

NATIONAL COMMISSION ON SMALL ARMS AND LIGHT WEAPONS

(PROHIBITION) BILL, 2019

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A BILL

FOR

AN ACT TO ESTABLISH NATIONAL COMMISSION ON SMALL ARMS AND LIGHT WEAPONS CHARGED WITH THE RESPONSIBILITY TO AMONG OTHER THINGS, REGULATE AND PROHIBIT PROLIFERATION OF SMALL ARMS, AMMUNITIONS AND LIGHT WEAPONS AND SENSITIZE THE PUBLIC ON THE DANGERS OF SMALL ARMS AND LIGHT WEAPONS IN ORDER TO DISCOURAGE THEIR PRODUCTION AND FOR RELATED MATTERS

Sponsored by Hon. Yakubu Dogara

[] Commencement

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

PART I - ESTABLISHMENT OF COMMISSION AND BOARD

1. The objectives of this Bill shall be to:

Objectives of
the Bill

(a) adequately address the multiple problems associated with smuggling and proliferation of small arms, ammunitions and light weapons;

(b) address growing cases of use of small arms, ammunitions and light weapons by Insurgent, Militant, Herdsmen, Armed Robbers and other criminal; and

(c) establish a Commission that will:

(i) partner with governmental and international security agencies for the formulation of policies and strategies to prohibit and eradicate the proliferation of small arms and light weapons in Nigeria and the West African sub-region;

(ii) create, promote and disseminate awareness on the dangers of proliferation of small arms and ammunition;

(iii) produce independent policies on small arms ammunitions, chemicals and light weapons; and

(d) establish a regulatory institution to facilitate the containment of

1 Small Arms Proliferation and Light Weapons in Nigeria.

Establishment
of National
Commission
on Small and
Light Weapons

2 2.-(1) There is established a Commission to be known as National
3 Commission on Small Arms and Light Weapons (in this Bill referred to as "the
4 Commission").

5 (2) The Commission shall be a body corporate with perpetual
6 succession and a common seal and may sue or be sued in its corporate name.

7 (3) The Commission shall have its head office in Federal Capital
8 Territory (FCT) and shall establish an office in the six (6) geo-political zones of
9 the country.

Establishment
of the
Commission
Board

10 3.-(1) There is established for the Commission, a body to be known as
11 the Commission Governing Board (in this Bill referred to as "the Board").

12 (2) The Board shall consist of:

13 (a) a Chairman who shall be a retired Chief of Defence Staff;

14 (b) one representative of:

15 (i) Federal Ministry of Defence,

16 (ii) Federal Ministry of Finance,

17 (iii) Federal Ministry of Interior,

18 (iv) Federal Ministry of Foreign Affairs;

19 (c) retired:

20 (i) Chief of Army Staff,

21 (ii) Chief of Naval Staff,

22 (iii) Chief of Air Staff,

23 (iv) Director General of Department of State Security Services,

24 (v) Comptroller General of Custom Service;

25 (d) Six other members, one member representing each geo-political
26 zone of the country; and

27 (e) the Director General of the Commission.

28 (3) The Chairman and other members mentioned in paragraph (c) and

29 (d) shall:

30 (a) be appointed by the President, subject to the confirmation of the

1 Senate, in consultation with the House of Representatives; and

2 (b) be person of proven integrity and ability.

3 (4) The members of the Board referred to in paragraph (b and c) of
4 sub- clause (2) of this clause shall be part-time members.

5 (5) The supplementary provisions set out in the Schedule to this
6 Bill shall have effect with respect to the proceedings of the Board and the
7 other matters contained therein.

8 4. Subject to the provisions of Clause 5 of this Bill, a member of
9 the Board, other than an ex-officio member, shall hold office for a term of 4
10 years at the first instance and may be re-appointed for a further term of 4
11 years and no more. Tenure of office

12 5.-(1) The member of the Board mentioned under Clause 3 (2) (a)
13 (c) and (d) may resign their appointment by notice in writing addressed to
14 the President. Resignation,
cessation or
removal from
membership of
the Board

15 (2) A member of the Board may cease membership if the member:

16 (a) becomes of unsound mind;

17 (b) becomes bankrupt;

18 (c) is convicted of a felony or of any offence involving dishonesty;

19 and

20 (d) is guilty of serious misconduct in relation to the office.

21 (3) A member of the Board other than ex-officio member may
22 resign his or her appointment by notice, in writing to the President which
23 resignation shall take effect upon receipt and approval by the President.

24 (4) In case of persons mentioned in Clause 3 (2) (c) and (d), where
25 vacancy exists in the membership of the Board, the vacancy shall be filled by
26 appointment of a person representing the area and service where the vacancy
27 exists, to complete the remainder of the term of office of the predecessor.

28 6. There shall be paid to every member of the Board such
29 remunerations, allowances and benefits as the Federal Government may,
30 from time to time direct. Remunerations
and Allowances

PART II - FUNCTIONS AND POWERS OF THE COMMISSION

Functions of
the Commission

7.-(1) The Commission shall:

(a) set in place programmes of action to prevent, combat and eradicate the illicit trade in small arms and light weapons;

(b) advise the Board on the formulation of policies and strategies as contained in the Convention on Small Arms and Lights Weapons and any other relevant international conventions to which Nigeria is a party or has acceded to;

(c) educate and sensitize the public on the dangers of small arms and light weapons in order to discourage their production;

(d) provide useful information to the relevant securities agencies on where illegal small and light weapons production and importation is going on;

(e) receive and study periodic reports from Nigerian Police Force on the registration and licensing of arms;

(f) encourage private sector participation and collaboration on the prohibition and eradication of illegal importation of goods and use of Small arms, ammunitions and light weapons;

(g) initiate, develop and execute strategies that would help to generate ideas and policies for the eradication of small arms, ammunition, chemical and light weapons; and

(h) perform such other functions which in its opinion relate to the functions of the Commission.

(2) In exercising its functions and powers under this clause, the Commission shall have regard to the relevant international conventions which Nigeria has ratified and acceded to.

(3) The Commission shall be subject to the direction, control or supervision in the performance of its functions under this Bill by the President the Federal Republic of Nigeria.

Powers of the
Board

8. The Board shall have power to:

(a) manage and supervise affairs of the Commission;

1 (b) make rules and regulations for carrying out the functions of the

2 Commission;

3 (c) enter and inspect premises, projects and such places as may be

4 necessary for the purposes of carrying out its functions under this Bill;

5 (d) pay the staff of the Commission such remuneration and

6 allowances as appropriate;

7 (e) enter into such contracts as may be necessary or expedient for

8 the discharge of its functions and ensure the efficient performance of the

9 functions of the Commission;

10 (f) employ either directly or on secondment from any civil or

11 public service in the Federation or a State such number of employees as may

12 in the opinion of the Board, be required to assist the Board in the discharge of

13 any of its functions under this Bill;

14 (g) pay to persons so employed such remuneration, including;

15 allowances, as the Board may determine; and

16 (h) do such other things as are necessary and expedient for the

17 efficient performance of the functions of the Commission.

18 PART III - STRUCTURE OF THE COMMISSION

19 9.-(1) There shall be established in the head office of the
20 Commission the following Departments:

Structure of the
Commission

21 (a) Administration and Finance;

22 (b) Operations, Intelligence and investigation;

23 (c) Information Communication Technology and Training;

24 (d) Planning, Research and Statistics; and

25 (e) Legal Services.

26 (2) The Board may increase the number of Department as it may

27 deem necessary and expedient to facilitate the realisation of the objectives of

28 the Commission.

29 10.-(1) There shall be for the Commission a Management

30 Committee which shall consist of:

Management
Committee

1 (a) a Director General; and

2 (b) the Directors responsible for the Department established under
3 Clause 8 of this Bill and such number of other members as may be determined
4 from time to time by the Board.

5 (2) The Management Committee shall be responsible to the Board for
6 the general administration of the Commission.

Advisory
Committee of
the Commission

7 **11.-(1)** The Board may from time to time, establish for the
8 Commission an Advisory Committee (in this Bill referred to as "the Advisory
9 Committee") which shall consist of representatives of identified stake holders
10 and NGOs.

11 (2) The Advisory Committee shall be charged with the responsibility
12 of advising the Board and monitoring the activities of the Commission, with a
13 view to achieving the objective of the Commission.

14 **PART IV - STAFF OF THE COMMISSION**

Staff of the
Commission

15 **12.-(1)** There shall be for the Commission, a Director General who
16 shall (a) have such qualification and experience as are appropriate for a person
17 required to perform the functions of the offices under this Bill;

18 (b) be the chief executive and accounting officer of the Commission;

19 (c) be appointed by the President of the Federal Republic of Nigeria
20 and confirmed by the Senate; and

21 (d) hold office on such terms and conditions as to emolument,
22 conditions of service as may be specified in his letter of appointment and
23 subject to the provision of Clause 3 of this Bill.

24 (2) The Director General shall, subject to the general direction of the
25 Board, be responsible for:

26 (a) the day to day administration of the Commission;

27 (b) keeping the books and proper records of the proceedings of the
28 Board, and

29 (c) the-

30 (i) administration of the secretariat of the Board, and

1 (ii) general direction and control of all other employees of the
2 Commission.

3 (3) The Board shall have power to appoint directly or request for
4 the deployment from the Public Service of the Federation, such number of
5 staff as may be necessary for the proper and efficient performance of its
6 functions under this Bill.

7 (4) The terms and conditions of service including remunerations,
8 allowances and benefit of staff of the Commission shall be as determined by
9 the Board in consultation with the National Salaries, income and Wages
10 Commission, subject to extant Government Rules.

11 13.-(1) Service in the Commission shall be approved service for
12 the purposes of the Pensions Reform Act. Pension Reform
Act, No.2 of 2004

13 (2) Nothing in sub clause (1) of this Clause shall prevent the
14 appointment of a person to any office on terms which preclude the grant of
15 pension and gratuity in respect of that office.

16 (3) For the purposes of the application of the provisions of the
17 Pensions Act, any power exercisable there under by the Minister or other
18 authority of the Government of the Federation, other than the power to make
19 regulations under Clause 23 thereof is vested in and shall be exercisable by
20 the Commission, and not by any other person or authority.

21 PART V - FINANCIAL PROVISIONS

22 14.-(1) The Commission shall establish and maintain a fund from
23 which shall be defrayed all expenditure incurred by the Commission. Funds of the
Commission

24 (2) There shall be paid and credited to the fund established
25 pursuant to sub-clause (1) of this clause:

26 (a) monies as may in each year be approved by the National
27 Assembly for the purpose of the Commission;

28 (b) such monies as may from time to time, be granted or lent to or
29 deposited with the Commission by the Federal or a State Government, any
30 other body or institution whether local or foreign;

1 (c) all moneys raised for the purposes of the Commission by way of
2 gifts, loan, grants-in-aid, testamentary disposition or otherwise; and

3 (d) proceeds from all other assets that may, from time to time, accrue
4 to the Commission.

5 (3) The fund shall be managed in accordance with the rules made by
6 the Board, and without prejudice to the generality of the power to make rules
7 under this sub clause, the rules shall in particular contain provisions:

8 (a) specifying the manner in which the assets or the fund of the
9 Commission are to be held, and regulating the making of payments into and out
10 of the fund; and

11 (b) requiring the keeping of proper accounts and purpose of the fund
12 in such form as may be specified in the rules.

Expenditure

13 **15.** The Commission shall apply the proceeds of the fund established
14 pursuant to clause 13 of this bill to:

15 (a) the cost of administration of the Commission;

16 (b) the payment of salaries, fees, remuneration, allowances, pensions
17 and gratuities payable to the members of the Board specified in Clause 5 of this
18 Bill or any committee of the Board and the employees of the Commission;

19 (c) the payment for all contracts, including mobilisation, fluctuations,
20 variations, legal fees and cost on contract administration;

21 (d) the payment for all purchases; and

22 (e) undertaking such other activities as are connected with all or any
23 of the Functions of the Commission under this Bill.

Power to accept
gifts

24 **16.-(1)** The Commission may accept gifts of land, money or other
25 property on such terms and conditions, if any, as may be specified by the person
26 or organisation making the gift.

27 (2) The Commission shall not accept any gift if the conditions
28 attached by the person or organisation making the gift are inconsistent with, the
29 functions of the Commission under this Bill.

Power to Borrow

30 **17.** The Commission may, with the consent of the President of the

1 Federal Republic of Nigeria, borrow, on such terms and conditions as the
2 Commission may determine, such sums of money as the Commission may
3 require in the exercise of its functions under this Bill.

4 18.-(1) The Board shall, not later than 30th September in each year,
5 submit to the National Assembly through the President of the Federal
6 Republic of Nigeria an estimate of the expenditure and income of the
7 Commission during the next succeeding year for approval.

Annual Estimate
and Expenditure

8 (2) The Board shall cause to be kept proper accounts of the
9 Commission in respect of each year and proper records in relation thereto
10 and shall cause the accounts to be audited not later than 6 months after the
11 end of each year by auditors appointed from the list and in accordance with
12 the guidelines supplied by the Auditor-General for the Federation.

13 19.-(1) The Commission shall, at the end of every quarter in each
14 year submit to the President of the Federal Republic of Nigeria report on the
15 activities and administration of the Commission.

Submission of
Report

16 (2) The Board shall prepare and submit to the President of the
17 Federal Republic of Nigeria, not later than 30th June in each year, a report in
18 such form as the President of the Federal Republic of Nigeria may direct on
19 the activities of the Commission during the immediately preceding year, and
20 shall include in the report a copy of the audited accounts of the Commission
21 for that year and the auditor's report thereon.

22 (3) The President of the Federal Republic of Nigeria shall, upon
23 receipt of the report referred to in sub-clause (1) of this Clause, cause a copy
24 of the report and the audited accounts of the Commission and the auditor's
25 report thereon to be submitted to each House of the National Assembly.

26 PART VI - MISCELLANEOUS

27 20.-(1) For the purposes of providing offices and premises
28 necessary for the performance of its functions under this Bill, the
29 Commission may, subject to the Land Use Act;

Offices and
premises of the
Commission

1 (a) purchase or take on lease any interest in land, or other property;
2 and

3 (b) construct offices and premises and equip and maintain same.

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

President
Directives

7 **21.** Subject to the provisions of this Bill, the President of the Federal
8 Republic of Nigeria, may give to the Commission directives of a general nature
9 or relating generally to matters of Policy with regard to the performance by the
10 Commission of its functions and it shall be the duty of the Commission to
11 comply with the directives.

Limitation of
suit against the
Commission, etc.

12 **22.-(1)** Subject to the provisions of this Bill, the provisions of the
13 Public Officers Protection Act shall apply in relation to any suit instituted
14 against any officer or employee of the Commission.

15 (2) Notwithstanding anything contained in any other law or
16 enactment, no suit shall lie against any member of the Board, the Director
17 General or any other officer or employee of the Commission for any act done in
18 pursuance or execution of this Bill or any other law or enactment, or of any
19 public duty or authority or in respect of any alleged neglect or default in the
20 execution of this Bill or such law or enactment, duty or authority, shall lie or be
21 instituted in any court unless:

22 (a) it is commenced within three months next after the act, neglect or
23 default complained of; or

24 (b) in the case of a continuation of damage or injury, within six
25 months next after the ceasing thereof.

Services of
Notice, Summons
and other
Documents

26 **23.** A notice, summons or other document required or authorised to
27 be served upon the Commission under the provisions of this Bill or any other
28 law or enactment may be served by delivering it to the Director General or by
29 sending it by registered post and addressed to the General Director at the
30 principal office of the Commission.

1 24.-(1) In any action or suit against the Commission, no execution
2 or attachment of process in the nature thereof shall be issued against the
3 Commission

Payment of
Judgment debts

4 (2) Any sum of money which may by the judgment of any court be
5 awarded against the Commission shall, subject to any direction given by
6 court where notice of appeal of the said judgment has been given, be paid
7 from the general reserve fund of the Commission.

8 25. A member of the Board, the Director General, any officer or
9 employee of the Commission shall be indemnified out of the assets of the
10 Commission against any proceeding, whether civil or criminal, in which
11 judgment is given in his favour or in which he is acquitted, if any such
12 proceeding is brought against him in his capacity as a member of the Board,
13 the Director General, officer or employee of the Commission.

Indemnity of
Staff of the
Commission

14 26. The Commission may, with the approval of the President of the
15 Federal Republic of Nigeria, make regulations, generally for the purposes of
16 giving full effect to this Bill.

Regulations

17 27. In this Bill:
18 "Chairman" means the Chairman of the Board;
19 "Commission" means the National Commission on Small Arms and Light
20 Weapons established by clause 1 of this Bill;
21 "Board" means the governing Board established for the Commission under
22 clause 2 (1) of this Bill;
23 "Management Committee" includes the Director General and other
24 Directors of the Departments.

Interpretation

25 28. This Bill may be cited as the National Commission on Small
26 Arms and Light Weapons (Prohibition) Bill, 2019.

Citation

SCHEDULES

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

1.-(1) Subject to the provisions of this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its Committees.

(2) The quorum of the Board shall be the Chairman or the person presiding at the meeting, Director General or other Director and one third of other members of the Board. The quorum of any Committee of the Commission shall be as determined by the Board.

2.-(1) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the Notice is given.

(2) At any meeting of the Board the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their member to preside at the meeting.

3.-(1) The Board may appoint one or more committees to carry out, on behalf of the Board such functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

4.-(1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Board generally or specifically authorized by the Board to act for that purpose and the Managing Director.

(2) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved be presumed to be so executed.

- 1 5. The validity of any proceedings of the Board or of a committee
2 shall not be adversely affected by:
3 (a) a vacancy in the membership of the Board or committee;
4 (b) a defect in the appointment of a member of the Board or
5 committee; or
6 (c) reason that a person not entitled to do so took part in the
7 proceedings of the Board or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish National Commission on Small Arms and Light Weapons charged with the responsibility to among other things regulate and prohibit proliferation of small arms, ammunitions and light weapons and sensitize the public on the dangers of small arms and light weapons in order to discourage their production.

