

CHAPTER 413

STATES (CREATION AND TRANSITIONAL PROVISIONS)
ACT**An Act to create the two additional States of Katsina and Akwa-
Ibom as States of the Federation.**

[23rd September 1987]

1987
No.24.Commence-
ment.Creation of
Katsina State.

1. (1) There shall, as from the commencement of this Act, be created out of Kaduna State, a new State to be known as Katsina State.

(2) The State created by subsection (1) of this section shall comprise the areas specified in the First Schedule to this Act.

Creation of
Akwa-Ibom
State.

2. (1) There shall, as from the commencement of this Act, be created out of Cross River State, a new State to be known as Akwa-Ibom State.

(2) The State created by subsection (1) of this section shall comprise the areas specified in the Second Schedule to this Act.

Amendment
of the
Constitution.
Cap. 62.

3. Accordingly—

(a) section 3 of the Constitution of the Federal Republic of Nigeria is hereby amended—

(i) by substituting for the figure “19” appearing in subsection (1) thereof, the figure “21”;

(ii) by inserting in the same subsection the names—Akwa-Ibom and Katsina in alphabetic sequence respectively.

(b) in the First Schedule to the Constitution of the Federal Republic of Nigeria, the names of the Local Government Council Areas specified in the First and Second Schedules to this Act shall be deleted from Cross-River and Kaduna States respectively and shall be inserted in separate columns in alphabetical sequence in the First Schedule to the said Constitution under the States created by this Act.

Appointment
of Governor
for each State.

4. There shall be for each State created by this Act a Governor and, subject to subsection (2) of this section, the Governors shall be appointed by the Armed Forces Ruling Council.

5. All existing laws in the State out of which a State under this Act is created shall continue to have effect in the States hereby created subject to such modifications, as may be necessary to bring it into line with this Act. Existing laws.

6. (1) Subject to section 3 of this Act and without prejudice to the provisions of this Act relating to existing law, every Local Government Council, court and other public body which immediately before the commencement of this Act exercised functions within a State as herein constituted shall continue to exercise those functions in the State. Continuance of certain powers, etc.

(2) Any person who immediately before the commencement of this Act held office as a member of the civil service of a State affected by this Act and exercised functions of this office at or from a place in the area of a State created by this Act shall, on and after the commencement of this Act, unless at any time he is removed from or resigns his office in the manner provided by law, continue to hold and exercise the functions of his office in the State under this Act.

(3) A body corporate or person who continued to exercise any office or function by virtue of this Act shall exercise that office or function in accordance with the directions of the Governor.

7. The proceedings pending before any court of a State immediately before the commencement of this Act may, after such commencement, be continued before that court and shall not be affected by the provisions of this Act. Proceedings of courts.

8. (1) Subject to subsection (2) of this section, any immovable property and any chattel which, immediately before the commencement of this Act was situated in the area comprised in a State under this Act and was held by a body corporate directly established by a Law of the Legislature or Edict of the Governor of the State or an instrument having effect as such a Law or Edict shall, by virtue of this section and without further assurance than this section vest in the Governor of the State concerned and be held by him for the purposes of the government of the State and no compensation shall be payable in respect of any transfer effected by this section. Transfer of public property to new States.

(2) Nothing in this section shall apply to any such property held on behalf of the Federation for the purposes of the Government of

the Federation or to immovable property and chattels in the ownership of statutory corporations or, as the case may be of public companies, owned or controlled by the Government of the Federation.

Financial
provisions,
etc.

9. (1) There shall on the commencement of this Act be an administration fund for each State created by this Act from which shall be defrayed all expenses incurred by the Governor of the State in the performance of his functions.

(2) There shall be paid or credited to the fund—

- (a) such sums of money provided by the Armed Forces Ruling Council as that Council may from time to time determine; and
- (b) all other moneys held by the Governor for the purposes of the Government of the relevant State.

(3) Each such fund shall be managed in accordance with regulations made by the Governor of the State concerned and without prejudice to the generality of the power conferred, the regulations shall in particular include provision—

- (a) specifying the manner in which the assets of the fund are to be held, and regulating the making of payments to and from the fund;
- (b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in pursuance of the regulations;
- (c) for ensuring that the accounts are audited periodically by the Auditor-General of the Federation; and
- (d) requiring copies of the accounts and of the auditor's report on them to be furnished to the Governor of the State concerned as soon as may be at the end of the period to which the accounts relate.

(4) Regulations may also provide—

- (a) for the form in which a record of assets (other than assets of the fund) is to be kept;
- (b) for the inspection by the Auditor-General of the Federation or otherwise, of any such record and of assets required to be mentioned in the record;

- (c) for the furnishing to the Governor of the State concerned of information with respect to the record and any such assets as are mentioned in paragraph (b) of this subsection, or reports on inspections made in pursuance of that paragraph.

10. This Act may be cited as the States (Creation and Transitional Provisions) Act. Short title.

SCHEDULES

FIRST SCHEDULE

Section 1 (1)

<i>Name of State</i>	<i>Local Government Council Areas</i>	<i>Capital</i>
Katsina	Daura, Mani, Dutsin-Ma, Katsina, Kankiya, Malunfashi and Funtua.	Katsina

SECOND SCHEDULE

Section 2 (2)

Akwa-Ibom	Ikot-Ekpene, Abak, Eket, Ukanafun, Ikot-Abasi, Uyo, Etinan, Ikono, Itu and Oron.	Uyo
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