

FIREARMS ACT (AMENDMENT) BILL, 2020

ARRANGEMENT OF CLAUSES

1. Amendment of The Firearms Act, Cap. F28, Laws of the Federation of Nigeria, 2004
2. Amendment of Section 27 of the Principal Act
3. Amendment of Section 28 of the Principal Act
4. Amendment of Section 35 of the Principal Act
5. Amendment of Section 38 of the Principal Act
6. Amendment of Section 40 of the Principal Act
7. Amendment of Section 41 of the Principal Act
8. Citation

A BILL

FOR

AN ACT TO ALTER THE FIREARMS ACT, CAP F28, LAWS OF THE FEDERATION OF NIGERIA 2004, TO AMONGST OTHER PROVISIONS 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 IN A BID TO BUILD PUBLIC CONFIDENCE IN THE OVERALL EFFORTS TARGETED AT PREVENTING AND CURTAILING THE CIRCULATION OF ILLEGAL FIREARMS IN THE COUNTRY AND FOR RELATED MATTERS, 2020

Sponsored by Senator Uba Sani

[] Commencement

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

- 1 **1.** The Firearms Act 2004 in this Bill referred to as ("the Principal
2 Act") is amended as set out in this Bill. Amendment of
Firearms Act 2004
- 3 **2.** Section 27 (1) (c) (v) of the Principal Act is amended by Amendment of
Section 27
4 substituting for the words "one hundred thousand naira", with the words
5 "one million naira" instead.
- 6 **3.** Section 28 of the Principal Act is amended in line 3 by Amendment of
Section 28
7 substituting for the words "one hundred naira", with the words "one hundred
8 thousand naira" instead
- 9 **4.** Section 35(2) of the Principal Act is amended in line 4 by Amendment of
Section 35(2)
10 substituting for the words "one thousand naira", with the words "one million
11 naira" instead
- 12 **5.** A new Section 39 is hereby inserted after the existing Section
13 38 of the Principal Act is amended:
14 "Power to Seize and Destroy Confiscated and Illegal Firearms:
15 (1) It shall be lawful for any officer of the Nigerian Armed Forces,

1 Nigeria Police Force, Nigerian Customs Service, Nigeria Security and Civil
2 Defence Corps and officers of law enforcement agencies to seize and
3 confiscate any illicit and illegal firearms imported into the county without any
4 valid import documents or firearms in possession of any individual without any
5 valid licence.

6 (2) The Head of Agency responsible for the seizure shall create a place
7 for safe custody of the firearms in question and designate an officer (record
8 keeper) who shall record the details of the firearms in question in a database
9 containing the following information namely-

10 (a) make, model, calibre and serial number of the firearm;

11 (b) country of the manufacture;

12 (c) country of import; and

13 (d) date of destruction and location of destruction.

14 (3) After the confiscation or seizure of illegal firearms imported into
15 the county or in possession of any individual, the agency responsible for the
16 confiscation/seizure, shall within Fourteen (14) days deposit the confiscated
17 and seized firearms with the Office of the National Security Adviser, who shall
18 act as the Central Coordinating Body for illicit and illegal firearms confiscated
19 or seized by any law enforcement agency.

20 (4) Upon receipt of the confiscated or seized illicit or illegal firearms
21 referred to in subsection (3) of this section, the Office of the National Security
22 Adviser shall in collaboration with the Armed Forces assess and separate the
23 firearms that are of military serviceable grades.

24 (5) In accordance with subsection (4) of this section, the firearms that
25 are of military serviceable grades, which shall be accounted for, shall be
26 deployed for that purpose and arrangements shall be put in place by the
27 National Security Adviser for the physical destruction of the unserviceable
28 ones during a destruction ceremony.

29 (6) The Office of the National Security Adviser shall ensure the
30 presence of media coverage and independent observers at the destruction and

1 ensure compliance with international best practices on destruction of
2 weapons most specially, the International Small Arms Control Standards
3 (ISACS) developed by the United Nations Coordinating Action on Small
4 Arms (CASA).

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

9 6. A new Section 40 of the Principal Act is hereby inserted after the
10 new section 39 of the Principal Act to read as follows:

Insertion of a
new Section 40

11 *"Offences:*

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

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

19 7. A new Section 41 of the Principal Act is hereby inserted after the
20 new section 40 of the Principal Act to read as follows:

Insertion of a
new Section 41

21 *"Offences:*

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

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

1 **8.** This Bill may be cited as the Firearms Act (Amendment) Bill,
2 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Firearms Act, Cap. F28, Laws of the Federation of Nigeria, 2004 to amongst other provisions, 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 in a bid to build public confidence in the overall efforts targeted at preventing and curtailing the circulation of illegal firearms in the country.