

**STATES (CREATION AND TRANSITIONAL PROVISIONS)
(AMENDMENT) (No. 2) DECREE 1967**



Decree No. 25

[See section 3 (2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Any immovable property (including unworked minerals) and any chattel which, immediately before the commencement of this Decree was situated in territories which on such commencement comprised states under the States (Creation and Transitional Provisions) Decree 1967 and

Transfer of
certain
public
property.
1967 No. 14.

(a) was held by the Military Governor of a former territory on behalf of or in trust for the government of that territory, or

(b) was held in the case of the former territories of Northern and Eastern Nigeria by a body corporate directly established by a Law of the Legislature or of the Military Governor of the appropriate territory, or an instrument having effect as such a law,

shall on the commencement of this Decree by virtue of this section and without further assurance than this section,—

(i) in the case of the Western, Mid-Western and Lagos states, vest in the Military Governors of the respective states and be held by them on behalf of or, as the case may be, on the like trust for the benefit of, the government of the respective states ;

(ii) in the case of the states created out of the former territories of Northern and Eastern Nigeria, vest in the appropriate interim administrative council and be held by that council in trust for the governments of all the states created out of that relevant former territory, pending the apportionment by the appropriate interim administrative council of assets and liabilities among the states.

(2) This section shall have effect so however that, in the Colony Province of the former Western Nigeria it shall not apply to property of any description which immediately before the commencement of this Decree—

(a) was held by the Military Governor of the territory formerly known as Western Nigeria on behalf of, or in trust for, the government of that former territory, or

(b) was owned by statutory corporations or, as the case may be, by companies (public or private) which, whether corporations or companies, were themselves owned or controlled by the Government of that former territory.

(3) In this section, “the appropriate interim administrative council” or “that council” means an interim administrative council established under the Interim Administrative Councils Decree 1967.

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Consequen-
tial
amendments.

2.—(1) The Decrees mentioned in subsection (2) below are amended to the extent therein set out.

(2) In—

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(a) section 4 (3) of the States (Creation and Transitional Provisions) Decree 1967 (as affected by section 2 of the Constitution (Miscellaneous Provisions) Decree 1967) there shall be added after the figures "1967", the words ' and references in the Constitution of the Federation to "the Federal territory" and to "Lagos", as the case may be, shall be read as references to "Lagos state" ;

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1963 No. 20.

1967 No. 19.

(b) section 1 of the States (Creation and Transitional Provisions) (Amendment) Decree 1967 there shall be added at the end of paragraph (b) after the word "enactment" the words "or Law".

Citation,
application
etc.

3.—(1) This Decree may be cited as the States (Creation and Transitional Provisions) (Amendment) (No. 2) Decree 1967 and shall apply throughout the Federation.

(2) This Decree shall be deemed to have come into operation on 27th May 1967.

MADE at Lagos this 29th day of June 1967.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

THE INTERIM ADMINISTRATIVE COUNCILS (AMENDMENT) DECREE 1967



ARRANGEMENT OF SECTIONS

Section

1. Restriction on life of councils.
2. Financial provisions generally.
3. Powers of council for certain states in relation to the public service.
4. Contractual powers of council in certain territories.

Section

5. Employment of persons in the public service in special cases.
6. Power to give directions to statutory corporations, etc.
7. Citation, application and interpretation.

Decree No. 26

[See Section 7 (3)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Subject to the provisions of this section, the Administrative Councils Decree 1967 shall, with effect from the appointed day under this Decree, be known as the Interim Administrative Councils Decree 1967 (in this Decree hereafter referred to as "the principal Decree"), and—

Restriction
on life of
councils.

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(a) councils established thereunder shall be interim councils, and

(b) members of councils appointed for the purposes of the principal Decree (whether before or after the date of this Decree) shall hold office until 31st March 1968,

and the interim councils shall cease to exist on that date.

(2) Accordingly, the principal Decree shall be amended to give effect to the provisions of subsection (1) above; and any such council shall have and may exercise its powers under the principal Decree, as amended in this or by any subsequent Decree.

(3) Notwithstanding the provisions of subsection (1) above as to expiry, the Head of the Federal Military Government may from time to time by order published in the Federal Gazette extend the life of the council and, as the case may require, the term of membership thereof, in respect of any such state for a period not exceeding one year at any one time; and the principal Decree shall be extended accordingly in its operation so as to give effect to any such order.

Financial provisions generally.

2.—(1) While an interim council continues to exist, it shall be the only authority to approve estimates of revenue and expenditure in respect of a former territory or of all or any of the states created out of the former territory.

(2) Where revenue accrues to a former territory or to states created thereout, or otherwise is allocated thereto under Part 2 of Chapter IX of the Constitution of the Federation, the control of such revenue shall vest in the interim council in trust for the states in its area of authority, and until other provision is made for each state, moneys received shall be applied for the benefit of all the states in the former territory, in shares to be fixed by the interim council.

Powers of council for certain states in relation to the public service.

3.—(1) Anything in any constitution to the contrary notwithstanding, the power to appoint persons to hold or act in offices in the public service (including the power to make appointments on promotion and transfer and to confirm appointments) and to dismiss and exercise disciplinary control over persons holding or acting in such offices shall, in respect of a former territory and during the continuance of the life of the interim council, vest in that council; and the relevant provisions of any such constitution shall be suspended:

Provided that, subject to such conditions as the interim council may think fit to impose, the interim council may delegate any of its powers under this section to the public service commission of a former territory, or to any functionary or public officer of a state created out of the former territory.

(2) Nothing in this section shall be construed to apply to judges of the High Court.

Contractual powers of council in certain territories.

4.—(1) An interim council shall have power to enter into contracts or other arrangements on behalf of a former territory or states created out of any former territory in its area of authority, and rights and obligations under any contract or other arrangements entered into or deemed to have been entered into before the appointed day for the benefit of the government of a former territory and any contract or other arrangements entered into on or after the appointed day in respect of such former territory or of states created thereout shall, by virtue of this section, vest in the appropriate interim council, upon trust for the governments of all the states created out of that former territory, pending the apportionment by the interim council of the assets and liabilities amongst such states.

(2) If the Federal Military Government agrees, on the application of an interim council, to guarantee repayment of advances or the performance, as the case may be, of a contract entered into by such council on behalf of a state or states, the provisions of section 143 of the Constitution of the Federation (which relates to the right of set-off by the Government of the Federation) shall apply as if the sum or amount involved in the contract were a loan made by the Federal Military Government to the state or states created out of the territory.

(3) The provisions of paragraph (a) of section 1 (3) of the principal Decree shall extend to rights and obligations under this section, and they may be apportioned accordingly.

5. While an interim council continues to function, persons in the public service of the territories formerly known as Northern and Eastern Nigeria, shall be deemed, until other provision is made, to be in the public service of the relevant interim council, and accordingly they may, discharge their functions in any of the states created out of Northern or of Eastern Nigeria, as the case may be.

Employment of persons in the public service in special cases.

6. An interim council shall, in relation to any statutory corporation or a company, public or private, in which a former territory has a controlling interest, or for any other purpose of this or the principal Decree, have the power to give, or issue general or specific directions, and such directions when given or issued shall have effect as an edict, anything to the contrary in any other enactment or Law notwithstanding.

Power to give directions to statutory corporations etc.

7.—(1) This Decree may be cited as the Interim Administrative Councils (Amendment) Decree 1967 and shall be read as one with the Interim Administrative Councils Decree 1967 as affected by this Decree.

Citation, application and interpretation.

(2) This Decree shall apply throughout the Federation.

(3) In this Decree—

“appointed day” means 31st May 1967 ;

“former territory” means any Region affected by the States (Creation and Transitional Provisions) Decree 1967 to which the principal Decree applies ;

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“interim council” means an interim administrative council ;

“the principal Decree” means the Administrative Councils Decree 1967 as re-titled the Interim Administrative Councils Decree 1967 under section 1 (1) of this Decree.

MADE at Lagos this 29th day of June 1967.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*