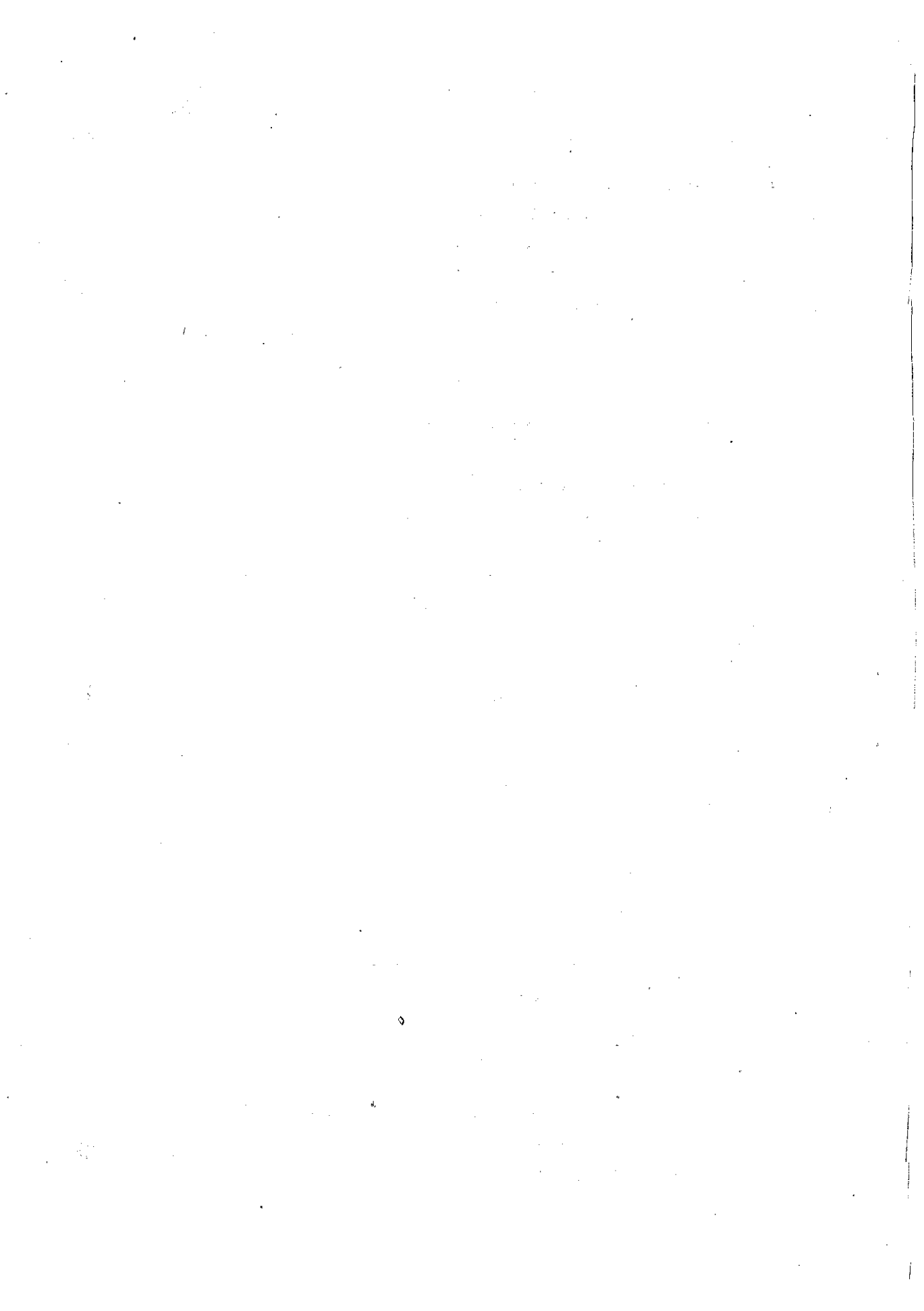


NATIONAL COMMISSION FOR THE PROHIBITION OF THE IMPORTATION OF  
SMALL ARMS AND LIGHT WEAPONS (EST. ETC.) BILL, 2017

## ARRANGEMENT OF CLAUSES

*Clauses:*

1. Establishment of the National Taskforce Commission for the prohibition of illegal importation of Small Arms, Ammunitions and Light Weapons.
2. Objectives of the Commission
3. Board of the Commission, Membership and tenure
4. Cessation of Membership of the Board
5. Functions of the Board
6. Legal Adviser of the Board
7. Powers of the Commission
8. Delegation of Duties
9. Structure of the of the Commission
10. Management Committee of the Commission
11. Secretary of the Commission
12. Employment and Service in the Commission
13. Fund of the Commission
14. Proceeds of the Fund
15. Power to Accept Gift
16. Annual Budget
17. Annual Report
18. Miscellaneous
19. Directives by the President
20. Limitation of suits against the Commission, etc. Cap 379 LFN
21. Service of Documents on the Commission
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27. Interpretation
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# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL COMMISSION FOR THE PROHIBITION OF ILLEGAL IMPORTATION OF SMALL ARMS, AMMUNITIONS AND LIGHT WEAPONS CHARGED WITH THE RESPONSIBILITY TO REGULATE AND PROHIBIT PROLIFERATION OF SMALL ARMS, AMMUNITIONS AND LIGHT WEAPONS AND FOR RELATED MATTERS

*Sponsored by Senator Suleiman Nazif*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as Follows:

### PART I

#### ESTABLISHMENT OF THE NATIONAL COMMISSION FOR THE PROHIBITION OF ILLEGAL IMPORTATION OF SMALL ARMS, AMMUNITIONS AND LIGHT WEAPONS

1.-(1) There is hereby established a body to be known as The National Commission for the Prohibition of Illegal Importation of Small Arms, Ammunitions and Light Weapons (in this Bill herein referred to as "The Commission").

Establishment of the Commission

(2) The commission:

(a) Shall be a body corporate with perpetual succession and a common seal;

(b) may sue and be sued in its corporate name;

(c) may enter into contracts and incur obligations;

(d) acquire, hold, mortgage, and deal with property whether movable or immovable, real or personal, and

(e) do all such things as are necessary or incidental to carry out its functions and powers under this bill.

(3) The Commission shall have its headquarters in Abuja and Zonal

- 1 Offices in designated states.
- Objectives of  
the Commission 2 2. The objectives of the commission shall be:
- 3 (a) To take over the functions of the National Task Force for the
- 4 prohibition of the illegal importation of Goods, Small Arms, Ammunitions and
- 5 light weapons (NATFORCE);
- 6 (b) To prohibit the illegal importation and proliferation of small arms,
- 7 ammunitions and light weapons into Nigeria;
- 8 (c) To partner with governmental and international security agencies
- 9 for the formulation of polices and strategies to prohibit and eradicate the
- 10 proliferation of illegal goods, small arms and light weapons in Nigeria and the
- 11 West African sub-region;
- 12 (d) To create, promote and disseminate awareness on the dangers of
- 13 proliferation of small arms and ammunition;
- 14 (e) Produce independent policies on small arms ammunitions,
- 15 chemicals and light weapons;
- 16 (f) Encourage private sector participation and collaboration on the
- 17 prohibition and eradication of illegal importation of goods and use of Small
- 18 arms, ammunitions and light weapons; and
- 19 (g) Initiate, develop and execute strategies that would help to generate
- 20 ideas and policies for the eradication of small arms, ammunitions, chemicals
- 21 and light weapons in the country:
- Board of the  
Commission,  
membership and  
tenure 22 3.-(1) There is established for the Commission a Board (in this bill
- 23 referred to as "The Board") charged with policy formulation of the
- 24 commission.
- 25 (2) The Board shall consist of:
- 26 (a) The Chairman of the commission, who shall be:
- 27 (i) the chief executive and accounting officer;
- 28 (ii) chairman of the Board; and
- 29 (b) One representative from each of the six, geopolitical zones;
- 30 (c) A representative of:

- 1 (i) Minister of Foreign Affairs;
- 2 (ii) Minister of internal Affairs;
- 3 (iii) Minister of Finance;
- 4 (iv) The Inspector General of Police;
- 5 (v) The Chief of Naval Staff;
- 6 (vi) Comptroller-General of the Nigeria Customs Service;
- 7 (vii) The Director-General' of the Department of State Security
- 8 Service; not below the rank of a Director or its equivalent; end
- 9 (viii) Two representatives of the importers Association of Nigeria
- 10 (IMAN).
- 11 (3) The members of the Board in:
- 12 (i) Section 3 (2) (a) and (b) shall be full time members and
- 13 nominated by the president and subject to confirmation by the senate of the
- 14 Federal Republic of Nigeria; and
- 15 (ii) Section 3 (2) (c) shall be part time members.
- 16 (4) The President shall nominate the Director General of the
- 17 Notional Task Force' for the Prohibition of the illegal Importation of Goods,
- 18 Small Arms end Ammunitions (NATFORCE) as the pioneer Chairman of
- 19 the Commission for the proper take off of the Commission.
- 20 (5) The Board shall make standing orders regulating its
- 21 proceedings, appointments, promotions end discipline of staff of the
- 22 commission.
- 23 (6) The members of the Board shall hold office for a term of five (5)
- 24 years and may be eligible for re-appointment for another term of five' (5)
- 25 years subject to satisfactory performance and no more.
- 26 (7) The Chairman and members of the Board shall be persons of
- 27 proven integrity.
- 28 (8) Members of the Board in:
- 29 (a) Section 3 (2) (a) and (b) shall be paid such remuneration;
- 30 salaries and allowances as may be prescribed by the National Revenue

1 Mobilization Allocation and Fiscal Commission, and

2 (b) Section 3 (2) (c) shall be paid allowances as may be determined by  
3 the Commission.

Cessation of  
membership

4 4.-(1) Notwithstanding the provisions of section 3(2) (a) and (b) of  
5 this Bill, a person shall cease to hold office as a member of the Board if:

6 (a) He becomes bankrupt! .suspends payment or compounds with his  
7 creditors;

8 (b) He is convicted of a felony or any offence involving dishonesty or  
9 fraud;

10 (c) He becomes of unsound mind, or is incapable of carrying out his  
11 duties;

12 (d) He is guilty of serious misconduct in relation to his duties; or

13 (2) A member of the Board may be removed by the President if he, is  
14 satisfied that it is not in the interest of the Commission or in the interest of the  
15 public that the member should continue in office.

16 (3) Where a vacancy occurs in the membership of the commission, it  
17 shall be filled by the appointment of a successor to hold office for the remainder  
18 of the term of office of his predecessors and the successor shall represent the  
19 same interest.

20 (4) A member may resign his appointment by a notice in writing under  
21 his hand, addressed to the President and that member shall on the date of the  
22 receipt of the notice by the President cease, to be a member of the Commission.

Functions of  
the Board

23 5.-(1) The Board shall:

24 (a) Formulate polices and. guidelines for the eradication and  
25 prohibition of illegal importation and proliferation of smell arms,  
26 ammunitions, chemical and .light weapons into Nigeria;

27 (b) Identify factors leading to the increase in the illegal importation'  
28 and proliferation of small arms, ammunitions and li9ht weapons into Nigeria;

29 (c) Set up a joint task force to arrest illegal importers of fire arms,  
30 small arms, chemical and light weapons or any substance suspected to be used

1 for harmful purposes;

2 (d) Perform such other functions which in the opinion of the  
3 commission are required to ensure the prohibition of the illegal importation,  
4 manufacture, assembly, use and proliferation of small arms, ammunitions  
5 and light weapons into Nigeria; and

6 (e) Carry out such other functions as the President may, from time  
7 to time; direct.

8 (2) The Commission shall not be subject' to the direction, control or  
9 supervision of any other 'authority or person in the performance of its  
10 functions other than as is prescribed in this Bill.

11 6.-(1) The commission shall appoint a legal adviser for the Board.

Legal adviser  
of the Board

12 (2) The legal adviser shall:

13 (a) report to the Chairman of the commission;

14 (b) give legal advise to both the Board and the management  
15 committee;

16 (c) make arrangements for Board meetings, prepare the agenda and  
17 minutes of the meetings;

18 (d) keep records of the Board;

19 (e) liaise with other agencies on legal issues; and

20 (f) carry out any other duty assigned to him by the Board or the  
21 management committee.

22 (3) The legal adviser shall' be a lawyer with a minimum of 10 years  
23 post call experience.

24 7. The Commission shall have power to:

Powers of the  
Commission

25 (a) Pay the staff of the Commission such salaries, remuneration  
26 and allowances as the Board may determine;

27 (b) Do such other things as are necessary end expedient for the  
28 efficient performance of the functions of the Commission.

29 8. The Commission may, subject to such conditions as it may think  
30 fit, delegate any of its power under this Bill;

Delegation of  
duties

- 1 (a) To any officer in the service of the Commission;
- 2 (b) To a committee consisting of such number of persons, one of
- 3 whom shall be named as Chairman, as may be prescribed by the Commission.

4 PART II - STRUCTURE AND MANAGEMENT OF THE COMMISSION

Structure of  
the Commission

5 9.-(1) There shall be established in the headquarters of the

6 Commission the following departments:

- 7 (a) Administration and Personnel Management;
- 8 (b) Operations/Intelligence and investigation;
- 9 (c) Information Communication Technology and Training;
- 10 (d) Finance and supply;
- 11 (e) Planning, Research and Statistics.

12 (2) The Commission may, with the approval of the Board, increase

13 the number of Departments as it may deem necessary and expedient to

14 facilitate the realization of the objectives of the Commission.

Management  
Committee

15 10.-(1) There shall be for the commission the management committee

16 comprising the Directors of the various department.

17 (2) The management committee headed by the Secretary, shall be,

18 responsible for general administration of the commission.

19 PART III - STAFF OF THE COMMISSION

Secretary of  
the Commission

20 11.-(1) There shall be for the commission, a Secretary who shall be an

21 officer in the Civil Service of the Federation not below the rank of a Permanent

22 Secretary.

23 (2) The Secretary shall, subject to the general direction of the Board,

24 through the Chairman, be responsible for:

- 25 (a) the day to day administration of the commission;
- 26 (b) keeping the books and proper records of the proceedings of the
- 27 commission;
- 28 (c) the administration of the secretariat of the commission; and
- 29 (d) the general direction and control of all other employees of the
- 30 commission,





1 (i) received from the Federal Government for the purposes of take-  
2 off,

3 (ii) appropriated from time to time by the National Assembly, and

4 (iii) lent to or deposited with the Commission by the federal or state  
5 Government or any other body or institution whether local or foreign for the  
6 purpose of carrying the function of this Bill;

7 (b) All monies raised for the purpose of the Commission by way of  
8 gifts, loan, grants-in-aid, testamentary dispositions or otherwise; and

9 (c) Proceeds from all other assets that may, from time to time accrue  
10 to the Commission.

11 (3) The fund shall be managed in accordance with financial  
12 regulations and without prejudice to the generality of the power to make rules  
13 under this subsection; the rules shall in particular contain provisions:

14 (a) Specifying the manner in which the assets or the fund of the  
15 commission are to be held, and regulating the making of payments into and out  
16 of the fund; and

17 (b) Requiring the keeping of proper accounts and records for the  
18 purpose of the fund in such form as may be specified in the rules.

Proceeds of the  
fund

19 14. The Commission shall apply the proceeds of the fund established  
20 pursuant to section 13 of this Bill to:

21 (a) The cost of administration of the Commission;

22 (b) The payment of salaries, allowances and benefits of members of  
23 Commission or any committee of the commission;

24 (c) The payment of salaries, remuneration, allowances, benefits;  
25 pensions and gratuities payable to officers and employees of the commission;

26 (d) The payment for all contracts, including mobilization,  
27 fluctuations, variations, legal, fees, and cost on contract administration;

28 (e) The payment for all purchases; and

29 (f) Undertake such other activities as are connected with all or any of  
30 the functions of the commission, under this Bill.



1 (2) The Commission may, subject to the Land Use Act, sell or lease  
2 out any office or premises held by it, which office or premises is no longer  
3 required for the performance of its functions under this Bill.

Directives by  
the President

4 19. Subject to the provisions of this Bill, the President may give to the  
5 Commission directives of a general nature or relating generally to matters of  
6 policy with regard to the performance by the Commission of its functions and it  
7 shall be the duty of the Commission to comply with the directives.

Limitation of  
suit and Public  
Officers Protection  
Act  
Cap. 379 LFN,  
2004

8 20.-(1) Subject to the provision of this Bill, the provisions of the  
9 Public officers Protection Act shall apply in relation to any suit instituted  
10 against any officer or employee of the Commission.

11 (2) Notwithstanding anything contained in any other law or  
12 enactment, no suit shall lie against any member of the Commission, the  
13 Secretary or any other officer or employee of the commission for any act done  
14 in pursuance or execution of this Bill or any other law or enactment, or of any  
15 public duty of authority' in respect of any alleged neglect or default in the  
16 execution of this Act or such law or enactment, duty or authority, shall lie or be  
17 instituted in any Court unless:

18 (a) commenced with three months after the act, neglect or default  
19 complained of; or

20 (b) In the case of a continuation of damage or injury, within six  
21 months after the ceasing thereof.

22 (3) No suit shall be commenced against a member of the Commission,  
23 the Secretary, officer or employee of the Commission before the expiration of  
24 a, period of one month after written notice of intention to commence the suit  
25 shall have been served upon the Commission by the intending plaintiff of his  
26 agent.

27 (4) The notice referred to in subsection (3) of this section shall clearly  
28 and explicitly state the cause of action, the particulars of the claim, the name  
29 and place of abode of the intending plaintiff and the relief, which he claims.

- 1                   21. A notice, summons or other document required or authorized  
2 to be served upon the Commission under the provision of this Bill or any  
3 other law or enactment may be served by delivering it to the secretary or by  
4 sending it by registered post end addressed to the Secretary at the principle  
5 office of the commission.
- 6                   22.-(1) In any action or suit against the commission, no execution  
7 or attachments of process In the nature thereof shell be issued against the  
8 commission.
- 9                   (2) Any sum of money which may be the judgment of any Court  
10 awarded against the commission shall, subject to any direction given by  
11 Court where notice of appeal of the said judgment has been given, be paid  
12 from the fund of the commission.
- 13                   23. A member of the commission, the secretary, any officer or  
14 employee of the commission shall be indemnified out of the assets of the  
15 commission against any proceeding, whether civil or criminal, in which  
16 judgment is given in his favour, or which is acquitted, if any such proceeding  
17 is brought against him in his capacity as a member of the commission, the  
18 Secretary, officer or employee of the commission.
- 19                   24. Any person who, immediately before the coming into force of  
20 this Bill, is the holder of any office In the Notional Task Force for the  
21 prohibition of illegal importation of goods Small arms ammunitions and  
22 light weapons shall, on the commencement of this Bill, continue in office  
23 and be deemed to have been appointed to his office by the commission under  
24 this Bill.
- 25                   25. The Commission may, with the approval of the President make  
26 regulations generally for the purposes of giving full effect to this Bill to  
27 provide for:
- 28                   (a) offences;  
29                   (b) punishment;  
30                   (c) prosecution;
- Service of Documents on the Commission
- Execution of process and awards
- Indemnity
- Savings
- Regulations

1 (d) Courts with jurisdiction;

2 (e) chemicals; and

3 (f) any other matter.

Transfer of  
Assets, Liabilities,  
Interests and  
cause of action

4 26.-(1) By virtue of this bill, there shall be vested in the Commission,  
5 established under this Bill, all assets, funds, resources" and other movable or  
6 immovable property immediately before the commencement of this Bill that  
7 were reserved in the National Task Force for the prohibition of illegal  
8 importation of Goods, Small arms and Ammunitions.

9 (2) All rights, interests, obligations and liabilities of Notional Task  
10 Force for the prohibition of illegal importation of Goods, Small Arms, and  
11 Ammunition existing before the commencement of this Bill under any contract  
12 or instrument, at law or equity shall be deemed to have been assigned and  
13 vested in the Commission.

14 (3) Any proceeding or cause of action pending or existing before the  
15 commencement of this Bill, by or against the Notional Task Force for the  
16 prohibition of illegal importation of Goods, Small Arms and Ammunitions in  
17 respect of any right, interest, obligation or liability may be continued,  
18 determined or commenced as the case may be.

Interpretation

19 27. In this Act, unless the context otherwise requires:

Citation

20 28. This Bill may be cited as the National Commission for the  
21 Prohibition of the Importation of Small Arms and Light Weapons (Est. etc.)  
22 Bill, 2017.

#### EXPLANATORY MEMORANDUM

This bill seeks to establish the Notional Commission for the prohibition of illegal importation of Small Arms, Ammunitions and Light Weapons in Nigeria with organized management structure, charged with the responsibility to regulate, strategize and formulate policies to eradicate the proliferation of Small Arms and, Ammunition and prohibit the illegal importation of Small Arms, Ammunition, chemical and light weapons.