

[SB. 402]

FIREARMS CONTROL ACT
(REPEAL AND RE-ENACTMENT) BILL, 2020

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PREAMBLE

A BILL

FOR

AN ACT TO REPEAL THE FIREARMS ACT NO. 32 1959,
CAP. F28, LFN, 2004 AND TO ESTABLISH A COMPREHENSIVE
AND AN EFFECTIVE SYSTEM OF FIREARMS CONTROL;
AND FOR MATTERS CONNECTED THEREWITH

Sponsored by SENATOR UMARU TANKO AL-MAKURA

[

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Commence-
ment.

PREAMBLE

NOTES that every person has the right to life and the right to security of the person, which includes, among other things, the right to be free from all forms of violence from either public or private sources;

NOTES further that adequate protection of such rights is fundamental to the well-being and social and economic development of every person;

WORRIED that the increased availability and abuse of firearms and ammunition has contributed significantly to the high levels of violent crime in our society;

AWARE that the Constitution places a duty on the Federal Government to respect, protect, and promote the fundamental human rights;

NOW THEREFORE, BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows—

PART 1 — PRELIMINARY PROVISIONS

1. In this Act, unless the context otherwise requires—

Interpretations.

“accredit” means accredit as contemplated in section 10;

“airgun” means any device manufactured to fire a bullet or any other projectile at a muzzle energy of not less than 0.7 joules (0.5 ft-lbs) and not more than 8 joules (6 ft-lbs), by means of compressed air and not by means of burning propellant;

“ammunition” means a primer, propellant or complete cartridge;

“antique firearm” means all firearms manufactured before 1

1 January, 1870, which were not manufactured to discharge rim-fire
2 or centre-fire ammunition and which have not been altered to
3 discharge such ammunition;

4 “Appeal Board” means the Appeal Board established by section
5 131;

6 “cartridge” means a complete object consisting of a cartridge
7 case, primer, propellant and bullet;

8 “competency certificate” means a competency certificate
9 contemplated in part 5;

10 “dealer” means any person who is licensed in terms of this Act
11 to trade in firearms and ammunition;

12 “dedicated hunter” means a person who actively participates in
13 hunting activities and who is a member of an accredited hunting
14 association;

15 “dedicated sports person” means a person who actively
16 participates in sports-shooting and who is a member of an accredited
17 sports-shooting organisation;

18 “Designated Firearms Officer” means a police officer
19 contemplated in section 127 (1) (h);

20 “firearm” means any—

21 (a) device manufactured or designed to propel a bullet or
22 projectile through a barrel or cylinder by means of a burning
23 propellant or compressed gas, at a muzzle energy exceeding 8
24 joules (6 ft-lbs);

25 (b) device manufactured or designed to fire rim-fire or centre-
26 fire ammunition;

27 (c) device which is not at the time capable of discharging any
28 bullet or projectile, but which can be readily altered to be a
29 firearm within the meaning of paragraph (a) or (b);

30 (d) specially dangerous airgun; or

31 (e) barrel, frame or receiver of a device referred to in

1 paragraph (a), (b) or (c) or of a specially dangerous airgun
2 referred to in paragraph (d), but does not include any device
3 contemplated in section 5;

4 “fully automatic” means capable of discharging more than one
5 shot with a single depression of the trigger;

6 “gunsmith” means any person who performs work contemplated
7 in section 62, but who does not manufacture firearms;

8 “handgun” means a pistol or revolver which can be held in and
9 discharged with one hand;

10 “imitation firearm” means anything that has the appearance of a
11 firearm but is not capable of operating as such;

12 “load” includes reload, and “loading” has a corresponding
13 meaning;

14 “Minister” means the Minister of Police Affairs;

15 “Inspector General” means the Inspector General of Police;

16 “occasional hunter” means any person who, from time to time,
17 participates in hunting activities but who is not a member of an
18 accredited hunting association;

19 “occasional sports person” means any person who, from time to
20 time, participates in sports-shooting but who is not a member of an
21 accredited sports-shooting organisation;

22 “police officer” means a member of the Nigeria Police Force;

23 “prescribed” means prescribed by regulation;

24 “President” means president and Commander-in-Chief of the
25 Armed Forces;

26 “private collector” means a person who collects firearms, who
27 is a member of an accredited collector’s association and who is not
28 a public collector;

29 “public collector” means a person who collects firearms for
30 display to the public and is accredited as such;

31 “Registrar” means the person referred to in section 126;

1 “regulation” means a regulation made under section 150;

2 “restricted firearm” means any firearm contemplated in section
3 16 (1);

4 “security company” means a person renders a security service
5 is accredited as a provider of security services for its own business;

6 “security officer” means any person who is employed by a
7 security company;

8 “semi-automatic” means self-loading but not capable of
9 discharging more than one shot with a single depression of the
10 trigger;

11 “specially dangerous airgun” means any device manufactured
12 to discharge a bullet or any other projectile by means of compressed
13 ~~air and not by means of burning propellant, with—~~

14 (a) a .22 or higher calibre; or

15 (b) a muzzle energy exceeding 8 joules (6ft-lbs);

16 “this Act” includes any regulation;

17 “transfer” includes selling, letting, donating, lending or otherwise
18 parting with possession.

Purpose of
Act.

19 **2.** The purpose of this Act is to—

20 (a) enhance the constitutional rights to life and bodily integrity;

21 (b) prevent the proliferation of illegally possessed firearms and,
22 by providing for the removal of those firearms from society and by
23 improving control over legally possessed firearms, to prevent crime
24 involving the use of firearms;

25 (c) enable the Federal Government to remove illegally possessed
26 firearms from society, to control the supply, possession, transfer
27 and use of firearms and to detect and punish the negligent or criminal
28 use of firearms;

29 (d) establish a comprehensive and effective system of firearm
30 control and management; and

31 (e) ensure the efficient monitoring and enforcement of legislation

1 pertaining to the control of firearms.

2 PART 2 — PROHIBITIONS

3 3. No person may possess a firearm unless he or she holds a
4 licence, permit or authorisation issued in terms of this Act for that
5 firearm. General
prohibition
in respect of
firearms.

6 4.—(1) The following firearms and devices are prohibited Prohibited
firearms.
7 firearms and may not be possessed or licensed in terms of this Act,
8 except as provided for in sections 20, 22 and 23 (1) (b)—

9 (a) Any fully automatic firearm;

10 (b) any gun, cannon, recoilless gun, mortar, light mortar or
11 launcher manufactured to fire—

12 (i) a rocket, grenade, self-propelled grenade, bomb, explosive
13 ~~device or device that emits a chemical substance; or~~

14 (ii) a projectile of a calibre of 20 millimeters or more;

15 (c) any frame, body or barrel of such a fully automatic firearm,
16 gun, cannon, recoilless gun, mortar, light mortar or launcher;

17 (d) any projectile or rocket manufactured to be discharged from
18 a cannon, recoilless gun or mortar, or rocket launcher, or any
19 substance manufactured to propel or to assist in propelling any such
20 projectile or rocket so discharged, or any grenade, bomb or similar
21 missile, or any frame or body of any such projectile, rocket, grenade,
22 bomb or similar missile;

23 (e) any explosive or incendiary device or any substantial part
24 thereof;

25 (f) any imitation of any device contemplated in paragraph (a);
26 (b), (c), (d) or (e);

27 (g) any firearm—

28 (i) the mechanism of which has been altered so as to enable
29 the discharging of more than one shot with a single depression of
30 the trigger;

31 (ii) the calibre of which has been altered without the written

1 permission of the Registrar;
 2 (iii) the barrel length of which has been altered without the
 3 written permission of the Registrar;

4 (iv) the serial number or any other identifying mark of which
 5 has been changed or removed without the written permission of
 6 the Registrar.

7 (2) For purposes of subsection (1) (g) (iii), the incidental alteration
 8 of the length of the barrel of a firearm by a gunsmith in the ordinary
 9 course of gunsmith's work which does not have as an objective the
 10 alteration of the length of the barrel of that firearm must not be regarded
 11 as an alteration as contemplated in that subsection.

12 (3) (a) The Minister may, by notice in the Gazette, declare any
 13 ~~other firearm of a specified type to be a prohibited firearm if it is—~~

14 (i) in the interest of public safety; or

15 (ii) desirable for the maintenance of law and order.

16 (b) A notice contemplated in paragraph (a) must be tabled in the
 17 National Assembly at least 14 days before publication thereof if the
 18 National Assembly is then sitting, and if it is not sitting, within seven
 19 days after the commencement of the next sitting.

20 PART 3 — SPECIAL PROVISIONS IN RESPECT OF CERTAIN DEVICES

21 5.—(1) For purposes of this Act, the following devices are not
 22 regarded as firearms—

23 (a) Any explosive powered tool manufactured for use by the
 24 construction and building industry, including line-throwing guns and
 25 impex-type building pistols;

26 (b) any explosive powered tool manufactured to split rock or
 27 concrete by means of discharging an explosive cartridge;

28 (c) any industrial tool manufactured for use in the mining and
 29 steel industry to remove refractory material;

30 (d) any captive bolt gun manufactured for use in an abattoir in the
 31 humane killing of animals;

Devices not
 firearms for
 purposes of
 this Act.

- 1 (e) an antique firearm;
2 (f) an airgun;
3 (g) a tranquilliser firearm;
4 (h) a paintball gun; and
5 (i) any other device which the Minister may, by notice in the
6 Gazette, exempt.

7 (2) A notice contemplated in subsection (1) (i) must be tabled in
8 the National Assembly at least 14 days before publication thereof if
9 the National Assembly is then sitting, and if it is not sitting, within
10 seven days after the commencement of the next sitting.

11 **6.—**(1) An antique firearm may only be displayed or stored in— Antique
firearms.
12 (a) an accredited museum;

~~13 (b) a residence or other building occupied by the person or
14 institution in lawful possession of that antique firearm; or~~

15 (c) a building or place approved by the Registrar, and in
16 compliance with such conditions as the Registrar may impose.

17 (2) An antique firearm may only be discharged on an accredited
18 shooting range, or in or on such other premises as the Registrar may
19 approve.

20 (3) A person may dispose of an antique firearm only through a
21 dealer.

22 (4) A dealer must keep an antique firearm register in which the
23 prescribed particulars relating to the acquisition, possession and
24 disposal of antique firearms must be recorded.

25 **7.—**(1) A person may dispose of an airgun only through a dealer. Airguns.

26 (2) A dealer must keep an airgun register in which the prescribed
27 particulars relating to the acquisition, possession and disposal of airguns
28 must be recorded.

29 PART 4 — COMPETENCY CERTIFICATES, LICENCES, PERMITS,

30 AUTHORISATIONS AND ACCREDITATIONS

31 **8.—**(1) The Registrar may issue any competency certificate, Competency
certificates,

licences,
permits and
authorisations.

1 licence, permit or authorisation contemplated in this Act—
2 (a) on receipt of an application completed in the prescribed form,
3 including a full set of fingerprints of the applicant if required by the
4 Registrar; and

5 (b) if the applicant complies with all the applicable requirements
6 of this Act.

7 (2) Subject to section 9, no licence may be issued to a person
8 who is not in possession of the relevant competency certificate.

9 (3) Every application for a competency certificate, licence, permit
10 or authorisation must be accompanied by such information as may be
11 prescribed.

Applications
by persons
other than
natural
persons.

12 9.—(1) When a juristic person wishes to apply for a licence,
13 ~~permit or authorisation in terms of this Act, it must nominate a natural~~
14 person to apply on its behalf.

15 (2) The person so nominated must be identified on the licence,
16 permit or authorisation as the responsible person.

17 (3) A responsible person who holds any licence, permit or
18 authorisation issued in terms of this Act pursuant to an application
19 contemplated in subsection (1) on behalf of the juristic person must for
20 purposes of this Act be regarded as the holder of the licence in question.

21 (4) If it becomes necessary to replace a responsible person for
22 any reason, the juristic person must nominate a new responsible person
23 who must be in possession of the relevant competency certificate.

Accreditation.

24 10.—(1) Any accreditation required in terms of this Act must be
25 done by the Registrar in accordance with such regulations as may be
26 prescribed.

27 (2) The regulations contemplated in subsection (1) must set out
28 different sets of criteria, in respect of different accreditations, which
29 the Registrar must apply when issuing an accreditation and which
30 criteria must at least include criteria relating to—

31 (a) trustworthiness and integrity;

1 (b) suitability to perform the relevant functions in terms of this

2 Act;

3 (c) capacity to serve the purpose of the accreditation; and

4 (d) capacity to advance the purposes of this Act.

5 (3) The Registrar may cancel an accreditation if there is no longer
6 compliance with any criterion for accreditation.

7 PART 5 — COMPETENCY CERTIFICATES

8 11.—(1) An application for a competency certificate to possess a
9 firearm, to trade in firearms, to manufacture firearms or to carry on
10 business as a gunsmith must be delivered to the Designated Firearms
11 Officer responsible for the area in which the applicant ordinarily
12 resides or in which the applicant's business is or will be situated, as
13 the case may be.

Application
for
competency
certificate.

14 (2) A competency certificate may only be issued to a person
15 who—

16 (a) is 18 years or older on the day the application is received by
17 the Designated Firearms Officer;

18 (b) is a Nigerian citizen ;

19 (c) is a fit and proper person to possess a firearm, to trade in
20 firearms, to manufacture firearms or to conduct business as a
21 gunsmith, as the case may be;

22 (d) is of stable mental condition and is not inclined to violence;

23 (e) is not dependent on any substance which has an intoxicating
24 or narcotic effect;

25 (f) has not been convicted of any offence under or in terms of this
26 Act or the previous Act;

27 (g) has not been convicted, whether in or outside Nigerian, of an
28 offence involving the use of a firearm, whether committed in or
29 outside Nigerian;

30 (h) has not been convicted, whether in or outside Nigeria, of an
31 offence involving violence, whether committed in or outside Nigeria;

1 (i) has not been convicted of fraud in relation to, or supplying
2 false information for the purposes of, obtaining a competency
3 certificate, licence, permit or authorisation in terms of this Act or
4 the previous Act;

5 (j) has not been convicted, whether in or outside Nigeria, of an
6 offence involving the abuse of alcohol or drugs, whether committed
7 in or outside Nigeria;

8 (k) has not been convicted, whether in or outside, Nigeria of an
9 offence involving dealing in drugs, whether committed in or outside
10 Nigeria;

11 (l) has not, in a matter involving a reasonable apprehension of
12 violent behaviour by that person;

13 (m) has successfully completed the prescribed test on knowledge
14 of this Act;

15 (n) has successfully completed the prescribed training and
16 practical tests regarding the safe handling of a firearm;

17 (o) has not been declared unfit to possess a firearm in terms of
18 this Act or the previous Act; and

19 (p) has, where applicable, successfully completed the prescribed
20 training and practical tests for firearms dealers, manufacturers,
21 gunsmiths, security officers or other persons who use firearms in
22 the course of their business.

23 (3) Any offence referred to in subsection (2) means an offence in
24 respect of which—

25 (a) the accused person was sentenced to more than six months
26 imprisonment without the option of a fine;

27 (b) an appeal against the conviction or sentence has been finalised
28 or the time for an appeal has elapsed; and

29 (c) the sentence has been served less than five years before the
30 application for a competency certificate was received by the
31 Designated Firearms Officer.

1 (4) The disqualification contemplated in subsection (2) (p) ends
2 upon the expiry of a period of five years calculated from the date on
3 which the declaration in question was made or the expiry of the period
4 for which the declaration is valid, whichever is shorter.

5 (5) Despite subsection (2) (a), the Registrar may allow a person
6 under the age of 18 years to apply for a competency certificate if the
7 applicant is a dedicated hunter, dedicated sports person or private
8 collector.

9 **12.**—(1) A competency certificate must specify—

Competency
certificate.

10 (a) whether it relates to competency to—

11 (i) possess a firearm;

12 (ii) trade in firearms;

13 ~~(iii) manufacture firearms; or~~

14 (iv) conduct business as a gunsmith; and

15 (b) all the relevant tests successfully completed by the holder.

16 (2) A competency certificate lapses after two years of its date of
17 issue.

18 PART 6 — LICENCE TO POSSESS FIREARM

19 **13.**—(1) The Registrar must issue a separate licence in respect
20 of each firearm licensed in terms of this Chapter.

Separate
licence in
respect of
each firearm.

21 (2) Despite subsection (1), the Registrar may issue to a person a
22 single document containing licences in respect of more than one
23 firearm.

24 **14.**—(1) The Registrar may issue an additional licence in respect
25 of a firearm contemplated in section 15, 16, 17, 18 or 19 to every
26 person who resides on the same premises as the holder of the licence
27 in respect of the firearm in question.

Additional
licences.

28 (2) Every holder of an additional licence must comply with all
29 the requirements for the issue of a licence in respect of the firearm in
30 question.

31 (3) If the holder of an additional licence contemplated in subsection

1 (1) moves from the premises in question, such additional licence lapses
 2 and the person to whom such licence was issued must return that licence
 3 to the Registrar forthwith.

Licence to
 possess
 firearm for
 self-defence.

4 **15.—**(1) A firearm in respect of which a licence may be issued
 5 in terms of this section is any—

6 (a) shotgun which is not fully or semi-automatic; or

7 (b) handgun which is not fully automatic.

8 (2) The Registrar may issue a licence under this section to any
 9 natural person who—

10 (a) needs a firearm for self-defence; and

11 (b) cannot reasonably satisfy that need by means other than the
 12 possession of a firearm.

13 ~~(3) A person may hold one licence in respect of a shotgun~~
 14 ~~contemplated in subsection (1) (a) and one licence in respect of a~~
 15 ~~handgun contemplated in subsection (1) (b).~~

16 (4) A firearm in respect of which a licence has been issued in
 17 terms of this section may only be used—

18 (a) for purposes of self-defence;

19 (b) to practise on premises of an accredited shooting range in
 20 accordance with the rules of that shooting range, or in or on any
 21 other prescribed place; and

22 (c) for sporting purposes on premises of an accredited shooting
 23 range in accordance with the rules of that shooting range.

Licence to
 possess
 restricted
 firearm for
 self-defence.

24 **16.—**(1) For purposes of this Act, a restricted firearm is any—

25 (a) semi-automatic rifle, carbine or shotgun, which cannot readily
 26 be converted into a fully automatic firearm; or

27 (b) firearm declared by the Minister, by notice in the Gazette, to
 28 be a restricted firearm.

29 (2) A notice contemplated in subsection (1)(b) must be tabled in
 30 the National Assembly at least 14 days before publication if the National
 31 Assembly is then sitting, and if the National Assembly is not sitting,

1 within seven days after the commencement of the next sitting.

2 (3) The Registrar may issue a licence in terms of this section to
3 any natural person who shows that a firearm contemplated in section
4 15 (1) will not provide sufficient protection, and who submits reasonable
5 information to motivate the need for a restricted firearm for self-
6 defence purposes.

7 (4) No person may hold more than one licence issued in terms of
8 this section.

9 (5) A firearm in respect of which a licence has been issued in
10 terms of this section may only be used—

11 (a) for purposes of self-defence; and

12 (b) to practise on premises of an accredited shooting range in
13 accordance with the rules of that shooting range, or in or on any

14 other prescribed place.

15 17.—(1) A firearm in respect of which a licence may be issued
16 in terms of this section is any—

17 (a) rifle or shotgun which is not fully or semi-automatic;

18 (b) handgun which is not fully automatic;

19 (c) barrel, frame or receiver of a rifle, shotgun or handgun
20 contemplated in paragraph (a) or (b); or

21 (d) specially dangerous airgun, which, if used for hunting, is not
22 prohibited by any other legislation governing hunting in Nigeria and
23 which is not a restricted firearm.

24 (2) The Registrar may issue a licence in terms of this section to
25 any natural person who is an occasional hunter or occasional sports
26 person.

27 (3) (a) Subject to paragraphs (b), (c) and (d), no person may hold
28 more than four licences issued in terms of this section.

29 (b) If a person holds a licence issued in terms of section 15, he or
30 she may only hold three licences issued in terms of this section and if
31 he or she holds two licences issued in terms of section 15, he or she

Licence to
possess
firearm for
occasional
hunting and
sports-
shooting.

1 may only hold two licences issued in terms of this section.

2 (c) A person may not hold more than one licence in respect of a
3 handgun contemplated in subsection (1) (b).

4 (d) If a person contemplated in paragraph (a) holds any additional
5 licences contemplated in section 14 in respect of a firearm contemplated
6 in this section and section 15, the number of licences which that person
7 may hold must be reduced by the number of such additional licences
8 held.

9 (4) A firearm in respect of which a licence has been issued in
10 terms of this section may only be used—

11 (a) for purposes of hunting on land suitable for hunting;

12 (b) for sporting purposes on premises of an accredited shooting
13 ~~range and in accordance with the rules of that shooting range; and~~

14 (c) to practise on premises of an accredited shooting range in
15 accordance with the rules of that shooting range, or in or on any
16 other prescribed place.

Licence to
possess
firearm for
dedicated
hunting.

17 **18.—(1)** A firearm in respect of which a licence may be issued
18 in terms of this section is any—

19 (a) handgun approved for hunting by an accredited hunting
20 association which is not fully automatic or semi-automatic;

21 (b) rifle or shotgun which is not fully or semi-automatic;

22 (c) semi-automatic shotgun manufactured to fire no more than
23 three shots in succession without having to be reloaded;

24 (d) barrel, frame or receiver of a handgun, rifle or shotgun
25 contemplated in paragraph (a), (b) or (c); or

26 (e) specially dangerous airgun,

27 which is not prohibited by any other legislation governing hunting in
28 Nigeria and which is not a restricted firearm.

29 (2) The Registrar may issue a licence in terms of this section to
30 a dedicated hunter if the application is accompanied by an affidavit
31 from the chairperson of an accredited hunting association stating that

1 the applicant is a registered member of that association.

2 (3) The Registrar may issue further licences in terms of this
3 section to a dedicated hunter who requires a further firearm for hunting
4 purposes and whose application is supported by an affidavit from the
5 chairperson of the accredited hunting association of which the applicant
6 is a member.

7 (4) A firearm in respect of which a licence has been issued in
8 terms of this section may only be used—

9 (a) for purposes of hunting on land suitable for hunting in
10 accordance with the rules of the accredited hunting association of
11 which the holder of the licence is a member;

12 (b) for sporting purposes on premises of an accredited shooting
13 range in accordance with the rules of that shooting range; and

14 (c) to practise on premises of an accredited shooting range in
15 accordance with the rules of that shooting range, or in or on any
16 other prescribed place.

17 (5) Every accredited hunting association must—

18 (a) keep a register which contains such information as may be
19 prescribed; and

20 (b) submit an annual report to the Registrar which contains such
21 information as may be prescribed.

22 19.—(1) A firearm in respect of which a licence may be issued
23 in terms of this section is any—

24 (a) handgun which is not fully automatic;

25 (b) rifle or shotgun which is not fully automatic;

26 (c) semi-automatic shotgun manufactured to fire no more than
27 three shots in succession without having to be reloaded;

28 (d) barrel, frame or receiver of a handgun, rifle or shotgun
29 contemplated in paragraph (a), (b) or (c); or

30 (e) specially dangerous airgun.

31 (2) The Registrar may issue a licence in terms of this section to

Licence to
possess
firearm for
dedicated
sports-
shooting.

1 dedicated sports person if the application is accompanied by an affidavit
2 from the chairperson of an accredited sports-shooting organisation
3 confirming that the applicant is a registered member of that
4 organisation.

5 (3) The Registrar may issue further licences in terms of this
6 section to a dedicated sports person who requires a further firearm
7 for sports-shooting and whose application is supported by an affidavit
8 from the chairperson of the accredited sports-shooting organisation of
9 which the applicant is a member.

10 (4) A firearm in respect of which a license has been issued in
11 terms of this section may only be used—

12 (a) for purposes of hunting on land suitable for hunting, unless
13 ~~the use of the firearm for hunting is prohibited by any legislation~~
14 governing hunting in Nigeria;

15 (b) for sporting purposes on premises of an accredited shooting
16 range in accordance with the rules of that shooting range; and

17 (c) to practise on premises of an accredited shooting range in
18 accordance with the rules of that shooting range, or in or on any
19 other prescribed place.

20 (5) Every accredited sports-shooting association must—

21 (a) keep a register which contains such information as may be
22 prescribed; and

23 (b) submit an annual report to the Registrar which contains such
24 information as may be prescribed.

25 **20.—(1)** (a) A firearm which may be possessed in a private
26 collection is any firearm approved for collection by an accredited
27 collectors association.

28 (b) Despite section 4, such prohibited firearm as may be
29 prescribed may be licensed under this section.

30 (2) The Registrar may issue a licence in terms of this section to
31 a private collector if the application is accompanied by an affidavit

Licence to
possess
firearm in
private
collection.

1 from the chairperson of an accredited collectors association stating
2 that the applicant is a registered member of that association.

3 (3) The holder of a licence issued in terms of this section—

4 (a) must keep the firearm at the place specified in the licence;
5 and

6 (b) may only display the firearm in accordance with such safety
7 measures as may be prescribed.

8 (4) A firearm in respect of which a licence has been issued in
9 terms of this section may only be used on an accredited shooting range
10 in accordance with the rules of that shooting range and in accordance
11 with such conditions as the Registrar may impose.

12 **21.—**(1) Ammunition which may be possessed in a private
13 collection is any ammunition approved for collection by an accredited
14 collectors association.

Permit to
possess
ammunition
in private
collection.

15 (2) (a) The Registrar may, subject to such regulations as may be
16 prescribed, issue a permit in terms of this section to a private collector
17 if the application is accompanied by an affidavit from the chairperson
18 of an accredited collectors association stating that the applicant is a
19 registered member of that association.

20 (b) A collector contemplated in paragraph (a) may not possess
21 more than 200 rounds of ammunition of any particular calibre unless
22 the Registrar approves the possession of a higher number in writing.

23 (3) The holder of a permit issued in terms of this section may not
24 discharge any ammunition in his or her collection.

25 (4) The holder of a permit issued in terms of this section—

26 (a) must keep the ammunition at the place specified in the permit;
27 and

28 (b) may only display the ammunition in accordance with such
29 safety measures as may be prescribed.

30 **22.—**(1) The Registrar may issue a licence to possess a firearm
31 in a public collection, a permit to possess ammunition in a public

Licence to
possess a
firearm, and

permit to
possess
ammunition,
in public
collection.

1 collection, or both such permit and licence, to a public collector.

2 (2) Despite section 4, such prohibited firearm as may be
3 prescribed may be licensed under this section.

4 (3) The holder of a permit contemplated in subsection (1) may
5 not possess more than 200 rounds of ammunition of any particular
6 calibre unless the Registrar approves the possession of a higher number
7 in writing.

8 (4) A firearm in respect of which a licence has been issued in
9 terms of this section and ammunition, in respect of which a permit has
10 been issued in terms of this section, may only be displayed—

11 (a) in an accredited museum; and

12 (b) in accordance with such safety measures as may be
13 prescribed.

14 (5) A firearm in respect of which a licence has been issued in
15 terms of this section may only be used on an accredited shooting range
16 in accordance with the rules of that shooting range and in accordance
17 with such conditions as the Registrar may impose.

18 (6) The holder of a permit issued in terms of this section may not
19 discharge any ammunition in his or her collection.

Licence to
possess
firearm for
business
purposes.

20 **23.—**(1) (a) A firearm in respect of which a licence may be
21 issued in terms of this section is any firearm other than a prohibited
22 firearm.

23 (b) Despite paragraph (a), a licence in respect of a prohibited
24 firearm may be issued to a person contemplated in subsection (2) (c)
25 but such person may only provide the prohibited firearm for use in
26 theatrical, film or television productions and then only if the prior
27 written approval of the Registrar has been obtained and on such
28 conditions as the Registrar may be impose.

29 (2) The Registrar may issue a licence in terms of this section
30 to—

31 (a) a security company;

1 (b) a person who is accredited to provide training in the use of
2 firearms;

3 (c) a person who is accredited to provide firearms for use in
4 theatrical, film or television productions;

5 (d) a person who is accredited to conduct business in hunting; or

6 (e) any person who is accredited to use firearms for such other
7 business purpose as the Registrar may determine.

8 (3) A licence issued in terms of this section must specify the
9 business purpose in respect of which it is issued.

10 (4) A firearm in respect of which a licence was issued in terms
11 of this section may only be used as specified in the licence.

12 (5) (a) The holder of a licence issued in terms of this section may
13 only provide the firearm for use by another person subject to such

14 conditions as may be prescribed.

15 (b) A security company which holds a licence to possess a firearm
16 for business use may only provide the firearm to a security officer in
17 its service who holds a competency certificate.

18 (6) Every holder of a licence issued in terms of this section must—

19 (a) keep a register of all firearms in its possession containing
20 such information as may be prescribed;

21 (b) must store and transport the firearms as may be prescribed.

22 (7) The holder of a licence issued in terms of this Act must, at
23 the request of a police official, produce for inspection—

24 (a) any firearm and ammunition in its possession or under its
25 control; and

26 (b) every licence issued in terms of this section.

27 (8) When a licence issued in terms of this section terminates, the
28 holder of the licence must within 30 days of such termination—

29 (a) return all licences issued in terms of this section to the
30 Registrar; and

31 (b) dispose of the register as may be determined by the Registrar.

Temporary
authorisation
to possess
firearm.

1 **24.**—(1) The Registrar may issue a temporary authorisation to
2 possess a firearm to any person, including a non-citizen—

3 (a) for such period as the Registrar may determine; and

4 (b) subject to such conditions as may be prescribed and imposed
5 by the Registrar.

6 (2) The Registrar may at any time withdraw an authorisation if
7 any condition contemplated in subsection (1) (b) is not complied with.

8 (3) The Office of the Central Firearms Register must keep a
9 record containing such information as may be prescribed in respect of
10 all authorisations issued in terms of this section.

11 (4) The Registrar must submit an annual report to the Minister
12 containing such information as may be prescribed in respect of all
13 authorisations issued in terms of this section.

14 (5) A firearm in respect of which an authorisation has been issued
15 in terms of this section may be used only—

16 (a) if the Registrar by endorsement on the authorisation permits
17 such use; and

18 (b) in accordance with such conditions as may be prescribed and
19 imposed by the Registrar.

20 (6) A firearm in respect of which an authorisation has been issued
21 in terms of this section may be disposed of only with the written consent
22 of the Registrar and subject to such conditions as he or she may impose.

Holder of
licence may
allow
another
person to
use firearm.

23 **25.** Despite anything to the contrary in this Act but subject to
24 section 123 (7), any person who is at least 21 years of age and the
25 holder of a licence to possess a firearm issued in terms of this Act
26 may allow any other person to use that firearm while under his or her
27 immediate supervision—

28 (a) for purposes of hunting while on land suitable for hunting;

29 (b) to practise on premises of an accredited shooting range in
30 accordance with the rules of that shooting range, or in or on any
31 other prescribed place; and

1 (c) for sporting purposes on premises of an accredited shooting
2 range in accordance with the rules of that shooting range.

3 **26.**—(1) No firearm licence may be issued unless the firearm Identification
4 bears the manufacturer’s serial number or any other mark by which marks on
5 the firearm can be identified. firearms.

6 (2) The identification number must be stamped and the mark
7 affixed in the prescribed manner on the barrel, frame or receiver of
8 the firearm.

9 (3) Despite subsections (1) and (2), the Registrar may, on good
10 cause shown by the applicant and subject to such conditions as the
11 Registrar may impose, issue a licence in respect of a firearm which
12 does not comply with the provisions of those subsections.

13 ~~(4) The Registrar may direct that any firearm in respect of which~~
14 an application for a licence has been made, be marked with such
15 additional identification mark as he or she may determine.

16 (5) No person may erase, alter or in any other manner tamper
17 with the manufacturer’s serial number or any other identification mark
18 on a firearm.

19 (6) A person who is in possession of a firearm of which the
20 manufacturer’s serial number or other identification mark has been
21 erased, altered or in any other manner tampered with or has become
22 illegible, must forthwith notify the Registrar of such fact.

23 (7) The Registrar may direct in writing that such firearm be
24 marked with such identification mark as he or she may determine.

25 **27.**—(1) The holder of a licence issued in terms of this part who Renewal of
26 wishes to renew the licence must at least 90 days before the date of firearm
27 expiry of the licence apply to the Registrar for its renewal. licences.

28 (2) The application must be—

29 (a) accompanied by such information as may be prescribed; and

30 (b) delivered to the Designated Firearms Officer responsible for
31 the area in which the applicant ordinarily resides or in which the

1 applicant's business is, as the case may be.

2 (3) No application for the renewal of a licence may be granted
 3 unless the applicant shows that he or she has continued to comply with
 4 the requirements for the licence in terms of this Act.

5 (4) If an application for the renewal of a licence has been lodged
 6 within the period provided for in subsection (1), the licence remains
 7 valid until the application is decided.

Notification
 of change of
 address.

8 **28.**—(1) The holder of a firearm licence must in writing notify
 9 the Registrar of any change in his or her physical or postal address
 10 within 30 days of such change occurring.

11 (2) The Registrar must in writing acknowledge receipt of the
 12 notification referred to in subsection (1).

Notification
 of change of
 circumstances.

13 ~~29. The holder of a licence issued in terms of this Chapter must~~
 14 inform the Registrar in writing within 30 days if there is any change
 15 with regard to any information which was submitted in respect of the
 16 application for the issue of that licence.

Period of
 validity of
 licence or
 permit.

17 **30.** A licence or permit mentioned in Column 2 of the Table
 18 below remains valid for the period mentioned in Column 3 of that
 19 Table.

20 TABLE - PERIOD OF VALIDITY OF LICENCE OR PERMIT

21 SECTION NUMBER

22 TYPE OF LICENCE OR PERMIT PERIOD OF VALIDITY

23	15	Licence to possess firearm for self-defence	Five years
24	16	Licence to possess restricted firearm for self-defence	Two
25		years	
26	17	Licence to possess firearm for occasional hunting and sports-	
27		shooting	Ten years
28	18	Licence to possess firearm for dedicated hunting	Ten years
29	19	Licence to possess firearm for dedicated sports shooting	Ten
30		years	
31	20	Licence to possess firearm in private collection	Ten years

1 21 Permit to possess ammunition in private collection Ten years

2 22 Licence to possess firearm, and permit to possess ammunition,
3 in public collection Ten years

4 23 Licence to possess firearm for business purposes: Business in
5 hunting Five years

6 24 Licence to possess firearm for business purposes: Business
7 other than in hunting Two years

8 31.—(1) A licence issued in terms of this section terminates— Termination
of firearm
licence.

9 (a) upon the expiry of the relevant period contemplated in section
10 30, unless renewed in terms of section 27;

11 (b) if surrendered by the licence holder to the Registrar;

12 (c) if the holder of the licence is declared unfit to possess a firearm
13 ~~in terms of section 105 or 106; or~~

14 (d) if it is cancelled in terms of this Act.

15 (2) The Registrar may, by notice in writing, cancel a licence
16 issued in terms of this Chapter if the holder of the licence—

17 (a) no longer qualifies to hold the licence; or

18 (b) has contravened or failed to comply with any provision of this
19 Act or any condition specified in the licence.

20 (3) A notice contemplated in subsection (2) may only be issued if
21 the Registrar has—

22 (a) given the holder of the licence 14 days' notice in writing to
23 submit written representations as to why the licence should not be
24 cancelled; and

25 (b) duly considered any representations received and all the facts
26 pertaining to the matter.

27 (4) (a) If a notice contemplated in subsection (2) is issued, the
28 former licence holder must dispose of the firearm in question through
29 a dealer.

30 (b) The disposal must take place within 60 days after receipt of
31 the notice.

1 (5) If the firearm is not disposed of within 60 days, it must be
 2 forfeited to the State and the former licence holder must surrender it
 3 immediately at such place and in such manner as the Registrar may
 4 determine.

5 (6) Any period contemplated in this section may be extended by
 6 the Registrar on good cause shown.

Defaced,
lost or stolen
licences.

7 **32.—**(1) If a licence issued in terms of this part is lost or stolen,
 8 the holder of the licence must inform the Registrar of such loss or
 9 theft within 24 hours of the discovery of the loss or theft.

10 (2) If a licence issued in terms of this Chapter is defaced, lost or
 11 stolen, the holder of the licence must within seven days of the discovery
 12 of the defacement, loss or theft apply to the Registrar in the prescribed
 13 ~~form for a copy of the licence.~~

Central
firearms
database.

14 **33.** The Registrar must, as soon as practicable, establish such
 15 central firearms database as may be prescribed.

16 **PART 7 — LICENCES ISSUED TO PARTICULAR CATEGORIES OF PERSONS-**
 17 **DEALERS, MANUFACTURERS AND GUNSMITHS DEALERS**

Prohibition
of
unlicensed
trading in
firearms or
ammunition.

18 **34.—**(1) No person may trade in any firearm or ammunition
 19 without a dealer's licence.

20 (2) A person who is not a dealer may dispose of a firearm or
 21 ammunition only through a dealer or as otherwise provided for in this
 22 Act.

23 (3) Any person who disposes of a firearm must notify the
 24 Registrar in writing thereof.

Requirements
for dealer's
licence.

25 **35.—**(1) A dealer's licence may be issued to a person who is a fit
 26 and proper person to trade in firearms or ammunition.

27 (2) Any natural person who engages in trading on behalf of a
 28 dealer must hold a competency certificate to trade in firearms and
 29 ammunition.

Conditions
imposed on
dealer.

30 **36.** The Minister may prescribe—

31 (a) conditions in respect of the issue of a dealer's licence which

1 the Registrar may impose on a dealer; and

2 (b) specifications in respect of the business premises of a dealer.

3 **37.** The dealer's licence must—

Dealer's
licence.

4 (a) specify the premises in respect of which the licence is issued;

5 (b) specify the conditions contemplated in section 36; and

6 (c) contain such other information as may be prescribed.

7 **38.**—(1) The holder of a dealer's licence who wishes to renew
8 the licence must at least 90 days before the date of expiry of the licence
9 apply in the prescribed form to the Registrar for its renewal.

Renewal of
dealer's
licence.

10 (2) The application must be—

11 (a) accompanied by such information as may be prescribed; and

12 (b) delivered to the Designated Firearms Officer responsible for

13 the area in which the applicant's business premises are situated.

14 (3) No application for the renewal of a dealer's licence may be
15 granted unless the applicant satisfies the Registrar that he or she still
16 complies with the requirements for the licence in terms of this Act.

17 (4) If an application for the renewal of a dealer's licence has
18 been lodged within the period provided for in subsection (1), the licence
19 remains valid until the application is decided.

20 **39.**—(1) The Registrar may issue a temporary authorisation to a
21 dealer to trade in firearms and ammunition at premises other than
22 those specified in the dealer's licence.

Temporary
authorisation
to trade in
firearms and
ammunition
on premises
other than
those
specified in
dealer's
licence.

23 (2) The Minister may prescribe conditions which the Registrar
24 may impose on a licensed dealer in respect of a temporary authorisation
25 issued in terms of this section.

26 (3) A temporary authorisation to trade in firearms and ammunition
27 must specify the—

28 (a) premises in respect of which it is issued;

29 (b) period for which it is issued; and

30 (c) conditions subject to which it is issued.

31 (4) The Registrar may at any time, by written notice, withdraw

1 an authorisation issued in terms of this section.

2 (5) The Office of the Central Firearms Register must keep a
3 record of prescribed information in respect of all authorisations issued
4 in terms of this section.

5 (6) A dealer to whom a temporary authorisation has been issued
6 must comply with the requirements of subsection (3).

Change of
premises.

7 **40.**—(1) A dealer may apply to the Registrar in the prescribed
8 manner for removal of the business from the premises specified in the
9 licence to different premises.

10 (2) On receipt of the application referred to in subsection (1), the
11 Registrar may endorse the licence or issue a new licence permitting
12 the dealer to conduct the business from the new premises on such
13 conditions as the Registrar may impose.

Notification
of change of
circumstances.

14 **41.** The holder of a dealer's licence must inform the Registrar in
15 writing within 30 days if there is any change with regard to any
16 information which was submitted in respect of the application for the
17 issue of that licence.

Duties of
dealer.

18 **42.**—(1) A dealer may trade in firearms or ammunition only on
19 premises specified in the dealer's licence.

20 (2) A dealer may not permit any person to trade in firearms or
21 ammunition on his or her behalf unless that person is in possession of
22 the appropriate competency certificate.

23 (3) A dealer must keep such registers as may be prescribed and
24 containing such information as may be prescribed at the premises
25 specified in the dealer's licence.

26 (4) A dealer must keep his or her dealer's licence on the premises
27 specified in the licence.

28 (5) A dealer must, at the request of any police official, produce
29 for inspection—

30 (a) any firearms or ammunition that the dealer may have in stock;

31 (b) his or her dealer's licence; and

1 (c) any register or electronic data kept by the dealer in terms of
2 Part 1 of this Chapter.

3 (6) A dealer must establish and maintain a workstation which
4 links the registers referred to in subsection (3) to the central dealer's
5 database in the prescribed manner.

6 (7) The Registrar may, on good cause shown on application by a
7 dealer, exempt the dealer from the duties referred to in subsection
8 (6).

9 (8) Any dealer exempted as contemplated in subsection (7) must
10 submit weekly returns, completed in the prescribed form, to the Office
11 of the Central Firearms Register.

12 (9) A dealer must comply with any condition imposed under
13 ~~section 36 and specification prescribed under that section.~~

14 **43.** The Registrar must, as soon as practicable, establish such
15 central dealers' database as may be prescribed.

Establishment
of centralised
dealers'
database.
Suspension
of dealer's
licence.

16 **44.—**(1) The Registrar may suspend a dealer's licence if the
17 Registrar has information in a sworn statement or on solemn declaration
18 that the dealer has not complied with any—

19 (a) condition specified in the licence; or

20 (b) provision of this Act.

21 (2) A licence may be suspended for not more than seven days
22 without affording the holder of the licence a hearing.

23 (3) A suspension may endure for a period longer than seven days
24 if the—

25 (a) holder has been afforded an opportunity to make written
26 representations to the Registrar;

27 (b) Registrar has given due consideration to the representations;
28 and

29 (c) Registrar deems it necessary in order to achieve the objects
30 of this Act.

31 (4) The period referred to in subsection (3) may be extended by

1 the Registrar on good cause shown.

2 (5) A dealer may not trade for the period during which the licence
3 is suspended.

Termination
of dealer's
licence.

4 **45.**—(1) A dealer's licence terminates—

5 (a) upon the expiry of one year from the date on which it was
6 issued;

7 (b) if surrendered by the dealer to the Registrar;

8 (c) if the holder of the licence is declared unfit to possess a firearm
9 in terms of section 105 or 106; or

10 (d) if cancelled in terms of this Act.

11 (2) The Registrar may, by written notice, cancel a dealer's licence
12 if the holder of the licence—

13 (a) no longer qualifies to hold the licence; or

14 (b) has contravened or failed to comply with any provision of this
15 Act or any condition specified in the licence.

16 (3) A notice contemplated in subsection (2) may only be issued if
17 the Registrar has—

18 (a) given the holder 14 days notice in writing to submit written
19 representations as to why the licence should not be cancelled; and

20 (b) duly considered any representations received and all the facts
21 pertaining to the matter.

22 (4) (a) If a notice contemplated in subsection (2) is issued, the
23 former licence holder must dispose of any firearms and ammunition
24 in his or her possession through a dealer or in such manner as the
25 Registrar may determine.

26 (b) The disposal must take place within 60 days after receipt of
27 the notice.

28 (5) If the firearms and ammunition are not disposed of within 60
29 days they must be forfeited to the State and the former licence holder
30 must surrender them immediately at such place and in such manner
31 as the Registrar may determine.

1 (6) Any period contemplated in this section may be extended by
2 the Registrar on good cause shown.

3 **46.**—(1) A licence issued does not exempt the licence holder
4 from having to comply with the provisions of any other law. Application
of other
laws.

5 (2) Any prohibition against dealing in explosives does not apply
6 to the trading in ammunition in accordance with a licence or
7 authorisation issued to a dealer in terms of this Act.

8 **47.**—(1) If a dealer’s licence is lost or stolen, the licence holder
9 must inform the Registrar within 24 hours of the discovery of the loss
10 or theft. Defaced,
lost or stolen
licences.

11 (2) If a dealer’s licence is defaced, lost or stolen, the holder of
12 the licence must within seven days of the discovery of the defacement,
13 ~~loss or theft apply to the Registrar in the prescribed manner for a copy~~
14 of the licence.

MANUFACTURERS

15 **48.**—(1) No person may manufacture any firearm or ammunition
16 without a manufacturer’s licence. Prohibition of
unlicensed
manufacture
of firearms
and ammu-
nition.

17 **49.**—(1) A manufacturer’s licence may be issued to a person
18 who is a fit and proper person to manufacture firearms or ammunition.
19 Requirements
for manu-
facturer’s
licence.

20 **50.** The Minister may prescribe—

21 (a) conditions in respect of the issue of a manufacturer’s licence
22 which the Registrar may impose on a licensed manufacturer; Conditions
imposed on
licensed
manufacturer.

23 (b) specifications in respect of the business premises of a
24 manufacturer.

25 **51.** A manufacturer’s licence must—

26 (a) specify the premises in respect of which the licence is issued;

27 (b) specify the conditions contemplated in section 50 which are
28 to apply; and

29 (c) contain such other information as may be prescribed. Manufacturer’s
licence.

Renewal of
manufacturer's
licences.

1 **52.**—(1) The holder of a manufacturer's licence who wishes to
2 renew the licence must apply to the Registrar for its renewal in the
3 prescribed form at least 90 days before the date of expiry of the licence.

4 (2) The application must be—

5 (a) accompanied by such information as may be prescribed; and

6 (b) delivered to the Designated Firearms Officer responsible for
7 the area in which the applicant's business premises are situated.

8 (3) No application for renewal of a manufacturer's licence may
9 be granted unless the applicant satisfies the Registrar that he or she
10 has continued to comply with the requirements for the licence in terms
11 of this Act.

12 (4) If an application for the renewal of a manufacturer's licence
13 ~~has been lodged within the period provided for in subsection (1), the~~
14 licence remains valid until the application is decided.

Temporary
authorisation
to display
firearms and
ammunition
on premises
other than
those
specified in
manufacturer's
licence.

15 **53.**—(1) The Registrar may issue a temporary authorisation to a
16 licensed manufacturer to display firearms and ammunition at premises
17 other than those specified in the manufacturer's licence.

18 (2) The Minister may prescribe conditions which the Registrar
19 may impose on a licensed manufacturer in respect of a temporary
20 authorisation issued in terms of this section.

21 (3) A temporary authorisation to display firearms and ammunition
22 must specify—

23 (a) the premises in respect of which it is issued;

24 (b) the period for which it is issued; and

25 (c) any conditions subject to which it is issued.

26 (4) The Registrar may at any time, by written notice, withdraw
27 an authorisation issued in terms of this section.

28 (5) The Office of the Central Firearms Register must keep a
29 record of prescribed information in respect of all authorisations issued
30 in terms of this section.

31 (6) A licensed manufacturer to whom a temporary authorisation

1 has been issued must comply with the requirements of subsection (3).

2 **54.**—(1) A licensed manufacturer may apply to the Registrar in Change of
3 the prescribed manner for removal of the business from the premises premises.
4 specified in the licence to different premises.

5 (2) On receipt of the application referred to in subsection (1), the
6 Registrar may endorse the manufacturer's licence or issue a new
7 licence permitting the manufacturer to conduct business from the new
8 premises on such conditions as the Registrar may impose.

9 (3) Section 49 (2) applies with the necessary changes to an
10 application in terms of this section.

11 **55.** The holder of a manufacturer's licence must inform the Notification
12 Registrar in writing within 30 days if there is any change with regard of change of
13 to any information which was submitted in respect of the application circumstances.

14 for the issue of that licence.

15 **56.**—(1) A licensed manufacturer may manufacture firearms or Duties of
16 ammunition only on premises specified in the licence. licensed
manufacturer.

17 (2) A licensed manufacturer must apply or affix such serial
18 number or any other mark to any firearm manufactured by the
19 manufacturer as may be prescribed.

20 (3) A licensed manufacturer must keep registers containing such
21 information as may be prescribed at the premises specified in the
22 manufacturer's licence.

23 (4) A licensed manufacturer must keep his or her manufacturer's
24 licence on the premises specified in the licence.

25 (5) A licensed manufacturer must, at the request of any police
26 official, produce for inspection—

27 (a) any firearms or ammunition that the manufacturer may have
28 in stock;

29 (b) his or her manufacturer's licence; and

30 (c) any register or electronic data kept by the manufacturer in
31 terms of this part.

1 (6) A licensed manufacturer must in the prescribed manner
 2 establish and maintain a workstation which links the registers referred
 3 to in subsection (2) to the central manufacturers database.

4 (7) A licensed manufacturer must comply with the conditions
 5 specified in the manufacturer's licence.

Establishment
 of
 centralised
 manufacturers'
 database.

6 **57.** The Registrar must, as soon as practicable, establish such
 7 central manufacturers' database as may be prescribed.

Suspension
 of
 manufacturer's
 licence.

8 **58.—**(1) The Registrar may suspend a manufacturer's licence if
 9 the Registrar has information in a sworn statement or on solemn
 10 declaration that the manufacturer has not complied with any—

11 (a) condition specified in the licence; or

12 ~~(b) provision of this Act.~~

13 (2) A licence may be suspended for not more than seven days
 14 without affording the holder of the licence a hearing.

15 (3) A suspension may endure for a period longer than seven days
 16 if the—

17 (a) holder has been afforded an opportunity to make written
 18 representations to the Registrar;

19 (b) Registrar has given due consideration to the representations;
 20 and

21 (c) Registrar deems it necessary in order to achieve the objects
 22 of this Act.

23 (4) The period referred to in subsection (3) may be extended by
 24 the Registrar on good cause shown.

25 (5) A manufacturer may not trade for the period during which
 26 the licence is suspended.

Termination
 of
 manufacturer's
 licence.

27 **59.—**(1) A manufacturer's licence terminates—

28 (a) upon the expiry of one year from the date on which it was
 29 issued;

30 (b) if surrendered by the manufacturer to the Registrar;

1 (c) if the manufacturer is declared unfit to possess a firearm in
2 terms of section 105 or 106; or

3 (d) if cancelled in terms of this Act.

4 (2) The Registrar may, by written notice, cancel a manufacturer's
5 licence if the holder of the licence—

6 (a) no longer qualifies to hold the licence; or

7 (b) has contravened or failed to comply with any provision of this
8 Act or any condition specified in the licence.

9 (3) A notice contemplated in subsection (2) may only be issued if
10 the Registrar has—

11 (a) given the holder 14 days' notice in writing to submit written
12 representations as to why the licence should not be cancelled; and

- 13 (b) ~~duly considered any representations received and all the facts~~
14 pertaining to the matter.

- 15 (4) (a) If a notice contemplated in subsection (2) is issued, the
16 former licence holder must dispose of any firearms and ammunition
17 in his or her possession through a dealer or in such manner as the
18 Registrar may determine.

19 (b) The disposal must take place within 60 days after receipt of
20 the notice.

21 (5) If the firearm and ammunition are not disposed of within 60
22 days they must be forfeited to the Federal Government and the former
23 licence holder must surrender them immediately at such place and in
24 such manner as the Registrar may determine.

25 (6) Any period contemplated in this section may be extended by
26 the Registrar on good cause shown.

27 **60.**—(1) A licence issued in terms of this part does not exempt
28 the licence holder from having to comply with the provisions of any
29 other law.

30 (2) A prohibition against manufacturing explosives does not apply
31 to the manufacture of ammunition in accordance with a licence or

Application
of other
laws.

1 (b) be delivered to the Designated Firearms Officer responsible
2 for the area in which the applicant's business premises are situated.

3 (3) No application for renewal of a gunsmith's licence may be
4 granted unless the applicant satisfies the Registrar that he or she has
5 continued to comply with the requirements for the licence in terms of
6 this Act.

7 (4) If an application for the renewal of a gunsmith's licence has
8 been lodged within the period provided for in subsection (1), the licence
9 remains valid until the application is decided.

10 **67.**—(1) The Registrar may issue a temporary authorisation to a
11 gunsmith to conduct business as a gunsmith at premises other than
12 those specified in the gunsmith's licence.

Temporary
authorisation
to conduct
business as
gunsmith on
premises
other than
those
specified in
gunsmith's
licence.

~~13 (2) The Minister may prescribe conditions which the Registrar
14 may impose on a gunsmith in respect of a temporary authorisation
15 issued in terms of this section.~~

16 (3) A temporary authorisation to conduct business as a gunsmith
17 must specify the—

18 (a) premises in respect of which it is issued;

19 (b) period for which it is issued; and

20 (c) conditions subject to which it is issued.

21 (4) The Registrar may at any time, by written notice, withdraw
22 an authorisation issued in terms of this section.

23 (5) The Office of the Central Firearms Register must keep a
24 record of prescribed information in respect of all authorisations issued
25 in terms of this section.

26 (6) A gunsmith to whom a temporary authorisation has been issued
27 must comply with the requirements of subsection (3).

28 **68.**—(1) A gunsmith may apply to the Registrar in the prescribed
29 manner for removal of the business from the premises specified in the
30 licence to different premises.

Change of
premises.

31 (2) On receipt of the application referred to in subsection (1), the

1 Registrar may endorse the gunsmith's licence or issue a new licence
2 permitting the gunsmith to conduct the business from the new premises
3 on such conditions as the Registrar may impose.

Notification
of change of
circumstances.

4 **69.** The holder of a gunsmith's licence must inform the Registrar
5 in writing within 30 days if there is any change with regard to any
6 information which was submitted in respect of the application for the
7 issue of that licence.

Duties of
gunsmith.

8 **70.—(1)** A gunsmith may conduct business as a gunsmith only on
9 premises specified in the gunsmith's licence.

10 (2) A gunsmith must keep registers containing such information
11 as may be prescribed at the premises specified in the gunsmith's
12 licence.

~~13 (3) A gunsmith must keep his or her gunsmith's licence on the~~
14 premises specified in the licence.

15 (4) A gunsmith must, at the request of any police officer, produce
16 for inspection—

17 (a) any firearms or ammunition that the gunsmith may have in
18 his or her possession;

19 (b) his or her gunsmith's licence; and

20 (c) any register or electronic data kept by the gunsmith in terms
21 of this part.

22 (5) A gunsmith must in the prescribed manner establish and
23 maintain a workstation which links the registers referred to in subsection
24 (2) to the central gunsmiths database.

25 (6) The Registrar may, on good cause shown on application by a
26 gunsmith, exempt the gunsmith from the duties referred to in subsection
27 (5).

28 (7) Any gunsmith exempted as contemplated in subsection (6),
29 must submit weekly returns, completed in the prescribed form, to the
30 Office of the Central Firearms Register.

31 (8) A gunsmith must comply with any condition imposed under

1 section 64 and specifications prescribed under that section.

2 71. The Registrar must, as soon as reasonably practicable,
3 establish such central gunsmiths' database as may be prescribed.

Establishment
of centralised
gunsmith's
database.
Suspension
of
gunsmith's
licence.

4 72.—(1) The Registrar may suspend a gunsmith's licence if the
5 Registrar has information in a sworn statement or on solemn declaration
6 that the gunsmith has not complied with any—

7 (a) condition specified in the licence; or

8 (b) provision of this Act.

9 (2) A licence may be suspended for not more than seven days
10 without affording the holder of the licence a hearing.

11 (3) A suspension may endure for a period longer than seven days
12 if the—

13 ~~(a) holder has been afforded an opportunity to make written~~
14 representations to the Registrar;

15 (b) Registrar has given due consideration to the representations;
16 and

17 (c) Registrar deems it necessary in order to achieve the objects
18 of this Act.

19 (4) The period referred to in subsection (3) may be extended by
20 the Registrar on good cause shown.

21 (5) A gunsmith may not conduct business as a gunsmith for such
22 period as the licence is suspended.

23 73.—(1) A gunsmith's licence terminates—

Termination
of
gunsmith's
licence.

24 (a) upon the expiry of one year from the date on which it was
25 issued;

26 (b) if surrendered by the gunsmith to the Registrar;

27 (c) if the gunsmith is declared unfit to possess a firearm in terms
28 of section 105 or 106; or

29 (d) if cancelled in terms of this Act.

30 (2) The Registrar may, by written notice, cancel a gunsmith's
31 licence if the holder of the licence—

1 (a) no longer qualifies to hold the licence; or
2 (b) has contravened or failed to comply with any provision of this
3 Act or any condition specified in the licence.

4 (3) A notice contemplated in subsection (2) may only be issued if
5 the Registrar has—

6 (a) given the holder 14 days' notice in writing to submit written
7 representations as to why the licence should not be cancelled; and

8 (b) duly considered any representations received and all the facts
9 pertaining to the matter.

10 (4) (a) If a notice contemplated in subsection (2) is issued, the
11 former licence holder must dispose of any firearms and ammunition
12 in his or her possession through a dealer or in such manner as the
13 Registrar may determine.

14 (b) The disposal must take place within 60 days after receipt of
15 the notice.

16 (5) If the firearm and ammunition are not disposed of within 60
17 days they must be forfeited to the State and the former licence holder
18 must surrender them immediately at such place and in such manner
19 as the Registrar may determine.

20 (6) Any period contemplated in this section may be extended by
21 the Registrar on good cause shown.

Application
of other
laws.

22 74. A licence issued in term of this part does not exempt the
23 licence holder from the obligation to comply with any other law.

Defaced,
lost or stolen
licences.

24 75.—(1) If a gunsmith's licence is lost or stolen, the licence holder
25 must inform the Registrar within 24 hours of the discovery of the loss
26 or theft.

27 (2) If a gunsmith's licence is defaced, lost or stolen, the holder
28 of the licence must within seven days of the discovery of the
29 defacement, loss or theft apply to the Registrar in the prescribed manner
30 for a copy of the licence.

1 PART 8 — IMPORT, EXPORT AND CARRIAGE IN TRANSIT OF

2 FIREARMS AND AMMUNITION

3 76.—(1) No person may import into or export from Nigeria any
4 firearms or ammunition without an import or export permit issued in
5 terms of this Act.

Prohibition
of import,
export or
carriage in
transit of
firearms and
ammunition
without
permit.

6 (2) No person may carry in transit through Nigeria any firearms
7 or ammunition without an in-transit permit issued in terms of this Act.

8 77.—(1) An import, export or in-transit permit may be issued to
9 a person who is a fit and proper person to hold such permit.

Requirements
for import,
export or
in-transit
permit.

10 (2) Unless the Registrar directs otherwise in writing, no import,
11 export or in-transit permit may be issued in respect of any firearm or
12 ammunition which does not bear the prescribed identification marks.

13 ~~78. The Minister may prescribe conditions which the Registrar~~
14 may impose on the holder of a permit issued in terms of this Part.

Conditions
imposed on
permit
holder.

15 79. An import, export or in-transit permit must—

16 (a) specify the conditions contemplated in section 78; and

17 (b) contain such other information as may be prescribed.

Import,
export or in-
transit
permit.

18 80.—(1) A permit for the import of a firearm or ammunition
19 also constitutes a licence to possess such firearm or ammunition for
20 such period as the Registrar may specify on the permit.

Permit
constitutes
licence to
possess
firearm or
ammunition.

21 (2) The Registrar may impose such conditions in respect of the
22 possession and use of the relevant firearm or ammunition as may be
23 prescribed, and must on the permit in question specify any conditions
24 imposed.

25 81.—(1) The holder of a permit issued in terms of this part, must
26 at the request of any police officer, produce for inspection—

Duties of
permit
holder.

27 (a) any firearms or ammunition in his or her possession or under
28 his or her control;

29 (b) his or her permit; and

30 (c) any register or electronic data that may be kept by him or her
31 in terms of this Act.

1 (2) The Registrar may direct the holder of a permit issued in
2 terms of this part to keep and maintain registers containing such
3 information as he or she may direct.

4 (3) The Registrar may direct the holder of a permit issued in
5 terms of this part to establish and maintain a workstation which complies
6 with such requirements as he or she may direct and which links the
7 registers referred to in subsection (2) to the central importer's and
8 exporters' database.

9 (4) The holder of a permit issued in terms of this part must comply
10 with the conditions specified in the permit.

Establishment
of central
importers and
exporters
database.

11 **82.** The Registrar must, as soon as practicable, establish such
12 central importers and exporters databases as may be prescribed.

Suspension
of import,
export and
in-transit
permits.

13 **83.—**(1) The Registrar may suspend an import, export or in-
14 transit permit if the Registrar has information in a sworn statement or
15 on solemn declaration that the holder of the permit has not complied
16 with any—

17 (a) condition specified in the permit; or

18 (b) provision of this Act.

19 (2) A permit may be suspended for not more than seven days
20 without affording the holder of the permit a hearing.

21 (3) A suspension may endure for a period longer than seven days
22 if the—

23 (a) holder has been afforded an opportunity to make written
24 representations to the Registrar;

25 (b) Registrar has given due consideration to the representations;
26 and

27 (c) Registrar deems it necessary in order to achieve the objects
28 of this Act.

29 (4) The period referred to in subsection (3) may be extended by
30 the Registrar on good cause shown.

1 (5) A permit holder may not import or export firearms or
2 ammunition or carry firearms or ammunition in transit for such period
3 as the permit is suspended.

4 84.—(1) An import, export or in-transit permit terminates—

5 (a) on the date specified in the permit;

6 (b) if surrendered by the holder of the permit to the Registrar;

7 (c) if the permit holder is declared unfit to possess a firearm in
8 terms of section 105 or 106; or

9 (d) if cancelled in terms of this Act.

10 (2) The Registrar may, by written notice, cancel an import, export
11 or in-transit permit if the permit holder—

12 (a) no longer qualifies to hold the permit; or

13 ~~(b) has contravened or failed to comply with any provision of this~~

14 Act or any condition specified in the permit.

15 (3) A notice contemplated in subsection (2) may only be issued if
16 the Registrar has—

17 (a) given the holder 14 days notice in writing to submit written
18 representations as to why the permit should not be cancelled; and

19 (b) duly considered any representations received and all the facts
20 pertaining to the matter.

21 (4) (a) If a notice contemplated in subsection (2) is issued, the
22 former permit holder must dispose of any firearms and ammunition in
23 his or her possession through a dealer or in such manner as the Registrar
24 may determine.

25 (b) The disposal must take place within 60 days after receipt of
26 the notice.

27 (5) If the firearm and ammunition are not disposed of within 60
28 days they must be forfeited to the State and the former permit holder
29 must surrender them immediately at such place and in such manner
30 as the Registrar may determine.

31 (6) Any period contemplated in this section may be extended by

Termination
of import,
export and
in-transit
permits.

1 the Registrar on good cause shown.

Defaced,
lost or stolen
permits.

2 **85.**—(1) If an import, export or in-transit permit is lost or stolen,
3 the permit holder must inform the Registrar within 24 hours of the
4 discovery of the loss or theft.

5 (2) If an import, export or in-transit permit is defaced, lost or
6 stolen, the holder of the permit must within seven days of the discovery
7 of the defacement, loss or theft apply to the Registrar in the prescribed
8 manner for a copy of the permit.

9 PART 9 — STORAGE, TRANSPORT AND CARRYING OF FIREARMS AND
10 AMMUNITION

Storage and
transport of
firearms and
ammunition.

11 **86.** Firearms and ammunition must be stored and transported in
12 the prescribed manner.

Carrying of
firearm in
public place.

13 ~~**87.**—(1) No person may carry a firearm in a public place unless~~
14 the firearm is carried—

15 (a) in the case of a handgun—

16 (i) in a holster or similar holder designed, manufactured or
17 adapted for the carrying of a handgun and attached to his or her
18 person;

19 (ii) in a rucksack or similar holder; or

20 (b) in the case of any other firearm, in a holder designed,
21 manufactured or adapted for the carrying of the firearm.

22 (2) A firearm contemplated in subsection (1) must be completely
23 covered and the person carrying the firearm must be able to exercise
24 effective control over such firearm.

Conditions
imposed on
transporters
of firearm.

25 **88.**—(1) The Minister may prescribe conditions which the
26 Registrar may impose on the holder of a permit issued in terms of
27 section 89.

28 (2) The conditions which the Registrar imposes must be specified
29 in the permit.

Firearm
transporter's
permit.

30 **89.**—(1) No person may transport any firearm or ammunition
31 for reward without being in possession of a firearm transporter's permit

1 issued in terms of this Act.

2 (2) A firearm transporter's permit may be issued to a person
3 who is a fit and proper person to conduct business as a firearm
4 transporter.

5 (3) The Registrar may issue a firearm transporter's permit—

6 (a) on receipt of an application completed on the prescribed form
7 and containing the prescribed information; and

8 (b) for such period as the Registrar may determine.

9 **90.**—(1) The holder of a permit issued in terms of this part, must Duties of
permit
holder.
10 at the request of any police official, produce for inspection—

11 (a) any firearms or ammunition in his or her possession or under
12 his or her control;

13 (b) his or her permit; and

14 (c) any register or electronic data that may be kept by him or her
15 in terms of this Act.

16 (2) The Registrar may direct the holder of a permit issued in
17 terms of this part to keep and maintain registers containing such
18 information as he or she may direct.

19 (3) The holder of a firearm transporter's permit must comply
20 with any conditions imposed under section 88.

21 **91.**—(1) The Registrar may, by written notice, cancel a firearm Cancellation
of firearm
transporter's
permit.
22 transporter's permit if the permit holder—

23 (a) no longer qualifies to hold the permit; or

24 (b) has contravened or failed to comply with any provision of this
25 Act or any condition specified in the permit.

26 (2) The former permit holder must dispose of his or her cargo of
27 firearms and ammunition in accordance with the directions of the
28 Registrar.

29 **92.** The Office of the Central Firearms Register must keep a Records to
be kept.
30 record of prescribed information in respect of all firearm transporters'
31 permits issued in terms of this Chapter.

	1	PART 10 — CONTROL OF AMMUNITION AND FIREARM PARTS
Prohibition of possession of ammunition.	2	93. No person may possess any ammunition unless he or she—
	3	(a) holds a licence in respect of a firearm capable of discharging
	4	that ammunition; or
	5	(b) holds a permit to possess ammunition; or
	6	(c) holds a dealer's licence, manufacturer's licence, gunsmith's
	7	licence, import, export or in-transit permit or transporter's permit
	8	issued in terms of this Act; or
	9	(d) is otherwise authorised to do so.
	Restrictions on possession of ammunition.	10
11		in part 6 may not possess more than 200 cartridges for each firearm in
12		respect of which a licence has been issued to him or her.
13		(2) The holder of a licence to possess a firearm may not, during
14		any period of 12 months, purchase more than 2,400 cartridges for
15		each firearm in respect of which a licence has been issued to him or
	16	her.
	17	(3) The limitation in subsection (2) does not apply to—
	18	(a) a dedicated hunter or dedicated sports person who holds a
	19	licence issued in terms of this Act or any other holder of a licence
	20	issued in terms of this Act authorised thereto by the Registrar on
	21	good cause shown; or
	22	(b) the holder of a licence to possess a firearm issued in terms of
	23	this Act in respect of ammunition bought and discharged at an
	24	accredited shooting range.
Prohibitions and restrictions on use of certain ammunition.	25	95.— (1) The Minister may, by notice in the Gazette, prohibit or
	26	restrict the acquisition, disposal, possession or use of ammunition of a
	27	specified class if it is—
	28	(a) in the interest of public safety; or
	29	(b) desirable for the maintenance of law and order.
	30	(2) A notice contemplated in subsection (1) must be tabled in the
31	National Assembly at least 14 days before publication thereof if the	

1 National Assembly is then sitting, and if not sitting, within seven days
2 after the commencement of the next sitting.

3 **96.**—(1) Section 48(1) does not apply to the loading of ammunition
4 by the holder of a licence to possess a firearm for use in his or her
5 licensed firearm. Loading or
reloading of
ammunition.

6 (2) (a) A holder contemplated in subsection (1) may not have
7 more than 2.5 kilograms of propellant and 2,400 primers in his or her
8 possession at any time.

9 (b) (i) The holder contemplated in paragraph (a) may not purchase
10 more than 2.5 kilograms of propellant or 2,400 primers during any 12-
11 month period.

12 (ii) The limitation in subparagraph (i) does not apply to a dedicated
13 ~~hunter and dedicated sports person who holds a licence issued in terms~~
14 of this Act or any other holder of a licence issued in terms of this Act
15 authorised thereto by the Registrar on good cause shown.

16 (3) No person may load prohibited ammunition contemplated in
17 section 95.

18 (4) The holder of a licence may only acquire, possess or use
19 equipment for loading ammunition for the specific firearm in respect
20 of which a licence was issued to him or her.

21 **97.**—(1) For purposes of this section, “firearm part” means a
22 slide, bolt, breech-block or magazine of a firearm. Prohibition
of
possession
of firearm
parts.

23 (2) No person may possess any firearm part unless he or she—
24 (a) holds a licence in respect of a firearm capable of bearing that

25 firearm part;

26 (b) holds a dealer’s licence, manufacturer’s licence, gunsmith’s
27 licence, import, export or in-transit permit or transporter’s permit
28 issued in terms of this Act; or

29 (c) is otherwise authorised to do so.

30 (3) The holder of a dealer’s licence, manufacturer’s licence,
31 gunsmith’s licence, import, export or in-transit permit or transporter’s

1 permit issued in terms of this Act must keep such register of all firearm
2 parts in his or her possession as may be prescribed.

3 (4) (a) The Minister may, by notice in the Gazette, prohibit or
4 restrict the acquisition, disposal, possession or use of firearm parts
5 if—

6 (a) it is in the interest of public safety; or

7 (b) it is desirable for the maintenance of law and order.

8 (b) A notice contemplated in paragraph (a) must be tabled in the
9 National Assembly at least 14 days before publication thereof if the
10 National Assembly is then sitting, and if the National Assembly is
11 not sitting, within seven days after the commencement of the next
12 sitting.

13 ~~PART 11 — EXEMPTIONS~~

Definitions.

14 **98.** In this part, unless the context otherwise requires—

15 (a) “Official Institution” means—

16 (i) the Nigerian Armed Forces;

17 (ii) the Nigeria Police Force;

18 (iii) the National intelligence Service Agency ; and

19 (vi) any government institution accredited by the Registrar as
20 an Official Institution;

21 (b) “employee”—

22 (i) in relation to the Nigerian Armed Forces, means any
23 member of the Nigeria Armed Forces;

24 (ii) in relation to the Nigeria Police Force, means any member
25 as defined in the Police Act,

Exemptions.

26 **99.—**(1) No provision of this Act other than this part, section 112
27 and section 150, in so far as it relates to Official Institutions, applies to
28 an Official Institution.

29 (2) Any firearm and ammunition which form the subject of a
30 notice.

31 (3) A member of a military force of another country visiting

1 Nigeria in terms of an international obligation or an agreement between
2 that country and Nigeria is exempted from the provisions of this Act to
3 the extent provided for in the obligation or agreement in question.

4 **100.** An Official Institution contemplated in section 98 (a) (vi) is
5 subject to such conditions in respect of the acquisition, use, safekeeping
6 and disposal of firearms as may be prescribed, and to such conditions
7 as may be imposed by the Registrar.

Conditions
applicable to
institution
accredited by
Registrar.

8 **101.—(1)** (a) Subject to this section, an employee of an Official
9 Institution may not possess a firearm controlled by the Official
10 Institution without a permit issued in terms of this part.

Possession
and use of
firearms by
Official
Institution.

11 (b) Employees of the Nigerian Armed Forces are exempted from
12 the obligation to have a permit in respect of military firearms issued
13 to them

14 (i) while performing official duties under military command;
15 and

16 (ii) if they have in their possession a written order, instruction or
17 route form specifying the duty to be performed and the nature and
18 type of firearm they are authorised to carry.

19 (c) Employees of the Nigerian Armed Forces are exempted from
20 the obligation to have a permit in respect of military firearms in their
21 possession or under their control for the purpose of performing official
22 duties, if those firearms are mounted in or on a military weapons
23 system.

24 (2) Only the head of an Official Institution, or someone delegated
25 in writing by him or her may issue a permit to an employee of that
26 Official Institution to possess and use a firearm owned by it.

27 (3) A permit issued in terms of this part must contain such
28 information as may be prescribed.

29 (4) The head of an Official Institution may impose conditions on
30 the possession and use of the firearms and ammunition controlled by
31 that Official Institution and may issue instructions to employees of that

1 Institution prescribing conditions relating to the acquisition, storage,
2 transport, possession, use and disposal of such firearms and
3 ammunition.

4 (5) Unless the permit referred to in subsection (2) indicates
5 otherwise, the employee must—

6 (a) when on duty, carry any handgun under his or her control on
7 his or her person in a prescribed holster;

8 (b) at the end of each period of his or her duty, return the firearm
9 in question to the place of storage designated for this purpose by the
10 Official Institution; and

11 (c) when travelling with a firearm, carry the firearm on his or
12 her person or in a secured place under his or her direct control.

13 (6) (a) ~~Despite subsection (5), the head of an Official Institution~~

14 may authorise an employee to—

15 (i) have the firearm in his or her possession after his or her
16 working hours;

17 (ii) carry the firearm on his or her person outside the premises
18 of his or her work; or

19 (iii) store the firearm at his or her place of residence.

20 (b) Paragraph (a) does not apply to an Official Institution
21 contemplated in section 98 (a) (v) and (vi), unless the Registrar
22 determines in writing that it does so apply.

23 (7) The holder of a permit contemplated in subsection (2) must
24 carry that permit on his or her person when he or she is in possession
25 of a firearm.

26 (8) The head of an Official Institution may only issue a permit in
27 terms of subsection (2) if the—

28 (a) employee is a fit and proper person to possess a firearm; and

29 (b) employee has successfully completed the prescribed training
30 and the prescribed test for the safe use of a firearm.

31 (9) (a) The head of an Official Institution must report the loss or

1 theft of any firearm immediately to the Registrar and to the nearest
2 police station.

3 (b) For the purposes of this subsection “nearest police station”
4 means the police station nearest to the place where the loss or theft
5 occurred.

6 (10) An Official Institution may only dispose of or destroy a
7 firearm in its possession in the prescribed manner.

8 **102.**—(1) The head of an Official Institution must keep a register. Register to
9 in the prescribed form. be kept by
Official
Institution.

10 (2) The register must contain such particulars as may be
11 prescribed, including—

12 (a) (i) in the case of the Nigeria Armed Forces, the particulars
13 of every firearm of a calibre less than 20 millimeters; or

14 (ii) in the case of all other Official Institutions, the particulars of
15 every firearm in its possession;

16 (b) the particulars of every employee who, in terms of this part,
17 is in possession of a firearm, and the particulars of that firearm;

18 (c) the conditions specified in every permit issued in terms of
19 this part;

20 (d) the disposal, transfer, loss, theft or destruction of firearms
21 contemplated in paragraph (a); and

22 (e) if a firearm is lost or stolen, particulars regarding the report
23 of the loss or theft to the Nigeria Police Force.

24 (3) All firearms in the possession of an Official Institution must
25 bear such identification marks as may be prescribed.

26 **103.** The Registrar must, as soon as practicable, establish such Establishment
27 central Official Institution firearms databases as may be prescribed. of central
Official
Institution
firearms
databases.

28 **104.** The head of an Official Institution must—

29 (a) establish and maintain a workstation at such place which Official
30 complies with such requirements as may be prescribed; and Institution’s
workstation.

Declaration
by Registrar
of person to
be unfit to
possess
firearm.

1 (b) provide the Registrar with access to the workstation and to
2 the register referred to in section 102.

3 PART 12 — DECLARATION OF PERSONS TO BE UNFIT TO POSSESS FIREARM

4 **105.**—(1) The Registrar may declare a person unfit to possess a
5 firearm if, on the grounds of information contained in a statement
6 under oath or affirmation including a statement made by any person
7 called as a witness by the Registrar, it appears that—

8 (a) that person has expressed the intention to kill or injure himself
9 or herself or any other person by means of a firearm;

10 (b) because of that person's mental condition, inclination to
11 violence or dependence on any substance which has an intoxicating
12 or narcotic effect, the possession of a firearm by that person is not
13 in the interests of that person or of any other person;

14 (c) that person has failed to take the prescribed steps for the
15 safekeeping of any firearm; or

16 (d) that person has provided information required in terms of this
17 Act which is false or misleading.

18 (2) A declaration under subsection (1) may only be issued if the
19 Registrar—

20 (a) by notice in writing delivered by hand to the person, has called
21 upon the person to appear before the Registrar at a time and place
22 determined therein in order to advance reasons as to why that person
23 should not be declared unfit to possess a firearm; and

24 (b) has given that person a reasonable opportunity to advance
25 reasons as to why the declaration should not be issued;

26 (c) has duly considered the matter; and

27 (d) is satisfied that the person is unfit as contemplated in subsection
28 (1).

29 (3) Any person appearing in pursuance of a notice issued in terms
30 of subsection (2) (a) is entitled to—

31 (a) be represented by a legal representative;

1 (b) request the Registrar to call, in the manner referred to in
2 subsection (2) (a), any person who made a statement referred to in
3 subsection (1), to appear before the Registrar; and

4 (c) examine the person who has been called in terms of subsection
5 (1) or paragraph (b) to appear, or to cause him or her to be so
6 examined by such legal representative.

7 (4) When the Registrar declares a person unfit to possess a
8 firearm in terms of this section, such person must within 30 days
9 surrender to the Designated Firearms Officer—

10 (a) all competency certificates, licences, authorisations and
11 permits issued to him or her in terms of this Act;

12 (b) all firearms in his or her possession; and

13 (c) all ammunition in his or her possession.

14 **106.**—(1) A person must be regarded as being unfit to possess a
15 firearm if convicted of—

16 (a) the unlawful possession of a firearm or ammunition;

17 (b) any crime or offence involving the unlawful use or handling
18 of a firearm, whether the firearm was used or handled by that
19 person or by another participant in that offence;

20 (c) an offence regarding the failure to store firearms or
21 ammunition in accordance with the requirements of this Act;

22 (d) an offence involving the negligent handling or loss of a firearm
23 while the firearm was in his or her possession or under his or her
24 direct control;

25 (e) an offence involving the handling of a firearm while under
26 the influence of any substance which has an intoxicating or narcotic
27 effect;

28 (f) any other offence or crime in the commission of which a
29 firearm was used, whether the firearm was used or handled by that
30 person or by another participant in the offence; or

31 (g) any offence involving violence or dishonesty, for which the

Declaration
by court of
person to be
unfit to
possess
firearm.

1 accused is sentenced to a period of imprisonment of not less than 12
2 months without the option of a fine.

3 (2) A court which convicts a person of an offence referred to in
4 subsection (1) must declare that person unfit to possess a firearm.

5 (3) (a) A court which convicts a person of an offence referred to
6 in Schedule 2 must enquire and determine whether that person is unfit
7 to possess a firearm.

8 (b) If a court, acting in terms of paragraph (a), determines that a
9 person is unfit to possess a firearm, it must make a declaration to that
10 effect.

11 (4) A court which has made a declaration in terms of this section
12 must notify the Registrar in writing of that declaration.

13 ~~(5) A declaration of unfitness to possess a firearm made in terms~~
14 of this section by a court must be accompanied by a court order for the
15 immediate search for and seizure of—

16 (a) all competency certificates, licences, authorisations and
17 permits issued to the relevant person in terms of this Act;

18 (b) all firearms in his or her possession; and

19 (c) all ammunition in his or her possession.

20 (6) A firearm and any other item seized in terms of subsection
21 (5) must be kept by the Nigeria Police Force or, if appropriate, by the
22 Military Police, until an appeal against the conviction or sentence has
23 been finalised or the time for an appeal has elapsed.

Effect of
declaration.

24 **107.—**(1) (a) All competency certificates, licences, authorisations
25 and permits issued in terms of this Act to any person who is declared
26 unfit to possess a firearm in terms of section 105 or 106, cease to be
27 valid from the date of the declaration.

28 (b) Despite the noting of an appeal against the decision of a court
29 or of the Registrar, the declaration contemplated in paragraph (a)
30 remains in effect pending the finalisation of the appeal.

31 (2) A person who is declared unfit to possess a firearm in terms

1 of section 105 or 106 must within 24 hours surrender to the nearest
2 police station—

3 (a) all competency certificates, licences, authorisations and
4 permits issued to him or her in terms of this Act;

5 (b) all firearms in his or her possession; and

6 (c) all ammunition in his or her possession.

7 (3) (a) A person who has surrendered his or her firearm as
8 contemplated in subsection (2) must dispose of the firearm and
9 ammunition through a dealer—

10 (i) if an appeal is lodged and that appeal is unsuccessful, within
11 60 days of the finalisation of the appeal; or

12 (ii) if no appeal is lodged, within 60 days of the receipt of a
13 ~~written notice from the Registrar declaring the person unfit to possess~~
14 a firearm.

15 (b) If the firearm and ammunition are not disposed of within 60
16 days, they must be forfeited to the Federal Government and destroyed
17 or disposed of as prescribed.

18 (c) The period of 60 days referred to in this subsection may be
19 extended by the Registrar on good cause shown.

20 (d) For purposes of subsection (3)(a), the Registrar must release
21 the firearm and ammunition in question to a dealer identified by the
22 relevant person, for disposal by that dealer on behalf of the person.

23 (4) (a) The holder of an additional licence referred to in section
24 14(1) may, if the holder of the licence is declared unfit to possess a
25 firearm, apply to the Registrar for the issue of a new licence in his or
26 her name.

27 (b) If the holder of an additional licence does not make an
28 application referred to in paragraph (a) within 30 days of the—

29 (i) date on which the time for an appeal elapses; or

30 (ii) finalisation of the appeal if it does not affect the declaration
31 of unfitness, the additional firearm licence lapses.

1 (5) If the declaration of any person as being unfit to possess a
 2 firearm is set aside, any seized or surrendered firearm, ammunition,
 3 licence, permit or authorisation belonging to any such person, must be
 4 returned.

5 (6) After a period of five years calculated from the date of
 6 declaration of unfitness to possess a firearm, the person who has been
 7 declared unfit to possess a firearm may apply for a new competency
 8 certificate, licence, authorisation or permit in accordance with the
 9 provisions of this Act.

Proof of
 declaration.

10 **108.** A certificate purporting to have been signed by the Registrar
 11 or by the registrar of a High Court, the clerk of a magistrates' court
 12 stating that the person mentioned in the certificate has been declared
 13 unfit to possess a firearm, is upon production thereof by any person,
 14 prima facie evidence of the facts stated in that certificate.

15 PART 13 — INSPECTIONS

Production
 of licences
 and firearms
 for
 inspection.

16 **109.** Subject to section 110, any holder of a firearm licence,
 17 permit or authorisation issued in terms of this Act must—

18 (a) produce the licence, permit or authorisation for inspection
 19 within seven days of being required to do so by any police official or
 20 by any person authorised by the Registrar;

21 (b) maintain the firearm licence in such a state that it can be
 22 produced in an undefaced and legible condition; and

23 (c) produce the firearm in respect of which the licence, permit
 24 or authorisation is issued within seven days of being required to do
 25 so by any police official or by any person authorised by the Registrar.

Duty to
 comply with
 request of
 police
 official or
 authorised
 person.

26 **110.—(1)** Any person who carries with him or her a firearm
 27 must at the request of a police official or any person authorised by the
 28 Registrar produce the licence, permit or authorisation, as the case
 29 may be, in respect of such firearm for inspection.

30 (2) A person referred to in subsection (1) must—

31 (a) at the request and to the satisfaction of a police official or

1 authorised person, identify himself or herself forthwith; and

2 (b) at the request of a police official or authorised person, produce
3 such firearm for inspection.

4 (3) If a person fails to comply with subsection (2), the police
5 official or authorised person may seize the firearm without a warrant
6 and keep the firearm in custody until the licence, permit or authorisation
7 is produced or the firearm is disposed of in terms of this Act.

8 **111.**—(1) A police officer or person authorised by the Registrar
9 who has reasonable grounds to believe that a person has or recently
10 had a firearm or ammunition in his or her possession, may request
11 that person to—

Request for
information.

12 (a) state his or her full name, age and residential and employment
13 address;

14 (b) produce his or her licence, permit or authorisation for the
15 possession of the firearm;

16 (c) answer questions relating to the whereabouts of the firearm;
17 and

18 (d) furnish any other information reasonably required by the police
19 official or authorised person.

20 (2) A police official or an authorised person, when exercising a
21 power in terms of subsection (1) must—

22 (a) identify himself or herself to the person referred to in
23 subsection (1); and

24 (b) produce his or her appointment certificate or authorisation.

25 **112.**—(1) Any police official or person authorised by the Registrar
26 may enter any—

Inspection of
premises.

27 (a) place of business of a dealer;

28 (b) firearm or ammunition factory or place of business of a
29 manufacturer of firearms and ammunition;

30 (c) place of business of a gunsmith;

31 (d) place of business of the holder of an importation or exportation

1 permit;

2 (e) place of business, including any vehicle, vessel or aircraft,
3 of an authorised transporter of firearms and ammunition;

4 (f) office or premises of an Official Institution which may issue a
5 permit to its employees to possess and use firearms; or

6 (g) place of business, including any vehicle, vessel or aircraft,
7 of the holder of a licence in respect of firearms used for business
8 purposes referred to in section 23 of this Act, and conduct such
9 inspection as may be necessary in order to determine whether the
10 requirements and conditions of this Act or of any competency
11 certificate, licence, permit or authorisation issued in terms of this
12 Act are being complied with.

13 ~~(2) The Registrar must—~~

14 (a) before any inspection of an office or premises of an Official
15 Institution is conducted, give notice of the intended inspection to the
16 head of—

17 (i) the Nigerian Armed Forces;

18 (ii) the Nigeria Police Force;

19 (iii) the State Security Services; or

20 (iv) National Intelligence Agency; and

21 (b) comply with such security arrangements as may be agreed
22 upon with the head of the Official Institution in question.

23 PART 14 — SEARCH AND SEIZURE

Chapter 2 of
Criminal
Procedure
Act, 1977,
to apply.

24 **113.—**(1) The Criminal Procedure Act as to searches shall apply
25 and any police Officer acting on the order of the Inspector General of
26 Police may enter any premises and search for and seizure of any
27 firearm, imitation firearm, airgun, device or ammunition referred to
28 in this Act.

29 (2) any article referred to in subsection (1) which is lawfully
30 seized by the Federal Government must be dealt with or disposed of in
31 accordance with the provisions of this Act.

- 1 114. Despite anything to the contrary in this part, any police officer
2 or person authorised as such by the Inspector General or any State
3 commissioner of the Police may, in the course of official policing
4 operations may, search any premises, vehicle, vessel or aircraft and
5 seize any firearm, imitation firearm, airgun, device or ammunition—
6 (a) which is reasonably suspected to be held in contravention of
7 this Act; or
8 (b) for the purposes of determining whether or not the provisions
9 of this Act have been complied with in respect of such article.
- 10 115. Any police officer or other person authorised as such in
11 writing by the Registrar may exercise the powers of a police officer
12 in respect of—
13 (a) any occupant of a vehicle, vessel or aircraft or premises in
14 which any article referred to in section 113 (1) is present and in
15 respect of which there is a reasonable suspicion that any of the
16 provisions of this Act may have been contravened by that occupant;
17 and
18 (b) the owner or person in control of any vehicle, vessel or aircraft
19 or premises in which any article referred to in section 113(1) is
20 present and in respect of which there is a reasonable suspicion that
21 any of the provisions of this Act may have been contravened.
- 22 116.—(1) Any police officer may take the finger-prints, palm-
23 prints, foot-prints and samples of genetic material of a person or a
24 group of persons or may cause any such prints or samples to be taken,
25 if—
26 (a) there are reasonable grounds to suspect that that person or
27 that one or more of the persons in that group has committed an
28 offence punishable with imprisonment for a period of five years or
29 longer; and
30 (b) there are reasonable grounds to believe that the prints or
31 samples or the results of an examination thereof, will be of value in

Search and seizure in course of policing operations in terms of the Police.

Power to search vehicles, vessels or Aircraft.

Body-prints and genetic samples.

1 the investigation by excluding or including one or more of the persons
2 as a possible perpetrator of the offence.

3 (2) The person who has control over prints or genetic material
4 taken in terms of this section—

5 (a) may examine them for purposes of the investigation of the
6 relevant offence or cause them to be so examined; and

7 (b) must immediately destroy them when it is clear that they will
8 not be of value as evidence.

9 (3) Samples of genetic material may be taken from the body of a
10 person only by a registered medical practitioner or a registered nurse.

Ballistic
testing.

11 **117.—**(1) Any police officer may seize, test-fire and examine
12 such number of firearms as are necessary or such ammunition as is
13 necessary, if

14 (a) there are reasonable grounds to suspect that one or more of
15 the firearms or the ammunition has been used in the commission of
16 an offence which is punishable in terms of this Act with
17 imprisonment for a period of five years or longer; and

18 (b) there are reasonable grounds to believe that one or more of
19 the firearms or the ammunition or the results of the test-firing and
20 examination, will be of value in the investigation by excluding or
21 including—

22 (i) one or more of those firearms or the ammunition as having
23 been used in the commission of the offence; or

24 (ii) one or more persons as possible perpetrators of the offence.

25 (2) The person who has control over a firearm or ammunition
26 seized in terms of this section must immediately return it or otherwise
27 dispose of it in terms of this Act when it is clear that it will not be of
28 value as evidence.

Inspection,
search and
seizure for
inquiry or

29 **118.—**(1) For purposes of any inquiry or investigation relating to
30 the application of this Act and subject to subsection (4), the Registrar
31 or any person authorised in writing by the Registrar may—

1 (a) at any reasonable time and without prior notice, enter any investigation
2 business or industrial premises; or (with special
warrant).

3 (b) at any reasonable time and with reasonable notice, enter any
4 dwelling on or in which anything relating to the subject-matter of
5 the inquiry or investigation is or is suspected to be.

6 (2) The Registrar or person authorised may—

7 (a) inspect and search any premises or dwelling contemplated in
8 subsection (1) and make such enquiries as may be necessary for
9 purposes of the inquiry or investigation;

10 (b) examine anything found on the premises or dwelling which
11 may have a bearing on the subject-matter of the inquiry or
12 investigation;

13 ~~(c) request information or an explanation regarding such object~~
14 from the owner or person in control of those premises or from any
15 person in whose possession or under whose control anything referred
16 to in paragraph (b) is found;

17 (d) make copies of or extracts from any book or document found
18 on or in the premises or dwelling which may have a bearing on the
19 subject-matter of the inquiry or investigation and request an
20 explanation of such book, document or any entry therein from any
21 person suspected of having knowledge thereof; and

22 (e) against the issue of a written receipt, seize anything on or in
23 the premises or dwelling which may have a bearing on the subject-
24 matter of the inquiry or investigation.

25 (3) Any entry upon, inspection of or search of any premises or
26 dwelling, or questioning of any person, in terms of this section must
27 be carried out with strict regard to decency and order, including the
28 right of persons to—

29 (a) respect for and protection of their dignity;

30 (b) freedom and security; and

31 (c) personal privacy.

1 (4) The powers contemplated in subsection (1) may be exercised
2 only in terms of a warrant issued by a judge or magistrate.

3 (5) (a) A warrant may only be issued if it appears from evidence
4 under oath or on affirmation that there are reasonable grounds to suspect
5 that anything referred to in subsection (2) is or may be on the premises
6 or in the dwelling in question.

7 (b) The evidence must contain information regarding the—

8 (i) nature of the inquiry or investigation to be conducted;

9 (ii) reason for or suspicion which gave rise to the inquiry or
10 investigation;

11 (iii) need for search and seizure in terms of this section; and

12 (iv) premises on which the warrant is to be executed.

13 (6) Subject to subsection (7), sections 21 (3) and 266 of the
14 Criminal Procedure Act,.

15 (7) A warrant contemplated in this section remains in force until—

16 (a) it is executed;

17 (b) it is cancelled; or

18 (c) the expiry of three months from the date of its issue, whichever
19 may occur first.

Incidental
discovery.

20 **119.** If, in the course of a lawful search for anything other than
21 articles referred to in section 113 (1), the person executing the search
22 finds an article referred to in section 113 (1), in respect of which a
23 reasonable suspicion of illegality or illegal possession exists, such
24 person may seize such article, and must then deal with it or dispose of
25 it in terms of this Act.

26 PART 15 — PRESUMPTIONS

Presumption
of
possession
of firearm or
ammunition.

27 **120.—**(1) For purposes of this section “residential premises”
28 does not include a hotel, a hostel, or an apartment building, but includes
29 a room or suite in a hotel, a room in a hostel and an apartment in an
30 apartment building.

31 (2) Whenever a person is charged in terms of this Act with an

1 offence of which the possession of a firearm or ammunition is an
2 element, and the Federal Government can show that despite the taking
3 of reasonable steps it was not able with reasonable certainty to link the
4 possession of the firearm or ammunition to any other person, the
5 following circumstances will, in the absence of evidence to the contrary
6 which raises reasonable doubt, be sufficient evidence of possession by
7 that person of the firearm or ammunition where it is proved that the
8 firearm or ammunition was found—

9 (a) on residential premises and the person was, at the time—

10 (i) in control of such premises; or

11 (ii) over the age of 16 years and ordinarily resident on such
12 premises;

~~13 (b) buried in or hidden on land used for residential purposes and~~

14 the person was, at the time—

15 (i) in control of such land;

16 (ii) employed to work on the land in or on which the firearm
17 or ammunition was found; or

18 (iii) over the age of 16 years and ordinarily resident on such
19 land;

20 (c) on premises other than residential premises and the person
21 was, at the time—

22 (i) in control of such premises;

23 (ii) ordinarily employed on the premises;

24 (iii) present in the immediate vicinity of the place on the
25 premises where the firearm or ammunition was found and the
26 circumstances indicate that the firearm or ammunition should
27 have been visible to that person; or

28 (iv) in control of a locker, cupboard or other container within
29 which the firearm or ammunition was found;

30 (d) in or on a vehicle and the person was, at the time—

31 (i) the driver of the vehicle;

- 1 (ii) the person in charge of the vehicle;
- 2 (iii) in control of all the goods on the vehicle;
- 3 (iv) the consignor of any goods in or among which the firearm
- 4 or ammunition was found;
- 5 (v) the only person who had access to the firearm or
- 6 ammunition;
- 7 (vi) the employer of the driver of the vehicle and present on
- 8 the vehicle; or
- 9 (vii) over the age of 16 years and present on the vehicle;
- 10 (e) on any aircraft other than an aircraft which was used to convey
- 11 passengers for gain, and the person was, at the time—
- 12 (i) present on the aircraft and in charge of the aircraft; or
- 13 (ii) over the age of 16 years and present on the aircraft;
-
- 14 (f) in the hold of an aircraft and the person was, at the time, the
- 15 person in charge of the goods in the hold;
- 16 (g) in a place on an aircraft or vessel—
- 17 (i) to which no one besides the person had access; or
- 18 (ii) where the circumstances indicate that the firearm or
- 19 ammunition should have been visible to no one besides the person;
- 20 (h) on any vessel other than a vessel which was used to convey
- 21 passengers for gain, and the person was, at the time—
- 22 (i) in charge of that vessel or that part of the vessel in which
- 23 the firearm or ammunition was found;
- 24 (ii) ordinarily employed in the immediate vicinity of the place
- 25 on the vessel where the firearm or ammunition was found; or
- 26 (iii) over the age of 16 years and present in that part of the
- 27 vessel; or
- 28 (i) in the cargo of a vessel and the person was, at the time—
- 29 (i) in control of the cargo of the vessel; or
- 30 (ii) the consignor of any goods in or among which the firearm
- 31 or ammunition was found.

1 (3) In any criminal proceedings against a person where it is alleged
2 that such person has injured or killed another person or has damaged
3 property belonging to another person, the following circumstances will,
4 in the absence of evidence to the contrary which raises a reasonable
5 doubt, be sufficient evidence that such person participated in the injury,
6 killing or damage, where it is proved that—

7 (a) the person was driving, or was a passenger in, a vehicle
8 other than a vehicle designed or licensed to convey more than 20
9 passengers;

10 (b) a firearm was discharged from that vehicle while the person
11 was driving or was a passenger in the vehicle; and

12 (c) as a result of such discharge, a person was injured or killed,
13 or property was damaged.

14 121.—(1) Whenever a person is charged with an offence in terms
15 of this Act of failing to report the loss, theft or destruction of a firearm
16 and it is proved that such person was, at the time, the licensed or
17 authorised possessor of the firearm alleged to have been lost, stolen
18 or destroyed, proof that the person has failed to produce such firearm
19 within seven days of the request by a police official to do so, will, in
20 the absence of evidence to the contrary which raises reasonable doubt,
21 be sufficient evidence that the firearm has been lost, stolen or destroyed.

22 (2) Whenever a person is charged with an offence in terms of
23 this Act of failing to furnish information or particulars on request of a
24 police official and it is proved that such person was, at the time, the
25 licensed or authorised possessor of the firearm alleged to have been
26 lost, stolen or destroyed, proof that the person has failed to produce
27 such information or particulars within seven days of the request of a
28 police official to do so, will, in the absence of evidence to the contrary
29 which raises reasonable doubt, be sufficient evidence that the person
30 has failed to furnish such information or particulars.

Presumptions
relating to
failure to
report.

Presumption
of failure to
take
reasonable
steps.

1 **122.** Whenever a person is charged in terms of this Act with an
2 offence of failing to take reasonable steps to ensure that no firearm or
3 ammunition is brought onto premises, a vehicle, a vessel or an aircraft
4 under his or her ownership or control in contravention of this Act,
5 proof that the firearm or ammunition was brought onto premises, a
6 vehicle, a vessel or an aircraft under his or her ownership or control,
7 will, in the absence of evidence to the contrary which raises reasonable
8 doubt, be sufficient evidence that he or she failed to take such reasonable
9 steps.

10 PART 16 — OFFENCES, PENALTIES AND ADMINISTRATIVE FINES

Offences.

11 **123.**—(1) A person is guilty of an offence if he or she contravenes
12 or fails to comply with any—

13 ~~(a) provision of this Act;~~

14 (b) condition of a licence, permit or authorisation issued or granted
15 by or under this Act; or

16 (c) provision, direction or requirement of a notice issued under
17 this Act.

18 (2) Any person who remains in the vicinity of a firearm or
19 ammunition which is not in the possession of any person, under
20 circumstances where he or she must have been aware of the existence
21 of that firearm or ammunition, is guilty of an offence.

22 (3) It is a defence to a charge contemplated in subsection (2) to
23 show that the accused was not aware of the existence of the firearm
24 or ammunition in question.

25 (4) It is an offence to—

26 (a) cause bodily injury to any person or cause damage to property
27 of any person by negligently using a firearm, an antique firearm or
28 an airgun;

29 (b) discharge or otherwise handle a firearm, an antique firearm
30 or an airgun in a manner likely to injure or endanger the safety or
31 property of any person or with reckless disregard for the safety or

1 property of any person; or

2 (c) have control of a loaded firearm, an antique firearm or an
3 airgun in circumstances where it creates a risk to the safety or
4 property of any person and not to take reasonable precautions to
5 avoid the danger.

6 (5) It is an offence to handle a firearm, an antique firearm or an
7 airgun while under the influence of a substance which has an
8 intoxicating or a narcotic effect.

9 (6) A person is guilty of an offence if he or she gives control of a
10 firearm, an antique firearm or an airgun to a person whom he or she
11 knows, or ought reasonably to have known—

12 (a) to be mentally ill; or

13 (b) to be under the influence of a substance which has an
14 intoxicating or a narcotic effect.

15 (7) It is an offence to wilfully point—

16 (a) any firearm, an antique firearm or an airgun, whether or not
17 it is loaded or capable of being discharged, at any other person; or

18 (b) anything which is likely to lead a person to believe that it is a
19 firearm, an antique firearm or an airgun, at any other person.

20 (8) It is an offence to discharge a firearm, an antique firearm or
21 an airgun in a municipal area or any public place.

22 (9) A person is guilty of an offence if he or she—

23 (a) fails to lock away his or her firearm or a firearm in his or her
24 possession in a prescribed safe, strong-room or device for the safe-
25 keeping of a firearm when such firearm is not carried on his or her
26 person or is not under his or her direct control; or

27 (b) loses a firearm, or is otherwise dispossessed of a firearm
28 owing to that person's failure to—

29 (i) lock the firearm away in a prescribed safe, strong-room or
30 device for the safekeeping of a firearm;

31 (ii) take reasonable steps to prevent the loss or theft of the

1 firearm while the firearm was on his or her person or under his
2 or her direct control; or

3 (iii) keep the keys to such safe, strong-room or device in safe
4 custody.

5 (10) It is an offence to—

6 (a) add any word, figure or letter to a competency certificate,
7 licence, permit or authorisation as issued, without the Registrar's
8 permission;

9 (b) alter or erase any words, figures or letters from any
10 competency certificate, licence, permit or authorisation, without
11 the Registrar's permission;

12 (c) use or possess any competency certificate, licence, permit
13 or authorisation—

14 (i) to which any words, figures or letters have been unlawfully
15 added;

16 (ii) from which any words, figures or letters have been
17 unlawfully erased; or

18 (iii) on which any words, figures or letters have been unlawfully
19 altered;

20 (d) part with a competency certificate, licence, permit or
21 authorisation in order that it may be used by any person other than
22 the person to whom it was issued or granted;

23 (e) use a competency certificate, licence, permit or authorisation
24 issued in the name of another person to procure possession of a
25 firearm or ammunition;

26 (f) supply particulars, information or answers in an application
27 for a competency certificate, licence, permit or authorisation in
28 terms of this Act, knowing them to be false, incorrect or misleading
29 or not believing them to be correct;

30 (g) make a false entry in a register which is required to be kept
31 in terms of this Act; or

1 (h) furnish false information in any return required to be submitted
2 in terms of this Act.

3 (11) It is an offence to—

4 (a) sell, supply or in any other manner give possession of a
5 firearm or ammunition to a person who is not allowed in terms of
6 this Act to possess that firearm or ammunition; or

7 (b) be in possession of any firearm, imitation firearm or
8 ammunition, with intent to commit an offence or to use the firearm
9 or an imitation firearm to resist arrest or prevent the arrest of
10 another person.

11 (12) Any holder of a licence, permit or authorisation to possess a
12 firearm, and any other person who was in possession of or who had
13 ~~control of a firearm when it was lost, stolen or destroyed and who~~
14 fails to report the loss, theft or destruction to the police station nearest
15 to the place where it occurred, within 24 hours after having become
16 aware of the loss, theft or destruction of the firearm, is guilty of an
17 offence.

18 (13) It is an offence to obstruct or hinder any person in the exercise
19 of any power or the performance of any duty in terms of this Act.

20 **124.** Any person convicted of a contravention of or a failure to
21 comply with any section mentioned in Column 1 of Schedule 4 may be
22 sentenced to a fine or to imprisonment for a period not exceeding the
23 period mentioned in Column 2 of that Schedule opposite the number of
24 that section.

Penalties.

25 **125.—**(1) If a person is alleged to have committed an offence
26 contemplated in section 123 for which that person may be sentenced to
27 a fine or imprisonment for a period not exceeding five years in terms
28 of section 124, the Registrar may cause to be delivered by hand to that
29 person (hereinafter referred to as the infringer) an infringement notice
30 which must contain the particulars contemplated in subsection (2).

Administrative
fines.

31 (2) A notice referred to in subsection (1) must—

- 1 (a) specify the name and address of the infringer;
- 2 (b) specify the particulars of the alleged offence;
- 3 (c) specify the amount of the administrative fine payable, which—
- 4 (i) if the period contemplated in subsection (1) does not exceed
- 5 two years, may, in respect of a first infringement, not exceed
- 6 ₦5,000 and, in respect of a second or subsequent infringement,
- 7 not exceed ₦10,000;
- 8 (ii) if the period contemplated in subsection (1) does not exceed
- 9 three years, may, in respect of a first infringement, not exceed
- 10 ₦15,000 and, in respect of a second or subsequent infringement,
- 11 not exceed ₦30,000;
- 12 (iii) if the period contemplated in subsection (1) does not exceed
- 13 ~~four years, may, in respect of a first infringement, not exceed~~
- 14 ~~₦20,000 and, in respect of a second or subsequent infringement,~~
- 15 ~~not exceed ₦40,000; or~~
- 16 (iv) if the period contemplated in subsection (1) does not exceed
- 17 five years, may, in respect of a first infringement, not exceed
- 18 ₦50,000 and, in respect of a second or subsequent infringement,
- 19 not exceed ₦100,000;
- 20 (d) inform the infringer that, not later than 30 days after the date
- 21 of service of the infringement notice, the infringer may—
- 22 (i) pay the administrative fine;
- 23 (ii) make arrangements with the Registrar to pay the
- 24 administrative fine in instalments; or
- 25 (iii) elect to be tried in court on a charge of having committed
- 26 the alleged offence; and
- 27 (e) state that a failure to comply with the requirements of the
- 28 notice within the time permitted, will result in the administrative
- 29 fine becoming recoverable as contemplated in subsection (4).
- 30 (3) If an infringer elects to be tried in court on a charge of having
- 31 committed the alleged contravention or failure, the Registrar must

1 hand the matter over to the prosecuting authority and inform the infringer
2 accordingly.

3 (4) If an infringer fails to comply with the requirements of a
4 notice, the Registrar may file with the clerk or registrar of any
5 competent court a statement certified by him or her as correct, setting
6 forth the amount of the administrative fine payable by the infringer,
7 and such statement thereupon has all the effects of a civil judgment
8 lawfully given in that court in favour of the Registrar for a liquid debt
9 in the amount specified in the statement.

10 (5) The Registrar may not impose an administrative fine
11 contemplated in this section if the person concerned has been charged
12 with a criminal offence in respect of the same set of facts.

13 (6) No prosecution may be instituted against a person if the person
14 concerned has paid an administrative fine in terms of this section in
15 respect of the same set of facts.

16 PART 17 — ORGANISATIONAL STRUCTURES

17 **126.** The Inspector General of Police is the Registrar of
18 Firearms.

Registrar of
Firearms.

19 **127.—(1)** The Registrar must—

Functions of
Registrar.

20 (a) establish and maintain the Central Firearms Register;

21 (b) establish and control the Office of the Central Firearms
22 Register;

23 (c) recover the fees payable in terms of this Act;

24 (d) develop a training curriculum for competency testing in terms
25 of this Act;

26 (e) conduct research into firearms policies;

27 (f) monitor the implementation of this Act;

28 (g) conduct public education programmes concerning the
29 provisions of this Act and all other matters relating to the safe
30 possession and use of firearms; and

31 (h) designate police officials as Designated Firearms Officers.

- 1 (2) The Registrar may—
2 (a) conduct any investigation or enquiry which he or she deems
3 necessary in order to exercise his or her powers or carry out his or
4 her duties in terms of this Act; and
5 (b) make recommendations to the Minister on any matter relating
6 to this Act.

Central
Firearms
Register.

- 7 **128.**—(1) The Central Firearms Register must contain—
8 (a) the central firearms database;
9 (b) the central dealers database;
10 (c) the central manufacturers database;
11 (d) the central gunsmiths database;
12 (e) the central importers and exporters database;
13 ~~(f) the central Official Institutions database; and~~
14 (g) any other information required to be kept by the Registrar in
15 terms of this Act.
16 (2) The central databases referred to in subsection (1) must
17 contain—
18 (a) such information as may be prescribed concerning—
19 (i) competency certificates, licences, authorisations and
20 permits, as well as renewals and cancellations thereof;
21 (ii) applications for competency certificates, licences,
22 authorisations and permits and any renewal applications which
23 have been refused in terms of this Act;
24 (iii) transfers of firearms effected in terms of this Act;
25 (iv) imports and exports of firearms and ammunition in terms
26 of this Act;
27 (v) the transport of firearms and ammunition in terms of this
28 Act; and
29 (vi) the loss, recovery, theft or destruction of firearms.
30 (b) all original documentation submitted in support of all
31 applications made in terms of this Act;

1 (c) a record of all licensed dealers, manufacturers, gunsmiths,
2 importers and exporters, transporters for reward, accredited
3 institutions, organisations and all firearms and ammunition in their
4 possession;

5 (d) a record of all firearms in the possession of Official
6 Institutions;

7 (e) a record of the acquisition, transfer, loss, theft or destruction
8 in respect of firearms in the possession of Official Institutions;

9 (f) a record of all firearms recovered, forfeited to the Federal
10 Government or destroyed;

11 (g) the fingerprints which have been submitted for purposes of
12 an application in terms of this Act; and

13 ~~(h) any other documentation and information as may be~~
14 prescribed.

15 **129.** Any document containing information contemplated in section
16 128 and purporting to be a certificate signed by the Registrar is, upon
17 production in a court by any person, prima facie evidence of the facts
18 stated therein.

Certificate signed by Registrar to constitute prima facie evidence.

19 **130.—**(1) The Registrar must, with the approval of the Minister,
20 designate a police official as Head of the Office of the Central Firearms
21 Register.

Appointment and functions of Head of Office of Central Firearms Register.

22 (2) The Head of the Office of the Central Firearms Register—

23 (a) must manage the Office of the Central Firearms Register;

24 (b) must perform the duties assigned to him or her by the
25 Registrar; and

26 (c) may exercise such powers as may be delegated to him or her
27 by the Registrar.

28 **131.—**(1) An Appeal Board is hereby established.

Establishment of Appeal Board.

29 (2) The Appeal Board consists of no more than five members
30 who must be appointed by the Minister and who, when viewed
31 collectively, must as far as possible be broadly representative of the

1 people.

Conditions of
service,
remuneration
and
allowances of
members of
Appeal
Board.

2 132.—(1) The period and conditions of office, remuneration and
3 allowances of the members of the Appeal Board are as prescribed by
4 the Minister with the approval of the President.

5 (2) (a) The Minister may at any time withdraw the appointment
6 of a member of the Appeal Board if there is sufficient reason for
7 doing so.

8 (b) A member may resign by notice in writing to the Minister.

Quorum,
meetings and
procedure of
Appeal
Board.

9 133.—(1) The quorum for, the procedure at, and the holding of
10 meetings of the Appeal Board are as prescribed.

11 (2) The Appeal Board may establish such committees consisting
12 of members of the Appeal Board as may be prescribed to perform the
13 ~~duties assigned to them by the Appeal Board and to exercise such~~
14 powers as may be delegated to them by the Appeal Board.

Administrative
work of
Appeal
Board.

15 134. The administrative work of the Appeal Board must be
16 performed by such members of the Nigeria Police Force as may be
17 designated by the Inspector General of Police.

Establishment
of
Ministerial
Committees.

18 135.—(1) The Minister may establish such committees as may
19 be appropriate to assist him or her, or any other person appointed in
20 terms of this Act, in respect of any matter dealt with in this Act.

21 (2) The composition and functions of the committees may be
22 determined by the Minister.

23 (3) The conditions of office, remuneration, allowances and other
24 benefits of members of the committees may be prescribed by the
25 Minister with the approval of the President.

26 PART 18 — RIGHT OF APPEAL

Right of
appeal.

27 136.—(1) Any person—

28 (a) whose application for a competency certificate, licence,
29 permit or authorisation in terms of this Act has been refused;

30 (b) whose competency certificate, licence, permit, or
31 authorisation has been cancelled;

1 (c) whose licence, permit or authorisation has been issued subject
2 to any condition; or

3 (d) who has received a notice of an administrative decision in
4 terms of this Act which may detrimentally affect his or her rights,
5 may, in the prescribed manner, appeal to the Appeal Board.

6 (2) The Appeal Board may confirm, vary or reverse any decision
7 against which an appeal has been lodged in terms of this section.

8 (3) The Appeal Board may admit evidence of facts not before the
9 Registrar when he or she made the decision which is the subject of the
10 appeal only if—

11 (a) there is a reasonable explanation for the failure timeously to
12 inform the Registrar of the facts;

13 (b) the Registrar has had sufficient opportunity to verify the facts
14 and to present any evidence to the Appeal Board in this regard.

15 (4) Subject to the provisions of this Act, no person is excused
16 from complying with any of the provisions of this Act on the ground
17 that an appeal is pending in terms of this section.

18 PART 19 — COMPENSATION

19 **137.** No compensation is payable to a person in respect of a
20 firearm or ammunition forfeited to the Federal Government in terms
21 of this Act—

22 (a) if the relevant licence, permit or authorisation was cancelled
23 in terms of this Act because the holder of the licence had contravened
24 or not complied with a provision of this Act or a condition specified
25 in that licence, permit or authorisation; or

26 (b) if the holder of the licence, permit or authorisation was in
27 terms of section 105 or 106 declared unfit to possess a firearm.

28 **138.—(1)** No compensation is payable to a person from whom a
29 firearm or ammunition was seized by the Federal Government if—

30 (a) no licence, permit or authorisation had been issued for such
31 firearm or ammunition to that person in terms of this Act;

Circumstances where no compensation is payable in respect of firearms and ammunition forfeited to the Federal Government.

Circumstances where no compensation is payable in respect of firearms and

ammunition 1 (b) the firearm or ammunition was for any other reason unlawfully
seized by the 2 in the possession of that person.
Federal
Government. 3

4 (2) The lawful owner of a firearm or ammunition lost or stolen as a
5 result of his or her negligence is not entitled to claim compensation if such
6 firearm or ammunition is subsequently seized by the Federal Government
7 from another person.

No 7 **139.**—(1) The Registrar may in respect of any firearm or
compensa- 8 ammunition seized by, surrendered to or forfeited to the Federal
tion payable 9 Government, issue a notice in the Gazette stating that it is the intention
where fire- 10 of the Federal Government to destroy that firearm or ammunition.
arms or
ammuni-
tion are
dest-
royed by the
Federal
Government. 11

12 (2) Any person who has a valid claim to the relevant firearm or
13 ammunition may, within 21 days after the publication of the notice in
14 the Gazette, make representations to the Registrar as to why the firearm
15 or ammunition should not be destroyed.

16 (3) If the Registrar is satisfied, after consideration of any
17 representations contemplated in subsection (2), that a valid claim to
18 the relevant firearm or ammunition has not been proved, the firearm
19 or ammunition may be destroyed and no compensation will be payable
20 to anyone in respect thereof.

Application 20 **140.**—(1) A person whose firearm has been surrendered or
for 21 forfeited to the Federal Government in circumstances other than those
compensation. 22 referred to in sections 137, 138 and 139 may apply to the Registrar for
23 compensation in respect of that firearm in the prescribed form.

24 (2) On receipt of an application for compensation made in terms
25 of this section, the Registrar must—

26 (a) decide whether or not compensation is payable in terms of
27 this Part;

28 (b) if compensation is payable, attempt to agree with the applicant
29 on the amount of compensation to be paid; and

30 (c) if compensation is payable, but no compensation is agreed
31 upon, determine the amount of compensation to be paid.

1 (3) An applicant for compensation may appeal against a decision
2 of the Registrar made in terms of subsection (2)(c).

3 (4) On receipt of an appeal lodged in terms of subsection (3) the
4 Appeal Board must—

5 (a) hear the applicant and the Registrar; and

6 (b) determine the amount of compensation to be paid.

7 (5) The Minister must, with the approval of the Minister of
8 Finance, establish guidelines for the payment of compensation, taking
9 into account the—

10 (a) financial constraints on the Federal Government and its ability
11 to meet actual and anticipated claims for compensation; and

12 (b) interests of persons who have applied or may in the future
13 apply for compensation.

14 (6) The guidelines referred to in subsection (5) bind—

15 (a) the Registrar when he or she agrees or determines
16 compensation in terms of subsection (2); and

17 (b) the Appeal Board when it determines compensation in terms
18 of subsection (4).

19 PART 20 — SPECIAL POWERS RELATING TO AMNESTIES,

20 FIREARM FREE ZONES AND EMERGENCIES

21 141. In this Part “amnesty” means an indemnity against Definition.
22 prosecution for the unlawful possession of a firearm or ammunition.

23 142.—(1) The Minister may, by notice in the Gazette, declare Amnesty.
24 an amnesty if—

25 (a) the amnesty may result in the reduction of the number of
26 illegally possessed firearms in Nigeria; and

27 (b) it is in the public interest to do so.

28 (2) A notice contemplated in subsection (1) must—

29 (a) be tabled in the National Assembly at least 14 days before
30 publication if the National Assembly is then sitting, and if the
31 National Assembly is not sitting, within seven days after the

1 commencement of the next sitting;
2 (b) specify the period during which persons may apply for
3 amnesty; and
4 (c) specify the conditions under which amnesty may be granted.

5 (3) A person who surrenders a firearm or ammunition in
6 compliance with a notice published in terms of subsection (1), may not
7 be prosecuted in relation to—

8 (a) the firearm, for having been in possession of that firearm
9 without the appropriate licence, permit or authorisation; or

10 (b) the ammunition, for having been in possession of that
11 ammunition without having been in lawful possession of a firearm
12 capable of discharging the ammunition.

13 ~~(4) (a) A person who surrenders a firearm in compliance with a~~
14 notice published in terms of subsection (1) may apply in terms of this
15 Act for a licence in respect of that firearm.

16 (b) If a licence is granted, the firearm and ammunition, if any,
17 surrendered in terms of this Act must be returned to the holder of the
18 licence.

19 (5) The Registrar must dispose of any firearm or ammunition
20 surrendered in compliance with a notice in terms of subsection (1) in
21 such manner and after the expiry of such period as may be prescribed.

Firearm free
zones.

22 **143.—**(1) The Minister may, after consultation with the Inspector
23 General of Police, by notice in the Gazette declare any premises or
24 categories of premises to be firearm free zones, if it is—

25 (a) in the public interest; and

26 (b) in accordance with the objects of this Act.

27 (2) Unless authorised to do so in terms of a notice issued under
28 subsection (1), no person may—

29 (a) allow any firearm or ammunition to be in a firearm free
30 zone;

31 (b) carry any firearm or ammunition in a firearm free zone; or

1 (c) store any firearm or ammunition in a firearm free zone.

2 (3) A police official may, without warrant—

3 (a) search any building or premises in a firearm free zone if he
4 or she has a suspicion on reasonable grounds that a firearm or
5 ammunition may be present in the firearm free zone in contravention
6 of a notice issued in terms of subsection (1);

7 (b) search any person present in a firearm free zone; and

8 (c) seize any firearm or ammunition present in the firearm free
9 zone or on the person in contravention of a notice issued in terms of
10 subsection (1).

11 **144.**—(1) The Minister may, during a state of emergency—

Emergency
provisions.

12 (a) by notice in the Gazette prohibit or regulate the supply and
13 ~~the transportation of firearms and ammunition, or firearms and~~
14 ammunition of a particular class within a particular area for a period
15 specified in the notice;

16 (b) by notice in the Gazette, direct all persons or dealers or
17 authorised manufacturers within a particular area, or a class of
18 such persons, or dealers or authorised manufacturers within a
19 particular area, to surrender, in accordance with directions in the
20 notice, all firearms or ammunition in their possession, or all firearms
21 or ammunition of a particular class in their possession; and

22 (c) by notice in writing to any particular dealer or authorised
23 manufacturer, direct him or her to surrender, in the manner and at
24 the place specified in the notice, all firearms and ammunition in his
25 or her possession, or all firearms and ammunition of a particular
26 class in his or her possession.

27 (2) Any notice issued under this section remains in force for the
28 duration of the state of emergency unless it is revoked earlier.

29 (3) Any firearm or ammunition surrendered in terms of a notice
30 issued under this section must be returned as soon as possible after the
31 state of emergency is lifted or the notice is revoked.

PART 21 — GENERAL PROVISIONS

Other uses
of firearms.

1
2 **145.** Despite anything to the contrary in this Act, a firearm may
3 also be used by the holder of a licence to possess that firearm—
4 (a) to euthanase or slaughter animals in the prescribed manner;
5 and
6 (b) for such other purposes and in accordance with such
7 requirements as may be prescribed

Delegation
of powers
and
assignment
of duties.

8 **146.**—(1) The Registrar may delegate any power conferred on
9 him or her and assign any duty imposed on him or her by or under this
10 Act to any official in the service of the Federal Government.
11 (2) An official to whom a power has been delegated or a duty has
12 been assigned in terms of subsection (1) must exercise the power or
13 ~~perform the duty subject to the control and directions of the Registrar.~~

14 (3) The Registrar may, notwithstanding a delegation or assignment
15 in terms of subsection (1), personally exercise the power or perform
16 the duty delegated or assigned to another official.

Designation
as police
officer.

17 **147.** For purposes of this Act, the Minister may in writing
18 designate any police officer.

Service of
documents.

19 **148.**—(1) Any notice or other document to be served on or given
20 to any person in terms of this Act may be—

21 (a) delivered by hand to that person;
22 (b) left at that person's usual or last known place of residence or
23 business;

24 (c) left at an address specified by that person for the purpose of
25 any application made in terms of this Act;

26 (d) posted by certified mail addressed to that person by name at
27 that person's last known place of residence or business or at a postal
28 address specified by that person for the purpose of any application
29 made in terms of this Act;

30 (e) delivered to any legal representative or other agent of that
31 person who is duly authorised by that person to receive it;

1 (f) if the relevant person is deceased, delivered to that person's
2 legal representative or to the executor of his or her estate; or

3 (g) if the relevant person is absent from Nigeria, delivered to
4 that person's legal representative or agent in Nigeria or served in
5 such manner as may be prescribed by regulation.

6 (2) This section does not apply to notices or other documents
7 served or given during the course of any proceedings in a court of law
8 or to notices in terms of section 125.

9 **149.** A document purporting to be signed by a police officer, or
10 person designated under section 147, indicating that the service was
11 affected in accordance with section 148(1) by the person who has signed
12 the document, is upon production in a court by any person, prima facie
13 ~~evidence of service of the document.~~

Return of
service.

14 **150.—**(1) The Minister may, by notice in the Gazette, make
15 regulations regarding—

Regulations.

16 (a) anything that may or must be prescribed in terms of this Act;

17 (b) the surrendering of firearms and ammunition to the Nigeria
18 Police Force;

19 (c) the production of any firearm to which any application relates
20 for the purpose of identification, and the discharging of ammunition
21 for identification purposes;

22 (d) the determination and payment of fees payable in respect of
23 the issue or renewal of any competency certificate, licence, permit
24 or authorisation or in respect of anything else for which a fee may
25 be charged in terms of this Act;

26 (e) the fees or remuneration which may be charged by dealers in
27 respect of any firearm, or other device, required to be disposed of
28 through a dealer in terms of this Act;

29 (f) the security of any premises at which dealers, manufacturers,
30 gunsmiths, importers and exporters of firearms and ammunition,
31 Official Institutions or persons who use firearms for business

1 purposes conduct business, including precautions and procedures to
2 be taken to prevent the theft or unlawful use of firearms and
3 ammunition in the possession of such persons;

4 (g) precautions to be taken in respect of the carriage, use, safe
5 custody or destruction of firearms and ammunition;

6 (h) the surrender and disposal of competency certificates,
7 licences, permits or authorisations issued in terms of this Act which
8 have been suspended, revoked or cancelled or which have ceased
9 to be valid;

10 (i) the notification of change of address;

11 (j) the acquisition, disposal, possession, importation or exportation
12 of equipment and material designed for the charging or recharging
13 of ammunition;

14 (k) the taking of fingerprints;

15 (l) the periods for and the manner in which, and by whom,
16 documentation contemplated in this Act must be retained; and

17 (m) generally with regard to any other matter which it is necessary
18 or expedient to prescribe in order to achieve or promote the objects
19 of this Act.

20 (2) A regulation may provide for a penalty for any contravention
21 thereof or failure to comply therewith, of a fine or imprisonment for a
22 period not exceeding 12 months or both a fine and such imprisonment.

23 (3) A regulation regarding the determination of fees may be made
24 only with the approval of the Minister of Finance.

25 (4) In making regulations, other than those relating to the payment
26 of fees, the Minister may differentiate between different areas in
27 Nigeria.

Disposal of
firearms in
case of
ceasing to
carry on
business.

28 **151.** If a person who holds a licence issued in terms of section 23
29 or who holds a licence, permit or authorisation contemplated in Part 7
30 or 8, ceases to carry on business for any reason, the firearms and
31 ammunition in possession of that person must be kept in safe custody

1 by the person and at the place designated by the Registrar, until they
2 are disposed of as prescribed.

3 **152.**—(1) In the case of the death of the holder of a firearm
4 licence, the firearm in question must be disposed of as prescribed.

Disposal of
firearms in
case of
death.

5 (2) The executor of the estate of a deceased person who comes
6 into possession of a firearm licensed to the deceased must store the
7 firearm as prescribed.

8 (3) A person who, on the death of the holder of a licence, permit
9 or authorisation, becomes entitled to a firearm must, if he or she—

10 (a) wishes to acquire the firearm, apply for an appropriate
11 licence, permit or authorisation in terms of this Act; or

12 (b) does not wish to acquire the firearm, or fails to obtain the
13 appropriate licence, permit or authorisation, dispose of it as
14 prescribed.

15 (4) Any person who disposes of a firearm in terms of this section
16 must notify the Registrar in writing thereof.

17 **153.**—(1) A person who inherits a firearm may have the firearm
18 in his or her possession, if—

Inherited
firearms.

19 (a) the firearm is not a prohibited or restricted firearm; and

20 (b) he or she has obtained a permit referred to in subsection (2).

21 (2) The Registrar may, on application in the prescribed form;
22 issue a permit to possess a firearm to a person who inherits a firearm
23 subject to such conditions as the Registrar may impose.

24 (3) A firearm in respect of which a permit is issued in terms of
25 this section may not be used unless a licence in terms of this Act has
26 been issued in respect of that firearm.

27 (4) If a licence is issued in respect of any firearm contemplated
28 in this section, all the relevant provisions of this Act apply in respect
29 of that licence and firearm.

30 **154.**—(1) A firearm may only be destroyed as prescribed.

Compulsory
destruction
of firearms

31 (2) Any firearm or ammunition forfeited to the Federal

by the
Federal
Government.

1 Government in terms of this Act—
2 (a) must be destroyed by the Federal Government within six
3 months of the date of the forfeiture or after all possible appeals
4 have been concluded or the last date on which any appeal could
5 have been noted has passed without an appeal having been noted,
6 whichever occurs last; and

7 (b) remains the property of the owner thereof until its destruction.

8 (3) (a) Despite subsection (2), the Federal Government may retain
9 any firearm or ammunition forfeited to the State, which the Registrar
10 deems to be of special value.

11 (b) Any firearm or ammunition retained by the Registrar in terms
12 of paragraph (a) becomes the property of the State when the Registrar
13 informs the former owner of the firearm of that fact.

14 (c) Subject to Part 19, the former owner of any firearm or
15 ammunition which becomes the property of the Federal Government
16 in terms of paragraph (b) may apply for compensation in terms of this
17 Act.

Deactivation
of firearms.

18 **155.—**(1) For purposes of this section “to deactivate” means to
19 render permanently inoperable and “deactivation” has a corresponding
20 meaning.

21 (2) A firearm may only be deactivated by a gunsmith in the
22 prescribed manner.

23 (3) If a firearm is deactivated by a gunsmith—

24 (a) the gunsmith must issue a certificate to that effect indicating
25 the manner in which the deactivation was performed;

26 (b) the holder of the licence in respect of the firearm in question
27 must notify the Registrar within 14 days after such deactivation,
28 and at the same time forward to the Registrar a copy of the
29 deactivation certificate; and

30 (c) the gunsmith must notify the Registrar within 14 days after
31 any deactivation done by him or her, and at the same time forward

1 to the Registrar a copy of the deactivation certificate.

2 **156.** Despite any law to the contrary, any magistrates' court has Jurisdiction
3 jurisdiction to impose any penalty provided for in terms of this Act of magis-
4 trates' courts.

4 **157.** The Firearms Control Act No. 32 of 1959, Cap. F28, Laws Repeal.
5 of the Federation of Nigeria, 2004 is hereby repealed

6 **158.** This Bill may be cited as the Firearms Control Act, (Repeal Citation.
7 and Re-Enactment) Bill, 2020.

SCHEDULES**SCHEDULE 1****TRANSITIONAL PROVISIONS***Existing licence to possess an arm*

1.—(1) Subject to sub-item (2) and item 11, any licence, which was issued in terms of the previous Act and which was valid immediately before the date of the commencement of this Act, remains valid for a period of five years from the date on which this Act comes into operation, unless such licence is terminated, cancelled or surrendered in terms of this Act.

(2) (a) The holder of a licence to possess an arm contemplated in sub-item (1) must, before the end of the period contemplated in that sub-item, in a lawful manner dispose of any firearms in his or her possession in excess of the number that he or she may lawfully possess in terms of this Act.

(b) For the purpose of paragraph (a), section 34(2) does not apply.

(3) Any firearm not disposed of as contemplated in sub-item (2) may be forfeited to the State and must be disposed of in the prescribed manner.

Existing dealer's licence

2. Subject to item 11, any licence issued in terms of section 19(1) of the previous Act or transferred in terms of section 20 of that Act or any temporary licence issued in terms of section 19A (1) of the previous Act, which was valid immediately before the date of commencement of this Act, remains valid for one year from that date, unless it is terminated, cancelled or surrendered in terms of this Act.

Existing permit for importation or exportation of arms and ammunition

3. Subject to item 11, any permit issued in terms of the previous Act, which was valid immediately before the commencement of this Act, remains valid for the period specified in that permit, unless terminated, cancelled or surrendered in terms of this Act.

Existing permit for manufacture of arms and ammunition

4. Subject to item 11, any permit issued in terms of the previous Act, which was valid immediately before the commencement of this Act, remains valid for one year from that date, unless terminated, cancelled or surrendered in terms of this Act.

Existing authorisations and certain existing permits

5. Subject to item 11, any authorisation issued in terms of section 3(5) or any permit issued in terms of the previous Act other than a permit contemplated in item 3 or 4, which was valid immediately before the commencement of this Act, remains valid for

the period specified in the authorisation or permit, as the case may be, unless terminated, cancelled or surrendered in terms of this Act.

Person unfit to possess a firearm

6.—(1) Any person declared to be unfit to possess an arm in terms of the previous Act must be regarded as having been declared unfit to possess a firearm in terms of this Act.

(2) Despite items 1, 2, 3, 4 and 5, any person holding a licence contemplated in any of those items may in terms of this Act be declared unfit to possess a firearm.

Register in terms of previous Act to be kept by Registrar

7.—(1) The register kept in terms of the previous Act must be maintained by the Registrar for such period as may be necessary.

(2) A certificate purporting to be signed by the Inspector General of Police or any person acting under his or her authority stating any fact recorded in the register referred to in sub-item (1) is upon production in a court by any person, prima facie evidence of the fact so stated.

Matters pending under previous Act

8.—(1) Subject to sub-items (2) and (3), this Act does not affect any proceedings instituted in terms of the previous Act which were pending in a court of law immediately before the date of commencement of this Act, and such proceedings must be disposed of in the court in question as if this Act had not been passed.

(2) Proceedings contemplated in sub-item (1) must be regarded as having been pending if the person concerned had pleaded to the charge in question.

(3) No proceedings may continue against any person in respect of any contravention of a provision of the previous Act if the alleged act or omission constituting the offence would not have constituted an offence if this Act had been in force at the time when the act or omission took place.

(4) (a) Despite the repeal of the previous Act, any person who, before such repeal, committed an act or omission which constituted an offence under that Act and which constitutes an offence under this Act, may after this Act takes effect be prosecuted under the relevant provisions of this Act.

(b) Despite the retrospective application of this Act as contemplated in paragraph (a), any penalty imposed in terms of this Act in respect of an act or omission which took place before this Act came into operation may not exceed the maximum penalty which could have been imposed on the date when the act or omission took place.

Investigations by the Inspector General of Police under previous Act

9.—(1) An investigation by the Inspector General of Police in terms of the previous Act which has not been completed when this Act commences, must be discontinued.

(2) Any act or omission committed prior to the coming into operation of this Act, which constituted grounds for declaring a person unfit to possess an arm, must be regarded as constituting grounds for declaring a person unfit to possess a firearm in terms of this Act.

Consideration of validity of existing licence, permit and authorisation

10.—(1) Despite this Schedule, the Registrar may at any time notify any person who holds a licence, permit or authorisation contemplated in item 1, 2, 3, 4 or 5 that he or she intends investigating the validity of that licence, permit or authorisation.

(2) The person notified must on a date specified in the notice furnish the Registrar—

(a) with the original licence, permit or authorisation in question, against the issue of a receipt; and

(b) with such additional information as may be required in terms of the notice.

(3) If the Registrar finds that the licence, permit or authorisation was not validly issued, the holder of the licence, permit or authorisation must, if applicable and against the issue of a receipt, surrender the firearm in question to a police official at a police station specified by the Registrar in a written notice to the holder.

(4) The firearm must be disposed of as prescribed after the expiration of a period of six months after the date of surrender or after all possible appeals have been concluded or the last date on which any appeal could have been noted has passed without an appeal having been noted, whichever occurs last.

(5) The Registrar may declare the holder referred to in sub-item (3) to be unfit to possess a firearm, in which case the provisions of Part 12 of this Act apply with the necessary changes.

(6) Any person who fails to comply with sub-item (2) or (3) is guilty of an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding one year or to both a fine and such imprisonment.

Renewal of licence

11.—(1) (a) The holder of a licence, permit or authorisation contemplated in item 1, 2, 3, 4 or 5 must apply for the corresponding licence, permit or authorisation in terms of this Act within the period determined by the Minister by notice in the Gazette.

(b) Different periods may be determined in terms of paragraph (a) in respect of—

(i) different licences, permits or authorisations; and

(ii) holders whose surnames start with different letters of the alphabet, or whose dates of birth fall in different months.

(c) The period contemplated in paragraph (a) must end before the end of the relevant period contemplated in item 1(1) and may not exceed the periods contemplated in item 2, 3, 4 or 5.

(d) If an application for the renewal of a licence, permit or authorisation has been lodged within the period provided for in this section, the licence, permit or authorisation remains valid until the application is decided.

(2) An application for a licence, permit or authorisation contemplated in sub-item (1) must in addition to any requirement in terms of this Act be accompanied by—

(a) a certified copy of the existing licence, permit or authorisation;

(b) such other information as may be required.

(3) For purposes of this item, section 11 (2) (o) does not apply.

~~(4) Any holder of a licence, permit or authorisation who fails to apply for the renewal of his or her licence, permit or authorisation before the end of the period determined by the Minister in terms of sub-item (1), is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year or to both a fine and such imprisonment.~~

SCHEDULE 2

OFFENCES GIVING RISE TO UNFITNESS ENQUIRY BY COURT

Section 106 (3)

1. High treason
 2. Sedition
 3. Sabotage
 4. Terrorism
 5. Public violence
 6. Arson
 7. Intimidation
 8. Rape
 9. Malicious damage to property
-
10. Entering any premises with the intent to commit an offence under the common law or a statutory provision
 11. Kidnapping
 12. Child stealing
 13. Culpable homicide
 14. Extortion
 15. Any crime or offence—
 - (a) in terms of this Act or the previous Act;
 - (b) involving the abuse of alcohol or drugs;
 - (c) involving dealing in drugs;
 - (d) involving violence or dishonesty; or
 - (e) in terms of the Explosives Act, and
 16. Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule

SCHEDULE 3

PENALTIES

Section 124

Section Maximum period of imprisonment

- 3 15 years
- 4 25 years
- 6 (1) Two years
- 6 (2) Two years
- 6 (3) Two years
- 6 (4) Two years
- 7 (1) Two years
- 7 (1) Two years
- 14 (3) Two years
- 15 (4) Two years
- ~~16 (5) Five years~~
- 17 (4) Two years
- 18 (4) Two years
- 18 (5) Two years
- 19 (4) Two years
- 19 (5) Two years
- 20 (3) (a) Two years
- 20 (3) (b) Three years
- 20 (4) Two years
- 21 (2) (b) Five years
- 20 (3) Five years
- 21 (4) (a) Two years
- 21 (4) (b) Three years
- 22 (3) Five years
- 22 (4) (a) Two years
- 22 (4) (b) Three years
- 22 (5) Five years
- 22 (6) Five years
- 23 (4) Five years
- 23 (5)(a) Five years
- 23 (5)(b) 25 years
- 23 (6)(a) Five years

- 23 (6)(b) Five years
- 23 (7) Two years
- 23 (8) Two years
- 24 (5) Five years
- 24 (4) Two years
- 26 (5) 10 years
- 26 (6) Five years
- 28 (1) Two years
- 29 Two years
- 31 (4) 10 years
- 31 (5) 10 years
- 32 (1) Two years
- 32 (2) Two years
- 34 (1) 25 years
- 34 (2) 25 years

Section Maximum period of imprisonment

- 34 (3) 15 years
- 35 (2) Four years
- 39 (6) Two years
- 41 Two years
- 42 (1) Four years
- 42 (2) Four years
- 42 (3) Five years
- 42 (4) Two years
- 42 (5) Three years
- 42 (6) Three years
- 42 (8) Three years
- 42 (9) 15 years
- 44 (5) 25 years
- 45 (4) 25 years
- 45 (5) 25 years
- 47 (1) Two years
- 47 (2) Two years
- 48 (1) 25 years
- 48 (2) 25 years
- 53 (6) Two years
- 55 Two years

- 56 (1) Four years
- 56 (2) Five years
- 56 (3) Three years
- 56 (4) Two years
- 56 (5) Two years
- 56 (6) Three years
- 56 (7) 15 years
- 58 (5) 25 years
- 59 (4) 25 years
- 59 (5) 25 years
- 61 (1) Two years
- 61 (2) Two years
- 62 15 years
- 67 (6) Two years
- 69 Two years

-
- 70 (1) Two years
 - 70 (2) Five years
 - 70 (3) Two years
 - 70 (4) Three years
 - 70 (5) Three years
 - 70 (7) Three years
 - 70 (8) 15 years
 - 72 (5) 25 years
 - 73 (4) 25 years
 - 73 (5) 25 years
 - 75 (1) Two years
 - 75 (2) Two years
 - 76 (1) 15 years
 - 76 (2) 15 years
 - 81 (1) Two years
 - 81 (2) Three years

Section Maximum period of imprisonment

- 81 (3) Three years
- 81 (4) 15 years
- 83 (5) 25 years
- 85 (1) Two years
- 85 (2) Two years

86 15 years
87 Two years
88 (1) 25 years
90(1) Two years
90 (2) Two years
90 (3) Two years
91 (2) 25 years
93 15 years
94 (1) 10 years
94 (2) 10 years
96 (2) 10 years
96 (3) 10 years
96 (4) 10 years
97 (2) Five years
97 (3) Two years

101 (1) Two years
101 (5) Two years
101 (7) Two years
105 (4) 15 years
107 (2) 15 years
109 Two years
110 (1) 10 years
110 (2) One year
111 (1) One year
123 (2) 15 years
123 (4) Five years
123 (5) Three years
123 (6) Three years
123 (7) 10 years
123 (8) Five years
123 (9) Five years
123 (10) Five years
123 (11) (a) 10 years
123 (11) (b) 25 years
123 (12) 10 years
123 (13) Five years
143 (2) (a) Five years

143 (2)(b) 10 years

143 (2)(c) 25 years

144 (1) 15 years

151 (1) 15 years

152 (1) Five years

152 (2) Five years

152 (3) Five years

152 (4) 15 years

153 (2) (a) 25 years

Section Maximum period of imprisonment

153 (2) (b) 25 years

153 (3) 15 years

154 (1) 10 years

155 (2) Five years

155 (3) (a) Two years

155 (3) (b) Two years

155 (3) (c) Two years

