

FIREARMS (AMENDMENT) BILL, 2021

ARRANGEMENT OF CLAUSES

Clauses

1. Amendment of CAP. F28 LFN 2004
2. Amendment of section 6
3. Amendment of section 7
4. Amendment of section 9
5. Substitution for section 23
6. Substitution of section 24
7. Insertion of new section 24A
8. Amendment of section 27
9. Amendment of section 28
10. Substitution of section 29
11. Substitution of section 32 (1)
12. Amendment of section 35 (2)
13. Substitution for section 38
14. Amendment of the Schedule
15. Citation



A BILL

FOR

AN ACT TO AMEND THE FIREARMS ACT CAP. F28 LAWS OF THE FEDERATION OF NIGERIA, 2004, TO INCREASE THE FINES, PROVIDE FOR STRICT PRISON TERMS AND LICENSING FEES; AND FOR RELATED MATTERS

Sponsored by Hon. Adejoro Adeogun

[] Commencement

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

1 1. The Firearms Act Cap. F28 Laws of the Federation of Nigeria, 2004 (in this Act referred to as "the Principal Act") is amended as set out in this Act.

Amend Cap. F28 L. 2004

2 2. Section 6 of the Principal Act is amended by:

Amendment of Section 6

3 (a) substituting for the expression "subsection (5)" in line one, the expression "subsection (4)";

4 (b) substituting for subsection (2), a new subsection "(2)":

5 "(2) This section shall apply in respect of all licence and permits granted under this Act and the authority having the function of granting such licence and permit.;"

6 (c) inserting a new subsections "(3)" and "(4)":

7 "(3) Notwithstanding the provisions of subsection (1), a person shall be entitled to the grant of a licence or permit under this Act if, at the time of application, the person:

8 (a) is at least eighteen years of age;

9 (b) has a psychological evaluation certificate from a government hospital not more than six months;

10 (c) has a vision quality certificate from a government hospital not more than six months;

11 (d) has a police clearance certificate not more than twelve months;

1 (e) has a rifle club membership of at least six months and a firearms
2 proficiency certificate issued by the club; and

3 (f) has a National Identification Number issued by the National
4 Identity Management Commission (NIMC).

5 (4) Notwithstanding the provisions of subsection (1), (2) and (3), no
6 licence or permit under the provisions of this Act shall be granted if, at the time
7 of application, there is a reason to believe that the applicant or holder of the
8 licence;

9 (a) is under the age of eighteen:

10 (b) is of unsound mind;

11 (c) is not fit to have possession of the firearm in question on account of
12 defective eyesight;

13 (d) is a person of intemperate habits;

14 (e) has, during the previous five years, been convicted of an offence
15 involving violence or threat of violence.

Amendment of Section 7

16 3. Section 7 of the Principal Act is amended:

17 (a) in subsection (1), by inserting at the end of the subsection, the
18 words, "by keeping it under lock and key to prevent unauthorised access"; and

19 (b) in subsection (2), by substituting for the word "fourteen" in line
20 three, the word "seven".

Amendment of Section 9

21 4. Section 9 of the Principal Act is amended by inserting a new
22 subsection "(1A)" immediately after subsection (1);

23 "(1A) A person shall become a registered firearms dealer if he:

24 (a) is a citizen of Nigeria of not less than eighteen years of age;

25 (b) has a National Identification number issued by the NIMC

GAMA 2020

26 (c) has a registered business name or limited liability company under
27 the Companies and Allied Matters Act for the purpose of dealing in firearms;
28 (d) has complied with any other requirement in the regulations made
29 under section 32 of this Act."

3 "23. The Inspector-General of Police;

4 (a) may grant a permit to any person to carry on business of
5 manufacture and repair of the firearms referred to in Part III of the Schedule;
6 and

7 (b) shall maintain a manual and an e-register of such permits in
8 force.

11 "24. The Inspector-General of Police;

12 (a) may, with the consent of the Governor of the State, grant a
13 permit to any person to carry on the business of manufacture and repair of
14 the firearms referred to in Part III of the Schedule to this Act: and

15 (b) shall maintain a manual and an e-register of such permits in
16 force.

19 "24A. No permit under sections 23 and 24 shall be granted unless,
20 at the time application, the applicant:

21 (a) is over the age of eighteen;

22 (b) has a registered business name or limited liability company CAMA, 2020
23 under the Companies and Allied Matters Act, for the purpose of manufacture
24 or repair of firearms and ammunition;

25 (c) has a firearms proficiency certificate from a registered rifle club
26 of at least six months from the date of issue;

27 (d) has a police clearance certificate of at least twelve months;

28 (e) has a national identification number issued by NIMC;

29 (f) has a designated place of business, not in a residential area or
30 school district, to carry out the manufacture and repair of firearms and

1 ammunition; and
 2 (g) has complied with any other requirement in the regulations made
 3 under section 32 of this Act."

Amendment of
Section 27

4 8. Section 27 of the Principal Act is appended:
 5 (a) in subsection (1) (a), by substituting for the word, "ten" in the last
 6 line, the word "fifteen";
 7 (b) in subsection (1) (b), by substituting for the words, "not exceeding
 8 five" in the last line, the words, "not less than";
 9 (c) in subsection (1) (c), by substituting for the words, "imprisonment
 10 for a term of not less than ten years" in the last line, the words, "to a fine of
 11 twenty-five percent of the Naira market value in respect of each firearm and
 12 ammunition or imprisonment for a term not less than five years";
 13 (d) in subsection (2), by substituting for the word, "ten" in the last line,
 14 the word, "fifteen"; and
 15 (e) in subsection (3), by substituting for the word, "may" in line 2, the
 16 word "fifteen".

Amendment of
Section 28

17 9. Section 28 of the Principal Act is amended by substituting for the
 18 words, "one hundred Naira or imprisonment for six months" the words,
 19 "twenty-five percent of the naira market value of the firearm and ammunition
 20 the licence or permit relates or imprisonment for a term not less than eighteen
 21 months".

Amendment of
Section 29

22 10. Substitute for section 29 of the Principal Act, a new section "29":
 23 "A police officer shall give seven days, excluding public holidays,
 24 for compliance with the provisions of section 28 of this Act."

Amendment of
Section 32 (1)

25 11. Substitute for section 32 (1) of the Principal Act, a new section "32":
 26 "(1) Subject to the provisions of section 6 (3) and (4), the President
 27 may by regulations provide for:
 28 (a) the method of application for and the terms and conditions which
 29 shall be required for any licence or permit granted, and to any registration

1 effected under this Act and the renewal and revocation of any such licence,
2 permit or registration;

3 (b) the records which shall be kept and returns to be made by a
4 registered firearms dealer;

5 (c) the records which shall be kept and returns to be made by
6 authorities granting licences in respect of muzzle-loading firearms;

7 (d) requirements as to the buildings in which a registered firearms
8 dealer shall carry on his business, and as to the structural and safety and
9 security requirements of an armoury maintained by a dealer;

10 (e) the procedure upon sale or transfer by a registered firearms
11 dealer of firearms or ammunition which shall be subject to licensing
12 procedure in another part of Nigeria;

13 (f) the stamping or marking of firearms and the method thereof;

14 (g) the conditions or circumstances in which deposit shall be made
15 or may be made in a public armoury and the conditions of and method for
16 withdrawal therefrom;

17 (h) the conditions under which the provisions of this Act may be
18 modified in respect of rifle clubs in accordance with section 37 of this Act;

19 (i) firearms ranges, gaming or shooting ranges which include:

20 (i) licensing entities to operate approved shooting ranges,

21 (ii) imposition of conditions on license;

22 (iii) duration of license;

23 (iv) recognition or condition for recognising firearms clubs and
24 commercial ranges, and

25 (v) membership and expulsion from such club;

26 (j) the total or partial exemption from the provisions of this Act of
27 any type of airgun, air-rifle or air-pistol (and ammunition therefor) the use or
28 possession of which is considered to involve no danger or little danger, and
29 any conditions to be attached to such exemption;

30 (k) prescribing anything which by 1st US Act has to be prescribed;

(l) prescribing forms;

(m) subject to subsections (2) and (3) of this section, prescribing fees or minimum fees; and generally for the better carrying out of the purposes of this Act.

Amendment of Section 35 (2)

5 12. Section 35 (2) of the Principal Act is amended by substituting for
6 the words, "one thousand Naira or imprisonment for two years", the words,
7 "seventy five thousand Naira or imprisonment not less than two years".

Substitution for section 38

8 13. Substitute for section 38 of the Principal Act, a new section "38":
9 "38.-(1) The provisions of this Act shall not apply to any member of
10 the Armed Forces, Police Force, State Security Service or any other law
11 enforcement agency in relation to any firearm or ammunition issued to him for
12 official purpose.

13 (2) The Inspector-General of Police, if satisfied that an officer of the
14 armed forces or police force requires an additional firearm or ammunition for
15 official purposes, shall issue the officer with another fire arm or ammunition.

16 (3) Notwithstanding the provisions of section 6 (3) and (4) of this Act,
17 where any member of the Armed Forces, Police Force, State Security Service
18 or any other law enforcement agency requires to purchase or acquire a firearm
19 or ammunition for his own use, he shall be entitled, without payment of any fee,
20 for the grant of a licence, subject to the submission of an application endorsed
21 by the head of military or para-military agency in whose service he is
22 employed."

Amendment of the Schedule

23 14. The Schedule to the Principal Act is amended in PART I by
24 inserting new items "6A" and "6B" after the existing item number 6:

25 "6A. Other calibers which include 5.56 mm and 6.8 mm.

26 6B. All machine, automatic or assault weapons including any weapon
27 with advanced sighting system, silencer or weapon with less than 16 inches
28 barrel."

Citation

29 15. This Bill may be cited as the Firearms (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Firearms Act Cap. F28 Laws of the Federation of Nigeria, 2004, to increase the fines, provide for strict prison terms and licensing fees.

