

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA
(CERTAIN CONSEQUENTIAL REPEALS, ETC.) DECREE 1979

A 823



Decree No. 105

[See section 2]

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:

Commencement.

1. Subject to section 6 of the Interpretation Act 1964 (which relates to the effect of repeals, expiration and lapsing of enactments)—

Repeals and modification of certain Decrees. 1964 No. 1.

(a) the enactments set out in Schedule 1 to this Decree shall cease to have effect upon the coming into force of the Constitution of the Federal Republic of Nigeria 1979;

(b) the enactments set out in the Schedule 2 to this Decree are hereby repealed or consequentially repealed with effect from 30th September 1979; and

(c) the enactments set out in the first column of Schedule 3 to this Decree shall be amended to the extent set out in the second column of that Schedule and the said Decrees as amended shall come into force with effect from the day on which the Constitution of the Federal Republic of Nigeria 1979 comes into force.

Citation, etc.

2. This Decree may be cited as the Constitution of the Federal Republic of Nigeria (Certain Consequential Repeals, Etc.) Decree 1979 and shall come into effect as provided in section 1 of this Decree.

SCHEDULES

SCHEDULE 1

Section 1, (a)

DECREES CEASING TO HAVE EFFECT UPON THE COMING INTO FORCE OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1979

Year and No.	Title
(1) 1966 No. 1	Constitution (Suspension and Modification) Decree 1966
(2) 1966 No. 17	Constitution (Suspension and Modification) (No. 3) Decree 1966
(3) 1966 No. 50	Constitution (Suspension and Modification) (No. 7) Decree 1966

Schedule 1—continued

Year and No.	Title
(4) 1966 No. 55	Constitution (Suspension and Modification) (No. 8) Decree 1966
(5) 1966 No. 69	Constitution (Suspension and Modification) (No. 10) Decree 1966
(6) 1967 No. 13	The Constitution (Repeal and Restoration) Decree 1967
(7) 1967 No. 27	The Constitution (Miscellaneous Provisions) Decree 1967
(8) 1968 No. 37	Investigation of Assets (Public Officers and other Persons) Decree 1968
(9) 1970 No. 28	The Federal Military Government (Supremacy and Enforcement of Powers) Decree 1970
(10) 1974 No. 17	Constitution (Suspension and Modification) Decree 1974
(11) 1975 No. 32	Constitution (Basic Provisions) Decree 1975
(12) 1976 No. 4	Constitution (Amendment) Decree 1976
(13) 1977 No. 66	Interim Judicial Committees (Establishment, etc.) Decree 1977
(14) 1978 No. 3	Local Courts Interim Judicial Bodies (Establishment, etc.) Decree 1978
(15) 1978 No. 15	Constitution (Basic Provisions) (Transitional Measures) Decree 1978

SCHEDULE 2

Section 1 (b)

LIST OF REPEALED DECREES

(1) 1966 No. 2	The Circulation of Newspapers Decree 1966
(2) 1966 No. 5	Banking (Special Provisions) Decree 1966
(3) 1966 No. 64	State Security (Detention of Persons) (No. 11) Decree 1966
(4) 1967 No. 17	Newspaper (Prohibition of Circulation) Decree 1967
(5) 1967 No. 24	Armed Forces and Police (Special Powers) Decree 1967
(6) 1968 No. 12	Interim Common Services Agency Decree 1968
(7) 1968 No. 47	Interim Common Services Agency (Amendment) Decree 1968
(8) 1969 No. 6	Interim Common Services Agency (Amendment) Decree 1969
(9) 1970 No. 39	Eastern States Interim Assets and Liabilities Agency Decree 1970
(10) 1971 No. 52	The Revised Edition (Laws of the Federation) Decree 1971
(11) 1971 No. 58	Public Order (Scheduled Societies Assets and Liabilities) Decree 1971
(12) 1974 No. 20	Offences against the Person (Special Provisions) Decree 1974

Schedule 2—continued

<i>Year and No.</i>	<i>Title</i>
(13) 1975 No. 38	Corrupt Practices Decree 1975
(14) 1977 No. 4	Military Courts (Special Powers) Decree 1977
(15) 1977 No. 57	Exchange Control (Anti-Sabotage) Decree 1977
(16) 1977 No. 59	Exchange Control (Anti-Sabotage) (Amendment) Decree 1977
(17) 1979 No. 1	Public Security (Detention of Persons) Decree 1979
(18) 1979 No. 2	Military Courts (Special Powers) (Amendment) Decree 1979
(19) 1979 No. 27	Corrupt Practices (Amendment) Decree 1979

SCHEDULE 3

Section 1 (c)

MODIFIED DECREES

<i>Decree</i>	<i>Extent of Amendment</i>
1970 No. 47 . . . Robbery and Firearms (Special Provisions) Decree 1970	<p>1. For section 5 there shall be substituted the following section—</p> <p>“Trial of offences. 5. Offences under this Decree shall be triable in the High Court of the State concerned.”</p> <p>2. Sections 6, 7 and 8 are hereby repealed.</p> <p>3. The definition of tribunal in section 9 shall be deleted.</p>
1974 No. 22 . . . Counterfeit Currency (Special Provisions) Decree 1974	<p>1. For section 8 there shall be substituted the following new section—</p> <p>“Trial of offences. 8. Offences under this Decree shall be triable in the Federal High Court.”</p> <p>2. Sections 9, 10, 11, 15 and 16 and subsections (2) and (3) of section 18 are hereby repealed.</p> <p>3. The words “or tribunal” in section 11 shall be deleted.</p> <p>4. The definition of tribunal in section 17 shall be deleted.</p>

Year and No.

Title

1978 No. 5 Regulated and other Professions (Miscellaneous Provisions) Decree 1978. 1. Part II, that is sections 9 to 11, is hereby repealed.

2. Subsection (1) of section 12 in Part III is hereby repealed.

MADE at Lagos this 28th day of September 1979.

GENERAL O. OBASANJO,
Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria.

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purpose)

Following the promulgation of the Constitution of the Federal Republic of Nigeria in September 1978, a number of Decrees which could have been obstructive of free political activities were repealed. This Decree completes the exercise by repealing certain Decrees made since January 1966 up to date which might not be in consonance with the new Constitution.

The Robbery and Firearms (Special Provisions) Decree 1970, the Counterfeit Currency (Special Provisions) Decree 1974 and the Regulated and Other Professions (Miscellaneous Provisions) Decree 1978 have however been suitably modified to bring them into line with the Constitution.