

Government of Nigeria



*Constitution
of the Federation
of Nigeria*

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CHAPTER 1

THE FEDERATION AND ITS TERRITORIES

Effect of this Constitution

1. This Constitution shall have the force of law throughout Nigeria and, subject to the provisions of section 4 of this Constitution, if any other law (including the constitution of a Region) is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void.

Establishment of the Federation

2. The Federation of Nigeria shall consist of Regions and a Federal territory.

Territories of the Federation

3. - (1) There shall be three Regions, that is to say, Northern Nigeria, Western Nigeria and Eastern Nigeria.

(2) Northern Nigeria shall comprise those parts of the former Protectorate of Nigeria that on the thirtieth day of September, 1960, were comprised in the Northern Region of Nigeria.

(3) Western Nigeria shall comprise those parts of the former Colony and Protectorate of Nigeria that on the thirtieth day of September, 1960, were comprised in the Western Region of Nigeria.

(4) Eastern Nigeria shall comprise those parts of the former Protectorate of Nigeria that on the thirtieth day of September, 1960, were comprised in the Eastern Region of Nigeria.

(5) The Federal territory shall comprise those parts of the former Colony of Nigeria that on the thirtieth day of September, 1960, were comprised in the Federal Territory of Lagos.

Alteration of this Constitution

4. - (1) Parliament may alter any of the provisions of this Constitution

or (in so far as it forms part of the law of Nigeria) any of the provisions of the Nigeria Independence Act, 1960:

Provided that, in so far as it alters any of the provisions of this

section, sections 1, 2, 5, 6, 17 to 33 inclusive, 36, 37, 38, 45, 46, 47, 57,

62 to 87 inclusive, 97 to 106 inclusive, 108, 110, 112, 114 to 118 inclusive, 120, 121, 123, 124, 127 to 141 inclusive, 145, 146, 148, 150

and the Schedule to this Constitution or (in so far as they apply to

any of those provisions) sections 61 and 154 of this Constitution or

any of the provisions of the Nigeria Independence Act, 1960, an

Act of Parliament shall not come into operation unless each legislative

house of at least two Regions has passed a resolution signifying

consent to it having effect.

(2) A bill for an Act of Parliament under this section, not being

an Act to which subsection (3) of this section applies, shall not be passed in either House of Parliament unless it has been supported on second and third readings by the votes of not less than two-thirds of all the members of that House.

(3) Alterations to section 3 of this Constitution for the purpose of establishing new Regions out of other territories shall be effected

only in accordance with the following procedure-

(a) a proposal for the alteration shall be submitted to each House

of Parliament and, if that proposal is approved by a resolution

of each of those Houses supported by the votes of at least two-thirds of all the members of that House, the proposal shall then be submitted to the legislative houses of all the Regions; and

(b) if the proposal is approved-

(i) by a resolution of each legislative house of a majority of all the Regions; or

(ii) by a resolution of each legislative house of at least two Regions, including any Region comprising any part of Nigeria that would be transferred to the new Region under the proposal,

Parliament may provide for the alteration.

(4) Alterations to section 3 of this Constitution for the purpose of

altering the boundaries of territories by the transfer of any part of

one territory to another territory shall be effected only in accordance

with the following procedure-

(a) a proposal for the alteration shall be submitted to each House

of Parliament and, if that proposal is approved by a resolution

of each of those Houses supported by the votes of at least two-thirds of all the members of that House, the proposal

shall then be submitted to the legislative houses of all the Regions; and

(b) if the proposal is approved-

(i) by a resolution of each legislative house of a majority of all the Regions, including any Region to which any part of Nigeria comprised in another territory would be transferred under the proposal; or

(ii) by a resolution of each legislative house of each Region comprising any part of Nigeria that would be transferred either to or from that Region under the proposal,

Parliament may provide for the alteration:

Provided that the procedure described in paragraphs (a) and (b) of this subsection need not be followed if the alteration

is for the purpose of transferring an area of not more than one thousand square miles inhabited by not more than one hundred thousand persons from one Region to another Region

or Regions.

(5) An Act of Parliament passed for the purposes of subsection (3)

of this section or an Act of Parliament passed for the purposes of

subsection (4) of this section, being an Act to effect an alteration in

respect of which the procedure described in paragraphs (a) and (b)

thereof is required to be followed, shall not come into operation

unless -

(a) a resolution has been passed by each legislative 'house of at

least two Regions signifying consent to its having effect; and

(b) a referendum upon the question whether the Act should have

effect has been held in pursuance of provision made in that behalf by Parliament in every part of Nigeria that would be comprised in a new Region or transferred from one territory to another, as the case may be, at which the persons entitled

to vote were the persons who at the date of the referendum were entitled to vote in any constituency in that part of

Nigeria established under section 46 of this Constitution and at which at least three-fifties of all the persons who were

entitled to vote at the referendum voted in favour of the Act.

(6) An Act of Parliament passed for the purposes of subsection (4) of

this section, being an Act to effect an alteration in respect of which the procedure described in paragraphs (a) and (b) thereof is not required to be followed, shall not come into operation unless a resolution has been passed by each legislative house of each Region whose boundaries are affected by the Act signifying consent to its having effect.

(?) An Act of Parliament altering section 37 of this Constitution in relation to any Region in such a manner that that Region would be represented in the Senate by less than the appropriate proportion of Senators shall not come into operation unless a resolution has been passed by each legislative house of that Region signifying consent to its having effect.

(8) An Act of Parliament altering section 38, 46 or 47 of this Constitution in relation to any Region in such a manner that the number of members of the House of Representatives to be elected in that Region would be less than the appropriate proportion for that Region shall not come into operation unless a resolution has been

passed by each legislative house of that Region signifying consent to its having effect.

(9) An Act of Parliament altering section 38, 46 or 47 of this Constitution in relation to the Federal territory in such a manner that the number of members of the House of Representatives to be elected in that territory would be less than the appropriate proportion for that territory shall not come into operation unless a resolution supported by a majority of the members of that House who represent that territory has been passed by each House of Parliament signifying consent to its having effect.

(10) The provisions of this Constitution or (in so far as it forms part of the law of Nigeria) the Nigeria Independence Act, 1960, shall not be altered except in accordance with the provisions of this section.

(11) "The appropriate proportion "--

(a) for the purposes of subsection (7) of this section, means the number obtained by dividing the total number of Senators representing the Regions by the total number of Regions; and

(b) for the purposes of subsections (8) and (9) of this section,

means, in relation to a territory, such proportion of the total number of members of the House of Representatives as corresponds most nearly to the proportion borne by the number of inhabitants of that territory to the total number of inhabitants of Nigeria.

(12) For the purposes of this section the number of inhabitants

of Nigeria or a territory shall be ascertained by reference to the

latest census of the population of Nigeria held in pursuance of an

Act of Parliament.

Provisions relating to Regional Constitutions

5. ---(1) Subject to the provisions of this Constitution and the Nigeria Independence Act, 1960, the constitution of each Region

shall have the force of law throughout that Region and if any other

law is inconsistent with that constitution, the provisions of that

constitution shall prevail and the other law shall, to the extent of

the inconsistency, be void.

(2) Subject to the provisions of this Constitution, the constitution

of a Region may be altered only by a law enacted by the legislature

of that Region.

(3) A bill for a law to be enacted by the legislature of a Region