

CHAPTER 137

FEDERAL MILITARY GOVERNMENT
(SUPREMACY AND ENFORCEMENT
OF POWERS) ACT

ARRANGEMENT OF SECTIONS

Sections

1. Exclusion of civil proceedings.
2. Short title.

CHAPTER 137

FEDERAL MILITARY GOVERNMENT
(SUPREMACY AND ENFORCEMENT
OF POWERS) ACT

An Act to re-affirm the supremacy of the Federal Military Government in all respects and accordingly to render null and void any suit pending before any court challenging the competence of the Federal or State Military Government to make any legislation. 1984 No. 13.

[17th May, 1984] Commence-
ment.

WHEREAS the military revolution which took place on 31st December 1983 effectively abrogated the whole pre-existing legal order in Nigeria except what has been preserved under the Constitution (Suspension and Modification) Act: Cap. 64.

AND WHEREAS the military revolution aforesaid involved an abrupt political change which was not within the contemplation of the Constitution of the Federal Republic of Nigeria (hereafter in this Act referred to as the Constitution): Cap. 62.

Cap. 64.

AND WHEREAS by the Constitution (Suspension and Modification) Act aforesaid there was established a new government known as the "Federal Military Government" with absolute powers to make laws for the peace, order and good government of Nigeria or any part thereof with respect to any matter whatsoever and, in exercise of the said powers, the said Federal Military Government permitted certain provisions of the said Constitution to remain in operation:

AND WHEREAS by section 5 of the said Constitution (Suspension and Modification) Act, no question as to the validity of any Act or any Law (in so far as by section 2(4) thereof the provisions of the Law are not inconsistent with the provisions of an Act) shall be entertained by any court of law in Nigeria:

AND WHEREAS by section 1(2) of the said Constitution (Suspension and Modification) Act the provisions of an Act shall prevail over those of the unsuspended provisions of the said Constitution:

Exclusion of
civil pro-
ceedings.

1. (1) The preamble hereto is hereby affirmed and declared as forming part of this Act.

(2) It is hereby declared also that—

(a) for the efficacy and stability of the government of the Federal Republic of Nigeria; and

(b) with a view to assuring the effective maintenance of the territorial integrity of Nigeria and the peace, order and good government of the Federal Republic of Nigeria—

(i) no civil proceedings shall lie or be instituted in any court for or on account of or in respect of any act, matter or thing done or purported to be done under or pursuant to any Act or Law and if any such proceedings are instituted before, on or after the commencement of this Act the proceedings shall abate, be discharged and made void,

(ii) the question whether any provision of Chapter IV of the Constitution has been, is being or would be

contravened by anything done or proposed to be done in pursuance of any Act or a Law shall not be inquired into in any court of law and, accordingly, no provision of the Constitution shall apply in respect of any such question.

2. This Act may be cited as the Federal Military Short title.
Government (Supremacy and Enforcement of Powers) Act.
