



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
NATIONAL ASSEMBLY

**COMMITTEE ON JUDICIARY, HUMAN RIGHTS AND
LEGAL MATTERS**

REPORT

ON

THE FIREARMS ACT (AMENDMENT) BILL, 2018 (SB. 489)

May, 2018

REPORT OF THE SENATE COMMITTEE ON JUDICIARY, HUMAN RIGHTS & LEGAL MATTERS ON A BILL FOR AN ACT TO AMEND THE FIREARMS ACT CAP. F28, LAWS OF THE FEDERATION OF NIGERIA 2004 TO PROVIDE FOR INCREASE OF FINE AND PROVIDE FOR DESTRUCTION OF FIREARMS ILLEGALLY IMPORTED INTO THE COUNTRY OR IN POSSESSION OF INDIVIDUALS WITHOUT VALID LICENSE AND FOR OTHER RELATED MATTERS CONNECTED THERWITH (SB. 489)

1.0 BACKGROUND

The Firearms Act Cap. F28, Laws of the Federation of Nigeria, 2004 (Amendment) Bill, 2017 (SB.489) was sponsored by ***Distinguished Senator Gbolahan J. Dada*** (Ogun West Senatorial District). The Bill was read the *First Time* on Wednesday 14th June, 2017.

The Senate at its Plenary Sitting on Wednesday 27th September, 2017, deliberated on the general principles of this Bill and after extensive deliberations, it was read the *Second Time*, and referred to the Senate Committee on Judiciary, Human Rights and Legal Matters, for further legislative action, vide *Senate Order of Referral dated 28th September, 2017*, to report back with its recommendations.

2.0 Objective of the Bill

The Bill in a nutshell, seeks to amend the Firearms Act Cap. F28, 2004 to among other things, achieve the following objectives:

1. To increase the imposition of fine for offences under the Act from the current regime, which is not stringent enough;
2. To provide for 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 illegal firearms from finding their ways into the country or the society; and
3. To generate revenue to the Federal Government through recycling and reusing waste materials, such as metal, wood and plastic derived from the destroyed firearms.

3.0 Methodology

After the referral of the Bill, the Committee held several meetings and resolved as follows:

- i. To consult widely with relevant Stakeholders on the merits of the Bill;
- ii. To organise a Committee Hearing in order to collate stakeholders' inputs on the Bill and to provide a platform for effective interactions; and
- iii. To consider any other matter incidental to, that would assist the Committee in the discharge of its assignment.

4.0 Committee's Activities

Mr. President, Distinguished colleagues, it should be stated that in furtherance of the above legislative framework, the Committee organised a Committee Hearing on Monday 4th December, 2017 with Stakeholders and interested members of the public, to elicit their inputs on the merits of the proposed amendment. The underlisted Stakeholders attended the Hearing:

1. The Hon. Attorney General of the Federation & Minister of Justice
2. The Nigerian Army
3. The Nigerian Navy
4. The Nigerian Airforce
5. The Nigerian Law Reform Commission
6. The Nigeria Immigration Service
7. The Nigerian Prisons Service
8. The National Human Rights Commission
9. The Nigerian Institute of Advanced Legal Studies
10. The Nigerian Bar Association

4.1 Highlights of Presentations at the Committee's Hearing

Mr. President, Distinguished colleagues, I wish state here that Stakeholders present at the Hearing made far-reaching contributions on the justifications for the passage of the Bill by the National Assembly. In their respective submissions, they unanimously

supported the passage of the Bill and canvassed the argument for further amendments that would enrich the proposed legislation. Below, are some of the key highlights of their presentations:

Firstly, stakeholders applauded the legislative intents of the Bill and submitted that its passage will bolster public confidence in the government's efforts in the fight against proliferation of illegal firearms in the country. They stated that the introduction of the amendment Bill is apt especially now that Nigeria is faced with a myriad of security challenges. The intendment of this Bill is laudable and it is a bold step towards curtailing proliferation of arms, which if left unchecked, the outcome could be catastrophic.

Secondly, they submitted that from available statistics, provided by the United Nations Regional Centre for Peace and Disarmament and Stockpile Management in Abuja, it was reported that proliferation of illicit small arms and light weapons in Nigeria has reached an alarming proportion. They averred that over 500 Million of such weapons are circulating in the West Africa Sub-Region, with over 350 Million, which represents 70% of such weapons that are domiciled in Nigeria. They maintained that this development is worrisome, hence the need to have this legislation in place in order to provide for stringent punishments to deter perpetrators of this illegal acts.

Thirdly, they argued that whilst supporting the passage of this Bill, they are also of the view that the clause, which provides for destruction of illegal and illicit weapons that would be confiscated,

should be redrafted in such a way that the confiscated firearms and weapons are not destroyed in their entirety. In this connection, they are of the opinion that the ones that are of military serviceable grades can be put to use for such purpose as it is done in other jurisdictions.

Fourthly, stakeholders posited that the destruction of the seized or confiscated arms should not be carried out by law enforcement agencies that seized or confiscated them. Rather, it should be done by a centralised coordinating body in the presence of other law enforcement agencies and the public for the purpose of transparency. As a result of the stakeholders position above, this Committee hereby recommends the Office of the National Security Adviser, as the Coordinating Body. Accordingly, we commend its approval to this distinguished Senate.

Finally, they appealed to the Senate to pass this Bill as it will no doubt, address a major and critical challenge that would impact positively on the lives of the people.

5.0 Legislative Summary

Mr. President, Distinguished colleagues, this legislative summary highlights further inputs/changes made on the provisions of the Bill by the Committee. We commend the approval of the proposed changes to this Distinguished Senate.

Clause 2

Clause 2 amends section 27 of the Principal Act. In the proposed Bill, sub-clause (1) (c) (v) of the Principal Act was amended to increase the fine from one thousand naira to one hundred thousand naira for contravention of the provisions of the Act. It is our considered opinion that the proposed fine is not commensurate with the degree of the offence. Therefore, it was reviewed upward to the sum of one million naira or to both fine and imprisonment, which in the Committee's concerted view, would serve as stringent punishment and deterrence to would-be perpetrators.

New Clauses 3 and 4 of the Principal Act

The new clauses 3 and 4 amends sections 28 and 35 of the principal Act, which deals with production of license and the prerogative of the President to prohibit possession or dealing in firearms, respectively. The Committee in the course of deliberations on this Bill observed that even though, sections 28 and 35 of the principal Act, were not part of the amendments, consequential amendments were introduced to reflect upward review of penalties in line with the amendment in section 27 of the Act. This initiative in our opinion, is apt because it relates directly to the subject matter and it is also within the scope of the Committee to do so.

Clause 3, renumbered as clause 5

This clause amends section 38A of the Principal Act. It deals with power to seize and destroy confiscated and illegal firearms. The

Committee introduced new sub-clauses (3) and (4) to this clause to among other things, provide for a Central Coordinating Body for the collation of the illicit and illegal firearms seized by any law enforcement agency in order to ensure accountability and transparency. And thereafter, firearms that are of military serviceable grades shall be put to use as is done in other jurisdictions like the United States. Also, sub-clause (3), which seeks to renumber sub-clause (5), was redrafted to ensure that the destruction of the confiscated or seized firearms, is supervised and executed by the Office of the National Security Adviser as against the proposal contained in the Bill, which is to the effect that it should be carried out by the organisations or law enforcement agencies that carried out the confiscation or seizure.

6.0 Observations/Findings

Having regard to views canvassed at the Committee Hearing and contribution made by Distinguished Senators during debates on the general principles of the Bill vis-à-vis our subsequent clause-by-clause analysis of the provisions of the Bill, we hereby make the following observations and findings:

1. That stakeholders unanimously supported the passage of the Bill with amendments, which are further reflected in the draft Bill that is recommended to this Distinguished Senate for approval;

2. That in view of proliferations of firearms across the country, coupled with the security challenges, this Bill is a welcome development and we commend its passage to this distinguished Senate;
3. That further inputs were made on this Bill, which provide for coordination of confiscated and seized firearms by a Central Coordinating Body through the Office of the National Security Adviser. The provision will not only guarantee effective coordination but will also ensure accountability and transparency;
4. That the fine in both the extant law and the proposed Bill, are not commensurate with the gravity of the offence, hence the upward review of the fine by the Committee, which will serve as deterrent and as well strengthen the current efforts geared towards the control of illicit and illegal firearms influx into the country and in the possession of individual(s);
5. That the utilisation of confiscated and seized firearms that are of military serviceable grades to be used by the military or paramilitary organisations, is in line with best practices obtainable in some jurisdictions like the United States of America, India, Australia, etc; and
6. That the destruction of the unserviceable firearms must be carried out within the stipulated period specified in the Bill, except where there is a valid *Court Order* to the contrary. This, in fact, is one of the major innovations of this Bill.

6.0 Recommendation

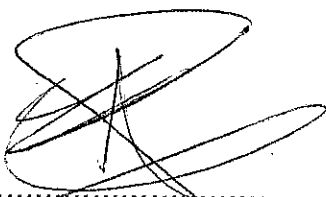
The Senate Committee on Judiciary, Human Rights and Legal Matters, to which the Bill was referred, having favourably considered same, recommends as follows:

"That the Senate do consider and pass the Firearms Act (Amendment) Bill, 2018, as amended".

I SO MOVE.

7.0 Conclusion

Finally, we wish to use this opportunity to thank the President of the Senate and our Distinguished Colleagues for the opportunity to serve in this capacity and to respectfully commend the passage of this Bill by the Senate.


.....

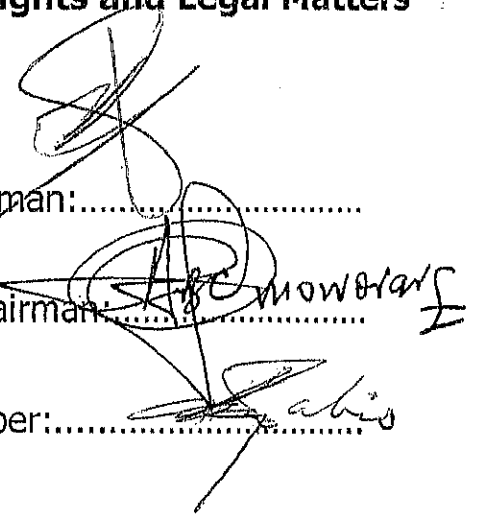
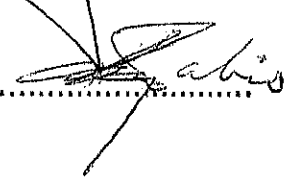
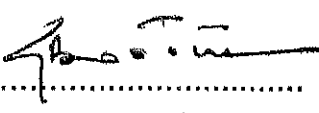
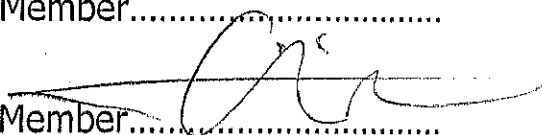
Senator David Umaru

Chairman

ENDORSEMENT PAGE

Senate Committee on Judiciary, Human Rights and Legal Matters

Membership

1. Senator David Umaru - Chairman:.....
2. Senator Babajide C. Omoworare, CON - V/Chairman:..... 
3. Senator Godswill Akpabio, CON - Member:..... 
4. Senator Joshua M. Lidani - Member:.....
5. Senator James E. Manager, CON - Member:.....
6. Senator Bala Ibn Na'Allah - Member:..... 
7. Senator Abdullahi Adamu, CON - Member:.....
8. Senator Chukwuka Godfrey Utazi - Member:..... 
9. Senator Ovie Omo-Agege - Member:.....
10. Senator Suleiman Adokwe - Member:.....
11. Senator Atai A. Aidoko - Member:..... 
- Charles Luri Bala Esq. - Committee Clerk:..... 



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
NATIONAL ASSEMBLY

**COMMITTEE ON JUDICIARY, HUMAN RIGHTS AND LEGAL
MATTERS**

REPORT

ON

THE FIREARMS ACT (AMENDMENT) BILL, 2018 (SB. 489)

MAY, 2018

REPORT OF THE SENATE COMMITTEE ON JUDICIARY, HUMAN RIGHTS AND LEGAL MATTERS ON A BILL FOR AN ACT TO AMEND THE FIREARMS ACT, CAP F28, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE FOR INCREASE OF FINE AND PROVIDE FOR DESTRUCTION OF FIREARMS ILLEGALLY IMPORTED INTO THE COUNTRY OR IN POSSESSION OF INDIVIDUALS WITHOUT VALID LICENCE AND FOR OTHER MATTERS CONNECTED THEREWITH.

CLAUSES	PROVISIONS OF THE PRINCIPAL ACT	PROVISIONS OF THE BILL	COMMITTEE'S RECOMMENDATION	REMARKS
1.	Firearms Act Cap. F28 Laws of the Federation of Nigeria 2004.	Amendment of the Principal Act 1. The provisions of Firearms Act 2004 (in this Act referred to as "the Principal Act") are amended as set out in this Bill.	Amendment of the Principal Act 1. The Firearms Act Cap. F28, Laws of the Federation of Nigeria, 2004 (in this Bill, referred to as "the principal Act") is amended as set out in this Bill.	
2.	Penalties 27. (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),	Penalties 2. The punishment section in Section 27 (1) (c) (v) of the Principal Act is amended to read as follows:	Penalties 2. Section 27 (1) (c) (v) of the Principal Act is amended by substituting for the words "one hundred thousand naira", the words "one million naira" instead.	The fine of One Hundred Thousand is not commensurate with the degree of the offence, hence the need for the upward review.

	to a fine of one thousand naira or imprisonment for a term of two years or to both such fine and imprisonment.	to a fine of one hundred thousand naira or imprisonment for a term of two years or to both such fine and imprisonment.		
3.	Production of licence 28. The holder of any licence 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 licence or permit relates, upon the request of a police officer, and in default shall be liable upon conviction to a fine of one hundred naira or imprisonment for six months.	No Provision	Production of licence 3. Section 28 of the principal Act is amended in line 3 by substituting for the words "one hundred naira", the words, "one hundred thousand naira", instead.	Consequential amendment to reflect upward review of penalties in section 27.
4.	President may prohibit possession or dealing 35. (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 one	No Provision	President may prohibit possession or dealing 4. Section 35 (2) of the principal Act is amended in line 4 by substituting for the words "one thousand naira", the words, "one million naira", instead.	Section 35 (2) of the Principal Act has been amended in line with the reasons adduced above.

	thousand naira or imprisonment for two years, or to both such fine and imprisonment.			
5.		3. A new Section 39 is hereby provided for the Principal Act to read as follows: <i>“Power to seize and destroy confiscated and illegal firearms”:</i> (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 any other law enforcement agency 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 without any valid licence. (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 officer (record keeper) who shall record the details of the firearms in question in a database containing the following information namely make, model, caliber, serial number, country of manufacture, country of import, date of destruction and location of destruction.	5. A new Section 38A is hereby inserted after the existing section 38 of the Principal Act to read as follows: <i>Power to Seize and Destroy Confiscated and Illegal Firearms</i> 38A. (1) Retained as in the Bill (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 officer (record keeper) 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) date of destruction and location of destruction. (3) After the confiscation or seizure of illegal firearms imported into the country or in possession of any individual, the organisation or 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 of military serviceable grades.	The Committee introduced new sub-clauses (3) and (4) to this clause to among other things, provide for a Central Coordinating Body for the collation of the illicit and illegal firearms seized by any law enforcement agency and to ensure that the ones that are of military serviceable grades are put to use in that regard. This is the practice in other jurisdictions like the United States.
		(3) Upon the seizure of such firearms mentioned in sub section (1) above, the agency or organisation responsible for the seizure shall make arrangements for physical destruction of the firearms in question at a place and location accessible to members of the public in order to build public confidence in	(5) In accordance with subsection (4) of this section, the firearms that are of military serviceable grades, which shall be accounted for, shall be deployed for that purpose and arrangements shall be put in place by the National Security Adviser for the physical destruction of the	This sub-clause was redrafted to ensure that the destruction of the confiscated or seized firearms is coordinated by the NSA.

		overall efforts to eradicate illegal firearms and prevent illegal firearms from finding their way back into the society. (4) The agency or organisation responsible for the seizure shall ensure the presence of media coverage and independent observers at the firearms destruction ceremony and ensure compliance with international best practices on destruction of weapons, most especially, International Small Arms Control Standards (ISACS) developed by United Nations Coordinating Action on Small Arms (CASA). (5) The firearms destruction ceremony mentioned in this section shall be conducted by the agency responsible for the seizure within a maximum period of seven (7) after seizure except there is a valid court order preventing destruction of such firearms. (6) The firearms subject to seizure and destruction in this Act includes small arms and light weapons relinquished during Amnesty programme or forming part of weapons collection programme or recovered in crime or identified as surplus requirements of the Armed	unservicable ones during a destruction ceremony. (6) The agency or organisation responsible for the seizure Office of the National Security Adviser shall ensure the presence of media coverage and independent observers at the firearms destruction ceremony and ensure 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 firearms destruction ceremony mentioned referred to in subsection (6) of this section, shall be conducted by the agency responsible for the seizure Office of the National Security Adviser within a maximum period of seven Two (2) months after seizure except there is a valid court order preventing destruction of such firearms. (6) The firearms subject to seizure and destruction in this Bill includes, small arms and light weapons relinquished during Amnesty programme or forming part of weapons collection programme or recovered in crime or identified as surplus requirements of the Armed	
--	--	---	---	--

		Forces.	Forces.	
6.		4. A new Section 40 is hereby provided for the Principal Act to read as follows: <i>"Offences":</i> (1) Any person who tampers with the firearms seized or confiscated pursuant to Section 39 of this Act is guilty of an offence and liable on conviction to a minimum sentence of ten years. (2) Any person who assist, encourage and or collude with the record keeper or any person in charge of the firearms to steal, remove or deal with the firearms in question is guilty of an offence and liable on conviction to a minimum sentence of ten years.	6. A new Section 40A is hereby inserted after the existing Section 40 of the Principal Act to read as follows: <i>Offences</i> 40A. (1) Any person who tampers with the firearms seized or confiscated pursuant to Section 39 of this Act 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 deal with the firearms in question is guilty of an offence and liable on conviction to a minimum sentence of 10 years imprisonment.	
7.		5. A new Section 41 is hereby provided for the Principal Act to read as follows: <i>"Recycling and reusing waste materials from destroyed firearms":</i> (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 Act in order to generate revenue and produce objects	7. A new Section 41A is hereby inserted after the existing Section 41 of the Principal Act to read as follows: <i>Recycling and reusing waste materials from destroyed firearms</i> 41A. (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	

		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.	objects with practical artistic and symbolic value. (2) Retained as in the Bill	
8.		Citation 6. This Bill may be cited as Firearms Amendment Bill, 2017.	Citation 8. This Bill may be cited as Firearms Act (Amendment) Bill, 2018.	
		EXPLANATORY MEMORANDUM This Bill seeks to amend the Firearms Act, Cap F28, Laws of the Federation of Nigeria 2004 to increase the fine imposed in Section 27 (1) (c) (i)-(v) from a fine of one thousand naira) to (one hundred thousand naira) and to provide for destruction of firearms illegally imported into the country or in possession of individuals without valid licence in order to build public confidence in overall efforts to eradicate illegal firearms and prevent illegal firearms from finding their way back into the society and also to generate revenue for the Federal Government from recycling and reusing waste materials such as metal, wood and plastic derived from destroyed firearms.	EXPLANATORY MEMORANDUM This Bill seeks to amend the Firearms Act, Cap F28, Laws of the Federation of Nigeria 2004 to increase the fine imposed in Sections 27 (1) (c) (i)-(v), 28 and 35 (2), respectively from a fine of one thousand naira) to (one hundred thousand naira) and to provide for destruction of firearms illegally imported into the country or in possession of individuals without valid license in order to build public confidence in the overall efforts to eradicate illegal firearms and prevent illegal firearms from finding their way back into the society, and to generate revenue for the Federal Government from recycling and reusing waste materials such as metal, wood and plastic derived from destroyed firearms.	