



THE SENATE  
FEDERAL REPUBLIC OF NIGERIA

## **FIREARMS ACT (AMENDMENT) BILL, 2021**

**(SB. 549)**

A BILL

FOR

AN ACT TO AMEND THE FIREARMS ACT, CAP F28, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO INCREASE THE IMPOSITION OF FINES FOR OFFENCES; PROVIDE FOR THE DESTRUCTION OF FIREARMS ILLEGALLY IMPORTED INTO THE COUNTRY OR IN POSSESSION OF INDIVIDUALS WITHOUT VALID LICENSE WITH A VIEW TO CURTAILING THE CIRCULATION OF ILLEGAL FIREARMS IN THE COUNTRY; AND FOR RELATED MATTERS

FIRST READING  
SECOND READING  
THIRD READING AND PASSAGE

WEDNESDAY, 25<sup>TH</sup> NOVEMBER, 2020  
TUESDAY, 16<sup>TH</sup> FEBRUARY, 2021  
WEDNESDAY, 30<sup>TH</sup> JUNE, 2020

## FIREARMS ACT (AMENDMENT) BILL, 2021



### *Arrangement of Clauses*

#### Clauses

1. Amendment of Firearms Act Cap. F28 Laws of the Federation of Nigeria 2004
2. Amendment of Section 27
3. Amendment of Section 28
4. Amendment of Section 35
5. Amendment of Section 38
6. Insertion of new Section 39 in the principal Act
7. Insertion of new Section 40 in the Principal Act
8. Insertion of new Section 41 in the Principal Act
9. Citation

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AN ACT TO AMEND THE FIREARMS ACT, CAP F28, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO INCREASE THE IMPOSITION OF FINES FOR OFFENCES; PROVIDE FOR THE DESTRUCTION OF FIREARMS ILLEGALLY IMPORTED INTO THE COUNTRY OR IN POSSESSION OF INDIVIDUALS WITHOUT VALID LICENSE WITH A VIEW TO CURTAILING THE CIRCULATION OF ILLEGAL FIREARMS IN THE COUNTRY; AND FOR RELATED MATTERS, 2021

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

Commencement.

1. The Firearms Act Cap F28, LFN 2004 (in this Bill, referred to as "the principal Act") is amended as set out in this Bill. Amendment of Firearms Act Cap. F28 Laws of the Federation of Nigeria 2004.
2. Section 27 (1) (c) (v) of the Principal Act is amended by substituting the words "one hundred thousand naira", with "five million naira" and "two years" be replaced with "three years" as follows:  
(1) Any person who contravenes any of the provisions of this Act specified in paragraphs (a), and (c) of this section, shall be guilty of an offence and shall be liable on conviction-  
  
(c) as to any offences under any of the following-  
  
(v) section 12 of this Act (which relates to the stamping of all firearms sold or transferred), to a fine of five million Naira or imprisonment for a term of three years or both. Amendment of Section 27
3. Section 28 of the principal Act is amended is by inserting the word "thousand" after the word "hundred" as follows -  
The holder of any license or permit granted in accordance with the provisions of this Act shall produce same, and if so required any firearm or ammunition to which such license or permit relates, upon the request of a police officer, and in default shall be liable upon conviction to a fine of one hundred thousand naira or imprisonment for six months. Amendment of Section 28
4. Section 35 (2) of the principal Act is amended by substituting the words "one thousand" with "three million", as follows:  
(2) A proclamation under subsection (1) of this section, may require the surrender of firearms and ammunition within a specified time and to a specified authority, and any person neglecting to make such surrender, or being in possession of or dealing in any firearm or ammunition during the period that such proclamation is in force, is guilty of an offence and liable to a penalty of three million naira or imprisonment for three years, or to both such fine and imprisonment. Amendment of Section 35
5. Section 38 of the principal Act is amended as follows:  
"The provisions of this Bill shall not apply to any member of the armed forces of the Federation, Nigeria Police Force and other law enforcement agencies, in relation to any firearm or ammunition issued to him for official purposes, and an officer of such Armed Forces, the Nigeria Police Force and other law enforcement agencies shall, if the Inspector-General of Police is satisfied that he is required to purchase or acquire a firearm or ammunition therefor for his own use in his capacity as such officer, be entitled Amendment of Section 38

without payment of any fee to the grant of a license thereof.”

6. A new Section 39 is hereby inserted after the existing Section 38 of the Principal Act, as follows:

Insertion of new  
Section 39 in the  
principal Act

(1) It shall be lawful for any officer of the Nigerian Armed Forces, Nigeria Police Force, Nigerian Customs Service, Nigeria Security and Civil Defence Corps and officers of other law enforcement agencies to seize and confiscate any illicit and illegal firearms imported into the country without any valid import documents or firearms in possession of any individual, corporate bodies and other organisations, without a valid license.

(2) The head of the agency or organisation responsible for the seizure, shall create a place for safe custody of the firearms in question and designate an officers (record keepers) who shall record the details of the firearms in question in a database, containing the following information, namely –

- (a) make, model, caliber and serial number of the firearm;
- (b) country of manufacture;
- (c) country of import; and
- (d) person on whom the firearm was found and the country of citizenship.

(3) After the confiscation or seizure of illegal firearms imported into the country or in possession of any individual, corporate bodies and other organisations, the agency responsible for the confiscation/seizure, shall within Fourteen (14) days deposit the confiscated and seized firearms with the Office of the National Security Adviser, who shall act as the Central Coordinating Body for all illicit and illegal firearms confiscated or seized by any law enforcement agency.

(4) Upon receipt of the confiscated or seized illicit or illegal firearms referred to in subsection (3) of this section, the Office of the National Security Adviser shall in collaboration with the Armed Forces assess and separate the firearms that are:

(a) of military serviceable grades to be deployed to the military; and

(b) serviceable but not of military grades to be deployed for use by Civilian Joint Task Force (JTF) and Registered Vigilantes under the approval and supervision of the Office of the National Security Adviser.

(5) In accordance with subsection (4) of this section, arrangement shall be put in place by the Office of the National Security Adviser for the physical destruction of the unserviceable firearms during a destruction ceremony.

(6) The Office of the National Security Adviser shall fix the date of destruction as well as the location of the destruction and ensure the presence of media coverage and independent observers at the destruction in compliance with international best practices on destruction of weapons most especially, the International Small Arms Control Standards (ISACS) developed by the United Nations Coordinating Action on Small Arms (CASA).

(7) The destruction ceremony referred to, in subsection (6) of this section, shall be conducted by the Office of the National Security Adviser within a maximum period of Two (2) months after seizure except where there is a valid court order preventing the said destruction.

(8) The firearms subject to seizure and destruction in this Bill includes, small arms and light weapons, ghost guns or homemade firearms, relinquished during –

- (a) Amnesty programme;
- (b) operations by security agencies; and
- (c) collection programme by security agencies or recovered in crime or identified as surplus requirements of the Armed Forces.

7. A new Section 40 is hereby inserted after the new section 39, as follows:

Insertion of new  
Section 40 in the  
Principal Act

(1) Any person who tampers with the firearms seized or confiscated pursuant to Section 39 of this Bill is guilty of an offence and liable on conviction to a minimum sentence of 10 years imprisonment.

(2) Any person who assists encourages and or colludes with the record keeper or any person in charge of the firearms to steal, remove or deals with seized or confiscated firearms is guilty of an offence and liable on conviction to a minimum sentence of Ten (10) years imprisonment.”

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

Insertion of new  
Section 41 in the  
Principal Act

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

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

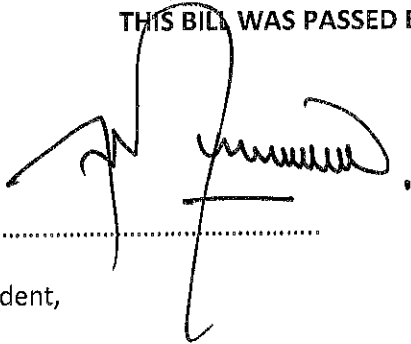
9. This Bill may be cited as Firearms Act (Amendment) Bill, 2021.

Citation

#### EXPLANATORY MEMORANDUM

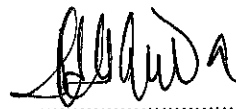
This Bill seeks to amend the Firearms Act, Cap. F28, Laws of the Federation of Nigeria, 2004 to among other things, increase the imposition of fines for offences; provide for the destruction of firearms illegally imported into the country or in possession of individuals, corporate bodies and other organisations, without valid license with a view to Curtailing the Circulation of Illegal Firearms in the Country.

**THIS BILL WAS PASSED BY THE SENATE ON WEDNESDAY, 30<sup>TH</sup> JUNE, 2021**



.....  
President,

Senate of the Federal Republic of Nigeria



.....  
Clerk

Senate of the Federal Republic of Nigeria