

Extraordinary



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PREAMBLE

A BILL

FOR

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

Sponsored by Senator Sani Musa

[] Commencement

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

PART 1 - PRELIMINARY PROVISIONS

- 1 **1.** In this Act, unless the context otherwise requires— Interpretation
2 “accredit” means accredit as contemplated in section 10;
3 “airgun” means any device manufactured to fire a bullet or any other
4 projectile at a muzzle energy of not less than 0.7 joules (0.5 ft-lbs) and not
5 more than 8 joules (6 ft-lbs), by means of compressed air and not by means
6 of burning propellant;
7 “ammunition” means a primer, propellant or complete cartridge;
8 “antique firearm” means all firearms manufactured before 1 January, 1870,
9 which were not manufactured to discharge rim-fire or centre-fire
10 ammunition and which have not been altered to discharge such ammunition;
11 “Appeal Board” means the Appeal Board established by section 131;
12 “cartridge” means a complete object consisting of a cartridge case, primer,
13 propellant and bullet;
14 “competency certificate” means a competency certificate contemplated in
15 part 5;
16 “dealer” means any person who is licensed in terms of this Act to trade in
17 firearms and ammunition;
18 “dedicated hunter” means a person who actively participates in hunting

- 1 activities and who is a member of an accredited hunting association;
- 2 “dedicated sports person” means a person who actively participates in sports-
- 3 shooting and who is a member of an accredited sports-shooting organisation;
- 4 “Designated Firearms Officer” means a police officer contemplated in section
- 5 127 (1) (h);
- 6 “firearm” means any-
- 7 (a) device manufactured or designed to propel a bullet or projectile
- 8 through a barrel or cylinder by means of a burning propellant or compressed
- 9 gas, at a muzzle energy exceeding 8 joules (6 ft-lbs);
- 10 (b) device manufactured or designed to fire rim-fire or centre-fire
- 11 ammunition;
- 12 (c) device which is not at the time capable of discharging any bullet or
- 13 projectile, but which can be readily altered to be a firearm within the meaning
- 14 of paragraph (a) or (b);
- 15 (d) specially dangerous airgun; or
- 16 (e) barrel, frame or receiver of a device referred to in paragraph (a),
- 17 (b) or (c) or of a specially dangerous airgun referred to in paragraph (d), but
- 18 does not include any device contemplated in section 5;
- 19 “fully automatic” means capable of discharging more than one shot with a
- 20 single depression of the trigger;
- 21 “gunsmith” means any person who performs work contemplated in section 62,
- 22 but who does not manufacture firearms;
- 23 “handgun” means a pistol or revolver which can be held in and discharged with
- 24 one hand;
- 25 “imitation firearm” means anything that has the appearance of a firearm but is
- 26 not capable of operating as such;
- 27 “load” includes reload, and “loading” has a corresponding meaning;
- 28 “Minister” means the Minister of Police Affairs;
- 29 “Inspector General” means the Inspector General of Police;
- 30 “occasional hunter” means any person who, from time to time, participates in

- 1 hunting activities but who is not a member of an accredited hunting
2 association;
- 3 “occasional sports person” means any person who, from time to time,
4 participates in sports-shooting but who is not a member of an accredited
5 sports-shooting organisation;
- 6 “police officer” means a member of the Nigeria Police Force;
- 7 “prescribed” means prescribed by regulation;
- 8 “President” means president and Commander-in-Chief of the Armed
9 Forces;
- 10 “private collector” means a person who collects firearms, who is a member
11 of an accredited collector's association and who is not a public collector;
- 12 “public collector” means a person who collects firearms for display to the
13 public and is accredited as such;
- 14 “Registrar” means the person referred to in section 126;
- 15 “regulation” means a regulation made under section 150;
- 16 “restricted firearm” means any firearm contemplated in section 16(1);
- 17 “security company” means a person renders a security service is accredited
18 as a provider of security services for its own business;
- 19 “security officer” means any person who is employed by a security
20 company;
- 21 “semi-automatic” means self-loading but not capable of discharging more
22 than one shot with a single depression of the trigger;
- 23 “specially dangerous airgun” means any device manufactured to discharge a
24 bullet or any other projectile by means of compressed air and not by means
25 of burning propellant, with-
- 26 (a) a .22 or higher calibre; or
- 27 (b) a muzzle energy exceeding 8 joules (6ft-lbs);
- 28 “this Act” includes any regulation;
- 29 “transfer” includes selling, letting, donating, lending or otherwise parting
30 with possession.

Purpose of Act	1	2. The purpose of this Act is to-
	2	(a) enhance the constitutional rights to life and bodily integrity;
	3	(b) prevent the proliferation of illegally possessed firearms and, by
	4	providing for the removal of those firearms from society and by improving
	5	control over legally possessed firearms, to prevent crime involving the use of
	6	firearms;
	7	(c) enable the Federal Government to remove illegally possessed
	8	firearms from society, to control the supply, possession, transfer and use of
	9	firearms and to detect and punish the negligent or criminal use of firearms;
	10	(d) establish a comprehensive and effective system of firearm control
	11	and management; and
	12	(e) ensure the efficient monitoring and enforcement of legislation
	13	pertaining to the control of firearms.
	14	PART 2 - PROHIBITIONS
General prohibition in respect of firearms	15	3. No person may possess a firearm unless he or she holds a licence,
	16	permit or authorisation issued in terms of this Act for that firearm.
Prohibited firearms	17	4.-(1) The following firearms and devices are prohibited firearms and
	18	may not be possessed or licensed in terms of this Act, except as provided for in
	19	sections 20, 22 and 23 (1) (b)-
	20	(a) Any fully automatic firearm;
	21	(b) any gun, cannon, recoilless gun, mortar, light mortar or launcher
	22	manufactured to fire-
	23	(i) a rocket, grenade, self-propelled grenade, bomb, explosive device
	24	or device that emits a chemical substance; or
	25	(ii) a projectile of a calibre of 20 millimeters or more;
	26	(c) any frame, body or barrel of such a fully automatic firearm, gun,
	27	cannon, recoilless gun, mortar, light mortar or launcher;
	28	(d) any projectile or rocket manufactured to be discharged from a
	29	cannon, recoilless gun or mortar, or rocket launcher, or any substance
	30	manufactured to propel or to assist in propelling any such projectile or rocket so

1 discharged, or any grenade, bomb or similar missile, or any frame or body of
2 any such projectile, rocket, grenade, bomb or similar missile;

3 (e) any explosive or incendiary device or any substantial part
4 thereof;

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

7 (g) any firearm-

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

10 (ii) the calibre of which has been altered without the written
11 permission of the Registrar;

12 (iii) the barrel length of which has been altered without the written
13 permission of the Registrar;

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

16 (2) For purposes of subsection (1) (g) (iii), the incidental alteration of
17 the length of the barrel of a firearm by a gunsmith in the ordinary course of
18 gunsmith's work which does not have as an objective the alteration of the
19 length of the barrel of that firearm must not be regarded as an alteration as
20 contemplated in that subsection.

21 (3) (a) The Minister may, by notice in the Gazette, declare any other
22 firearm of a specified type to be a prohibited firearm if it is-

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

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

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

Devices not
firearms for
purposes of this
Act

1 PART 3 - SPECIAL PROVISIONS IN RESPECT OF CERTAIN DEVICES

2 **5.-(1)** For purposes of this Act, the following devices are not regarded

3 as firearms-

4 (a) Any explosive powered tool manufactured for use by the

5 construction and building industry, including line-throwing guns and impex-

6 type building pistols;

7 (b) any explosive powered tool manufactured to split rock or concrete

8 by means of discharging an explosive cartridge;

9 (c) any industrial tool manufactured for use in the mining and steel

10 industry to remove refractory material;

11 (d) any captive bolt gun manufactured for use in an abattoir in the

12 humane killing of animals;

13 (e) an antique firearm;

14 (f) an airgun;

15 (g) a tranquilliser firearm;

16 (h) a paintball gun; and

17 (i) any other device which the Minister may, by notice in the Gazette,

18 exempt.

19 (2) A notice contemplated in subsection (1) (i) must be tabled in the

20 National Assembly at least 14 days before publication thereof if the National

21 Assembly is then sitting, and if it is not sitting, within seven days after the

22 commencement of the next sitting.

Antique firearms

23 **6.-(1)** An antique firearm may only be displayed or stored in-

24 (a) an accredited museum;

25 (b) a residence or other building occupied by the person or institution

26 in lawful possession of that antique firearm; or

27 (c) a building or place approved by the Registrar, and in compliance

28 with such conditions as the Registrar may impose.

29 (2) An antique firearm may only be discharged on an accredited

30 shooting range, or in or on such other premises as the Registrar may approve.

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

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

6 **7.-(1)** A person may dispose of an airgun only through a dealer. Airguns

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

10 **PART 4 - COMPETENCY CERTIFICATES, LICENCES, PERMITS,**
11 **AUTHORISATIONS AND ACCREDITATIONS**

12 **8.-(1)** The Registrar may issue any competency certificate, licence,
13 permit or authorisation contemplated in this Act- Competency
certificates, licences,
permits and
authorisations

14 (a) on receipt of an application completed in the prescribed form,
15 including a full set of fingerprints of the applicant if required by the
16 Registrar; and

17 (b) if the applicant complies with all the applicable requirements of
18 this Act.

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

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

24 **9.-(1)** When a juristic person wishes to apply for a licence, permit
25 or authorisation in terms of this Act, it must nominate a natural person to
26 apply on its behalf. Applications by
persons other than
natural persons

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

29 (3) A responsible person who holds any licence, permit or
30 authorisation issued in terms of this Act pursuant to an application

1 contemplated in subsection (1) on behalf of the juristic person must for
2 purposes of this Act be regarded as the holder of the licence in question.

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

Accreditation

6 **10.-(1)** Any accreditation required in terms of this Act must be done
7 by the Registrar in accordance with such regulations as may be prescribed.

8 (2) The regulations contemplated in subsection (1) must set out
9 different sets of criteria, in respect of different accreditations, which the
10 Registrar must apply when issuing an accreditation and which criteria must at
11 least include criteria relating to-

12 (a) trustworthiness and integrity;

13 (b) suitability to perform the relevant functions in terms of this Act;

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

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

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

18 **PART 5 - COMPETENCY CERTIFICATES**

Application for
competency
certificate

19 **11.-(1)** An application for a competency certificate to possess a
20 firearm, to trade in firearms, to manufacture firearms or to carry on business as
21 a gunsmith must be delivered to the Designated Firearms Officer responsible
22 for the area in which the applicant ordinarily resides or in which the applicant's
23 business is or will be situated, as the case may be.

24 (2) A competency certificate may only be issued to a person who-

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

27 (b) is a Nigerian citizen;

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

- 1 (d) is of stable mental condition and is not inclined to violence;
- 2 (e) is not dependent on any substance which has an intoxicating or
3 narcotic effect;
- 4 (f) has not been convicted of any offence under or in terms of this
5 Act or the previous Act;
- 6 (g) has not been convicted, whether in or outside Nigerian, of an
7 offence involving the use of a firearm, whether committed in or outside
8 Nigerian;
- 9 (h) has not been convicted, whether in or outside Nigeria, of an
10 offence involving violence, whether committed in or outside Nigeria;
- 11 (i) has not been convicted of fraud in relation to, or supplying false
12 information for the purposes of, obtaining a competency certificate, licence,
13 permit or authorisation in terms of this Act or the previous Act;
- 14 (j) has not been convicted, whether in or outside Nigeria, of an
15 offence involving the abuse of alcohol or drugs, whether committed in or
16 outside Nigeria;
- 17 (k) has not been convicted, whether in or outside, Nigeria of an
18 offence involving dealing in drugs, whether committed in or outside
19 Nigeria;
- 20 (l) has not, in a matter involving a reasonable apprehension of
21 violent behaviour by that person;
- 22 (m) has successfully completed the prescribed test on knowledge
23 of this Act;
- 24 (n) has successfully completed the prescribed training and
25 practical tests regarding the safe handling of a firearm;
- 26 (o) has not been declared unfit to possess a firearm in terms of this
27 Act or the previous Act; and
- 28 (p) has, where applicable, successfully completed the prescribed
29 training and practical tests for firearms dealers, manufacturers, gunsmiths,

1 security officers or other persons who use firearms in the course of their
2 business.

3 (3) Any offence referred to in subsection (2) means an offence in
4 respect of which-

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

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

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

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

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

Competency
certificate

19 **12.-(1)** A competency certificate must specify-

20 (a) whether it relates to competency to-

21 (i) possess a firearm;

22 (ii) trade in firearms;

23 (iii) manufacture firearms; or

24 (iv) conduct business as a gunsmith; and

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

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

27 PART 6 - LICENCE TO POSSESS FIREARM

Separate licence
in respect of each
firearms

28 **13.-(1)** The Registrar must issue a separate licence in respect of each
29 firearm licensed in terms of this Chapter.

30 (2) Despite subsection (1), the Registrar may issue to a person a single

1 document containing licences in respect of more than one firearm.

2 **14.-(1)** The Registrar may issue an additional licence in respect of a Additional licences
3 firearm contemplated in section 15, 16, 17, 18 or 19 to every person who
4 resides on the same premises as the holder of the licence in respect of the
5 firearm in question.

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

(3) If the holder of an additional licence contemplated in subsection (1) moves from the premises in question, such additional licence lapses and the person to whom such licence was issued must return that licence to the Registrar forthwith.

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

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

15 (b) handgun which is not fully automatic.

16 (2) The Registrar may issue a licence under this section to any
17 natural person who-

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

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

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

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

26 (a) for purposes of self-defence;

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

30 (c) for sporting purposes on premises of an accredited shooting

	1	range in accordance with the rules of that shooting range.
Licence to possess restricted firearm for self-defence	2	16.-(1) For purposes of this Act, a restricted firearm is any-
	3	(a) semi-automatic rifle, carbine or shotgun, which cannot readily be
	4	converted into a fully automatic firearm; or
	5	(b) firearm declared by the Minister, by notice in the Gazette, to be a
	6	restricted firearm.
	7	(2) A notice contemplated in subsection (1)(b) must be tabled in the
	8	National Assembly at least 14 days before publication if the National Assembly
	9	is then sitting, and if the National Assembly is not sitting, within seven days
	10	after the commencement of the next sitting.
	11	(3) The Registrar may issue a licence in terms of this section to any
	12	natural person who shows that a firearm contemplated in section 15 (1) will not
	13	provide sufficient protection, and who submits reasonable information to
	14	motivate the need for a restricted firearm for self-defence purposes.
	15	(4) No person may hold more than one licence issued in terms of this
	16	section.
	17	(5) A firearm in respect of which a licence has been issued in terms of
	18	this section may only be used-
	19	(a) for purposes of self-defence; and
	20	(b) to practise on premises of an accredited shooting range in
	21	accordance with the rules of that shooting range, or in or on any other
	22	prescribed place.
Licence to possess firearm for occasional hunting and sports-shooting	23	17.-(1) A firearm in respect of which a licence may be issued in terms
	24	of this section is any-
	25	(a) rifle or shotgun which is not fully or semi-automatic;
	26	(b) handgun which is not fully automatic;
	27	(c) barrel, frame or receiver of a rifle, shotgun or handgun
	28	contemplated in paragraph (a) or (b); or
	29	(d) specially dangerous airgun, which, if used for hunting, is not
	30	prohibited by any other legislation governing hunting in Nigeria and which is

1 not a restricted firearm.

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

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

6 (b) If a person holds a licence issued in terms of section 15, he or
7 she may only hold three licences issued in terms of this section and if he or
8 she holds two licences issued in terms of section 15, he or she may only hold
9 two licences issued in terms of this section.

10 (c) A person may not hold more than one licence in respect of a
11 handgun contemplated in subsection (1)(b);

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

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

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

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

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

24 **18.-(1)** A firearm in respect of which a licence may be issued in
25 terms of this section is any-

Licence to possess
firearm for dedicated
hunting

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

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

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

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

3 (e) specially dangerous airgun,
4 which is not prohibited by any other legislation governing hunting in Nigeria
5 and which is not a restricted firearm.

6 (2) The Registrar may issue a licence in terms of this section to a
7 dedicated hunter if the application is accompanied by an affidavit from the
8 chairperson of an accredited hunting association stating that the applicant is a
9 registered member of that association.

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

14 (4) A firearm in respect of which a licence has been issued in terms of
15 this section may only be used-

16 (a) for purposes of hunting on land suitable for hunting in accordance
17 with the rules of the accredited hunting association of which the holder of the
18 licence is a member;

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

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

24 (5) Every accredited hunting association must-

25 (a) keep a register which contains such information as may be
26 prescribed; and

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

Licence to possess
firearm for dedicated
sports-shooting

29 19.-(1) A firearm in respect of which a licence may be issued in terms
30 of this section is any-

- 1 (a) handgun which is not fully automatic;
- 2 (b) rifle or shotgun which is not fully automatic;
- 3 (c) semi-automatic shotgun manufactured to fire no more than
- 4 three shots in succession without having to be reloaded;
- 5 (d) barrel, frame or receiver of a handgun, rifle or shotgun
- 6 contemplated in paragraph (a), (b) or (c); or
- 7 (e) specially dangerous airgun.
- 8 (2) The Registrar may issue a licence in terms of this section to
- 9 dedicated sports person if the application is accompanied by an affidavit
- 10 from the chairperson of an accredited sports-shooting organisation
- 11 confirming that the applicant is a registered member of that organisation.
- 12 (3) The Registrar may issue further licences in terms of this section
- 13 to a dedicated sports person who requires a further firearm for sports-
- 14 shooting and whose application is supported by an affidavit from the
- 15 chairperson of the accredited sports-shooting organisation of which the
- 16 applicant is a member.
- 17 (4) A firearm in respect of which a license has been issued in terms
- 18 of this section may only be used-
- 19 (a) for purposes of hunting on land suitable for hunting, unless the
- 20 use of the firearm for hunting is prohibited by any legislation governing
- 21 hunting in Nigeria;
- 22 (b) for sporting purposes on premises of an accredited shooting
- 23 range in accordance with the rules of that shooting range; and
- 24 (c) to practise on premises of an accredited shooting range in
- 25 accordance with the rules of that shooting range, or in or on any other
- 26 prescribed place.
- 27 (5) Every accredited sports-shooting association must-
- 28 (a) keep a register which contains such information as may be
- 29 prescribed; and
- 30 (b) submit an annual report to the Registrar which contains such

	1	information as may be prescribed.
Licence to possess firearm to private collection	2	20.-(1) (a) A firearm which may be possessed in a private collection is
	3	any firearm approved for collection by an accredited collectors association;
	4	(b) Despite section 4, such prohibited firearm as may be prescribed
	5	may be licensed under this section.
	6	(2) The Registrar may issue a licence in terms of this section to a
	7	private collector if the application is accompanied by an affidavit from the
	8	chairperson of an accredited collectors association stating that the applicant is a
	9	registered member of that association.
	10	(3) The holder of a licence issued in terms of this section-
	11	(a) must keep the firearm at the place specified in the licence; and
	12	(b) may only display the firearm in accordance with such safety
	13	measures as may be prescribed.
	14	(4) A firearm in respect of which a licence has been issued in terms of
	15	this section may only be used on an accredited shooting range in accordance
	16	with the rules of that shooting range and in accordance with such conditions as
	17	the Registrar may impose.
Permit to possess ammunition in private collection	18	21.-(1) Ammunition which may be possessed in a private collection is
	19	any ammunition approved for collection by an accredited collectors
	20	association.
	21	(2) (a) The Registrar may, subject to such regulations as may be
	22	prescribed, issue a permit in terms of this section to a private collector if the
	23	application is accompanied by an affidavit from the chairperson of an
	24	accredited collectors association stating that the applicant is a registered
	25	member of that association;
	26	(b) A collector contemplated in paragraph (a) may not possess more
	27	than 200 rounds of ammunition of any particular calibre unless the Registrar
	28	approves the possession of a higher number in writing.
	29	(3) The holder of a permit issued in terms of this section may not
	30	discharge any ammunition in his or her collection.

1 (4) The holder of a permit issued in terms of this section-
2 (a) must keep the ammunition at the place specified in the permit;
3 and
4 (b) may only display the ammunition in accordance with such
5 safety measures as may be prescribed.

6 **22.**-(1) The Registrar may issue a licence to possess a firearm in a
7 public collection, a permit to possess ammunition in a public collection, or
8 both such permit and licence, to a public collector.

Licence to possess
a firearm, and permit
to possess
ammunition, in
public collection

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

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

14 (4) A firearm in respect of which a licence has been issued in terms
15 of this section and ammunition, in respect of which a permit has been issued
16 in terms of this section, may only be displayed-

17 (a) in an accredited museum; and
18 (b) in accordance with such safety measures as may be prescribed.

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

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

25 **23.**-(1) (a) A firearm in respect of which a licence may be issued in
26 terms of this section is any firearm other than a prohibited firearm;

Licence to possess
firearm for business
purposes

27 (b) Despite paragraph (a), a licence in respect of a prohibited
28 firearm may be issued to a person contemplated in subsection (2) (c) but
29 such person may only provide the prohibited firearm for use in theatrical,
30 film or television productions and then only if the prior written approval of

1 the Registrar has been obtained and on such conditions as the Registrar may be
2 impose.

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

4 (a) a security company;

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

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

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

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

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

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

16 (5) (a) The holder of a licence issued in terms of this section may only
17 provide the firearm for use by another person subject to such conditions as may
18 be prescribed;

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

22 (6) Every holder of a licence issued in terms of this section must-

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

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

26 (7) The holder of a licence issued in terms of this Act must, at the
27 request of a police official, produce for inspection-

28 (a) any firearm and ammunition in its possession or under its control;
29 and

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

1 (8) When a licence issued in terms of this section terminates, the
2 holder of the licence must within 30 days of such termination-

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

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

6 **24.**-(1) The Registrar may issue a temporary authorisation to
7 possess a firearm to any person, including a non-citizen-

Temporary
authorisation to
possess firearm

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

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

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

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

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

19 (5) A firearm in respect of which on authorisation has been issued
20 in terms of this section may be used only-

21 (a) if the Registrar by endorsement on the authorisation permits
22 such use; and

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

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

28 **25.** Despite anything to the contrary in this Act but subject to
29 section 123 (7), any person who is at least 21 years of age and the holder of a
30 licence to possess a firearm issued in terms of this Act may allow any other

Holder of licence
may allow another
person to use firearm

1 person to use that firearm while under his or her immediate supervision-

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

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

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

Identification
marks on firearms

8 **26.-(1)** No firearm licence may be issued unless the firearm bears the
9 manufacturer's serial number or any other mark by which the firearm can be
10 identified.

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

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

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

20 (5) No person may erase, alter or in any other manner tamper with the
21 manufacturer's serial number or any other identification mark on a firearm.

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

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

Renewal of firearm
licences

28 **27.-(1)** The holder of a licence issued in terms of this part who wishes
29 to renew the licence must at least 90 days before the date of expiry of the
30 licence apply to the Registrar for its renewal.

1 (2) The application must be-
 2 (a) accompanied by such information as may be prescribed; and
 3 (b) delivered to the Designated Firearms Officer responsible for
 4 the area in which the applicant ordinarily resides or in which the applicant's
 5 business is, as the case may be.

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

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

12 **28.**-(1) The holder of a firearm licence must in writing notify the
 13 Registrar of any change in his or her physical or postal address within 30
 14 days of such change occurring.

Notification of
change of address

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

17 **29.** The holder of a licence issued in terms of this Chapter must
 18 inform the Registrar in writing within 30 days if there is any change with
 19 regard to any information which was submitted in respect of the application
 20 for the issue of that licence.

Notification of
change of
circumstances

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

Period of validity
of licence or permit

TABLE - PERIOD OF VALIDITY OF LICENCE OR PERMIT

SECTION NUMBER

TYPE OF LICENCE OR PERMIT PERIOD OF VALIDITY

26 15 Licence to possess firearm for self-defence Five years
 27 16 Licence to possess restricted firearm for self-defence Two years
 28 17 Licence to possess firearm for occasional hunting and sports-
 29 shooting Ten years
 30 18 Licence to possess firearm for dedicated hunting Ten years

	1	19 Licence to possess firearm for dedicated sports shooting Ten years
	2	20 Licence to possess firearm in private collection Ten years
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Termination of firearm licence	10	
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28 (3) A temporary authorisation to trade in firearms and ammunition
29 must specify the-

Conditions imposed on dealer	1	(a) premises in respect of which it is issued;
	2	(b) period for which it is issued; and
	3	(c) conditions subject to which it is issued.
	4	(4) The Registrar may at any time, by written notice, withdraw an
Dealer's licence	5	authorisation issued in terms of this section.
	6	(5) The Office of the Central Firearms Register must keep a record of
	7	prescribed information in respect of all authorisations issued in terms of this
	8	section.
Renewal of dealer's licence	9	(6) A dealer to whom a temporary authorisation has been issued must
	10	comply with the requirements of subsection (3).
	11	40.-(1) A dealer may apply to the Registrar in the prescribed manner
	12	for removal of the business from the premises specified in the licence to
	13	different premises.
	14	(2) On receipt of the application referred to in subsection (1), the
	15	Registrar may endorse the licence or issue a new licence permitting the dealer
	16	to conduct the business from the new premises on such conditions as the
	17	Registrar may impose.
	18	41. The holder of a dealer's licence must inform the Registrar in
	19	writing within 30 days if there is any change with regard to any information
	20	which was submitted in respect of the application for the issue of that licence.
	21	42.-(1) A dealer may trade in firearms or ammunition only on
Temporary authorisation to trade in firearms and ammunition on premises other than those specified in dealer's licence	22	premises specified in the dealer's licence.
	23	(2) A dealer may not permit any person to trade in firearms or
	24	ammunition on his or her behalf unless that person is in possession of the
	25	appropriate competency certificate.
	26	(3) A dealer must keep such registers as may be prescribed and
	27	containing such information as may be prescribed at the premises specified in
	28	the dealer's licence.
	29	(4) A dealer must keep his or her dealer's licence on the premises
	30	specified in the licence.

1 (5) A dealer must, at the request of any police official, produce for
2 inspection-

- 3 (a) any firearms or ammunition that the dealer may have in stock;
4 (b) his or her dealer's licence; and
5 (c) any register or electronic data kept by the dealer in terms of Part
6 1 of this Chapter.

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

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

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

15 (9) A dealer must comply with any condition imposed under
16 section 36 and specification prescribed under that section.

17 **43.** The Registrar must, as soon as practicable, establish such Notification of
change of
circumstances
18 central dealers' database as may be prescribed.

19 **44.**-(1) The Registrar may suspend a dealer's licence if the
20 Registrar has information in a sworn statement or on solemn declaration that
21 the dealer has not complied with any- Duties of dealer t

- 22 (a) condition specified in the licence; or
23 (b) provision of this Act.

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

26 (3) A suspension may endure for a period longer than seven days if
27 the-

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

30 (b) Registrar has given due consideration to the representations;

1 and

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

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

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

8 **45.-(1)** A dealer's licence terminates-

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

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

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

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

14 (2) The Registrar may, by written notice, cancel a dealer's licence if
15 the holder of the licence-

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

Establishment
of centralised
dealers' database

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

Suspension of
dealer's licence

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

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

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

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

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

30 (5) If the firearms and ammunition are not disposed of within 60 days

1 they must be forfeited to the State and the former licence holder must
2 surrender them immediately at such place and in such manner as the
3 Registrar may determine.

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

6 **46.-(1)** A licence issued does not exempt the licence holder from
7 having to comply with the provisions of any other law.

Termination of
dealer's licence

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

11 **47.-(1)** If a dealer's licence is lost or stolen, the licence holder must
12 inform the Registrar within 24 hours of the discovery of the loss or theft.

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

17 MANUFACTURERS

18 **48.-(1)** No person may manufacture any firearm or ammunition
19 without a manufacturer's licence.

20 **49.-(1)** A manufacturer's licence may be issued to a person who is a
21 fit and proper person to manufacture firearms or ammunition.

22 **50.** The Minister may prescribe-

23 (a) conditions in respect of the issue of a manufacturer's licence
24 which the Registrar may impose on a licensed manufacturer;

25 (b) specifications in respect of the business premises of a
26 manufacturer.

27 **51.** A manufacturer's licence must-

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

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

	1	(c) contain such other information as may be prescribed.
	2	52. -(1) The holder of a manufacturer's licence who wishes to renew
	3	the licence must apply to the Registrar for its renewal in the prescribed form at
	4	least 90 days before the date of expiry of the licence.
	5	(2) The application must be-
	6	(a) accompanied by such information as may be prescribed; and
Application of other laws	7	(b) delivered to the Designated Firearms Officer responsible for the
	8	area in which the applicant's business premises are situated.
	9	(3) No application for renewal of a manufacturer's licence may be
	10	granted unless the applicant satisfies the Registrar that he or she has continued
	11	to comply with the requirements for the licence in terms of this Act.
Defaced, lost or stolen licences	12	(4) If an application for the renewal of a manufacturer's licence has
	13	been lodged within the period provided for in subsection (1), the licence
	14	remains valid until the application is decided.
	15	53. -(1) The Registrar may issue a temporary authorisation to a
	16	licensed manufacturer to display firearms and ammunition at premises other
Prohibition of unlicensed manufacture of firearms and ammunition	17	than those specified in the manufacturer's licence.
	18	(2) The Minister may prescribe conditions which the Registrar may
	19	impose on a licensed manufacturer in respect of a temporary authorisation
Requirements for manufacturer's licence	20	issued in terms of this section.
	21	(3) A temporary authorisation to display firearms and ammunition
Conditions imposed on licensed manufacturer	22	must specify-
	23	(a) the premises in respect of which it is issued;
	24	(b) the period for which it is issued; and
	25	(c) any conditions subject to which it is issued.
	26	(4) The Registrar may at any time, by written notice, withdraw an
Manufacturer's licence	27	authorisation issued in terms of this section.
	28	(5) The Office of the Central Firearms Register must keep a record of
	29	prescribed information in respect of all authorisations issued in terms of this
	30	section.

1 (6) A licensed manufacturer to whom a temporary authorisation
2 has been issued must comply with the requirements of subsection (3).

Renewal of
manufacturer's
licences

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

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

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

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

16 **56.-(1)** A licensed manufacturer may manufacture firearms or
17 ammunition only on premises specified in the licence.

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

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

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

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

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

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

	1	(b) his or her manufacturer's licence; and
	2	(c) any register or electronic data kept by the manufacturer in terms
	3	of this part.
Change of premises	4	(6) A licensed manufacturer must in the prescribed manner establish
	5	and maintain a workstation which links the registers referred to in subsection
	6	(2) to the central manufacturers database.
	7	(7) A licensed manufacturer must comply with the conditions
	8	specified in the manufacturer's licence.
	9	57. The Registrar must, as soon as practicable, establish such central
	10	manufacturers' database as may be prescribed.
	11	58.-(1) The Registrar may suspend a manufacturer's licence if the
	12	Registrar has information in a sworn statement or on solemn declaration that
	13	the manufacturer has not complied with any-
Notification of change of circumstances	14	(a) condition specified in the licence; or
	15	(b) provision of this Act.
	16	(2) A licence may be suspended for not more than seven days without
Duties of licensed manufacturer	17	affording the holder of the licence a hearing.
	18	(3) A suspension may endure for a period longer than seven days if
	19	the-
	20	(a) holder has been afforded an opportunity to make written
	21	representations to the Registrar;
	22	(b) Registrar has given due consideration to the representations; and
	23	(c) Registrar deems it necessary in order to achieve the objects of this
	24	Act.
	25	(4) The period referred to in subsection (3) may be extended by the
	26	Registrar on good cause shown.
	27	(5) A manufacturer may not trade for the period during which the
	28	licence is suspended.
	29	59.-(1) A manufacturer's licence terminates-
	30	(a) upon the expiry of one year from the date on which it was issued;

- 1 (b) if surrendered by the manufacturer to the Registrar;
 2 (c) if the manufacturer is declared unfit to possess a firearm in
 3 terms of section 105 or 106; or
 4 (d) if cancelled in terms of this Act.

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

- 7 (a) no longer qualifies to hold the licence; or
 8 (b) has contravened or failed to comply with any provision of this
 9 Act or any condition specified in the licence.

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

- 12 (a) given the holder 14 days' notice in writing to submit written
 13 representations as to why the licence should not be cancelled; and
 14 (b) duly considered any representations received and all the facts
 15 pertaining to the matter.

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

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

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

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

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

Establishment
of centralised
manufacturers'
database

Suspension of
manufacturer's
licence

Termination of
manufacturer's
licence

1 (2) A prohibition against manufacturing explosives does not apply to
2 the manufacture of ammunition in accordance with a licence or authorisation
3 issued to a manufacturer in terms of this Act.

4 **61.-(1)** If a manufacturer's licence is lost or stolen, the licence holder
5 must inform the Registrar within 24 hours of the discovery of the loss or theft.

6 (2) If a manufacturer's licence is defaced, lost or stolen, the holder of
7 the licence must within seven days of the discovery of the defacement, loss or
8 theft apply to the Registrar in the prescribed manner for a copy of the licence.

9 GUNSMITHS

10 **62.** No person may, without being the holder of a gunsmith's licence-

11 (a) repair, alter or improve any firearm;

12 (b) perform any work contemplated in section 4 (1) (g); or

13 (c) perform any other prescribed work.

14 **63.** A gunsmith's licence may be issued to a person who is a fit and
15 proper person to perform the work contemplated in section 62.

16 **64.** The Minister may prescribe-

17 (a) conditions in respect of the issue of a gunsmith's licence which the
18 Registrar may impose on a licensed gunsmith;

19 (b) specifications in respect of the business premises of a gunsmith.

20 **65.** A gunsmith's licence must

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

22 (b) specify any of the conditions contemplated in section 64 which are
23 to apply; and

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

25 **66.-(1)** The holder of a gunsmith's licence who wishes to renew the
26 licence must apply to the Registrar for its renewal at least 90 days before the
27 date of expiry of the licence.

28 (2) The application must be-

Application of
other laws t

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

30 (b) be delivered to the Designated Firearms Officer responsible for

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

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

Defaced, lost or
stolen licences

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

9 **67.**-(1) The Registrar may issue a temporary authorisation to a
10 gunsmith to conduct business as a gunsmith at premises other than those
11 specified in the gunsmith's licence.

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

Prohibition of
certain work

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

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

Requirement for
gunsmith's licence

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

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

Conditions imposed
on gunsmith

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

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

Gunsmith's
licence

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

27 **68.**-(1) A gunsmith may apply to the Registrar in the prescribed
28 manner for removal of the business from the premises specified in the
29 licence to different premises.

Renewal of
gunsmith's
licence

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

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

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

7 **70.-(1)** A gunsmith may conduct business as a gunsmith only on
8 premises specified in the gunsmith's licence.

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

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

11 (3) A gunsmith must keep his or her gunsmith's licence on the
12 premises specified in the licence.

13 (4) A gunsmith must, at the request of any police officer, produce for
14 inspection-

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

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

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

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

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

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

Change of premise

28 (8) A gunsmith must comply with any condition imposed under
29 section 64 and specifications prescribed under that section.

30 **71.** The Registrar must, as soon as reasonably practicable, establish

1 such central gunsmiths' database as may be prescribed.

2 **72.**-(1) The Registrar may suspend a gunsmith's licence if the
3 Registrar has information in a sworn statement or on solemn declaration that
4 the gunsmith has not complied with any-

5 (a) condition specified in the licence; or

6 (b) provision of this Act.

Notification of
change of
circumstances

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

9 (3) A suspension may endure for a period longer than seven days if
10 the-

Duties of
gunsmith

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

13 (b) Registrar has given due consideration to the representations;
14 and

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

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

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

21 **73.**-(1) A gunsmith's licence terminates-

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

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

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

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

28 (2) The Registrar may, by written notice, cancel a gunsmith's
29 licence if the holder of the licence-

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

	1	(b) has contravened or failed to comply with any provision of this Act
	2	or any condition specified in the licence.
Establishment of centralised gunsmith's database	3	(3) A notice contemplated in subsection (2) may only be issued if the
	4	Registrar has-
Suspension of gunsmith's licence	5	(a) given the holder 14 days' notice in writing to submit written
	6	representations as to why the licence should not be cancelled; and
	7	(b) duly considered any representations received and all the facts
	8	pertaining to the matter.
	9	(4) (a) If a notice contemplated in subsection (2) is issued, the former
	10	licence holder must dispose of any firearms and ammunition in his or her
	11	possession through a dealer or in such manner as the Registrar may determine;
	12	(b) The disposal must take place within 60 days after receipt of the
	13	notice.
	14	(5) If the firearm and ammunition are not disposed of within 60 days
	15	they must be forfeited to the State and the former licence holder must surrender
	16	them immediately at such place and in such manner as the Registrar may
	17	determine.
	18	(6) Any period contemplated in this section may be extended by the
	19	Registrar on good cause shown.
	20	74. A licence issued in term of this part does not exempt the licence
	21	holder from the obligation to comply with any other law.
	22	75.-(1) If a gunsmith's licence is lost or stolen, the licence holder must
Termination of gunsmith's licence	23	inform the Registrar within 24 hours of the discovery of the loss or theft.
	24	(2) If a gunsmith's licence is defaced, lost or stolen, the holder of the
	25	licence must within seven days of the discovery of the defacement, loss or theft
	26	apply to the Registrar in the prescribed manner for a copy of the licence.
	27	PART 8 - IMPORT, EXPORT AND CARRIAGE IN TRANSIT OF FIREARMS
	28	AND AMMUNITION
	29	76.-(1) No person may import into or export from Nigeria any
	30	firearms or ammunition without an import or export permit issued in terms of

1 this Act.

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

4 **77.**-(1) An import, export or in-transit permit may be issued to a
5 person who is a fit and proper person to hold such permit.

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

9 **78.** The Minister may prescribe conditions which the Registrar
10 may impose on the holder of a permit issued in terms of this Part.

11 **79.** An import, export or in-transit permit must-

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

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

14 **80.**-(1) A permit for the import of a firearm or ammunition also
15 constitutes a licence to possess such firearm or ammunition for such period
16 as the Registrar may specify on the permit.

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

21 **81.**-(1) The holder of a permit issued in terms of this part, must at
22 the request of any police officer, produce for inspection-

23 (a) any firearms or ammunition in his or her possession or under his
24 or her control;

25 (b) his or her permit; and

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

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

Application of
other laws

Defaced, lost or
stolen licences

Prohibition of import, export or carriage in transit of firearms and ammunition without permit	1	(3) The Registrar may direct the holder of a permit issued in terms of
	2	this part to establish and maintain a workstation which complies with such
	3	requirements as he or she may direct and which links the registers referred to in
	4	subsection (2) to the central importer's and exporters' database.
	5	(4) The holder of a permit issued in terms of this part must comply
Requirements for import, export or in-transit permit	6	with the conditions specified in the permit.
	7	82. The Registrar must, as soon as practicable, establish such central
	8	importers and exporters databases as may be prescribed.
	9	83.-(1) The Registrar may suspend an import, export or in-transit
	10	permit if the Registrar has information in a sworn statement or on solemn
Conditions imposed on permit holder	11	declaration that the holder of the permit has not complied with any—
	12	(a) condition specified in the permit; or
	13	(b) provision of this Act.
	14	(2) A permit may be suspended for not more than seven days without
	15	affording the holder of the permit a hearing.
Import, export or in-transit permit	16	(3) A suspension may endure for a period longer than seven days if
	17	the-
	18	(a) holder has been afforded an opportunity to make written
	19	representations to the Registrar;
	20	(b) Registrar has given due consideration to the representations; and
Permit constitutes licence to possess firearm or ammunition	21	(c) Registrar deems it necessary in order to achieve the objects of this
	22	Act.
	23	(4) The period referred to in subsection (3) may be extended by the
	24	Registrar on good cause shown.
	25	(5) A permit holder may not import or export firearms or ammunition
Duties of permit holder	26	or carry firearms or ammunition in transit for such period as the permit is
	27	suspended.
	28	84.-(1) An import, export or in-transit permit terminates-
	29	(a) on the date specified in the permit;
	30	(b) if surrendered by the holder of the permit to the Registrar;

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

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

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

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

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

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

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

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

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

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

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

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

27 **85.-(1)** If an import, export or in-transit permit is lost or stolen, the
28 permit holder must inform the Registrar within 24 hours of the discovery of
29 the loss or theft.

30 (2) If an import, export or in-transit permit is defaced, lost or stolen,

Establishment of
central importers
and exporters
database

Suspension of
import, export
and in-transit
permits

Termination of
import, export
and in-transit
permits

1 the holder of the permit must within seven days of the discovery of the
2 defacement, loss or theft apply to the Registrar in the prescribed manner for a
3 copy of the permit.

4 PART 9 - STORAGE, TRANSPORT AND CARRYING OF FIREARMS
5 AND AMMUNITION

6 **86.** Firearms and ammunition must be stored and transported in the
7 prescribed manner.

8 **87.-(1)** No person may carry a firearm in a public place unless the
9 firearm is carried-

10 (a) in the case of a handgun-

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

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

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

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

19 **88.-(1)** The Minister may prescribe conditions which the Registrar
20 may impose on the holder of a permit issued in terms of section 89.

21 (2) The conditions which the Registrar imposes must be specified in
22 the permit.

23 **89.-(1)** No person may transport any firearm or ammunition for
24 reward without being in possession of a firearm transporter's permit issued in
25 terms of this Act.

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

28 (3) The Registrar may issue a firearm transporter's permit-

29 (a) on receipt of an application completed on the prescribed form and

1	containing the prescribed information; and	Defaced, lost or stolen permits
2	(b) for such period as the Registrar may determine.	
3	90. -(1) The holder of a permit issued in terms of this part, must at	
4	the request of any police official, produce for inspection-	
5	(a) any firearms or ammunition in his or her possession or under his	
6	or her control;	
7	(b) his or her permit; and	
8	(c) any register or electronic data that may be kept by him or her in	
9	terms of this Act.	
10	(2) The Registrar may direct the holder of a permit issued in terms	Storage and transport of firearms and ammunition
11	of this part to keep and maintain registers containing such information as he	
12	or she may direct.	
13	(3) The holder of a firearm transporter's permit must comply with	Carrying of firearm in public place
14	any conditions imposed under section 88.	
15	91. -(1) The Registrar may, by written notice, cancel a firearm	
16	transporter's permit if the permit holder-	
17	(a) no longer qualifies to hold the permit; or	
18	(b) has contravened or failed to comply with any provision of this	
19	Act or any condition specified in the permit.	
20	(2) The former permit holder must dispose of his or her cargo of	
21	firearms and ammunition in accordance with the directions of the Registrar.	
22	92. The Office of the Central Firearms Register must keep a record	
23	of prescribed information in respect of all firearm transporters' permits	Conditions imposed on transporters of firearm
24	issued in terms of this Chapter.	
25	PART 10 - CONTROL OF AMMUNITION AND FIREARM PARTS	
26	93. No person may possess any ammunition unless he or she-	
27	(a) holds a licence in respect of a firearm capable of discharging	Firearm transporter's permit
28	that ammunition; or	
29	(b) holds a permit to possess ammunition; or	
30	(c) holds a dealer's licence, manufacturer's licence, gunsmith's	

	1	licence, import, export or in-transit permit or transporter's permit issued in
	2	terms of this Act; or
	3	(d) is otherwise authorised to do so.
	4	94.-(1) The holder of a licence to possess a firearm referred to in part 6
	5	may not possess more than 200 cartridges for each firearm in respect of which a
Duties of permit holder	6	licence has been issued to him or her.
	7	(2) The holder of a licence to possess a firearm may not, during any
	8	period of 12 months, purchase more than 2,400 cartridges for each firearm in
	9	respect of which a licence has been issued to him or her.
	10	(3) The limitation in subsection (2) does not apply to-
	11	(a) a dedicated hunter or dedicated sports person who holds a licence
	12	issued in terms of this Act or any other holder of a licence issued in terms of this
	13	Act authorised thereto by the Registrar on good cause shown; or
	14	(b) the holder of a licence to possess a firearm issued in terms of this
	15	Act in respect of ammunition bought and discharged at an accredited shooting
	16	range.
	17	95.-(1) The Minister may, by notice in the Gazette, prohibit or restrict
Cancellation of firearm transporter's permit	18	the acquisition, disposal, possession or use of ammunition of a specified class
	19	if it is-
	20	(a) in the interest of public safety; or
	21	(b) desirable for the maintenance of law and order.
	22	(2) A notice contemplated in subsection (1) must be tabled in the
	23	National Assembly at least 14 days before publication thereof if the National
	24	Assembly is then sitting, and if not sitting, within seven days after the
Records to be kept	25	commencement of the next sitting.
	26	96.-(1) Section 48(1) does not apply to the loading of ammunition by
	27	the holder of a licence to possess a firearm for use in his or her licensed firearm.
	28	(2) (a) A holder contemplated in subsection (1) may not have more
Prohibition of possession of ammunition	29	than 2.5 kilograms of propellant and 2,400 primers in his or her possession at
	30	any time;

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

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

Restriction on
possession of
ammunition

8 (3) No person may load prohibited ammunition contemplated in
 9 section 95.

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

13 **97.-(1)** For purposes of this section, "firearm part" means a slide,
 14 bolt, breech-block or magazine of a firearm.

15 (2) No person may possess any firearm part unless he or she-

16 (a) holds a licence in respect of a firearm capable of bearing that
 17 firearm part;

18 (b) holds a dealer's licence, manufacturer's licence, gunsmith's
 19 licence, import, export or in-transit permit or transporter's permit issued in
 20 terms of this Act; or

21 (c) is otherwise authorised to do so.

Prohibition and
restrictions on
use of certain
ammunition

22 (3) The holder of a dealer's licence, manufacturer's licence,
 23 gunsmith's licence, import, export or in-transit permit or transporter's permit
 24 issued in terms of this Act must keep such register of all firearm parts in his
 25 or her possession as may be prescribed.

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

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

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

Loading or
reloading of
ammunition

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

5 PART 11 - EXEMPTIONS

6 **98.** In this part, unless the context otherwise requires-

7 (a) "Official Institution" means-

8 (i) the Nigerian Armed Forces;

9 (ii) the Nigeria Police Force;

10 (iii) the National intelligence Service Agency ; and

11 (vi) any government institution accredited by the Registrar as an
 12 Official Institution;

13 (b) "employee"-

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

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

Prohibition of
possession of
firearm parts

18 **99.-(1)** No provision of this Act other than this part, section 112 and
 19 section 150, in so far as it relates to Official Institutions, applies to an Official
 20 Institution.

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

22 (3) A member of a military force of another country visiting Nigeria in
 23 terms of an international obligation or an agreement between that country and
 24 Nigeria is exempted from the provisions of this Act to the extent provided for in
 25 the obligation or agreement in question.

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

30 **101.-(1)** (a) Subject to this section, an employee of an Official

1 Institution may not possess a firearm controlled by the Official Institution
2 without a permit issued in terms of this part;

3 (b) Employees of the Nigerian Armed Forces are exempted from
4 the obligation to have a permit in respect of military firearms issued to them-

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

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

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

Definitions

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

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

18 (4) The head of an Official Institution may impose conditions on
19 the possession and use of the firearms and ammunition controlled by that
20 Official Institution and may issue instructions to employees of that
21 Institution prescribing conditions relating to the acquisition, storage,
22 transport, possession, use and disposal of such firearms and ammunition.

Exemptions

23 (5) Unless the permit referred to in subsection (2) indicates
24 otherwise, the employee must-

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

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

30 (c) when travelling with a firearm, carry the firearm on his or her

Conditions applicable to institution accredited by Registrar	1	person or in a secured place under his or her direct control.
	2	(6) (a) Despite subsection (5), the head of an Official Institution may
	3	authorise an employee to-
	4	(i) have the firearm in his or her possession after his or her working
Possession and use of firearms by Official Institution	5	hours;
	6	(ii) carry the firearm on his or her person outside the premises of his or
	7	her work; or
	8	(iii) store the firearm at his or her place of residence.
	9	(b) Paragraph (a) does not apply to an Official Institution
	10	contemplated in section 98 (a) (v) and (vi), unless the Registrar determines in
	11	writing that it does so apply.
	12	(7) The holder of a permit contemplated in subsection (2) must carry
	13	that permit on his or her person when he or she is in possession of a firearm.
	14	(8) The head of an Official Institution may only issue a permit in terms
	15	of subsection (2) if the-
	16	(a) employee is a fit and proper person to possess a firearm; and
	17	(b) employee has successfully completed the prescribed training and
	18	the prescribed test for the safe use of a firearm.
	19	(9) (a) The head of an Official Institution must report the loss or theft
	20	of any firearm immediately to the Registrar and to the nearest police station;
	21	(b) For the purposes of this subsection “nearest police station” means
	22	the police station nearest to the place where the loss or theft occurred.
	23	(10) An Official Institution may only dispose of or destroy a firearm in
	24	its possession in the prescribed manner.
	25	102.-(1) The head of an Official Institution must keep a register in the
	26	prescribed form.
	27	(2) The register must contain such particulars as may be prescribed,
	28	including-
	29	(a) (i) in the case of the Nigeria Armed Forces, the particulars of every
	30	firearm of a calibre less than 20 millimeters; or

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

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

5 (c) the conditions specified in every permit issued in terms of this
6 part;

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

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

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

13 **103.** The Registrar must, as soon as practicable, establish such
14 central Official Institution firearms databases as may be prescribed.

15 **104.** The head of an Official Institution must-

16 (a) establish and maintain a workstation at such place which
17 complies with such requirements as may be prescribed; and

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

20 PART 12 - DECLARATION OF PERSONS TO BE UNFIT TO

21 POSSESS FIREARM

22 **105.-(1)** The Registrar may declare a person unfit to possess a
23 firearm if, on the grounds of information contained in a statement under oath
24 or affirmation including a statement made by any person called as a witness
25 by the Registrar, it appears that

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

28 (b) because of that person's mental condition, inclination to
29 violence or dependence on any substance which has an intoxicating or
30 narcotic effect, the possession of a firearm by that person is not in the

	1	interests of that person or of any other person;
Register to be kept by Official Institution	2	(c) that person has failed to take the prescribed steps for the
	3	safekeeping of any firearm; or
	4	(d) that person has provided information required in terms of this Act
	5	which is false or misleading.
	6	(2) A declaration under subsection (1) may only be issued if the
	7	Registrar-
	8	(a) by notice in writing delivered by hand to the person, has called
	9	upon the person to appear before the Registrar at a time and place determined
	10	therein in order to advance reasons as to why that person should not be declared
	11	unfit to possess a firearm; and
	12	(b) has given that person a reasonable opportunity to advance reasons
	13	as to why the declaration should not be issued;
	14	(c) has duly considered the matter; and
	15	(d) is satisfied that the person is unfit as contemplated in subsection
	16	(1).
	17	(3) Any person appearing in pursuance of a notice issued in terms of
	18	subsection (2) (a) is entitled to-
	19	(a) be represented by a legal representative;
Establishment of certain Official Institution firearms databases	20	(b) request the Registrar to call, in the manner referred to in
	21	subsection (2) (a), any person who made a statement referred to in subsection
Official Institution 's workstation	22	(1), to appear before the Registrar; and
	23	(c) examine the person who has been called in terms of subsection (1)
	24	or paragraph (b) to appear, or to cause him or her to be so examined by such
	25	legal representative.
	26	(4) When the Registrar declares a person unfit to possess a firearm in
	27	terms of this section, such person must within 30 days surrender to the
	28	Designated Firearms Officer-
Declaration by Registrar of person to be unfit to possess firearm	29	(a) all competency certificates, licences, authorisations and permits
	30	issued to him or her in terms of this Act;

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

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

3 **106.-(1)** A person must be regarded as being unfit to possess a
4 firearm if convicted of-

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

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

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

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

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

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

19 (g) any offence involving violence or dishonesty, for which the
20 accused is sentenced to a period of imprisonment of not less than 12 months
21 without the option of a fine.

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

24 (3) (a) A court which convicts a person of an offence referred to in
25 Schedule 2 must enquire and determine whether that person is unfit to
26 possess a firearm;

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

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

Declaration by
court of person
to be unfit to
possess firearm

1 (5) A declaration of unfitness to possess a firearm made in terms of
2 this section by a court must be accompanied by a court order for the immediate
3 search for and seizure of-

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

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

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

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

12 **107.-(1)** (a) All competency certificates, licences, authorisations and
13 permits issued in terms of this Act to any person who is declared unfit to
14 possess a firearm in terms of section 105 or 106, cease to be valid from the date
15 of the declaration;

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

19 (2) A person who is declared unfit to possess a firearm in terms of
20 section 105 or 106 must within 24 hours surrender to the nearest police station-

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

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

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

25 (3) (a) A person who has surrendered his or her firearm as
26 contemplated in subsection (2) must dispose of the firearm and ammunition
27 through a dealer-

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

30 (ii) if no appeal is lodged, within 60 days of the receipt of a written

1 notice from the Registrar declaring the person unfit to possess a firearm.

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

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

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

10 (4) (a) The holder of an additional licence referred to in section
11 14(1) may, if the holder of the licence is declared unfit to possess a firearm,
12 apply to the Registrar for the issue of a new licence in his or her name;

13 (b) If the holder of an additional licence does not make an
14 application referred to in paragraph (a) within 30 days of the-

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

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

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

Effect of
declaration

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

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

PART 13 - INSPECTIONS

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

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

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

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

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

(2) A person referred to in subsection (1) must-

(a) at the request and to the satisfaction of a police official or authorised person, identify himself or herself forthwith; and

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

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

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

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

(b) produce his or her licence, permit or authorisation for the

- 1 possession of the firearm;
- 2 (c) answer questions relating to the whereabouts of the firearm; Proof of
3 and declaration
- 4 (d) furnish any other information reasonably required by the police
5 official or authorised person.
- 6 (2) A police official or an authorised person, when exercising a
7 power in terms of subsection (1) must-
- 8 (a) identify himself or herself to the person referred to in subsection
9 (1); and Production of
licences and
firearms for
inspection
- 10 (b) produce his or her appointment certificate or authorisation.
- 11 **112.-(1)** Any police official or person authorised by the Registrar
12 may enter any-
- 13 (a) place of business of a dealer;
- 14 (b) firearm or ammunition factory or place of business of a
15 manufacturer of firearms and ammunition;
- 16 (c) place of business of a gunsmith;
- 17 (d) place of business of the holder of an importation or exportation
18 permit;
- 19 (e) place of business, including any vehicle, vessel or aircraft, of an
20 authorised transporter of firearms and ammunition;
- 21 (f) office or premises of an Official Institution which may issue a
22 permit to its employees to possess and use firearms; or
- 23 (g) place of business, including any vehicle, vessel or aircraft, of
24 the holder of a licence in respect of firearms used for business purposes
25 referred to in section 23 of this Act, and conduct such inspection as may be
26 necessary in order to determine whether the requirements and conditions of
27 this Act or of any competency certificate, licence, permit or authorisation
28 issued in terms of this Act are being complied with.
- 29 (2) The Registrar must-
- 30 (a) before any inspection of an office or premises of an Official

Duty to comply
with request of
police official or
authorised person

Request for
information

1 Institution is conducted, give notice of the intended inspection to the head of-
2 (i) the Nigerian Armed Forces;
3 (ii) the Nigeria Police Force;
4 (iii) the State Security Services; or
5 (iv) National Intelligence Agency; and
6 (b) comply with such security arrangements as may be agreed upon
7 with the head of the Official Institution in question.

8 PART 14 - SEARCH AND SEIZURE

9 **113.-(1)** The Criminal Procedure Act as to searches shall apply and
10 any police Officer acting on the order of the Inspector General of Police may
11 enter any premises and search for and seizure of any firearm, imitation firearm,
12 airgun, device or ammunition referred to in this Act.

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

Inspection of
premises

16 **114.** Despite anything to the contrary in this part, any police officer or
17 person authorised as such by the Inspector General or any State commissioner
18 of the Police may, in the course of official policing operations may, search any
19 premises, vehicle, vessel or aircraft and seize any firearm, imitation firearm,
20 airgun, device or ammunition—

21 (a) which is reasonably suspected to be held in contravention of this
22 Act; or

23 (b) for the purposes of determining whether or not the provisions of
24 this Act have been complied with in respect of such article.

25 **115.** Any police officer or other person authorised as such in writing
26 by the Registrar may exercise the powers of a police officer in respect of-

27 (a) any occupant of a vehicle, vessel or aircraft or premises in which
28 any article referred to in section 113 (1) is present and in respect of which there
29 is a reasonable suspicion that any of the provisions of this Act may have been
30 contravened by that occupant; and

1 (b) the owner or person in control of any vehicle, vessel or aircraft
2 or premises in which any article referred to in section 113 (1) is present and
3 in respect of which there is a reasonable suspicion that any of the provisions
4 of this Act may have been contravened.

5 **116.-(1)** Any police officer may take the finger-prints, palm-prints,
6 foot-prints and samples of genetic material of a person or a group of persons
7 or may cause any such prints or samples to be taken, if-

8 (a) there are reasonable grounds to suspect that person or that one
9 or more of the persons in that group has committed an offence punishable
10 with imprisonment for a period of five years or longer; and

11 (b) there are reasonable grounds to believe that the prints or
12 samples or the results of an examination thereof, will be of value in the
13 investigation by excluding or including one or more of the persons as a
14 possible perpetrator of the offence.

15 (2) The person who has control over prints or genetic material
16 taken in terms of this section-

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

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

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

23 **117.-(1)** Any police officer may seize, test-fire and examine such
24 number of firearms as are necessary or such ammunition as is necessary, if-

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

29 (b) there are reasonable grounds to believe that one or more of the
30 firearms or the ammunition or the results of the test-firing and examination,

Chapter 2 of
Criminal
Procedure Act,
1977, to apply

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

Power to search
vehicles, vessels
or Aircraft

1 will be of value in the investigation by excluding or including—
2 (i) one or more of those firearms or the ammunition as having been
3 used in the commission of the offence; or

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

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

8 **118.-(1)** For purposes of any inquiry or investigation relating to the
9 application of this Act and subject to subsection (4), the Registrar or any person
10 authorised in writing by the Registrar may-

Body-prints
and genetic
samples

11 (a) at any reasonable time and without prior notice, enter any business
12 or industrial premises; or

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

16 (2) The Registrar or person authorised may-

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

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

22 (c) request information or an explanation regarding such object from
23 the owner or person in control of those premises or from any person in whose
24 possession or under whose control anything referred to in paragraph (b) is
25 found;

26 (d) make copies of or extracts from any book or document found on or
27 in the premises or dwelling which may have a bearing on the subject-matter of
28 the inquiry or investigation and request an explanation of such book, document

Ballistic testing

29 or any entry therein from any person suspected of having knowledge thereof;
30 and

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

4 (3) Any entry upon, inspection of or search of any premises or
5 dwelling, or questioning of any person, in terms of this section must be
6 carried out with strict regard to decency and order, including the right of
7 persons to-

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

9 (b) freedom and security; and

10 (c) personal privacy.

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

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

Inspection, search
and seizure for
inquiry or
investigation
(with special
warrant)

17 (b) The evidence must contain information regarding the-

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

19 (ii) reason for or suspicion which gave rise to the inquiry or
20 investigation;

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

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

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

25 (7) A warrant contemplated in this section remains in force until-

26 (a) it is executed;

27 (b) it is cancelled; or

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

30 **119.** If, in the course of a lawful search for anything other than

1 articles referred to in section 113 (1), the person executing the search finds an
2 article referred to in section 113 (1), in respect of which a reasonable suspicion
3 of illegality or illegal possession exists, such person may seize such article, and
4 must then deal with it or dispose of it in terms of this Act.

5 PART 15 - PRESUMPTIONS

6 **120.-(1)** For purposes of this section "residential premises" does not
7 include a hotel, a hostel, or an apartment building, but includes a room or suite
8 in a hotel, a room in a hostel and an apartment in an apartment building.

9 (2) Whenever a person is charged in terms of this Act with an offence
10 of which the possession of a firearm or ammunition is an element, and the
11 Federal Government can show that despite the taking of reasonable steps it was
12 not able with reasonable certainty to link the possession of the firearm or
13 ammunition to any other person, the following circumstances will, in the
14 absence of evidence to the contrary which raises reasonable doubt, be
15 sufficient evidence of possession by that person of the firearm or ammunition
16 where it is proved that the firearm or ammunition was found-

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

18 (i) in control of such premises; or

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

20 (b) buried in or hidden on land used for residential purposes and the
21 person was, at the time-

22 (i) in control of such land;

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

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

26 (c) on premises other than residential premises and the person was, at
27 the time-

28 (i) in control of such premises;

29 (ii) ordinarily employed on the premises;

30 (iii) present in the immediate vicinity of the place on the premises

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

1 (iii) over the age of 16 years and present in that part of the vessel; or
2 (i) in the cargo of a vessel and the person was, at the time-
3 (i) in control of the cargo of the vessel; or
4 (ii) the consignor of any goods in or among which the firearm or
5 ammunition was found.

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

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

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

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

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

26 (2) Whenever a person is charged with an offence in terms of this Act
27 of failing to furnish information or particulars on request of a police official and
28 it is proved that such person was, at the time, the licensed or authorised
29 possessor of the firearm alleged to have been lost, stolen or destroyed, proof
30 that the person has failed to produce such information or particulars within

1 seven days of the request of a police official to do so, will, in the absence of
2 evidence to the contrary which raises reasonable doubt, be sufficient
3 evidence that the person has failed to furnish such information or
4 particulars.

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

13 PART 16 - OFFENCES, PENALTIES AND ADMINISTRATIVE FINES

14 **123.-(1)** A person is guilty of an offence if he or she contravenes or
15 fails to comply with any-

16 (a) provision of this Act;

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

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

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

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

Presumption
relating to failure
to report

28 (4) It is an offence to-

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

	1	(b) discharge or otherwise handle a firearm, an antique firearm or an
	2	airgun in a manner likely to injure or endanger the safety or property of any
	3	person or with reckless disregard for the safety or property of any person; or
	4	(c) have control of a loaded firearm, an antique firearm or an airgun in
	5	circumstances where it creates a risk to the safety or property of any person and
	6	not to take reasonable precautions to avoid the danger.
	7	(5) It is an offence to handle a firearm, an antique firearm or an airgun
	8	while under the influence of a substance which has an intoxicating or a narcotic
	9	effect.
	10	(6) A person is guilty of an offence if he or she gives control of a
Presumption of	11	firearm, an antique firearm or an airgun to a person whom he or she knows, or
failure to take	12	ought reasonably to have known-
reasonable steps	13	(a) to be mentally ill; or
	14	(b) to be under the influence of a substance which has an intoxicating
	15	or a narcotic effect.
	16	(7) It is an offence to wilfully point-
	17	(a) any firearm, an antique firearm or an airgun, whether or not it is
	18	loaded or capable of being discharged, at any other person; or
	19	(b) anything which is likely to lead a person to believe that it is a
Offences	20	firearm, an antique firearm or an airgun, at any other person.
	21	(8) It is an offence to discharge a firearm, an antique firearm or an
	22	airgun in a municipal area or any public place.
	23	(9) A person is guilty of an offence if he or she-
	24	(a) fails to lock away his or her firearm or a firearm in his or her
	25	possession in a prescribed safe, strong-room or device for the safe-keeping of a
	26	firearm when such firearm is not carried on his or her person or is not under his
	27	or her direct control; or
	28	(b) loses a firearm, or is otherwise dispossessed of a firearm owing to
	29	that person's failure to-
	30	(i) lock the firearm away in a prescribed safe, strong-room or device

- 1 for the safekeeping of a firearm;
- 2 (ii) take reasonable steps to prevent the loss or theft of the firearm
- 3 while the firearm was on his or her person or under his or her direct control;
- 4 or
- 5 (iii) keep the keys to such safe, strong-room or device in safe
- 6 custody.
- 7 (10) It is an offence to-
- 8 (a) add any word, figure or letter to a competency certificate,
- 9 licence, permit or authorisation as issued, without the Registrar's
- 10 permission;
- 11 (b) alter or erase any words, figures or letters from any competency
- 12 certificate, licence, permit or authorisation, without the Registrar's
- 13 permission;
- 14 (c) use or possess any competency certificate, licence, permit or
- 15 authorisation-
- 16 (i) to which any words, figures or letters have been unlawfully
- 17 added;
- 18 (ii) from which any words, figures or letters have been unlawfully
- 19 erased; or
- 20 (iii) on which any words, figures or letters have been unlawfully
- 21 altered;
- 22 (d) part with a competency certificate, licence, permit or
- 23 authorisation in order that it may be used by any person other than the person
- 24 to whom it was issued or granted;
- 25 (e) use a competency certificate, licence, permit or authorisation
- 26 issued in the name of another person to procure possession of a firearm or
- 27 ammunition;
- 28 (f) supply particulars, information or answers in an application for
- 29 a competency certificate, licence, permit or authorisation in terms of this
- 30 Act, knowing them to be false, incorrect or misleading or not believing them

1 to be correct;

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

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

6 (11) It is an offence to-

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

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

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

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

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

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

- 1 (2) A notice referred to in subsection (1) must-
- 2 (a) specify the name and address of the infringer;
- 3 (b) specify the particulars of the alleged offence;
- 4 (c) specify the amount of the administrative fine payable, which-
- 5 (i) if the period contemplated in subsection (1) does not exceed two
- 6 years, may, in respect of a first infringement, not exceed x5,000 and, in
- 7 respect of a second or subsequent infringement, not exceed x10,000;
- 8 (ii) if the period contemplated in subsection (1) does not exceed
- 9 three years, may, in respect of a first infringement, not exceed x15,000 and,
- 10 in respect of a second or subsequent infringement, not exceed x30,000;
- 11 (iii) if the period contemplated in subsection (1) does not exceed
- 12 four years, may, in respect of a first infringement, not exceed x20,000 and, in
- 13 respect of a second or subsequent infringement, not exceed x40,000; or
- 14 (iv) if the period contemplated in subsection (1) does not exceed
- 15 five years, may, in respect of a first infringement, not exceed x50,000 and, in
- 16 respect of a second or subsequent infringement, not exceed x100,000;
- 17 (d) inform the infringer that, not later than 30 days after the date of
- 18 service of the infringement notice, the infringer may-
- 19 (i) pay the administrative fine;
- 20 (ii) make arrangements with the Registrar to pay the administrative
- 21 fine in instalments; or
- 22 (iii) elect to be tried in court on a charge of having committed the
- 23 alleged offence; and
- 24 (e) state that a failure to comply with the requirements of the notice
- 25 within the time permitted, will result in the administrative fine becoming
- 26 recoverable as contemplated in subsection (4).
- 27 (3) If an infringer elects to be tried in court on a charge of having
- 28 committed the alleged contravention or failure, the Registrar must hand the
- 29 matter over to the prosecuting authority and inform the infringer
- 30 accordingly.

Penalties

Administrative
fines

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

7 (5) The Registrar may not impose an administrative fine
8 contemplated in this section if the person concerned has been charged with a
9 criminal offence in respect of the same set of facts.

10 (6) No prosecution may be instituted against a person if the person
11 concerned has paid an administrative fine in terms of this section in respect of
12 the same set of facts.

13 PART 17 - ORGANISATIONAL STRUCTURES

14 **126.** The Inspector General of Police is the Registrar of Firearms.

15 **127.-(1)** The Registrar must-

- 16 (a) establish and maintain the Central Firearms Register;
17 (b) establish and control the Office of the Central Firearms Register;
18 (c) recover the fees payable in terms of this Act;
19 (d) develop a training curriculum for competency testing in terms of
20 this Act;
21 (e) conduct research into firearms policies;
22 (f) monitor the implementation of this Act;
23 (g) conduct public education programmes concerning the provisions
24 of this Act and all other matters relating to the safe possession and use of
25 firearms; and
26 (h) designate police officials as Designated Firearms Officers.

27 (2) The Registrar may-

- 28 (a) conduct any investigation or enquiry which he or she deems
29 necessary in order to exercise his or her powers or carry out his or her duties in
30 terms of this Act; and

1 (b) make recommendations to the Minister on any matter relating
2 to this Act.

3 **128.-(1)** The Central Firearms Register must contain-

4 (a) the central firearms database;
5 (b) the central dealers database;
6 (c) the central manufacturers database;
7 (d) the central gunsmiths database;
8 (e) the central importers and exporters database;
9 (f) the central Official Institutions database; and
10 (g) any other information required to be kept by the Registrar in
11 terms of this Act.

12 (2) The central databases referred to in subsection (1) must
13 contain-

14 (a) such information as may be prescribed concerning-

15 (i) competency certificates, licences, authorisations and permits,
16 as well as renewals and cancellations thereof;

Registrar of
Firearms

17 (ii) applications for competency certificates, licences,
18 authorisations and permits and any renewal applications which have been
19 refused in terms of this Act;

Functions of
Registrar

20 (iii) transfers of firearms effected in terms of this Act;

21 (iv) imports and exports of firearms and ammunition in terms of
22 this Act;

23 (v) the transport of firearms and ammunition in terms of this Act;

24 and

25 (vi) the loss, recovery, theft or destruction of firearms.

26 (b) all original documentation submitted in support of all
27 applications made in terms of this Act;

28 (c) a record of all licensed dealers, manufacturers, gunsmiths,
29 importers and exporters, transporters for reward, accredited institutions,
30 organisations and all firearms and ammunition in their possession;

Central Firearms
Register

- 1 (d) a record of all firearms in the possession of Official Institutions;
- 2 (e) a record of the acquisition, transfer, loss, theft or destruction in
- 3 respect of firearms in the possession of Official Institutions;
- 4 (f) a record of all firearms recovered, forfeited to the Federal
- 5 Government or destroyed;
- 6 (g) the fingerprints which have been submitted for purposes of an
- 7 application in terms of this Act; and
- 8 (h) any other documentation and information as may be prescribed.
- 9 **129.** Any document containing information contemplated in section
- 10 128 and purporting to be a certificate signed by the Registrar is, upon
- 11 production in a court by any person, prima facie evidence of the facts stated
- 12 therein.
- 13 **130.-(1)** The Registrar must, with the approval of the Minister,
- 14 designate a police official as Head of the Office of the Central Firearms
- 15 Register.
- 16 (2) The Head of the Office of the Central Firearms Register-
- 17 (a) must manage the Office of the Central Firearms Register;
- 18 (b) must perform the duties assigned to him or her by the Registrar;
- 19 and
- 20 (c) may exercise such powers as may be delegated to him or her by the
- 21 Registrar.
- 22 **131.-(1)** An Appeal Board is hereby established.
- 23 (2) The Appeal Board consists of no more than five members who
- 24 must be appointed by the Minister and who, when viewed collectively, must as
- 25 far as possible be broadly representative of the people.
- 26 **132.-(1)** The period and conditions of office, remuneration and
- 27 allowances of the members of the Appeal Board are as prescribed by the
- 28 Minister with the approval of the President.
- 29 (2) (a) The Minister may at any time withdraw the appointment of a
- 30 member of the Appeal Board if there is sufficient reason for doing so.

1 (b) A member may resign by notice in writing to the Minister.

2 **133.-(1)** The quorum for, the procedure at, and the holding of
3 meetings of the Appeal Board are as prescribed.

4 (2) The Appeal Board may establish such committees consisting of
5 members of the Appeal Board as may be prescribed to perform the duties
6 assigned to them by the Appeal Board and to exercise such powers as may be
7 delegated to them by the Appeal Board.

8 **134.** The administrative work of the Appeal Board must be
9 performed by such members of the Nigeria Police Force as may be
10 designated by the Inspector General of Police.

11 **135.-(1)** The Minister may establish such committees as may be
12 appropriate to assist him or her, or any other person appointed in terms of
13 this Act, in respect of any matter dealt with in this Act.

Certificate signed
by Registrar to
constitute prima
facie evidence

14 (2) The composition and functions of the committees may be
15 determined by the Minister.

Appointment
and functions of
Head of Office
of Central Firearms
Registrar

16 (3) The conditions of office, remuneration, allowances and other
17 benefits of members of the committees may be prescribed by the Minister
18 with the approval of the President.

19 **PART 18 — RIGHT OF APPEAL**

20 **136.-(1)** Any person-

21 (a) whose application for a competency certificate, licence, permit
22 or authorisation in terms of this Act has been refused;

23 (b) whose competency certificate, licence, permit, or authorisation
24 has been cancelled;

Establishment
of Appeal Board

25 (c) whose licence, permit or authorisation has been issued subject
26 to any condition; or

27 (d) who has received a notice of an administrative decision in terms
28 of this Act which may detrimentally affect his or her rights, may, in the
29 prescribed manner, appeal to the Appeal Board.

Conditions of
service,
remuneration and
allowances of
members of
Appeal Board

30 (2) The Appeal Board may confirm, vary or reverse any decision

	1	against which an appeal has been lodged in terms of this section.
Quorum, meetings and procedure of Appeal Board	2	(3) The Appeal Board may admit evidence of facts not before the
	3	Registrar when he or she made the decision which is the subject of the appeal
	4	only if-
	5	(a) there is a reasonable explanation for the failure timeously to
	6	inform the Registrar of the facts;
	7	(b) the Registrar has had sufficient opportunity to verify the facts and
	8	to present any evidence to the Appeal Board in this regard.
Administrative work of Appeal Board	9	(4) Subject to the provisions of this Act, no person is excused from
	10	complying with any of the provisions of this Act on the ground that an appeal is
	11	pending in terms of this section.
Establishment of Ministerial Committees	12	PART 19 - COMPENSATION
	13	137. No compensation is payable to a person in respect of a firearm or
	14	ammunition forfeited to the Federal Government in terms of this Act-
	15	(a) if the relevant licence, permit or authorisation was cancelled in
	16	terms of this Act because the holder of the licence had contravened or not
	17	complied with a provision of this Act or a condition specified in that licence,
	18	permit or authorisation; or
	19	(b) if the holder of the licence, permit or authorisation was in terms of
	20	section 105 or 106 declared unfit to possess a firearm.
Right of appeal	21	138.-(1) No compensation is payable to a person from whom a
	22	firearm or ammunition was seized by the Federal Government if-
	23	(a) no licence, permit or authorisation had been issued for such
	24	firearm or ammunition to that person in terms of this Act;
	25	(b) the firearm or ammunition was for any other reason unlawfully in
	26	the possession of that person.
	27	(2) The lawful owner of a firearm or ammunition lost or stolen as a
	28	result of his or her negligence is not entitled to claim compensation if such
	29	firearm or ammunition is subsequently seized by the Federal Government
	30	from another person.

1 **139.**-(1) The Registrar may in respect of any firearm or
2 ammunition seized by, surrendered to or forfeited to the Federal
3 Government, issue a notice in the Gazette stating that it is the intention of the
4 Federal Government to destroy that firearm or ammunition.

5 (2) Any person who has a valid claim to the relevant firearm or
6 ammunition may, within 21 days after the publication of the notice in the
7 Gazette, make representations to the Registrar as to why the firearm or
8 ammunition should not be destroyed.

9 (3) If the Registrar is satisfied, after consideration of any
10 representations contemplated in subsection (2), that a valid claim to the
11 relevant firearm or ammunition has not been proved, the firearm or
12 ammunition may be destroyed and no compensation will be payable to
13 anyone in respect thereof.

14 **140.**-(1) A person whose firearm has been surrendered or forfeited
15 to the Federal Government in circumstances other than those referred to in
16 sections 137, 138 and 139 may apply to the Registrar for compensation in
17 respect of that firearm in the prescribed form.

Circumstances
where no
compensation is
payable in respect
of firearms and
ammunition
forfeited to the
Federal Government

18 (2) On receipt of an application for compensation made in terms of
19 this section, the Registrar must-

20 (a) decide whether or not compensation is payable in terms of this
21 Part;

22 (b) if compensation is payable, attempt to agree with the applicant
23 on the amount of compensation to be paid; and

24 (c) if compensation is payable, but no compensation is agreed
25 upon, determine the amount of compensation to be paid.

Circumstances
where bo
compensation is
payable in respect
of firearms and
ammunition seized
by the Federal
Government

26 (3) An applicant for compensation may appeal against a decision of
27 the Registrar made in terms of subsection (2) (c).

28 (4) On receipt of an appeal lodged in terms of subsection (3) the
29 Appeal Board must-

30 (a) hear the applicant and the Registrar; and

	1	(b) determine the amount of compensation to be paid.
No compensation payable where firearms or ammunition are destroyed by the Federal Government	2	(5) The Minister must, with the approval of the Minister of Finance,
	3	establish guidelines for the payment of compensation, taking into account the-
	4	(a) financial constraints on the Federal Government and its ability to
	5	meet actual and anticipated claims for compensation; and
	6	(b) interests of persons who have applied or may in the future apply
	7	for compensation.
	8	(6) The guidelines referred to in subsection (5) bind-
	9	(a) the Registrar when he or she agrees or determines compensation in
	10	terms of subsection (2); and
	11	(b) the Appeal Board when it determines compensation in terms of
	12	subsection (4).
	13	PART 20 - SPECIAL POWERS RELATING TO AMNESTIES, FIREARM FREE
	14	ZONES AND EMERGENCIES
Application for compensation	15	141. In this Part "amnesty" means an indemnity against prosecution
	16	for the unlawful possession of a firearm or ammunition.
	17	142.-(1) The Minister may, by notice in the Gazette, declare an
	18	amnesty if-
	19	(a) the amnesty may result in the reduction of the number of illegally
	20	possessed firearms in Nigeria; and
	21	(b) it is in the public interest to do so.
	22	(2) A notice contemplated in subsection (1) must-
	23	(a) be tabled in the National Assembly at least 14 days before
	24	publication if the National Assembly is then sitting, and if the National
	25	Assembly is not sitting, within seven days after the commencement of the next
	26	sitting;
	27	(b) specify the period during which persons may apply for amnesty;
	28	and
	29	(c) specify the conditions under which amnesty may be granted.
	30	(3) A person who surrenders a firearm or ammunition in compliance

1 with a notice published in terms of subsection (1), may not be prosecuted in
2 relation to-

3 (a) the firearm, for having been in possession of that firearm
4 without the appropriate licence, permit or authorisation; or

5 (b) the ammunition, for having been in possession of that
6 ammunition without having been in lawful possession of a firearm capable
7 of discharging the ammunition.

8 (4) (a) A person who surrenders a firearm in compliance with a
9 notice published in terms of subsection (1) may apply in terms of this Act for
10 a licence in respect of that firearm;

11 (b) If a licence is granted, the firearm and ammunition, if any,
12 surrendered in terms of this Act must be returned to the holder of the licence.

13 (5) The Registrar must dispose of any firearm or ammunition
14 surrendered in compliance with a notice in terms of subsection (1) in such
15 manner and after the expiry of such period as may be prescribed.

16 **143.-(1)** The Minister may, after consultation with the Inspector
17 General of Police, by notice in the Gazette declare any premises or Definition
18 categories of premises to be firearm free zones, if it is-

19 (a) in the public interest; and Amnesty

20 (b) in accordance with the objects of this Act.

21 (2) Unless authorised to do so in terms of a notice issued under
22 subsection (1), no person may-

23 (a) allow any firearm or ammunition to be in a firearm free zone;

24 (b) carry any firearm or ammunition in a firearm free zone; or

25 (c) store any firearm or ammunition in a firearm free zone.

26 (3) A police official may, without warrant—

27 (a) search any building or premises in a firearm free zone if he or
28 she has a suspicion on reasonable grounds that a firearm or ammunition may
29 be present in the firearm free zone in contravention of a notice issued in
30 terms of subsection (1);

- 1 (b) search any person present in a firearm free zone; and
2 (c) seize any firearm or ammunition present in the firearm free zone or
3 on the person in contravention of a notice issued in terms of subsection (1).

4 **144.-(1)** The Minister may, during a state of emergency-

5 (a) by notice in the Gazette prohibit or regulate the supply and the
6 transportation of firearms and ammunition, or firearms and ammunition of a
7 particular class within a particular area for a period specified in the notice;

8 (b) by notice in the Gazette, direct all persons or dealers or authorised
9 manufacturers within a particular area, or a class of such persons, or dealers or
10 authorised manufacturers within a particular area, to surrender, in accordance
11 with directions in the notice, all firearms or ammunition in their possession, or
12 all firearms or ammunition of a particular class in their possession; and

13 (c) by notice in writing to any particular dealer or authorised
14 manufacturer, direct him or her to surrender, in the manner and at the place
15 specified in the notice, all firearms and ammunition in his or her possession, or
16 all firearms and ammunition of a particular class in his or her possession.

17 (2) Any notice issued under this section remains in force for the
18 duration of the state of emergency unless it is revoked earlier.

19 (3) Any firearm or ammunition surrendered in terms of a notice issued
20 under this section must be returned as soon as possible after the state of
21 emergency is lifted or the notice is revoked.

Firearm free
zones

22 **PART 21 - GENERAL PROVISIONS**

23 **145.** Despite anything to the contrary in this Act, a firearm may also be
24 used by the holder of a licence to possess that firearm-

25 (a) to euthanase or slaughter animals in the prescribed manner; and

26 (b) for such other purposes and in accordance with such requirements
27 as may be prescribed

28 **146.-(1)** The Registrar may delegate any power conferred on him or
29 her and assign any duty imposed on him or her by or under this Act to any
30 official in the service of the Federal Government.

1 (2) An official to whom a power has been delegated or a duty has
2 been assigned in terms of subsection (1) must exercise the power or perform
3 the duty subject to the control and directions of the Registrar.

4 (3) The Registrar may, notwithstanding a delegation or assignment
5 in terms of subsection (1), personally exercise the power or perform the duty
6 delegated or assigned to another official.

7 **147.** For purposes of this Act, the Minister may in writing designate
8 any police officer. Emergency
provisions

9 **148.-(1)** Any notice or other document to be served on or given to
10 any person in terms of this Act may be-

11 (a) delivered by hand to that person;

12 (b) left at that person's usual or last known place of residence or
13 business;

14 (c) left at an address specified by that person for the purpose of any
15 application made in terms of this Act;

16 (d) posted by certified mail addressed to that person by name at that
17 person's last known place of residence or business or at a postal address
18 specified by that person for the purpose of any application made in terms of
19 this Act;

20 (e) delivered to any legal representative or other agent of that
21 person who is duly authorised by that person to receive it;

22 (f) if the relevant person is deceased, delivered to that person's
23 legal representative or to the executor of his or her estate; or

24 (g) if the relevant person is absent from Nigeria, delivered to that
25 person's legal representative or agent in Nigeria or served in such manner as
26 may be prescribed by regulation.

27 (2) This section does not apply to notices or other documents
28 served or given during the course of any proceedings in a court of law or to
29 notices in terms of section 125. Other uses of
firearms

30 **149.** A document purporting to be signed by a police officer, or

Delegation of powers and assignment of duties	<p>1 person designated under section 147, indicating that the service was affected in</p> <p>2 accordance with section 148(1) by the person who has signed the document, is</p> <p>3 upon production in a court by any person, prima facie evidence of service of the</p> <p>4 document.</p>
Designation as police officer	<p>5 150.-(1) The Minister may, by notice in the Gazette, make regulations</p> <p>6 regarding-</p> <p>7 (a) anything that may or must be prescribed in terms of this Act;</p> <p>8 (b) the surrendering of firearms and ammunition to the Nigeria</p> <p>9 Police Force;</p> <p>10 (c) the production of any firearm to which any application relates for</p> <p>11 the purpose of identification, and the discharging of ammunition for</p> <p>12 identification purposes;</p>
Service of documents	<p>13 (d) the determination and payment of fees payable in respect of the</p> <p>14 issue or renewal of any competency certificate, licence, permit or authorisation</p> <p>15 or in respect of anything else for which a fee may be charged in terms of this</p> <p>16 Act;</p> <p>17 (e) the fees or remuneration which may be charged by dealers in</p> <p>18 respect of any firearm, or other device, required to be disposed of through a</p> <p>19 dealer in terms of this Act;</p> <p>20 (f) the security of any premises at which dealers, manufacturers,</p> <p>21 gunsmiths, importers and exporters of firearms and ammunition, Official</p> <p>22 Institutions or persons who use firearms for business purposes conduct</p> <p>23 business, including precautions and procedures to be taken to prevent the theft</p> <p>24 or unlawful use of firearms and ammunition in the possession of such persons;</p> <p>25 (g) precautions to be taken in respect of the carriage, use, safe custody</p> <p>26 or destruction of firearms and ammunition;</p> <p>27 (h) the surrender and disposal of competency certificates, licences,</p> <p>28 permits or authorisations issued in terms of this Act which have been</p> <p>29 suspended, revoked or cancelled or which have ceased to be valid;</p> <p>30 (i) the notification of change of address;</p>

1 (j) the acquisition, disposal, possession, importation or exportation
2 of equipment and material designed for the charging or recharging of
3 ammunition;

4 (k) the taking of fingerprints;

Return of service

5 (l) the periods for and the manner in which, and by whom,
6 documentation contemplated in this Act must be retained; and

7 (m) generally with regard to any other matter which it is necessary
8 or expedient to prescribe in order to achieve or promote the objects of this
9 Act.

Regulations

10 (2) A regulation may provide for a penalty for any contravention
11 thereof or failure to comply therewith, of a fine or imprisonment for a period
12 not exceeding 12 months or both a fine and such imprisonment.

13 (3) A regulation regarding the determination of fees may be made
14 only with the approval of the Minister of Finance.

15 (4) In making regulations, other than those relating to the payment
16 of fees, the Minister may differentiate between different areas in Nigeria.

17 **151.** If a person who holds a licence issued in terms of section 23 or
18 who holds a licence, permit or authorisation contemplated in Part 7 or 8,
19 ceases to carry on business for any reason, the firearms and ammunition in
20 possession of that person must be kept in safe custody by the person and at
21 the place designated by the Registrar, until they are disposed of as
22 prescribed.

23 **152.-(1)** In the case of the death of the holder of a firearm licence,
24 the firearm in question must be disposed of as prescribed.

25 (2) The executor of the estate of a deceased person who comes into
26 possession of a firearm licensed to the deceased must store the firearm as
27 prescribed.

28 (3) A person who, on the death of the holder of a licence, permit or
29 authorisation, becomes entitled to a firearm must, if he or she-

30 (a) wishes to acquire the firearm, apply for an appropriate licence,

1 permit or authorisation in terms of this Act; or

2 (b) does not wish to acquire the firearm, or fails to obtain the
3 appropriate licence, permit or authorisation, dispose of it as prescribed.

4 (4) Any person who disposes of a firearm in terms of this section must
5 notify the Registrar in writing thereof.

6 **153.-(1)** A person who inherits a firearm may have the firearm in his
7 or her possession, if-

8 (a) the firearm is not a prohibited or restricted firearm; and

9 (b) he or she has obtained a permit referred to in subsection (2).

10 (2) The Registrar may, on application in the prescribed form; issue a
11 permit to possess a firearm to a person who inherits a firearm subject to such
12 conditions as the Registrar may impose.

13 (3) A firearm in respect of which a permit is issued in terms of this
14 section may not be used unless a licence in terms of this Act has been issued in
15 respect of that firearm.

16 (4) If a licence is issued in respect of any firearm contemplated in this
17 section, all the relevant provisions of this Act apply in respect of that licence
18 and firearm.

19 **154.(1)** A firearm may only be destroyed as prescribed.

20 (2) Any firearm or ammunition forfeited to the Federal Government
21 in terms of this Act-

Disposal of
firearms in case
of ceasing to carry
on business

22 (a) must be destroyed by the Federal Government within six months
23 of the date of the forfeiture or after all possible appeals have been concluded or
24 the last date on which any appeal could have been noted has passed without an
25 appeal having been noted, whichever occurs last; and

Disposal of
firearms in case
of death

26 (b) remains the property of the owner thereof until its destruction.

27 (3) (a) Despite subsection (2), the Federal Government may retain
28 any firearm or ammunition forfeited to the State, which the Registrar deems to
29 be of special value.

30 (b) Any firearm or ammunition retained by the Registrar in terms of

1 paragraph (a) becomes the property of the State when the Registrar informs
2 the former owner of the firearm of that fact.

3 (c) Subject to Part 19, the former owner of any firearm or
4 ammunition which becomes the property of the Federal Government in
5 terms of paragraph (b) may apply for compensation in terms of this Act.

6 **155.-(1)** For purposes of this section “to deactivate” means to
7 render permanently inoperable and “deactivation” has a corresponding
8 meaning.

9 (2) A firearm may only be deactivated by a gunsmith in the Inherited firearms
10 prescribed manner.

11 (3) If a firearm is deactivated by a gunsmith-

12 (a) the gunsmith must issue a certificate to that effect indicating the
13 manner in which the deactivation was performed;

14 (b) the holder of the licence in respect of the firearm in question
15 must notify the Registrar within 14 days after such deactivation, and at the
16 same time forward to the Registrar a copy of the deactivation certificate; and

17 (c) the gunsmith must notify the Registrar within 14 days after any
18 deactivation done by him or her, and at the same time forward to the
19 Registrar a copy of the deactivation certificate.

20 **156.** Despite any law to the contrary, any magistrates' court has
21 jurisdiction to impose any penalty provided for in terms of this Act

22 **157.** The Firearms Control Act No. 32 of 1959 Cap. F28 Laws of Compulsory
23 the Federation of Nigeria, 2004 is hereby repealed destruction of
firearms by the
Federal Government

24 **158.** This Bill may be cited as the Firearms Control Act (Repeal and
25 Re-Enactment) Bill, 2022.

26 SCHEDULES

27 SCHEDULE 1

28 TRANSITIONAL PROVISIONS

29 *Existing licence to possess an arm*

30 1.-(1) Subject to sub-item (2) and item 11, any licence, which was

	1	issued in terms of the previous Act and which was valid immediately before the
	2	date of the commencement of this Act, remains valid for a period of five years
	3	from the date on which this Act comes into operation, unless such licence is
	4	terminated, cancelled or surrendered in terms of this Act.
	5	(2) (a) The holder of a licence to possess an arm contemplated in sub-
	6	item (1) must, before the end of the period contemplated in that sub-item, in a
	7	lawful manner dispose of any firearms in his or her possession in excess of the
	8	number that he or she may lawfully possess in terms of this Act;
Deactivation of firearms	9	(b) For the purpose of paragraph (a), section 34 (2) does not apply.
	10	(3) Any firearm not disposed of as contemplated in sub-item (2) may
	11	be forfeited to the State and must be disposed of in the prescribed manner.
	12	<i>Existing dealer's licence</i>
	13	2. Subject to item 11, any licence issued in terms of section 19(1) of
	14	the previous Act or transferred in terms of section 20 of that Act or any
	15	temporary licence issued in terms of section 19A(1) of the previous Act, which
	16	was valid immediately before the date of commencement of this Act, remains
	17	valid for one year from that date, unless it is terminated, cancelled or
	18	surrendered in terms of this Act.
	19	<i>Existing permit for importation or exportation of arms and ammunition</i>
	20	3. Subject to item 11, any permit issued in terms of the previous Act,
	21	which was valid immediately before the commencement of this Act, remains
Jurisdiction of magistrates' courts	22	valid for the period specified in that permit, unless terminated, cancelled or
	23	surrendered in terms of this Act.
Repeal	24	<i>Existing permit for manufacture of arms and ammunition</i>
	25	4. Subject to item 11, any permit issued in terms of the previous Act,
Citation	26	which was valid immediately before the commencement of this Act, remains
	27	valid for one year from that date, unless terminated, cancelled or surrendered in

1 terms of this Act.

2 *Existing authorisations and certain existing permits*

3 5. Subject to item 11, any authorisation issued in terms of section 3
4 (5) or any permit issued in terms of the previous Act other than a permit
5 contemplated in item 3 or 4, which was valid immediately before the
6 commencement of this Act, remains valid for the period specified in the
7 authorisation or permit, as the case may be, unless terminated, cancelled or
8 surrendered in terms of this Act.

9 *Person unfit to possess a firearm*

10 6.-(1) Any person declared to be unfit to possess an arm in terms of
11 the previous Act must be regarded as having been declared unfit to possess a
12 firearm in terms of this Act.

13 (2) Despite items 1, 2, 3, 4 and 5, any person holding a licence
14 contemplated in any of those items may in terms of this Act be declared unfit
15 to possess a firearm.

16 *Register in terms of previous Act to be kept by Registrar*

17 7.-(1) The register kept in terms of the previous Act must be
18 maintained by the Registrar for such period as may be necessary.

19 (2) A certificate purporting to be signed by the Inspector General of
20 Police or any person acting under his or her authority stating any fact
21 recorded in the register referred to in sub-item (1) is upon production in a
22 court by any person, prima facie evidence of the fact so stated.

23 *Matters pending under previous Act*

24 8.-(1) Subject to sub-items (2) and (3), this Act does not affect any
25 proceedings instituted in terms of the previous Act which were pending in a
26 court of law immediately before the date of commencement of this Act, and
27 such proceedings must be disposed of in the court in question as if this Act
28 had not been passed.

29 (2) Proceedings contemplated in sub-item (1) must be regarded as

1 having been pending if the person concerned had pleaded to the charge in
2 question.

3 (3) No proceedings may continue against any person in respect of any
4 contravention of a provision of the previous Act if the alleged act or omission
5 constituting the offence would not have constituted an offence if this Act had
6 been in force at the time when the act or omission took place.

7 (4) (a) Despite the repeal of the previous Act, any person who, before
8 such repeal, committed an act or omission which constituted an offence under
9 that Act and which constitutes an offence under this Act, may after this Act
10 takes effect be prosecuted under the relevant provisions of this Act;

11 (b) Despite the retrospective application of this Act as contemplated
12 in paragraph (a), any penalty imposed in terms of this Act in respect of an act or
13 omission which took place before this Act came into operation may not exceed
14 the maximum penalty which could have been imposed on the date when the act
15 or omission took place.

16 *Investigations by the Inspector General of Police under previous Act*

17 9.-(1) An investigation by the Inspector General of Police in terms of
18 the previous Act which has not been completed when this Act commences,
19 must be discontinued.

20 (2) Any act or omission committed prior to the coming into operation
21 of this Act, which constituted grounds for declaring a person unfit to possess an
22 arm, must be regarded as constituting grounds for declaring a person unfit to
23 possess a firearm in terms of this Act.

24 *Consideration of validity of existing licence, permit and authorisation*

25 10.-(1) Despite this Schedule, the Registrar may at any time notify
26 any person who holds a licence, permit or authorisation contemplated in item 1,
27 2, 3, 4 or 5 that he or she intends investigating the validity of that licence, permit
28 or authorisation.

29 (2) The person notified must on a date specified in the notice furnish
30 the Registrar-

1 (a) with the original licence, permit or authorisation in question,
2 against the issue of a receipt; and

3 (b) with such additional information as may be required in terms of
4 the notice.

5 (3) If the Registrar finds that the licence, permit or authorisation
6 was not validly issued, the holder of the licence, permit or authorisation
7 must, if applicable and against the issue of a receipt, surrender the firearm in
8 question to a police official at a police station specified by the Registrar in a
9 written notice to the holder.

10 (4) The firearm must be disposed of as prescribed after the
11 expiration of a period of six months after the date of surrender or after all
12 possible appeals have been concluded or the last date on which any appeal
13 could have been noted has passed without an appeal having been noted,
14 whichever occurs last.

15 (5) The Registrar may declare the holder referred to in sub-item (3)
16 to be unfit to possess a firearm, in which case the provisions of Part 12 of this
17 Act apply with the necessary changes.

18 (6) Any person who fails to comply with sub-item (2) or (3) is
19 guilty of an offence and is liable on conviction to a fine or to imprisonment
20 for a period not exceeding one year or to both a fine and such imprisonment.

21 *Renewal of licence*

22 11.-(1) (a) The holder of a licence, permit or authorisation
23 contemplated in item 1, 2, 3, 4 or 5 must apply for the corresponding licence,
24 permit or authorisation in terms of this Act within the period determined by
25 the Minister by notice in the Gazette;

26 (b) Different periods may be determined in terms of paragraph (a)
27 in respect of-

28 (i) different licences, permits or authorisations; and

29 (ii) holders whose surnames start with different letters of the
30 alphabet, or whose dates of birth fall in different months.

1 (c) The period contemplated in paragraph (a) must end before the end
2 of the relevant period contemplated in item 1(1) and may not exceed the
3 periods contemplated in item 2, 3, 4 or 5.

4 (d) If an application for the renewal of a licence, permit or
5 authorisation has been lodged within the period provided for in this section, the
6 licence, permit or authorisation remains valid until the application is decided.

7 (2) An application for a licence, permit or authorisation contemplated
8 in sub-item (1) must in addition to any requirement in terms of this Act be
9 accompanied by-

10 (a) a certified copy of the existing licence, permit or authorisation;

11 (b) such other information as may be required.

12 (3) For purposes of this item, section 11 (2) (o) does not apply.

13 (4) Any holder of a licence, permit or authorisation who fails to apply
14 for the renewal of his or her licence, permit or authorisation before the end of
15 the period determined by the Minister in terms of sub-item (1), is guilty of an
16 offence and liable on conviction to a fine or to imprisonment for a period not
17 exceeding one year or to both a fine and such imprisonment.

18 SCHEDULE 2

19 OFFENCES GIVING RISE TO UNFITNESS ENQUIRY BY COURT

20 *Section 106 (3)*

21 1. High treason

22 2. Sedition

23 3. Sabotage

24 4. Terrorism

25 5. Public violence

26 6. Arson

27 7. Intimidation

28 8. Rape

29 9. Malicious damage to property

30 10. Entering any premises with the intent to commit an offence under the

1 common law or a statutory provision

2 11. Kidnapping

3 12. Child stealing

4 13. Culpable homicide

5 14. Extortion

6 15. Any crime or offence

7 (a) in terms of this Act or the previous Act;

8 (b) involving the abuse of alcohol or drugs;

9 (c) involving dealing in drugs;

10 (d) involving violence or dishonesty; or

11 (e) in terms of the Explosives Act, and

12 16. Any conspiracy, incitement or attempt to commit any offence

13 referred to in this Schedule

14 SCHEDULE 3

15 PENALTIES

16 *Section 124*

17 *Section Maximum period of imprisonment*

18 3 15 years

19 4 25 years

20 6 (1) Two years

21 6 (2) Two years

22 6 (3) Two years

23 6 (4) Two years

24 7 (1) Two years

25 7 (1) Two years

26 14 (3) Two years

27 15 (4) Two years

28 16 (5) Five years

29 17 (4) Two years

30 18 (4) Two years

1	18 (5) Two years
2	19 (4) Two years
3	19 (5) Two years
4	20 (3) (a) Two years
5	20 (3) (b) Three years
6	20 (4) Two years
7	21 (2) (b) Five years
8	20 (3) Five years
9	21 (4) (a) Two years
10	21 (4) (b) Three years
11	22 (3) Five years
12	22 (4) (a) Two years
13	22 (4) (b) Three years
14	22 (5) Five years
15	22 (6) Five years
16	23 (4) Five years
17	23 (5) (a) Five years
18	23 (5) (b) 25 years
19	23 (6) (a) Five years
20	23 (6) (b) Five years
21	23 (7) Two years
22	23 (8) Two years
23	24 (5) Five years
24	24 (4) Two years
25	26 (5) 10 years
26	26 (6) Five years
27	28 (1) Two years
28	29 Two years
29	31 (4) 10 years
30	31 (5) 10 years

1 32 (1) Two years

2 32 (2) Two years

3 34 (1) 25 years

4 34 (2) 25 years

5 *Section Maximum period of imprisonment*

6 34 (3) 15 years

7 35 (2) Four years

8 39 (6) Two years

9 41 Two years

10 42 (1) Four years

11 42 (2) Four years

12 42 (3) Five years

13 42 (4) Two years

14 42 (5) Three years

15 42 (6) Three years

16 42 (8) Three years

17 42 (9) 15 years

18 44 (5) 25 years

19 45 (4) 25 years

20 45 (5) 25 years

21 47 (1) Two years

22 47 (2) Two years

23 48 (1) 25 years

24 48 (2) 25 years

25 53 (6) Two years

26 55 Two years

27 56 (1) Four years

28 56 (2) Five years

29 56 (3) Three years

30 56 (4) Two years

1	56 (5) Two years
2	56 (6) Three years
3	56 (7) 15 years
4	58 (5) 25 years
5	59 (4) 25 years
6	59 (5) 25 years
7	61 (1) Two years
8	61 (2) Two years
9	62 15 years
10	67 (6) Two years
11	69 Two years
12	70 (1) Two years
13	70 (2) Five years
14	70 (3) Two years
15	70 (4) Three years
16	70 (5) Three years
17	70 (7) Three years
18	70 (8) 15 years
19	72 (5) 25 years
20	73 (4) 25 years
21	73 (5) 25 years
22	75 (1) Two years
23	75 (2) Two years
24	76 (1) 15 years
25	76 (2) 15 years
26	81 (1) Two years
27	81 (2) Three years
28	Section Maximum period of imprisonment
29	81 (3) Three years
30	81 (4) 15 years

1	83 (5) 25 years
2	85 (1) Two years
3	85 (2) Two years
4	86 15 years
5	87 Two years
6	88 (1) 25 years
7	90(1) Two years
8	90 (2) Two years
9	90 (3) Two years
10	91 (2) 25 years
11	93 15 years
12	94 (1) 10 years
13	94 (2) 10 years
14	96 (2) 10 years
15	96 (3) 10 years
16	96 (4) 10 years
17	97 (2) Five years
18	97 (3) Two years
19	101 (1) Two years
20	101 (5) Two years
21	101 (7) Two years
22	105 (4) 15 years
23	107 (2) 15 years
24	109 Two years
25	110 (1) 10 years
26	110 (2) One year
27	111 (1) One year
28	123 (2) 15 years
29	123 (4) Five years
30	123 (5) Three years

1	123 (6) Three years
2	123 (7) 10 years
3	123 (8) Five years
4	123 (9) Five years
5	123 (10) Five years
6	123 (11) (a) 10 years
7	123 (11) (b) 25 years
8	123 (12) 10 years
9	123 (13) Five years
10	143 (2) (a) Five years
11	143 (2) (b) 10 years
12	143 (2) (c) 25 years
13	144 (1) 15 years
14	151 (1) 15 years
15	152 (1) Five years
16	152 (2) Five years
17	152 (3) Five years
18	152 (4) 15 years
19	153 (2) (a) 25 years
20	<i>Section Maximum period of imprisonment</i>
21	153 (2) (b) 25 years
22	153 (3) 15 years
23	154 (1) 10 years
24	155 (2) Five years
25	155 (3) (a) Two years
26	155 (3) (b) Two years
27	155 (3) (c) Two years
28	
29	
30	