENDED BY S.1 (1)*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 Region shall be construed as a reference to the Military Governor of that Region.

2. Any reference to the President or the Prime Minister, or to the President or the Prime Minister acting in accordance with the advice of any person or body, shall be construed as a reference to the Head of the Federal Military Government.

3. Any reference to a Minister of the Government of the Federation shall be construed as a reference to the Federal Executive Council, and any reference to a Minister of the Government of a Region shall be construed as a reference to the Military Governor of that Region.

4. Any reference to the Governor or Premier of a Region shall be construed as a reference to the Military Governor of that Region.

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

6. Paragraphs 1 to 5 above are without prejudice to the following provisions of this Schedule.

*Additional modifications of particular provisions***Section 1**

The words "subject to the provisions of section 4 of this Constitution" shall be omitted, and at the end of the section there shall be inserted the following proviso—

"Provided that this Constitution shall not prevail over a Decree, and nothing in this Constitution shall render any provision of a Decree void to any extent whatsoever."

Section 5 (1)

At the end of section 5 (1) there shall be inserted the following proviso—

"Provided that the constitution of a Region shall not prevail over a Decree, and nothing in this subsection or in the constitution of a Region shall render any provision of a Decree void to any extent whatsoever."

Section 32

In subsection (3), for the words "Parliament may" there shall be substituted the words "The Chief Justice of Nigeria may, with the consent of the Federal Executive Council, by order".

SCH. 2
(Federation)**Section 50**

In subsection (4), for the words from "tendering" to "appointment of" there shall be substituted the words "appointing a person as".

In subsection (6), the symbol "(a)" and the words from "or" to the end of the subsection shall be omitted.

In subsection (7), the words from "for" to the end of the subsection shall be omitted.

Section 75 (2)

In section 75 (2), the word "such", where it first occurs, shall be omitted, and after the word "title" there shall be inserted the words "of honour".

Section 88

In subsection (1), for the words "who shall be a Minister of the Government of the Federation" there shall be substituted the words "who shall be appointed by the Head of the Federal Military Government".

In subsection (3), the words "the person holding", the words in brackets and the words "whether or not that person is a Minister" shall be omitted, and after the word "office" there shall be inserted the words "is vacant or if the person holding the office".

Section 97

For the words from the beginning of the section to "over that department" there shall be substituted the words "The Federal Executive Council shall exercise general direction and control over every department of government of the Federation", and for the words "the department" there shall be substituted the words "each such government department".

Section 101 (1)

In section 101 (1), for the word "President" there shall be substituted the words "Supreme Military Council", and for the words "an Act of Parliament" there shall be substituted the words "any law in force in Nigeria".

Section 104

In subsection (1), for the words from "department" to the end of the subsection there shall be substituted the words "Federal Ministry of Justice".

In subsection (2) (a), after the word "Parliament" there shall be inserted the words "or Decree".

In subsection (8), after the word "Parliament", wherever it occurs, there shall be inserted the words "or a Decree"; and in paragraph (b), after the words "that Region" there shall be inserted the words "or by the Military Governor of that Region".

Section 105

For subsection (7) there shall be substituted the following subsection—

"(7) Nothing in subsection (4) of this section shall affect the operation of any law made before 16th January 1966 by the legislature of a Region in so far as that law makes provision for the maintenance of a police force by any native authority or local government authority; but—

(a) no new police force shall be established under any such law after that date; and

(b) every such police force existing on that date shall, subject to the authority of the Inspector-General of the Nigeria Police, be under the command of the Commissioner of Police of the Region in which the area for which the force is established is situated."

Section 106SCH. 2
(*Federation*)

In subsection (3), the words from "or such" to "by the Prime Minister" shall be omitted.

In subsection (4), the words from "or such" to "Premier", in the second place where that word occurs, shall be omitted, and in the proviso, the words from "or such" to "by the Prime Minister" shall be omitted.

Section 107

In subsection (1), for paragraphs (a) and (b) there shall be substituted the following paragraphs—

"(a) the Head of the Federal Military Government, who shall be chairman ;

(b) one person from each Region, to be appointed by the Military Governor of that Region ; and".

Section 108

In subsection (3), the words from "and if" to the end of the subsection shall be omitted.

Section 109

In subsection (2), for the words from "President" to the end of the subsection there shall be substituted the words "Federal Executive Council".

In subsection (4), the symbol "(a)" and the words from "or" to the end of the subsection shall be omitted.

In subsection (5), for the words from "President" to the end of the subsection there shall be substituted the words "Federal Executive Council".

Section 112

In subsections (1) and (3), for the respective words from "President" to the end of the subsection there shall be substituted the words "Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

In subsection (4), for the words "President, acting in accordance with the advice of the Prime Minister", in both places where they occur, there shall be substituted the words "Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

Section 113

In subsection (2), for the words from "shall be" to the end of the subsection there shall be substituted the words "may be removed from his office or appointment by the Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

Section 121

In subsection (3), for the words "Parliament may" there shall be substituted the words "The Chief Justice of Nigeria may, with the consent of the Federal Executive Council, by order".

Section 123

In subsections (1) and (3), for the respective words from "President" to the end of the subsection there shall be substituted the words "Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

SCH. 2
(Federation)

In subsection (4), for the words "President, acting in accordance with the advice of the Prime Minister", in both places where they occur, there shall be substituted the words "Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

Section 124

In subsection (2), for the words from "shall be" to the end of the subsection there shall be substituted the words "may be removed from his office or appointment by the Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

Section 125

In subsections (1) and (2), the provisos shall be omitted.

Section 129

In subsections (1), (2) and (3), after the words "Act of Parliament" there shall be inserted the words "or Decree", and in subsection (2), after the words "appropriation Act" there shall be inserted the words "or appropriation Decree".

Section 130

In subsection (1), for the words "The Minister of the Government of the Federation responsible for finance" there shall be substituted the words "The Federal Executive Council", and for the words "both Houses of Parliament" there shall be substituted the words "the Federal Military Government".

In subsection (2), after the words "Act of Parliament" there shall be inserted the words "or Decree", and for the words "a bill, to be known as an appropriation bill" there shall be substituted the words "a Decree, to be known as an appropriation Decree".

In subsection (3), after the word "Act", wherever it occurs, there shall be inserted the words "or appropriation Decree", for the words "both Houses of Parliament" there shall be substituted the words "the Federal Military Government", and for the word "bill" there shall be substituted the word "Decree".

Section 132(2)

In section 132 (2), for the words "in accordance with subsection (1) of this section" there shall be substituted the words "according to law from the Contingencies Fund of the Federation", and for the word "bill" there shall be substituted the word "Decree".

Section 133

In subsection (4), the word "President" shall be omitted.

Section 134SCH. 2
(Federation)

In subsection (3), for the words from "Minister" to the end of the subsection there shall be substituted the words "Federal Executive Council".

Sections 136 to 139

In sections 136 to 139, after the words "Act of Parliament", wherever they occur, there shall be inserted the words "or Decree".

Section 146

In subsection (3), the words from "a member of either" to "Region or" shall be omitted.

Section 148

In subsection (2), for the words from "Before" to "in relation to" there shall be substituted the words "Before appointing to hold or act in any office to which this section applies".

Section 149

In subsection (2), for the words from "Before" to "purposes of" there shall be substituted the words "Before appointing any person by virtue of".

Section 150

In subsection (3), for the words from "shall" to the end of the subsection there shall be substituted the words "may be removed from office by the Head of the Federal Military Government".

Section 153

In subsections (1) and (3), after the words "Act of Parliament" there shall be inserted the words "or Decree".

Section 155

In subsection (1) for the words "sections 157 and" there shall be substituted the word "section".

Section 160

In subsection (1), for the words from "of the Prime Minister" to "by the Prime Minister" there shall be substituted the words "of the Federal Executive Council".

SCH. 2
(Federation)**Section 161**

In subsection (3), for the words "sections 32 and 53" there shall be substituted the words "section 32".

Section 162

In subsection (1), the proviso shall be omitted.

Section 165

In subsection (1), the definitions of "the Advisory Council" and "the President" shall be omitted, and in the definition of "office of emolument under the state", the words "or as a member of the Government of the Federation or a Region" shall be omitted.

In subsection (3), for the words from "the President" to "Advisory Council" there shall be substituted the words "a member of the Nigeria Police Council or any Commission established by this Constitution".

The Schedule, Part I

In item 19, after the word "Region" there shall be inserted the words "or by an Edict".

In item 22, for the word "Parliament" in paragraphs (b) and (d), there shall be substituted the words "the Federal Military Government".

Item 33 shall be omitted.

In items 40 and 41, for the word "Parliament" there shall be substituted the words "the Federal Military Government".

In item 44, for the words "Parliament is" there shall be substituted the words "immediately before 16th January 1966, Parliament was".

The Schedule, Part II

In item 22, after the words "legislature of that Region" there shall be inserted the words "or by any Edict made by the Military Governor of that Region".

In item 28, for the words "Parliament is" there shall be substituted the words "immediately before 16th January 1966, Parliament was".

The Schedule, Part III

Paragraph 2 shall be omitted.

Section 2 (1)

SCHEDULE 3

SUSPENDED PROVISIONS OF REGIONAL CONSTITUTIONS

<i>Constitution of Northern Nigeria</i>	<i>Constitution of Eastern Nigeria</i>	<i>Constitution of Western Nigeria</i>	<i>Constitution of Mid-Western Nigeria</i>
Sections 1 to 34	Sections 1 to 33 Section 34 (2) and (3)	Sections 1 to 32	Sections 1 to 32
Section 35 (2)	Sections 35 to 43	Section 33 (1) to (11) and (13)	Section 33 (1) to (11) and (13)
Sections 36 to 43 Sections 45 to 48 Section 56	Sections 45 to 48 Section 54	Sections 34 to 41	Sections 34 to 41
Sections 61 and 62 (1)	Sections 58 and 59 (1)	Sections 43 to 46	Sections 43 to 46
Sections 67 (4) and 68 Section 71	Sections 64 (4), 65 and 66 Section 70	Sections 52 and 53	Section 52
Section 74 (3)	Sections 74 and 75	Sections 57 and 58 (1)	Sections 56 and 57 (1)
Section 78 (7)	Section 77 (3)	Sections 63 (4), 64 and 65	Sections 62 (4), 63 and 64
Sections 80 (2), 81 and 82	Section 81 (6)	Section 69 Sections 73 (3) and 74 (3) Sections 77 (2), 78 and 79 Section 80 (7)	Section 68 Sections 72 (3) and 73 (3) Section 75 (6) Paragraphs 1, 2, 4 and 8 of Schedule 2

Section 2 (2)

SCHEDULE 4

MODIFICATIONS OF PROVISIONS OF REGIONAL
CONSTITUTIONS NOT SUSPENDED BY S.2 (1)

PART I

GENERAL MODIFICATIONS APPLYING TO THE
CONSTITUTION OF EACH REGION

1. Any reference to the Government of the Region shall be construed as a reference to the Military Governor of the Region.

2. Any reference to the Governor or Premier of the Region, or to the Governor or Premier of the Region acting in accordance with the advice of any person or body, shall be construed as a reference to the Military Governor of the Region.

SCH. 4,
PT. I

3. Any reference to any matter or thing as being provided, prescribed or established (but not to any law as being made) by the Legislature of the Region shall be construed as a reference to its being provided, prescribed or established by law.

4. Paragraphs 1 to 3 above are without prejudice to the following provisions of this Schedule.

PART II

ADDITIONAL MODIFICATIONS OF PARTICULAR PROVISIONS OF CONSTITUTION OF NORTHERN NIGERIA

Section 35

For subsection (1) there shall be substituted the following subsections—

“(1) The Military Governor of the Region may, if he thinks fit, appoint a person to be Attorney-General of the Region.

(1A) Whenever and so long as no person holds the office of Attorney-General of the Region, any function which is conferred by this Constitution or any other law on the Attorney-General of the Region shall vest in the Solicitor-General of the Region and may be performed by him notwithstanding anything in subsection (5) of this section.”

In subsection (3), both sets of words in brackets shall be omitted.

Section 44

For the words from the beginning of the section to “over that department” there shall be substituted the words “The Military Governor of the Region shall exercise general direction and control over every department of government of the Region”, and for the words “the department” there shall be substituted the words “each such government department”.

Section 49

In subsection (1), for the words from “department” to the end of the subsection there shall be substituted the words “Ministry of Justice of the Region”.

In subsection (8), after the word “Parliament” there shall be inserted the words “or a Decree”.

Section 51

In subsections (1) and (5), for the respective words from “Governor” to the end of the subsection there shall be substituted the words “Supreme Military Council, acting after consultation with the Advisory Judicial Committee”.

In subsection (3), for the words “enacted by the Legislature of” there shall be substituted the words “in force in”.

In subsection (6), for the words “Governor, acting in accordance with the advice of the Premier”, in both places where those words occur, there shall be substituted the words “Supreme Military Council, acting after consultation with the Advisory Judicial Committee”.

Section 52

In subsection (2), for the words from "shall be" to the end of the subsection there shall be substituted the words "may be removed from his office or appointment by the Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

SCH. 4,
PT. II
(Northern
Nigeria)

Section 53

In subsections (1) and (3), the provisos shall be omitted.

In subsection (5), in the definition of "subordinate court", the words "the Regional Court of Appeal" shall be omitted.

Section 54

In subsections (1) and (2), for the respective words from "Governor" to the end of the subsection there shall be substituted the words "Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

In subsection (3), for the words "Governor acting in accordance with the advice of the Premier", in each place where those words occur, there shall be substituted the words "Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

Section 55

In subsection (2), for the words from "shall be" to the end of the subsection there shall be substituted the words "may be removed from his office or appointment by the Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

Section 57

The words "of the Regional Court of Appeal," shall be omitted.

Section 58

For the words from "both" to "Peace", in the second place where it occurs, there shall be substituted the words "the Attorney-General of the Region who", and for the words "such person" there shall be substituted the words "any person so appointed".

Section 59

In subsection (2), after the words "appropriation law" there shall be inserted the words "or appropriation Edict".

Section 60

In subsection (1), for the words from "Minister" to "finance" there shall be substituted the words "Military Governor of the Region", and for the words "both Legislative Houses of the Region" there shall be substituted the word "him".

In subsection (2), for the words "a bill, to be known as an appropriation bill" there shall be substituted the words "an Edict, to be known as an appropriation Edict".

In subsection (3), after the word "law", wherever it occurs, there shall be inserted the words "or appropriation Edict", for the words "both Legislative Houses" there shall be substituted the words "the Military Governor", and for the word "bill" there shall be substituted the word "Edict".

SCH. 4,
PT. II
(Northern
Nigeria)

Section 62 (2)

In section 62 (2), for the words "in accordance with subsection (1) of this section" there shall be substituted the words "according to law from the Contingencies Fund of the Region", and for the word "bill" there shall be substituted the word "Edict".

Section 63

In subsection (4), the word "Governor" and the words from "judge of the Regional" to "Electoral Commission of the Region" shall be omitted.

Section 64

In subsection (3), for the words from "Minister" to the end of the subsection there shall be substituted the words "Military Governor of the Region".

Section 66

In subsection (3), for the words from "if he is" to "Region or" there shall be substituted the words "if he is".

Section 67

In subsection (2), paragraphs (a) and (f) shall be omitted.

Section 69

In subsection (2), for the words from "Before" to "purposes of" there shall be substituted the words "Before appointing any person by virtue of".

Section 70

In subsection (3), for the words from "shall" to the end of the subsection there shall be substituted the words "may be removed from office by the Head of the Federal Military Government if a recommendation for his removal is made by the Military Governor of the Region".

Section 72

In subsection (2), the words "judge of the Regional Court of Appeal or" shall be omitted.

Section 73

In subsection (1), the words from "or such" to "by the Premier" shall be omitted.

Section 75

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

In subsection (2), for the words from "four" to "House of Chiefs" there shall be substituted the words "such number of persons from among the Chiefs of the Region as he thinks fit".

Section 76

In subsection (1), the proviso shall be omitted.

Section 78

In subsection (1), the definitions of "the Advisory Council" and "the President" and, in the definition of "office of emolument under the state", the words "or as a member of the Government of the Federation or a Region" shall be omitted, and in the definition of "Regional law", after the word "Region" there shall be inserted the words "or by the Military Governor of the Region".

In subsection (2), the words "the Regional Court of Appeal" shall be omitted.

SCH. 4,
PT. II
(Northern
Nigeria)

In subsection (3), for the words from "the President" to "Advisory Council" there shall be substituted the words "a member of the Public Service Commission of the Region".

In subsection (6), the words in brackets shall be omitted.

PART III

ADDITIONAL MODIFICATIONS OF PARTICULAR PROVISIONS OF CONSTITUTION OF EASTERN NIGERIA

Section 34

For subsection (1) there shall be substituted the following subsections—

"(1) The Military Governor of the Region may, if he thinks fit, appoint a person to be Attorney-General of the Region.

(1A) Whenever and so long as no person holds the office of Attorney-General of the Region, any function which is conferred by this Constitution or any other law on the Attorney-General of the Region shall vest in the Solicitor-General of the Region and may be performed by him notwithstanding anything in subsection (5) of this section".

In subsection (4), the words in brackets and the words "whether or not that person is a Minister" shall be omitted.

Section 44

For the words from the beginning of the section to "over that department" there shall be substituted the words "The Military Governor of the Region shall exercise general direction and control over every department of government of the Region", and for the words "the department" there shall be substituted the words "each such government department".

Section 49

In subsection (1), for the words from "department" to the end of the subsection there shall be substituted the words "Ministry of Justice of the Region".

In subsection (8), after the word "Parliament" there shall be inserted the words "or a Decree".

Section 51

In subsections (1) and (3), for the respective words from "Governor" to the end of the subsection there shall be substituted the words "Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

In subsection (4), for the words "Governor acting in accordance with the advice of the Premier", in both places where those words occur, there shall be substituted the words "Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

SCH. 4,
PT. III
(Eastern
Nigeria)

Section 52

In subsection (2), for the words from "shall be" to the end of the subsection there shall be substituted the words "may be removed from his office or appointment by the Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

Section 53

In subsections (1) and (2), the provisos shall be omitted.

Section 55

The words "or of the Regional Court of Appeal (if one is established)" shall be omitted.

Section 56

In subsection (2), after the words "appropriation law" there shall be inserted the words "or appropriation Edict".

Section 57

In subsection (1), for the words from "Minister" to "finance" there shall be substituted the words "Military Governor of the Region", and for the words "both Legislative Houses of the Region" there shall be substituted the word "him".

In subsection (2), for the words "a bill, to be known as an appropriation bill" there shall be substituted the words "an Edict, to be known as an appropriation Edict".

In subsection (3), after the word "law", wherever it occurs, there shall be inserted the words "or appropriation Edict", for the words "both Legislative Houses" there shall be substituted the words "the Military Governor", and for the word "bill" there shall be substituted the word "Edict".

Section 59 (2)

In section 59 (2), for the words "in accordance with subsection (1) of this section" there shall be substituted the words "according to law from the Contingencies Fund of the Region", and for the word "bill" there shall be substituted the word "Edict".

Section 60

In subsection (4), the word "Governor" and the words "member of the Electoral Commission of the Region" shall be omitted.

Section 61

In subsection (3), for the words from "Minister" to the end of the subsection there shall be substituted the words "Military Governor of the Region".

Section 63

In subsection (3), for the words from "if he is" to "Region or" there shall be substituted the words "if he is".

Section 64

In subsection (2), the words "the Deputy Governor of the Region or" and the whole of paragraph (c) shall be omitted.

SCH. 4,
PT. III
(*Eastern
Nigeria*)

Section 67

In subsection (2), for the words from "Before" to "purposes of" there shall be substituted the words "Before appointing any person by virtue of".

Section 69

In subsection (3), for the words from "shall" to the end of the subsection there shall be substituted the words "may be removed from office by the Head of the Federal Military Government if a recommendation for his removal is made by the Military Governor of the Region".

Section 76

In subsection (1), the words from "or such" to "by the Premier" shall be omitted.

Section 78

In subsection (1), the proviso shall be omitted.

Section 80

The words "including in particular section 16 of this Constitution" shall be omitted.

Section 81

In subsection (1), the definitions of "the Advisory Council" and "the President" and, in the paragraph beginning with the words "office under the state", the words "or as a member of the Government of the Federation or of a Region" shall be omitted, and in the definition of "Regional law", after the word "Region" there shall be inserted the words "or by the Military Governor of the Region".

In subsection (3), for the words from "the President" to "Advisory Council" there shall be substituted the words "a member of the Public Service Commission of the Region".

PART IV**ADDITIONAL MODIFICATIONS OF PARTICULAR
PROVISIONS OF CONSTITUTION OF WESTERN NIGERIA****Section 33 (12) and (14)**

For section 33 (12) there shall be substituted the following subsections—

"(12) The Military Governor of the Region may, if he thinks fit, appoint a person to be Attorney-General of the Region.

Sch. 4,
Pr. IV
(Western
Nigeria)

(12A) Whenever and so long as no person holds the office of Attorney-General of the Region, any function which is conferred by this Constitution or any other law on the Attorney-General of the Region, shall vest in the Solicitor-General of the Region and may be performed by him notwithstanding anything in subsection (15) of this section."

In section 33 (14), the words in brackets and the words "whether or not that person is a Minister" shall be omitted.

Section 42

For the words from the beginning of the section to "over that department" there shall be substituted the words "The Military Governor of the Region shall exercise general direction and control over every department of government of the Region", and for the words "the department" there shall be substituted the words "each such government department".

Section 47

In subsection (1), for the words from "department" to the end of the subsection there shall be substituted the words "Ministry of Justice of the Region".

In subsection (8), after the word "Parliament" there shall be inserted the words "or a Decree".

Section 49

In subsections (1) and (3), for the respective words from "Governor" to the end of the subsection there shall be substituted the words "Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

In subsection (4), for the words "Governor acting in accordance with the advice of the Premier", in both places where those words occur, there shall be substituted the words "Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

Section 50

In subsection (2), for the words from "shall be" to the end of the subsection there shall be substituted the words "may be removed from his office or appointment by the Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

Section 51

In subsections (1) and (2), the provisos shall be omitted.

In subsection (4), the words "the Court of Appeal of the Region" shall be omitted.

Section 54

The words "Court of Appeal or of the" shall be omitted.

Section 55

In subsection (2), after the words "appropriation law" there shall be inserted the words "or appropriation Edict".

Section 56

In subsection (1), for the words from "Minister" to "finance" there shall be substituted the words "Military Governor of the Region", and for the words "both Legislative Houses of the Region" there shall be substituted the word "him".

In subsection (2), for the words "a bill, to be known as an appropriation bill" there shall be substituted the words "an Edict, to be known as an appropriation Edict".

In subsection (3), after the word "law", wherever it occurs, there shall be inserted the words "or appropriation Edict", for the words "both Legislative Houses" there shall be substituted the words "the Military Governor", and for the word "bill" there shall be substituted the word "Edict".

Section 58 (2)

In section 58 (2), for the words "in accordance with subsection (1) of this section" there shall be substituted the words "according to law from the Contingencies Fund of the Region", and for the word "bill" there shall be substituted the word "Edict".

Section 59

In subsection (4), the words from "Governor" to "Appeal of the Region" and the words "member of the Electoral Commission of the Region" shall be omitted.

Section 60

In subsection (3), for the words from "Minister" to the end of the subsection, there shall be substituted the words "Military Governor of the Region".

Section 62

In subsection (3), for the words from "if he is" to "Region or" there shall be substituted the words "if he is".

Section 63

In subsection (2), paragraphs (a) and (d) and the words "the Court of Appeal or" shall be omitted.

Section 66

In subsection (2), for the words from "Before" to "purposes of" there shall be substituted the words "Before appointing any person by virtue of".

Section 68

In subsection (3), for the words from "shall" to the end of the subsection there shall be substituted the words "may be removed from office by the Head of the Federal Military Government if a recommendation for his removal is made by the Military Governor of the Region".

Section 72

In subsection (1), the words from "or such" to "by the Premier" shall be omitted.

Section 74

In subsection (1), the proviso shall be omitted.

SCH. 4,
Pt. IV
(Western
Nigeria)

Section 80

In subsection (1), the definitions of "the Advisory Council" and "the President" and, in the paragraph beginning with the words "the state", the words "or as a member of the Government of the Federation or a Region" shall be omitted, and in the definition of "Regional law", after the word "Region" there shall be inserted the words "or by the Military Governor of the Region".

In subsection (3), for the words from "the President" to "Advisory Council" there shall be substituted the words "a member of the Public Service Commission of the Region".

In subsection (6), for the words "section 16 or any other" there shall be substituted the word "any".

PART V

ADDITIONAL MODIFICATIONS OF PARTICULAR PROVISIONS OF CONSTITUTION OF MID-WESTERN NIGERIA

Section 33 (12) and (14)

For section 33 (12) there shall be substituted the following subsections—

"(12) The Military Governor of the Region may, if he thinks fit, appoint a person to be Attorney-General of the Region.

(12A) Whenever and so long as no person holds the office of Attorney-General of the Region, any function which is conferred by this Constitution or any other law on the Attorney-General of the Region shall vest in the Solicitor-General of the Region and may be performed by him notwithstanding anything in subsection (15) of this section."

In section 33 (14), the words in brackets and the words "whether or not that person is a Minister" shall be omitted.

Section 42

For the words from the beginning of the section to "over that department" there shall be substituted the words "The Military Governor of the Region shall exercise general direction and control over every department of government of the Region", and for the words "the department" there shall be substituted the words "each such government department".

Section 47

In subsection (1), for the words from "department" to the end of the subsection there shall be substituted the words "Ministry of Justice of the Region".

In subsection (8), after the word "Parliament" there shall be inserted the words "or a Decree".

Section 49

In subsections (1) and (3), for the respective words from "Governor" to the end of the subsection there shall be substituted the words "Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

In subsection (4), for the words "Governor acting in accordance with the advice of the Premier", in both places where those words occur, there shall be substituted the words "Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

SCH. 4,
PT. V
(Mid-
Western
Nigeria)

Section 50

In subsection (2), for the words from "shall be" to the end of the subsection there shall be substituted the words "may be removed from his office or appointment by the Supreme Military Council, acting after consultation with the Advisory Judicial Committee".

Section 51

In subsections (1) and (2), the provisos shall be omitted.

In subsection (4), the words "the Court of Appeal of the Region" shall be omitted.

Section 54

In subsection (2), after the words "appropriation law" there shall be inserted the words "or appropriation Edict".

Section 55

In subsection (1), for the words from "Minister" to "finance" there shall be substituted the words "Military Governor of the Region", and for the words "both Legislative Houses of the Region" there shall be substituted the word "him".

In subsection (2), for the words "a bill, to be known as an appropriation bill" there shall be substituted the words "an Edict, to be known as an appropriation Edict".

In subsection (3), after the word "law", wherever it occurs, there shall be inserted the words "or appropriation Edict", for the words "both Legislative Houses" there shall be substituted the words "the Military Governor", and for the word "bill" there shall be substituted the word "Edict".

Section 57 (2)

In section 57 (2), for the words "in accordance with subsection (1) of this section" there shall be substituted the words "according to law from the Contingencies Fund of the Region", and for the word "bill" there shall be substituted the word "Edict".

Section 58

In subsection (4) the word "Governor", in the first place where it occurs, and the words from "Member of the Electoral" to "the Governor" shall be omitted.

Section 59

In subsection (3), for the words from "Minister" to the end of the subsection there shall be substituted the words "Military Governor of the Region".

Section 61

In subsection (3), for the words from "if he is" to "Region or" there shall be substituted the words "if he is".

Section 62

In subsection (2), paragraphs (a) and (d) shall be omitted.

Section 65

In subsection (2), for the words from "Before" to "purposes of" there shall be substituted the words "Before appointing any person by virtue of".

Section 67

In subsection (3), for the words from "shall" to the end of the subsection there shall be substituted the words "may be removed from office by the Head of the Federal Military Government if a recommendation for his removal is made by the Military Governor of the Region."

Section 71

In subsection (1), the words from "or such" to "by the Premier" shall be omitted.

Section 73

In subsection (1), the proviso shall be omitted.

Section 75

In subsection (1), the definitions of "the Advisory Council" and "the President" and, in the paragraph beginning with the words "the state", the words "or as a member of the Government of the Federation or of a Region" shall be omitted, and in the definition of "Regional law", after the word "Region" there shall be inserted the words "or by the Military Governor of the Region".

In subsection (3), for the words from "the President" to "Advisory Council" there shall be substituted the words "a member of the Public Service Commission of the Region".

In subsection (5), for the words "section 16 or any other" there shall be substituted the word "any".

DATED at Lagos this 4th day of March 1966.

MAJOR-GENERAL J. T. U. AGUIYI-IRONSI,
*Head of the Federal Military Government,
Supreme Commander of the Armed Forces,
Federal Republic of Nigeria*