

**STATES (CREATION AND TRANSITIONAL PROVISIONS)
(AMENDMENT) DECREE 1974**



Decree No. 16

[27th May 1967]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. For section 1 (5) of the States (Creation and Transitional Provisions) Decree 1967 there shall be substituted the following new subsections—

Amendment
of section 1
of 1967
No. 14.

“(5) All existing law, that is to say, all law which, whether being a rule of law or a provision of an Act of Parliament or of a Law made by the legislature of a Region or any other enactment or instrument whatsoever, which was in force in the Region out of which a State was created immediately before the commencement of this Decree, shall have effect in such State, subject to the modifications necessary to bring it into conformity with the provisions of this Decree.

(6) For the purposes of subsection (5) -above “a Law made by the legislature of a Region” means in the case of Lagos State any enactment in force in the former Federal territory (not being an enactment of general application throughout the Federation) and a law of the legislature of the former Western Nigeria in force in those parts of Western Nigeria now forming part of Lagos State by virtue of subsection (1) of this section, and in the case of each of the other States a law of the legislature of the Region out of which such State was created, including any enactment having effect as if it were enacted by the legislature of the Region.

(7) For the avoidance of doubt any such law having effect as a law made by the legislature of the Region may be amended, repealed or otherwise dealt with in the prescribed manner as if it were an Edict enacted by the Military Governor or Administrator of the State in question.”

2. This Decree may be cited as the States (Creation and Transitional Provisions) (Amendment) Decree 1974 and shall be deemed to have come into operation on 27th May 1967.

Citation and
commence-
ment.

MADE at Lagos this 19th day of April 1974.

GENERAL Y. GOWON,
*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 effect)*

For the avoidance of doubt the Decree enables a Military Governor or Administrator of a State to modify or, as the case may require, amend or alter certain enactments and laws having effect in a State as laws made by the Legislature of a former Region (not being enactments of general application throughout the Federation) as if they were Edicts enacted by the Military Governor or Administrator of a State.

**CONSTITUTION (SUSPENSION AND MODIFICATION)
DECREE 1974**



Decree No. 17

[19th April 1974]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) The Constitution of the Federation is hereby amended to the extent set out in Part A of the Schedule to this Decree.

Amendment
of the
Constitution
of the Federa-
tion and of
the States.
1963 No. 20.
Laws of
Northern
Nigeria
No. 33 of
1963.

(2) The Constitution of the former Northern Nigeria as in force in the following States that is to say, the North-Western, North-Central, Kano, North-Eastern, Benue-Plateau and Kwara States, is hereby amended to the extent set out in Part B of the Schedule to this Decree.

Laws of
Eastern
Nigeria
No. 8 of
1963.

(3) The Constitution of the former Eastern Nigeria as in force in the South-Eastern and Rivers States is hereby amended to the extent set out in Part C of the Schedule to this Decree.

(4) The Constitution of the former Eastern Nigeria as in force in the East-Central State is hereby amended to the extent set out in Part D of the Schedule to this Decree.

Laws of
Eastern
Nigeria
No. 8 of
1963.

(5) The Constitution of the Western State is hereby amended to the extent set out in Part E of the Schedule to this Decree.

Laws of
Western
Nigeria
No. 26 of
1963.

(6) The Constitution of the Mid-Western State is hereby amended to the extent set out in Part F of the Schedule to this Decree.

1964 No. 3.

(7) The Lagos State (Interim Provisions) Decree 1968 is hereby amended to the extent set out in Part G of the Schedule to this Decree.

1968 No. 13.

2. This Decree may be cited as the Constitution (Suspension and Modification) Decree 1974.

Citation.

SCHEDULE

PART A

Section 1 (1)

Amendments of the Constitution of the Federation

(a) The existing section 97 shall be re-numbered as subsection (1) of that section and immediately after the subsection as so re-numbered there shall be inserted the following new subsections :—

“(2) There shall be a Secretary to the Federal Military Government who shall be the head of the public service of the Federation and whose office shall be an office in the public service of the Federation.

(3) The Secretary to the Federal Military Government shall be appointed by the Head of the Federal Military Government.

(4) The Secretary to the Federal Military Government shall be responsible for the co-ordination of all activities of ministries and departments of the government of the Federation and for ensuring the efficiency of the functioning of the machinery of government.”

(b) Immediately after section 147 (2) there shall be inserted the following new subsection :—

“(2A) The Commission shall not exercise any of its powers under subsection (1) of this section in respect of such offices of heads of divisions of ministries or departments of the government of the Federation as may from time to time be designated by an order made by the Head of the Federal Military Government except after consultation with the Secretary to the Federal Military Government.”

PART B

Section 1 (2)

Amendments of the Constitution of the former Northern Nigeria as in force in the North-Western, North-Central, Kano, North-Eastern, Benue-Plateau and Kwara States

(a) The existing section 44 shall be re-numbered as subsection (1) of that section and immediately after the subsection as so re-numbered there shall be inserted the following new subsections :—

“(2) There shall be a Secretary to the Military Government who shall be the head of the public service of the State and whose office shall be an office in the public service of the State.

(3) The Secretary to the Military Government shall be appointed by the Military Governor.

(4) The Secretary to the Military Government shall be responsible for the co-ordination of all activities of ministries and departments of the government of the State and for ensuring the efficiency of the functioning of the machinery of government.”

(b) Immediately after section 67 (2) there shall be inserted the following new subsection :—

“(2A) The Commission shall not exercise any of its powers under subsection (1) of this section in respect of such offices of heads of divisions

of ministries or departments of the government of the State as may from time to time be designated by an order made by the Military Governor except after consultation with the Secretary to the Military Government."

PART C

Section 1 (3)

Amendments of the Constitution of the former Eastern Region as in force in the South-Eastern and Rivers States

(a) The existing section 44 shall be re-numbered as subsection (1) of that section and immediately after the subsection as so re-numbered there shall be inserted the following new subsections :—

"(2) There shall be a Secretary to the Military Government who shall be the head of the public service of the State and whose office shall be an office in the public service of the State.

(3) The Secretary to the Military Government shall be appointed by the Military Governor.

(4) The Secretary to the Military Government shall be responsible for the co-ordination of all activities of ministries and departments of the government of the State and for ensuring the efficiency of the functioning of the machinery of government."

(b) Immediately after section 64 (2) there shall be inserted the following new subsection :—

"(2A) The Commission shall not exercise any of its powers under subsection (1) of this section in respect of such offices of heads of divisions of ministries or departments of the government of the State as may from time to time be designated by an order made by the Military Governor except after consultation with the Secretary to the Military Government."

PART D

Section 1 (4)

Amendments of the Constitution of the former Eastern Region as in force in the East-Central State

(a) The existing section 44 shall be re-numbered as subsection (1) of that section and immediately after the subsection as so re-numbered there shall be inserted the following new subsections :—

"(2) There shall be a Secretary to the Military Government who shall be the head of the public service of the State and whose office shall be an office in the public service of the State.

(3) The Secretary to the Military Government shall be appointed by the Administrator.

(4) The Secretary to the Military Government shall be responsible for the co-ordination of all activities of ministries and departments of the government of the State and for ensuring the efficiency of the functioning of the machinery of government."

(b) Immediately after section 64 (2) there shall be inserted the following new subsection :—

"(2A) The Commission shall not exercise any of its powers under subsection (1) of this section in respect of such offices of heads of divisions of ministries or departments of the government of the State as may from time to time be designated by an order made by the Administrator except after consultation with the Secretary to the Military Government."

PART E

Section 1 (5)

Amendments of the Constitution of the Western State

(a) The existing section 42 shall be re-numbered as subsection (1) of that section and immediately after the subsection as so re-numbered there shall be inserted the following new subsections :—

“(2) There shall be a Secretary to the Military Government who shall be the head of the public service of the State and whose office shall be an office in the public service of the State.

(3) The Secretary to the Military Government shall be appointed by the Military Governor.

(4) The Secretary to the Military Government shall be responsible for the co-ordination of all activities of ministries and departments of the government of the State and for ensuring the efficiency of the functioning of the machinery of government.”

(b) Immediately after section 63 (2) there shall be inserted the following new subsection :—

“(2A) The Commission shall not exercise any of its powers under subsection (1) of this section in respect of such offices of heads of divisions of ministries or departments of the government of the State as may from time to time be designated by an order made by the Military Governor except after consultation with the Secretary to the Military Government.”

PART F

Section 1 (6)

Amendments of the Constitution of the Mid-Western State

(a) The existing section 42 shall be re-numbered as subsection (1) of that section and immediately after the subsection as so re-numbered there shall be inserted the following new subsections :—

“(2) There shall be a Secretary to the Military Government who shall be the head of the public service of the State and whose office shall be an office in the public service of the State.

(3) The Secretary to the Military Government shall be appointed by the Military Governor.

(4) The Secretary to the Military Government shall be responsible for the co-ordination of all activities of ministries and departments of the government of the State and for ensuring the efficiency of the functioning of the machinery of government.”

(b) Immediately after section 62 (2) there shall be inserted the following new subsection :—

“(2A) The Commission shall not exercise any of its powers under subsection (1) of this section in respect of such offices of heads of divisions of ministries and departments of the government of the State as may from time to time be designated by an order made by the Military Governor except after consultation with the Secretary to the Military Government.”

PART G

Section 1 (7)

Amendments of the Lagos State (Interim Provisions) Decree 1968

(a) Immediately after section 3 there shall be inserted the following new section :—

“Appoint-
ment, etc. of
Secretary to
the Military
Government.”

3A.—(1) There shall be a Secretary to the Military Government who shall be the head of the public service of the State and whose office shall be an office in the public service of the State.

(2) The Secretary to the Military Government shall be appointed by the Military Governor.

(3) The Secretary to the Military Government shall be responsible for the co-ordination of all activities of ministries and departments of the government of the State and for ensuring the efficiency of the functioning of the machinery of government.”

(b) Immediately after section 5 (3) there shall be inserted the following new subsection :—

“(3A) The Commission shall not exercise any of its powers under subsection (1) above in respect of such offices of heads of divisions of ministries or departments of the government of the State as may from time to time be designated by an order made by the Military Governor except after consultation with the Secretary to the Military Government.”

MADE at Lagos this 19th day of April 1974.

GENERAL Y. GOWON,
*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 amends the Constitution of the Federation and the Constitution of the States to make provisions in respect of the office of Secretary to the Federal Military Government and Secretary to the Military Government of each State.