

A BILL

FOR

AN ACT TO AMEND THE FIREARMS ACT, CAP F28, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE FOR INCREASE OF FINE AND PROVIDE FOR DESTRUCTION OF FIREARMS ILLEGALLY IMPORTED INTO THE COUNTRY OR IN POSSESSION OF INDIVIDUALS WITHOUT VALID LICENCE AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Senator Gbolahan Dada

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria.

- 1 1. The provisions of Firearms Act 2004 (in this Act referred to as Amendment of
2 “the Principal Act”) are amended as set out in this Bill. the Principal Act
- 3 2. The punishment section in Section 27 (1) (c) (v) of the Principal
4 Act is amended to read as follows:
5 *to a fine of one hundred thousand naira or imprisonment for a term*
6 *of two years or to both such fine and imprisonment.*
- 7 3. A new Section 39 is hereby provided for the Principal Act to
8 read as follows:
9 *“Power to seize and destroy confiscated and illegal firearms”:*
10 (1) It shall be lawful for any officer of the Nigerian Armed Forces,
11 Nigeria Police Force, Nigerian Customs Service, Nigeria Security and Civil
12 Defence Corps and officers of any other law enforcement agency to seize
13 and confiscate any illicit and illegal firearms imported into the country
14 without any valid import documents or firearms in possession of any
15 individual without any valid licence.
- 16 (2) Upon the seizure of such firearms mentioned in sub section (1)
17 above, the agency or organisation responsible for the seizure shall make
18 arrangements for physical destruction of the firearms in question at a place

1 and location accessible to members of the public in order to build public
2 confidence in overall efforts to eradicate illegal firearms and prevent illegal
3 firearms from finding their way back into the society.

4 (3) The head of the agency or organisation responsible for the seizure
5 shall create a place for safe custody of the firearms in question and designate an
6 officer (record keeper) who shall record the details of the firearms in question
7 in a database containing the following information namely make, model,
8 caliber, serial number, country of manufacture, country of import, date of
9 destruction and location of destruction.

10 (4) The agency or organisation responsible for the seizure shall ensure
11 the presence of media coverage and independent observers at the firearms
12 destruction ceremony and ensure compliance with international best practice
13 on destruction of weapons most especially International Small Arms Control
14 Standards (ISACS) developed by United Nations Coordinating Action on
15 Small Arms (CASA).

16 (5) The firearms destruction ceremony mentioned in this section shall
17 be conducted by the agency responsible for the seizure within a maximum
18 period of seven (7) after seizure except there is a valid court order preventing
19 destruction of such firearms.

20 (6) The firearms subject to seizure and destruction in this Act includes
21 small arms and light weapons relinquished during Amnesty programme or
22 forming part of weapons collection programme or recovered in crime or
23 identified as surplus requirements of the Armed Forces.

24 4. A new Section 40 is hereby provided for the Principal Act to read as
25 follows:

26 "*Offences*":

27 (1) Any person who tampers with the firearms seized or confiscated
28 pursuant to Section 39 of this Act is guilty of an offence and liable on
29 conviction to a minimum sentence of ten years.

30 (2) Any person who assist, encourage and or collude with the record

1 keeper or any person in charge of the firearms to steal, remove or deal with
2 the firearms in question is guilty of an offence and liable on conviction to a
3 minimum sentence of ten years.

4 5. A new Section 41 is hereby provided for the Principal Act to
5 read as follows:

6 *“Recycling and reusing waste materials from destroyed firearms”:*

7 (1) The Minister in charge of Defence shall develop a policy for
8 recycling and reusing waste materials such as metal, wood and plastic
9 derived from destruction of firearms seized pursuant to the provision of this
10 Act in order to generate revenue and produce objects with practical artistic
11 and symbolic value.

12 (2) The revenue generated through recycling and reusing waste
13 materials from destruction of seized firearms shall be paid into the
14 Consolidated Revenue Account of the Federation.

15 6. This Bill may be cited as Firearms (Amendment) Bill, 2017.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Firearms Act, Cap F28, Laws of the Federation of Nigeria 2004 to increase the fine imposed in Section 27 (1) (c) (i)-(v) from a fine of one thousand naira to (one hundred thousand naira) and to provide for destruction of firearms illegally imported into the country or in possession of individuals without valid licence in order to build public confidence in overall efforts to eradicate illegal firearms and prevent illegal firearms from finding their way back into the society and also to generate revenue for the Federal Government from recycling and reusing waste materials such as metal, wood and plastic derived from destroyed firearms.

