

REPORT OF THE COMMITTEE ON POLICE AFFAIRS ON A BILL FOR AN ACT TO AMEND THE EXPLOSIVES ACT, CAP. E18, LAWS OF THE FEDERATION OF NIGERIA, 2004 RELATING TO THEIR REGULATIONS, PENALTIES FOR DEFAULTERS, TO MAKE PROVISIONS FOR THE CONTROL OF IMPORTATION, MANUFACTURE, DISTRIBUTION, STORAGE, POSSESSION AND USE OF FIRECRACKERS AND EXPLOSIVES, TO REPEAL THE EXPLOSIVES ACT, CAP. E.18, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND RE-ENACT THE EXPLOSIVES ACT, 2017 TO MAKE COMPREHENSIVE PROVISIONS FOR THE USE AND CONTROL OF EXPLOSIVES IN NIGERIA AND FOR OTHER MATTERS CONNECTED THEREWITH (HB. 379, HB. 498, HB. 552 AND HB. 670) 2017.

PROVISIONS OF THE PRINCIPAL ACT.	PROVISIONS OF THE BILL	COMMITTEE'S RECOMMENDATIONS	COMMITTEE OF THE WHOLE RECOMMENDATIONS
AN ACT TO MAKE PROVISIONS FOR THE CONTROL OF EXPLOSIVES FOR THE PURPOSE OF MAINTAINING AND SECURING PUBLIC SAFETY; AND FOR PURPOSES CONNECTED THEREWITH.	A BILL FOR AN ACT TO AMEND THE EXPLOSIVES ACT, CAP. E18, LAWS OF THE FEDERATION OF NIGERIA, 2004 RELATING TO THEIR REGULATIONS, PENALTIES FOR DEFAULTERS, TO MAKE PROVISIONS FOR THE CONTROL OF IMPORTATION, MANUFACTURE, DISTRIBUTION, STORAGE, POSSESSION AND USE OF FIRECRACKERS AND EXPLOSIVES, TO REPEAL THE EXPLOSIVES ACT, CAP. E.18, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND RE-ENACT THE EXPLOSIVES ACT, 2017 TO MAKE COMPREHENSIVE PROVISIONS FOR THE USE AND CONTROL OF EXPLOSIVES IN NIGERIA AND FOR OTHER MATTERS CONNECTED THEREWITH (HB. 379, HB. 498, HB. 552 AND HB. 670) 2017.	A BILL FOR AN ACT TO REPEAL THE EXPLOSIVES ACT NO. 34 1967 CAP. E 18 LAWS OF THE FEDERATION OF NIGERIA 2004 AND RE-ENACT THE EXPLOSIVES ACT, 2018 TO MAKE COMPREHENSIVE PROVISIONS FOR THE USE AND CONTROL OF EXPLOSIVES IN NIGERIA AND TO PROVIDE FOR RELATED MATTERS.	

**POWER TO MAKE
REGULATIONS WITH
RESPECT TO
EXPLOSIVES.**

1. The Minister responsible for explosives may by regulations make such provision with respect to explosives as he considers expedient for the purpose of maintaining and securing public safety. (2) Without prejudice to the generality of the powers conferred by subsection (1) of this section, regulations made by virtue of that subsection may in particular include provision with respect to all or any of the following matters, that is to say- (a) the importation of explosives into Nigeria; (b) the manufacture, storage, transport or use of explosives; (c) the ownership or possession of explosives (including changes of ownership or possession); (d) fees in respect of licences or other instruments issued in pursuance of the regulation; (e) penalties for offences against the

PART 1.

APPLICATION OF THE BILL.

1. (1). No person may possess explosive or carry out any activity relating to explosives unless he or she holds a license, permit or authorization issued in terms of this Bill;

(2). Subject to section 24, this Bill does not apply to-

a. importation, exportation, storage, use, manufacture or transportation of any explosives by the Armed Forces or the Nigeria Police Force or any of its members performing official duties and acting in accordance with lawful instructions

b. importation, exportation, storage, use, manufacture, or transportation of any

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regulations, not exceeding in the case of any particular offence, imprisonment for a term of two years or a fine of N1,000 or to both such imprisonment and fine; (f) the seizure of explosives in respect of which an offence is alleged to have been or has been committed and the forfeiture of explosives in respect of which such offence has been committed.	explosives by Armed Force or Police Force of any country or any multinational or international defence or policing agency, which the Inspector-General of Police, after consultation with the minister of Foreign Affairs, by notice in the Gazette exempts from the provisions of this Bill, or to any member of such force, service or agency while on official duty;	DELETE	
c. loading or reloading of ammunition as contemplated in section of the firearms Control Act;	(3) (a). The Inspector-General of Police may exempt a person from any or all of the provisions of this Bill, or from a notice or instruction issued under this Bill, if such provision or provisions relate to an occupational health or occupational safety matter		

	(b). Any such exemption may be— (i). general or particular; (ii). For any period; (iii). Subject to any conditions aimed at achieving the object of this Bill; (iv). Amended or withdraw at any time; (4). In the event of any inconsistency between this Act and any other law in force at the enactment of this Bill, other than the Constitution, this Act prevails; PART 2. APPOINTMENT AND FUNCTIONS OF INSPECTORS AND DISPOSAL OF EXPLOSIVES. 2. The Inspector-General of Police upon clearance by the State Security Services and confirmation by the National Assembly may appoint a member of the Armed Forces and Police Force with explosive training as the Chief Inspector of Explosives.	DELETE	
SHORT TITLE 2. This Act may be cited as the Explosives Act.		<i>2. The President may appoint a member of the Armed Forces or Police not below the rank of a Brigadier or its equivalent with explosive training as the Chief Inspector of Explosives.</i>	

	(1) The Chief Inspector may, in consultation with the Inspector-General of Police appoints any member of the Armed forces or the Police force as an Inspector for a specific area.	(1) The Chief Inspector may, in consultation with the <i>Inspector-General of Police</i> <i>appoint</i> any member of the Armed forces or the Police force as an inspector for a specific area, <i>provided the person so appointed may not be an officer below the rank of a Colonel or its equivalent in the Police or any branch of the Armed Forces.</i>	
	(2) The Chief Inspector may delegate any power conferred upon him or her or assign any duty imposed upon him or her in terms of this Bill to an Inspector	<i>RETAINED</i>	
	3. (1). An Inspector may at any time when any activity in respect of explosive takes place at an explosives manufacturing site, an explosives magazine or a place contemplated in section 13(4) enter such site, magazine or place in order to—	<i>RETAINED</i>	

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| | <ul style="list-style-type: none">a. Inspect security arrangements at the site, magazine or place;b. Investigate compliance with the Bill;c. Require the person in control of the site, magazine or place to produce any record, book or other document relating to safety and security at the site, magazine or place for inspection or for the purpose of obtaining copies thereof or extracts therefrom;d. Examine any explosive or substance, material or related article found on or in the site, magazine or places; ore. Obtained a sample of any explosive or substance in or on the site, magazine or place for the purposes | | |
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	of analysis and testing. (2). The Inspector must show proof of his or her identity and authority when requested to do so by the person in control of the site, magazine or place in question; (3). If, upon any inspection, an inspector discovers that any method of work, packing or storage that is being used is in contravention of this Act or is likely to endanger the safety and security of any person, the inspector may demand the immediate discontinuation of the method or may take such steps as may be necessary to ensure the safety and security of any person or property 4. (1). An inspector may, on the authority of a warrant issued in terms of subsection 3(1) a. In order to obtain evidence, enter any premises where he or she has reason to believe that any provision of this Act has been or is being contravened; b. direct the person in control of or any person employed at the premises— i. to deliver any book, record or other		
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document that pertains to the investigation and is in the possession or under the control of that person;

ii. to furnish such information as he or she has with regard to the matter; or

iii. to render such assistance as the inspector requires in order to enable him or her to perform his or her functions under this Bill;

a. Inspect any book, record or other document and make copies thereof or excerpts there from;

b. Examine any explosive, material, substance or article found on the premises;

c. Take samples of any explosive, material, substance or article for the purpose of testing, examination, analysis and classification;

	d. Seize any explosive, material, substance, book, article, record or other document which might be relevant to a prosecution under this Act and keep it in his or her custody, but the person from whom any book, record or document has been taken may, at his or her own expense and under supervision of the inspector, make copies thereof or excerpts there from. (2). A warrant referred to in subsection (1) must be issued by a magistrate or a Judge of a High Court who has jurisdiction in the area where the premises in question are situated and may only be issued if it appears from information on oath or solemn declaration that there are reasonable grounds to believe that a provision of this Act has been or is being contravened and must specify which of the acts mentioned in subsection (1) may be performed by the inspector. (3). An inspector executing a warrant issued in terms of this section must immediately before commencing the execution-		
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a. identify himself or herself to the person in control of the premises, if such person is present, and hand to such person a copy of the warrant or, if such person is not present, affix a copy to a prominent place on the premises; and

b. on the request supply such person with particulars of his or her authority to execute the warrant.

(4). (a). An inspector may not enter upon or search any premises until he or she has audibly demanded admission to the premises and has notified the purpose of his or her entry, unless he or she is, on reasonable grounds, of the opinion that such demand and notification will defeat the purpose of the search.

(b). An inspector, on the authority of a warrant issued in terms of subsection (2), may use such force as may reasonably be necessary to overcome resistance to his or her entry or search.

(c) Any entry and search in terms of this

section may only be executed by day, unless the execution thereof by night is justifiable and necessary

(5). A warrant contemplated in this section remains in force until—

(a). it has been executed;

(b). it is cancelled by the person who issued it, or if such person is not available, by any person with similar authority

(c) One month from the date of its issue; or

(d). the purpose for which the warrant was issued no longer exists, whichever occurs first.

(6). An inspector may without a warrant enter upon any premises and search for, seize and remove anything referred to in subsection (1) if—

(a). the person who is competent to do so consents to such entry and search, seizure and removal; or

(b). there are reasonable grounds to believe that—

(i). a warrant would be issued to the inspector if he or she applied for such warrant; and

(ii). The delay in obtaining such warrant would defeat the purpose of the search

(7). If, during the execution of a warrant or during a search in terms of this section, a person claims that an article or document found upon or in the premises in question contains privilege information and refuses the inspection of such article or document, the inspector may request the clerk or registrar of the high court having jurisdiction to attach and remove that article or document for safe custody until a court of competent jurisdiction has made a ruling on the question as to whether or not the information in question is privileged.

(8). (a). subject to paragraph (b), (c), (d) and (e), any explosives seized in terms of this Bill.

(b). if the explosives cannot be moved due to the large volume thereof, the inspector must ensure that the explosives are guarded until they are disposed of in terms of this Bill or The Administration of criminal Justice Act

(c) No person may interfere with explosives contemplated in paragraph, (b), unless authorized by the inspector;

	(d). the explosives - (i). must be destroyed in accordance with section 8 if the explosives- (a). Are declared unserviceable or unstable by the inspector; or (b). Are dangerous and pose a threat to the safety and security of any person; or (ii). May be destroyed in accordance with section 8 if the criminal proceedings in respect of the explosives are not finalized within three months from the seizure of the explosives. (e). Before any explosives are destroyed in terms of paragraph (d), a person contemplated in section 212(4) of the Criminal Procedure Act or the provision of the The Administration of Criminal Justice Act, may investigate the explosives in question and prepare an affidavit contemplated in that section 5. If any explosives seized in terms of section 5 are forfeited to the federal Government in terms		
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of the Criminal Procedure Act or Administration of Criminal Justice Act, the Chief inspector may instruct that the explosives must be—

(a) kept for research and development purposes;

(b) sold to cover expenses incurred in the storing of the explosives pending the finalization of the Criminal Proceedings; or

(c) Destroyed in accordance with section 6

6. (1). Explosives may only be destroyed in accordance with such safe procedures as may be prescribed.

(2). Subject to Section 5, any inspector may order the destruction of any explosives forfeited to the state and the owner of the explosives is responsible for any reasonable expenses incurred in connection with the destruction of the explosives.

(3). Any person who uses, keeps, transports or stores explosives in contravention of this Act is liable for any damage if the explosives are destroyed in terms of this section and if the damage is the result of the manner in which the

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person used, kept, transported or store the explosives.

7. (1). Any police official may without a warrant take the fingerprints, palm prints, footprints and bodily samples of a person or group of persons or may cause any such prints or samples to be taken, if there are reasonable grounds to—

(a). suspect that the person or that one or more of the persons in that group has committed an offence punishable with imprisonment for a period of five years or longer in terms of this Act; and

(b). believe that the prints or samples or the result of an examination thereof, will be of value in the investigation by excluding or including one or more of the persons as possible perpetrators of the offence

(2). The person who has control over prints or samples taken in terms of this section—

a. may examine or cause them to be examined for the purpose of the investigation of the relevant offence;

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

(3). Bodily samples to be taken from the body of a person may only be taken by a registered medical practitioner or a registered nurse.

(4). A police official may do such tests, or cause such tests to be done, as may be necessary to determine whether a person suspected of having handled or detonated an explosive has indeed handled or detonated an explosive.

PART 3

MANUFACTURE, DEALING, IMPORTATION, EXPORTATION AND PACKAGING OF EXPLOSIVES.

8. (1). No person may keep, store or be in possession of any explosives on any premises other than an explosives manufacturing site or an explosives magazine, unless the explosives are kept, stored or possessed in accordance with—

(a). the conditions of a permit issued by an

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	inspector; and (b). any applicable regulation. (2). No person may transport any explosives unless the explosives are transported in accordance with- (a). the conditions of a permit issued by an inspector; and (b). any applicable regulation occupied by such person (3) (a). Any person who keeps, stores, possesses or transports explosives must inform the chief Inspector or the inspector appointed for the area in question of any loss of explosives within 24hours of the loss being discovered. (b). The information required in terms of paragraph (a) and the manner in which such information must be given, must be prescribed. (c) The Chief Inspector must establish a database reflecting the information contemplated in paragraph (b), and such information may be used by any person who requires such information for any legal purpose		
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(4) (a). No person may enter any explosives manufacturing site, explosives magazine or any vehicle in which explosives are being conveyed without permission of the person in control of the site, magazine or vehicle.

(b). Any person found, in contravention of paragraph (a) may forthwith be removed from the site, magazine or vehicle by any person employed at the site or magazine or the person in charge of the vehicle, as the case may be.

9. (1). In order to maintain public order or protect life and property, the Minister may, by notice in the Gazette, prohibit the transportation of any explosive from any place to any other place in or outside the Nation, for such a period as may reasonably be necessary, except under such conditions as may be set out in the notice.

(2). The minister may similarly prohibit the storage, removal, possession or use of explosives within any particular area by any person or by specified categories of persons, and may limit or vary the conditions of any licences or permits held or issued under this Bil

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10. (1). Any person who wishes to build, erect or run an explosives manufacturing site on any premises must, in addition to the requirements of any other law, obtain a certificate from the Chief Inspector to the effect that the premises are suitable from a security point of view.

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(2) (a). Any person who wants to run a magazine for the storage of explosives must apply, in writing, for a license to the Chief Inspector, who must determine-

(i). whether the premises on which the magazine is situated or is to be erected, are suitable from a security point of view; and

(ii). whether the applicant is a suitable person or the person designated to be in control of the magazine is a suitable person.

(b). The Chief Inspector may issue the license upon such conditions as he or she may deem fit, but must refuse to issue such a license if the premises are unsuitable or the applicant or the designated person is not a suitable person to hold the license in question.

	(3). An applicant whose application is refused in terms of subsection (2) (b), may appeal against the decision in the prescribed manner. (4). Any licence issued in terms of subsection (2)(b) or the conditions thereof may, upon application, be amended by the Chief Inspector if the safety and security of any person will not thereby be compromised. (5) (a). The Chief Inspector may revoke any licence issued in terms of subsection (2) (b) if he or she is satisfied that the holder thereof or the designated person is no longer a suitable person (b). The holder of a licence revoked in terms of paragraph (a) may lodge an appeal against the decision in the prescribed manner. (c) Until an appeal has been decided, the licence must be deemed to have been suspended. (6). Any licence issued under this section expires after such period as may be prescribed and becomes invalid if the	
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magazine in question is used for any purpose not provided for in the licence

11. (1). No person may sell, deal in or act as a broker in respect of any authorized explosives unless he or she is in possession of a licence granted in terms of this Bill.

(2). Possession of a licence contemplated in subsection (1) does not entitle the licensee to exemption from holding any licence or permit which may be required in terms of any other law.

12. (1). Subject to subsection (4), no person may manufacture, either wholly or in part, any authorized explosives in or on any premises other than an explosives manufacturing site

(2)(a). No person may manufacture any unauthorized explosives unless they are manufactured for the purposes of research or development and in such quantities and under such condition as the Chief Inspector permits in writing.

(b). No unauthorized explosives manufactured

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	in terms of paragraph (a) may be sold (3). Unless it is done on a licensed explosives or remove any identification mark from any explosives manufacturing site, no person may— (a). divide any explosives into their components, otherwise break down any explosives or remove any identification mark from any explosives (b). make any unserviceable explosives fit for use; or (c) Remake or rework any explosives. (4). The Chief Inspector may grant written permission, subject to applicable regulations and any conditions imposed by him or her in writing, to any person applying therefore in writing, to manufacture explosives— (a). on any premises where explosives are manufactured for testing; (b). on any premises where such explosives as may be prescribed are for immediate use		
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	(c) At any tertiary educational institution for the purpose of training or instruction; or (d). In any laboratory or testing facility registered with the Chief Inspector 13. (1). No person may use any explosives unless he or she is— (a). in possession of a permit authorizing such use, issued by an inspector in the prescribed manner; or (b). under the immediate and constant supervision of a person who is in possession of such a permit (2) (a). The Minister may by regulation by notice in the Gazette exempt any person or any group of person from obtaining a permit contemplated in subsection (1) if the exemption relates to the use of fireworks in celebration of a specified religious, cultural or traditional event.	RETAINED	
		(2) (a). <i>The Chief Inspector</i> may by regulation by notice in the Gazette exempt any person or any group of person from obtaining a permit contemplated in subsection (1) if the exemption relates to the use of fireworks in celebration of a specified religious, cultural or traditional event.	

(b). The Minister may limit the fireworks which may be used to any specified class and must specify the period for which the exemption is valid.

(3). No permit may be issued under this section unless the applicant is a suitable person.

14. Any person who gives out or pretends that an imitation of an explosive is in fact explosive is guilty of an offence

15. No person may import explosives into or export authorized explosives from the nation or cause any explosives to be imported into or authorized explosives to be exported from the Nation unless--

(a). he or she is in possession of a permit issued by or under the authority of the Chief Inspector; and

(b). in the case of exportation, he or she is in possession of such an end-user certificate as may be prescribed.

16. (1) (a). Any explosives must be clearly identified in the prescribed manner with

(b). *The Chief Inspector* may limit the fireworks which may be used to any specified class and must specify the period for which the exemption is valid.

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	legible and visible identification marks and must be packed in such packaging material as may be prescribed (b). The Chief Inspector, in writing, may permit different packaging material if there are compelling reasons justifying the giving of such permission. (2). Any person manufacturing, transporting or importing any explosives must submit examples of the packaging material contemplated in subsection (1) to the Chief Inspector in the prescribed manner, and the Chief Inspector must create and maintain, a database reflecting such information concerning the samples as may be prescribed. 17. No person may export, transfer, sell or supply any unauthorized explosives. PART 4. RECORD KEEPING. 18. (1). Any person manufacturing explosives or importing explosives into the Nation must submit specimens of such explosives to the forensic science	<i>RETAINED</i> <i>RETAINED</i>	
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	laboratory of the Nigeria Police Force in the prescribed manner from a date determined by the Inspector General of Police in the Gazette. (2). The head of the Forensic Science Laboratory, or a person designated by him or her, must create and maintain a database containing information concerning any explosives contemplated in subsection (1). 19. Any person who holds a licence, a permit, a certificate or an authorization in terms of this Act must keep a register in which such information as may be prescribed must be recorded. PART 5. ENDANGERING LIFE OR PROPERTY. 20. (1). For the purposes of this section, "explosion" includes a fire caused by explosives (2). Any person who intentionally delivers, places, discharges or detonates explosives with intent to cause death or	<i>RETAINED</i> <i>RETAINED</i>	
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serious bodily injury to any other person or to damage or destroy any place, facility or system is guilty of an offence.

(3). Any person who intentionally or negligently causes an explosion which endangers life or property is guilty of an offence

(4). Any person who in any manner—

(a). threaten that he or she or any other person intends to cause an explosion or to place explosives in such a manner or at such a place that life or property is or might be endangered is guilty of an offence; or

(b). Communicates false information, knowing it to be false, regarding any explosion or alleged explosion or explosives is guilty of an offence.

**PART 6.
PRESUMPTIONS.**

21. (1). For the purposes of this section—

(a). “explosives” include any container, apparatus, instrument, incendiary device or any part thereof or articles which—

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| | <p>(i). Contains any inflammable substance and which can be used, or can be adapted so that it can be used, to cause an explosion; or</p> <p>(ii). Was made or designed to cause an explosion; and</p> <p>(b). "residential premises" does not include a hotel, a room in a hostel and an apartment in an apartment building.</p> <p>(2). Whenever a person is charged in terms of this Act with an offence of which the possession of explosives is an element and the state can show that, despite taking reasonable steps, it was not able with reasonable certainty to link the possession of the explosives to any other person, the following circumstances will, in the absence of evidence to the contrary which raises reasonable doubt, be sufficient evidence of possession by that person of the explosives where it is proved that the explosives were found—</p> <p>(a). on residential premises and the person was, at the time</p> | | |
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	(i). in control of such premises; and (ii). Over the age of 18years and ordinarily resident of the premises; (b). buried in or hidden on land used for residential purposes and the person was, at the time— (i). employed to work on the land in or on which the explosives were found; and (ii). Over the age of 18years old (c) On the premises other than residential premises and the person was at the time— (i). in control of such premises; or (ii). Ordinarily employed on the premises; or (iii). Present in the immediate vicinity of the place on the premises where the explosives were found and the circumstances indicate that the explosives should have been visible to that person; or		
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	(iv). In control of a locker, cupboard or other container within which the explosives were found. (d). in or on a vehicle and the person was, at the time— (i). the driver of the vehicle; or (ii). The person in charge of the vehicle; or (iii). In control of all the goods on the vehicle; or (iv). The consignor of goods in or among which the explosives were found; or (v). the only person who had access to the explosives; or (vi). The employer of the driver of the vehicle and present on the vehicle (e). on any aircraft other than an aircraft which was used to convey passengers for gain, and the person was at the time— (i). present on the aircraft and in charge of the aircraft; or		
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| | <ul style="list-style-type: none"> (ii). The employer of the person contemplated in subsection (i) and present on the aircraft; or (iii). The consignor of the goods in or among which the explosives were found; (f). in the hold of an aircraft and the person was, at the time, the person in charge of the goods in the hold; (g). in a place on an aircraft or a vessel— <ul style="list-style-type: none"> (i). to which no-one besides the person has access; or (ii). Where the circumstances indicate that the explosives should have been visible to no-one besides the person; or (h). on any vessel other than a vessel which was used to convey passengers for gain, and the person was, at the time— <ul style="list-style-type: none"> (i). in charge of that vessel or that part of the vessel in which the explosives were found; or | | |
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| <ul style="list-style-type: none"> (ii). ordinarily employed in the immediate, vicinity of the place on the vessel where the explosives were found; or (ii). In the cargo of a vessel and the person was, at the time— <ul style="list-style-type: none"> (a). In control of the cargo of the vessel; or (b). The consignor of any goods in or among which the explosives were found. (3). In any criminal proceedings against a person where it is alleged that such person has injured or killed another person or has damaged property belonging to another person, the following circumstances will, in the absence of evidence to the contrary which raises a reasonable doubt, be sufficient evidence that such a person participated in the injury, killing or damage, where it is proved that— <ul style="list-style-type: none"> (a). the person was driving or was a passenger in a vehicle other than a vehicle designed or licensed to convey more than 20 persons; | | |
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(b). an explosive was detonated from the vehicle while the person was driving or was a passenger in the vehicle; and

(c)As a result of such detonation, a person was injured or killed or property was damaged.

22. Whenever a person is charged with an offence in terms of this Act of failing to report the loss of explosives and it is proved that such a person was at, the time, licensed or unauthorized possessor of the explosives alleged to have been lost, proof that the person has failed to produce such explosives within seven days of the request of an inspector to do so, will in the absence of evidence to the contrary which raises reasonable doubt, be sufficient evidence that the explosives have been lost.

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23. Whenever a person is charged in terms of the Act with an offence of failing to take reasonable steps to ensure that no explosives are brought onto premises under his or her ownership or control in contravention of this Act, proof that such explosives were brought onto the

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premise under his or her ownership or control in contravention of this Act, will in the absence of evidence to the contrary which raises reasonable doubt, be sufficient evidence that he or she failed to take such reasonable steps.

PART 7.

**OFFENCES, PENALTIES, JURISDICTION
AND APPEAL.**

24. (1). It is an offence to contravene or fail to comply with any-

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(a). provision of this Bill;

(b). condition of a licence, permit or authorization issued or granted by or under this

Bill; or

(c) Provision, direction or requirement of a notice issued under this Bill,

(2). It is an offence to—

(a). falsely represent oneself as an inspector;

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| <ul style="list-style-type: none"> (b). willfully obstruct or hinder any inspector in the exercise of the power conferred upon him or her or in the performance of the duties assigned to him or her in terms of this Bill; (c) Disobey any lawful order of an inspector, whether verbal or in writing; or (d). willfully give false information to an inspector <p>(3). It is an offence for any person to—</p> <ul style="list-style-type: none"> (a). create, distribute, produce or import, be in possession of a publication, whether in electronic or any other form, which contains methods for the synthesizing of, explosives; or (b). obtain information with regard to the method for the synthesizing of explosives, unless the publication or information relates to the performance of any activity permitted by licence, a permit, an authorization or a permission issued or given to him or her in terms of this Bill. | | |
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(4). It is an offence for the owner or person in control of premises not to take reasonable steps to ensure that no explosives are brought onto the premises.

NEW INSERTION

24 (5) - it is an offence for any person: -

(a). to be in possession of explosives or carry out any activity relating to explosives without license, permit or authorization issued in terms of this bill;

(b). to transport any explosives unless the explosives are transported in accordance with:

(i) the conditions of a permit issued by an inspector; and

(ii) any applicable regulation occupied by such person;

(c) to keep, store, possess or transport explosive without informing the chief inspector

		<i>or the Inspector appointed for the area in question of any loss explosives within 24 hours of the loss being discovered;</i> <i>(d) to enter any explosives manufacturing site, explosives magazine or any vehicle in which explosives are being conveyed without permission of the person in control of the site, magazine or vehicle;</i> <i>(e) to run a magazine for the storage of explosives without application in writing, for a license to the Chief Inspector.</i> RETAINED	
	25. (1). Any person convicted of a contravention of or failure to comply with— (a). section 21(2), is liable to imprisonment for a period not exceeding 25 years; (b). Section 10(1) or (20), 3(1), 13(1), (2) or (3), 14(1) or 16, is liable, in the case of—		

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| <p>(i) First offender, to imprisonment for a period not exceeding 15 years;</p> <p>(ii). Second offender, to imprisonment for a period not exceeding 20 years; and</p> <p>(iii). Third or subsequent offender, to imprisonment for a period not exceeding 25 years;</p> <p>(c) Section 21(3) Or (4), where the—</p> <p>(i). act or omission is willful and death does not result therefrom, is liable to a fine or to imprisonment for a period not exceeding 15 years, or to both fine and such imprisonment;</p> <p>(ii). Explosion is caused by a negligent act or omission and death results, is liable to a fine or imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment;</p> <p>(iii). Explosion is caused by a negligent act or omission and property or life is endangered, is liable to a fine or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment;</p> <p>(d). section 9(1), (2), (3), (4), or (5), 15 or 25(4)</p> | | |
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	is liable to imprisonment for a period not exceeding 15years; and (e). section 18 or 25(3) is liable to imprisonment for a period not exceeding 10years; and (f). section 7(1), 11(1) or (2), 19(1), 20, 25(1) or (2), 26(1), or 25(2)(a), (b), (c), or (d) is liable to a fine or to imprisonment for a period not exceeding five years, or both a fine and such imprisonment.	<i>NEW INSERTION</i> <i>(g). section (1), 9(2), (3) is liable to imprisonment for a period not exceeding 15years; and</i> <i>(h). section 9(4) is liable to imprisonment not exceeding 10 years;</i> <i>(i). section 11(2)(a) is liable to imprisonment for a period not exceeding 5 years with option of Fine or both.</i>
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(2). A court sentencing a person in terms of subsection (1) may declare—

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(a). any explosives in respect of which the offence was committed to be forfeited to the state and may make any order with regard to the safekeeping and destruction of the explosives, including an order for payment of the cost of safekeeping and destruction, as the court may deem fit;

(b). any vehicle or instrument used for the purpose of or in connection with the commission of the offence to be forfeited to the state;

(3). (1). Unless the court determines otherwise, a person becomes unfit to possess explosives if convicted of—

(a). the unlawful possession of explosives;

(b). any crime or offence involving the unlawful handling of explosives, whether explosives were used or handled by that person or by another participant in that crime or offence;

	(c) An offence involving the failure to store explosives in accordance with the requirements of this Bill. (d). an offence involving the negligent handling or loss of explosives while the explosives were in his or her possession; (e). an offence involving, the handling of explosives while under the influence of any substance which has an intoxicating or narcotic effect; (f). any other crime or offence in the commission of which explosives were used, whether the explosives were used or handled by that person or by another participant in the crime or offence; (g). any offence involving violence, sexual abuse or dishonesty, for which the accused is sentenced to imprisonment without the option of a fine; (h). any other offence under or in terms of this Act in respect of which the accused is sentenced to imprisonment without the option of a fine; (i). any offence involving the abuse of alcohol or drugs;		
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(j). any offence involving dealing in drugs;

(k). any offence in terms of the Firearms Control Act, in respect of which the accused is sentenced to imprisonment without the option of a fine;

(l). any offence involving sabotage, terrorism, public violence, arson, intimidation, rape, kidnapping or child stealing; or

(m). any conspiracy, incitement, or attempt to commit an offence referred to above.

(2) (a). A court which convicts a person of an offence referred to in schedule 2 and which is not an offence contemplated in subsection (1), must enquire and determine whether that person is unfit to possess explosives;

(b). if a court, acting in terms of paragraph (a), determined that a person is unfit to possess explosives, it must make a declaration to that effect.

(4). If a person becomes unfit to possess explosives or is declared unfit to possess explosives in terms of subsection (1) or (2) as

the case may be, the relevant court must notify the chief Inspector in writing of the person's unfitness and the notification must be accompanied by an order for the search and seizure of-

(a) all certificates, licenses and permits issued to the person in terms of this Bill; and

(b). all explosives in the person's possession;

(c) penalties for offences against the regulations, not exceeding in the case of any particular offence, imprisonment for a term of two years or a fine of N100,000.00 or to both such imprisonment and fine.

26. A High Court may impose any penalty in terms of this Bill, despite anything to the contrary contained in any other enactment or Law.

27. (1). Where any person is not satisfied with the decision or instruction given by an Inspector, he or she may within 14days, lodge a written statement to the Chief Inspector or his or her delegate, who must take action as soon as possible.

(2). A person contemplated in subsection (1)

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must submit a written statement to the Chief Inspector or his or her delegate setting out the grounds upon which the appeal is based.

(3). Where any person is not satisfied with the decision or instruction given by the Chief Inspector or his or her delegate, he or she may, within 30 days lodge a written appeal with an appeal board established by the Inspector General of Police in the prescribed manner.

(4). Until any appeal has been decided in terms of this section, the decision or instruction, as the case may be, must be deemed to have been validly made or given.

PART 9.

REGULATIONS.

28. (1). The Inspector-General of Police may make regulations regarding—

(a). anything which may or must be prescribed in terms of this Act;
(b). the use, disposal and destruction of explosives;

(c) The construction of explosives magazines;

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| | <ul style="list-style-type: none">(d). the conditions under which the manufacture of explosives other than in a licensed explosives manufacturing site may be carried out;(e). the storage of explosives;(f). the classification, composition, testing and analysis of explosives;(g). the grant, cancellation and suspension of any permit or licence mentioned in this Bill and the period for which any such permit or licence may be issued;(h). the packaging, transport, importation, exportation and transshipment of explosives, and the landing and handling of explosives in ports, harbours, airports and other places of entry or exit;(i). the prohibition of the transportation of explosives or the use for the transportation thereof of any means of transport except under authority of a permit issued by an inspector, the grant, cancellation and suspension of any such permit and the period for which any such | | |
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permit may be issued;

- (j). the issuing of a licence and an end-user certificate to a dealer or broker in explosives, the conditions of any such licence, the restrictions which may be placed upon the sale or disposal of explosives to particular person and the quantity of any explosives which may be purchased by any person or company under a permit issued by an inspector;
- (k). the inquiry into the circumstances of explosions including fires caused or suspected to have caused explosives, endangering or causing death or injury to persons or damage to property, and giving notice of all such explosions;
- (l). the prevention of trespassing in or upon an explosives manufacturing site or an explosives magazine or other place where explosives are kept;
- (m). determine fees or tariffs payable for any permit, licence or authorization in terms of this Bill;
- (n). the statistics which manufacturers and dealers may be called upon to supply;

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| <p>(o). the restricting of the sale and use of fireworks, excluding organized fireworks displays, to certain periods or days;</p> <p>(p). the establishment and functions of an appeal board;</p> <p>(q). any matter pertaining to record keeping;</p> <p>(r) The disposal of forfeited explosives; and</p> <p>(s). any other matter which must be regulated for the protection of life and property against explosions or for the achievement of the objects of this Bill</p> <p>(2). Regulations made under subsection (1) may provide for penalties for a contravention thereof or failure to comply therewith, which penalties may not exceed a fine or imprisonment for a period of five years, and they may also provide that any explosives in respect of which the contravention or non-compliance has taken place must be forfeited and destroyed.</p> <p>(3). Such regulations may also prescribe daily penalties for a continuing contravention or non-compliance or increased penalties for a second</p> | | |
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or subsequent contravention or non-compliance, subject to the maxima mentioned in subsection(2).

**PART 10.
REPEAL.**

29. The Explosives Act No. 34 of 1967 CAP E18 Laws of the Federation of Nigeria 2004 is hereby repealed.

DEFINITIONS.

30. In this Bill—

“Authorized explosive” means any explosive listed in the regulations as an authorized explosive;

“Broker” means any person who acts for others in negotiating or arranging contracts in respect of purchases, sales or transfer of explosives in return for a fee, commission or other consideration;

“Chief inspector” means the chief inspector of

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Explosives appointed by the Inspector-General of Police in terms of section 4(1);

“Convention” means the United Nations Convention on the making of Plastic Explosives for the Purpose of detection (Montreal Convention), 1991, as set out in schedule 3;

“Detection Agents” means any detection agent included in the technical annex to the convention;

“Detonate” means the initiation of an explosive by means of detonator, shockwave or other means of initiation;

“Explosion” means a chemical reaction involving a part production of gases resulting in the propagation of a shockwave;

“Explosive” means -

- a. A substance, or mixture of substances, in a solid or liquid state, which is capable of producing an explosion;

b. A pyrotechnic substance in a solid or liquid state, or a mixture of substances, designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these, as the result of non-detonative self-sustaining exothermic chemical reaction, including pyrotechnic substances;

c. Any article or device containing one or more substances

d. contemplated in paragraph (a);

e. Any plastic explosive; or

f. Any other substance or article which the ministry may from time to time by notice in the Gazette declare to be an explosive;

“Explosion magazine” means any building or part thereof, or any structure, licenses under this Act for the storage of explosives;

“Explosion manufacturing site” means any site licensed under this Act for the manufacture of

explosives;

“Firecrackers” means bangers, knockouts and other explosives and pyrotechnic substance contemplated in paragraph devices which are generally intended to be used for entertainment especially during festive periods.

“Public Fireworks Display” means a fireworks display at which the public or any section of the public are present (whether or not they have paid to be).

“Fireworks” means any pyrotechnic substance contemplated in paragraph (b) of the definition of “explosives” which-

- a. Is manufactured for the purposes of amusement or entertainment; and
- b. Is divided into such classes as may be prescribed;

“Imitation” in respect of an explosive, means anything that has the appearance of an explosive, but which is not capable of operating as such and cannot by superficial examination be identified as an imitation;

“Inspector” means any inspector of explosives appointed under section 4(2)

“Inspector-General of Police” as appointed by the Constitution of the Federal Republic of Nigeria

“Manufacturer” means the making or processing of any explosive, and includes the division of any explosive into another kind and the alteration, testing or reworking of any explosive;

“Making” in relation to a plastic explosive, means the introduction of a detection agent into plastic explosive in accordance with the Technical Annex to the Convention;

“Plastic explosive” means any explosive in flexible, malleable, plastic or sheet form which is-

- a. Formulated with one or more high explosives which in their pure form have a vapour pressure of less than 104 at a temperature of 25NC;
- b. Formulated with any binder material; and

	c. As a mixture, flexible or malleable, at normal room temperature “Premises” means any land, place, road, harbour, open water, river, building, structure, tent, ship, boat, aircraft, railway truck, cart, van or other vehicle or vessel; “Regulation” means any regulation made or regarded as having been made under this Bill; “Suitable Person” means a person- a. Who is 18 years and above b. Is a Nigerian citizen, holder of a permanent Nigerian residence permit; c. Is of stable mental condition and is not inclined to violence; d. Is not dependent on any substance which has an intoxicating or narcotic effect “this Bill” includes regulations “Unauthorized explosive” means any explosive other than an authorized explosive;		
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	“Unmarked plastic explosive” means a plastic explosive that— e. Does not contain a detection agent or f. At the time of manufacture, does not contain the required minimum concentration level of a detection agent set out in part 2 of the Technical Annex to the Convention. CITATION. 31. This Bill May be cited as the Explosives Act (Repeal and Re-enactment) Bill 2016.		
	EXPLANATORY MEMORANDUM This Bill seeks to Repeal the Explosives Act No. 34 1967 Cap. E 18 Laws of the Federation of Nigeria 2004 and Re-Enact the Explosives Act 2016 to make Comprehensive Provisions for the Use and Control of Explosives in Nigeria.	CITATION. 31. This Bill May be cited as the Explosives Act (Repeal and Re-enactment) Bill 2018. This Bill seeks to Repeal the Explosives Act No. 34 1967 Cap. E 18 Laws of the Federation of Nigeria 2004 and Re-Enact the Explosives Act 2018 to make Comprehensive Provisions for the Use and Control of Explosives in Nigeria.	