

FIREARMS ACT

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Muzzle-loading firearms

FIREARMS ACT

An Act to make provision for regulating the possession of and dealing in firearms and ammunition including muzzle-loading firearms, and for matters ancillary thereto.

1. Short title

[L.N. 32 of 1959.]

[Commencement.] PART I

Introductory

[1st February, 1959]

This Act may be cited as the Firearms Act.

2. Interpretation

In this Act, unless the context otherwise requires-

“ammunition” means ammunition for any firearm and any component part of any such ammunition, but does not include gun powder or trade powder not intended or used as such a component part;

“firearm” means any lethal barreled weapon of any description from which any shot, bullet or other missile can be discharged, and includes a prohibited firearm, a personal firearm and a muzzle-loading firearm of any of the categories referred to in Parts I, II and III respectively of the Schedule hereto, and any component part of any such firearm;

“public armoury” means a place or building established or recognised as a public armoury in accordance with section 13 of this Act.

PART II

Licensing

3. Prohibited firearms

No person shall have in his possession or under his control any firearm of one of the categories specified in Part I of the Schedule to this Act (in this Act referred to as a “prohibited firearm”) except in accordance with a licence granted by the President acting in his discretion.

[Schedule Part I.]

4. Personal firearms

No person shall have in his possession or under his control any firearm of one of the categories specified in Part II of the Schedule to this Act (in this Act referred to as a “personal firearm”) except in accordance with a licence granted in respect thereof by the Inspector-General of Police, which licence shall be granted or refused in accordance with principles decided upon by the President.

5. Muzzle-loading firearms may be prohibited except under licence

(1) The Commissioner of Police of a State, with the consent of the Governor of the State in respect of the State or any part thereof, may by order prohibit the possession or control of any firearms of the categories specified in Part III of the Schedule to this Act (in this Act referred to as a "muzzle-loading firearm") without the licence of an authority to be specified in such order.

[Schedule Part III.]

(2) Upon the making of an order under subsection (1) of this section no person shall within any area specified in such order have in his possession or under his control a muzzle-loading firearm without a licence granted in respect thereof by the appropriate authority in accordance with regulations made under section 32 of this Act.

(3) An authority specified in an order made under subsection (1) of this section, shall render such periodical returns as may be required by regulations.

(4) The grant of a licence in respect of a muzzle-loading firearm in respect of which application has been duly made shall not be refused except for one of the reasons specified in subsection (2) of section 6 of this Act.

6. Licences and permits not granted as of right

(1) Subject to the provisions of subsection (5) of section 5 of this Act, no person shall, as of right, be entitled to the grant of any licence or permit under this Act and the

authority having the function of granting such licence or permit may without being bound to assign any reason therefor refuse the grant of such licence or permit or, subject to the provisions of any regulations made under section 32 of this Act, may impose such terms or conditions as he may think fit, and may revoke such licence or permit for such cause as he may consider appropriate:

Provided that any person aggrieved by any such decision, other than a decision by

the President, may appeal in writing to the President, acting in his discretion, whose decision thereon shall be final.

(2) Notwithstanding the provisions of subsection (1) of this section, no licence or permit under the provisions of this Act shall be granted if there is reason to believe that the applicant or holder of the licence-

(a) is under the age of seventeen;

(b) is of unsound mind;

(c) is not fit to have possession of the firearm in question on account of defective eyesight;

(d) is a person of intemperate habits;

(e) has during the previous five years been convicted of an offence involving violence or the threat of violence.

7. Safe custody of firearms

(1) The owner of a firearm in respect of which a licence or permit has been granted in accordance with the provisions of this Act shall be responsible for the safe custody of the firearm to which the licence or permit relates.

(2) The owner of such firearm, in the case of loss, theft or destruction of such firearm, shall notify such loss, theft or destruction and the circumstances thereof within fourteen days of being aware thereof to the authority who issued the licence or permit, and shall at the same time surrender the licence or permit for such action as such authority may consider necessary.

(3) Upon the death of the holder of a licence or permit, a person lawfully in possession

of the chattels of the deceased or a person to whom a firearm or ammunition therefor has been bequeathed may, notwithstanding any other provision of this Act, lawfully have in his possession a firearm or ammunition in respect of which the deceased person held a licence or permit for a period of fourteen days after such death:

Provided that the Inspector-General of Police may, if he thinks fit, seize such firearm or ammunition and retain or deposit the same in a public armoury until a licence or permit shall have been granted in respect thereof.

8. Ammunition

(1) No person shall have in his possession or under his control any ammunition in respect of any firearm referred to in the Schedule to this Act except in accordance with the terms of a licence or permit granted to him and in force in respect of such firearm.

(2) This section shall apply in respect of all ammunition as defined in section 2 of this Act, except-

(a) ammunition for a muzzle-loading firearm in the possession or under the control of a person in any area not for the time being the subject of an order in accordance with section 5 of this Act;

(b) lead shot for use only as a weight or weights;

(c) blank cartridges (other than those for humane killers) not exceeding 2.54 centimetres in diameter.

PART III

Sale and transfer

9. Prohibition on dealing in arms or ammunition except by registered dealer

(1) No person shall by way of trade or business buy or sell or transfer or expose for sale or transfer or have in his possession for sale or transfer any firearm unless he is registered as a firearms dealer.

(2) No person shall by way of trade or business buy or sell or transfer or expose for sale or transfer or have in his possession for sale or transfer any ammunition, other than

the ammunition specified in paragraphs (a) to (c) of subsection (2) of section 8 of this Act unless he is registered as a firearms dealer.

(3) For the purpose of this section the Inspector-General of Police shall cause to be kept a register or registers of firearms dealers and shall upon due application enter therein the name of any person applying to be registered and each place where such person carries on business as such dealer:

Provided that no registration shall take place, and a registration which has taken place shall be cancelled-

(a) if the officer in charge of the register is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or the peace; or

(b) in respect of any premises which do not comply with the requirements prescribed by regulations made under section 32 of this Act.

(4) The President may without being bound to assign any reason therefor direct that registration in accordance with this section shall not take place in respect of any person or persons, or in respect of any place or area, and may in like manner direct that any such registration shall be cancelled.

10. Registered dealer's armouries

(1) A registered firearms dealer shall construct, in accordance with the requirements prescribed by regulations under section 32 of this Act, and maintain in proper repair, an armoury at each place in respect of which he carries on business.

(2) A registered firearms dealer shall keep up to date at each place where he carries on business such records and shall make such returns in respect thereof as may be prescribed.

(3) A registered firearms dealer, in the case of loss, theft or destruction of a firearm in his possession, shall notify such loss, theft or destruction as soon as possible and in any case within seven days thereof to the Inspector-General of Police.

(4) A registered firearms dealer shall permit inspection of each place where he carries on business and the records maintained thereat by a police officer upon production by such officer of the written authority of the Inspector-General of Police.

11. Sale only to person holding licence

No person, whether a registered firearms dealer or not, shall sell or transfer any firearm or ammunition to any person other than to another registered firearms dealer (and

then only after prior notification by both dealers to the Inspector-General of Police) without the production of a licence or permit by such person authorising the possession of such firearm or ammunition:

Provided that regulations made in accordance with section 32 of this Act may permit the sale or transfer of a firearm or ammunition by a registered firearms dealer to a person not the holder of a licence or permit intending to obtain such licence or permit in another part of Nigeria, upon conditions to be prescribed in such regulations.

12. Stamping of all firearms sold

(1) No person, whether a registered firearms dealer or not, shall sell or transfer any firearm unless there shall have been stamped permanently thereon the maker's name and number or such other particulars as may be prescribed, and unless such name or number is specified in any licence or permit produced in accordance with section 11 of this Act.

(2) No person, whether a registered firearms dealer or not, shall alter or render illegible the maker's name or number or other prescribed particulars stamped upon a firearm without the previous consent in writing of the Inspector-General of Police.

PART IV

Public armouries

13. Establishment of public armouries

The President may, by notice in the *Federal Gazette*, establish or recognise public armouries for the deposit of firearms and ammunition and prescribe the officers to be in charge thereof.

14. Deposit in and withdrawal from public armoury

Firearms and ammunition may be deposited in a public armoury in accordance with regulations made under section 32 of this Act and shall not be withdrawn therefrom save in accordance with such regulations.

15. Disposal in certain cases of deposited arms or ammunition

(1) No firearm or ammunition shall remain deposited in a public armoury for a period in excess of eighteen months.

(2) No firearm or ammunition shall remain deposited in a public armoury for a period exceeding two months after an application for a licence in respect thereof has been re- fused, or after a licence in respect of the same has been revoked.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the offi- cer in charge of a public armoury may in his discretion in either such case permit deposit for a further period not exceeding twelve months if in his opinion the owner has the in- tention of removing or disposing of such firearm or ammunition lawfully and is likely to have an opportunity to do so.

(4) After giving two months' notice in the *Federal Gazette* of his intention to do so, the officer in charge of a public armoury may, in such manner as may be directed by the Inspector-General of Police, dispose of any firearm or ammunition-

(a) which is deposited in contravention of subsection (1) or (2), as modified by subsection (3) of this section; or

(b) upon which the fees for such deposit have been unpaid for three months; or

(c) of which the owner is unknown or within four weeks does not reply to an en- quiry posted to his last known address.

16. Damage or loss

(1) The Inspector-General of Police and the officer in charge of a public armoury shall not be responsible for any deterioration or damage caused to any firearm or ammunition deposited in a public armoury, but, in the manner to be prescribed by regulations, shall permit the owner and any person authorised by the owner to have access if he so requires for the purpose of inspection, cleaning or maintenance of a firearm or of ammunition therefor.

(2) No compensation shall be made to the owner of any firearm or ammunition de- posited in a public armoury by reason of any damage occasioned thereto by any natural or accidental cause.

17. Import and export through prescribed ports

No person shall import any firearms or ammunition into Nigeria by sea or by air or export the same therefrom by sea or by air except through a port which is a port for the purposes of the customs laws or an airport duly designated under the civil aviation laws, nor import or export the same by land except through a prescribed town adjacent to the land frontier or by the shortest route from the nearest part of the frontier to such a pre- scribed town.

[L.N. 108 of 1955.]

18. Import and export of prohibited firearms and ammunition

No person shall import or cause to be imported or export or cause to be exported any firearms referred to in Part I of the Schedule to this Act or ammunition therefor except in accordance with a licence duly granted by the President who may grant or refuse the same in his discretion and impose such terms and conditions as he may think fit.

[Schedule Part I.]

19. Restriction on import of personal firearms and ammunition

No person shall import or cause to be imported any firearm or ammunition referred to in Part II or III of the Schedule to this Act unless he declares the same to a customs officer or other prescribed officer at the time of importation and-

[Schedule Part II or III.]

(a) unless he produces to such customs officer or other prescribed officer a licence to possess such firearm or ammunition; or

(b) he imports the same as part of his personal effects and completes a prescribed form of declaration that his destination is within Nigeria but is in excess of twenty miles from the place of importation and that he will surrender such firearm or ammunition to a specified authority or at a public armoury at or near

his destination in accordance with such declaration and with the terms or a

permit for temporary possession thereof to be issued by the Inspector-General of Police:

Provided that the Inspector-General of Police may in his discretion require the surrender of such firearm or ammunition for the purpose of transmission by official channels to such specified authority or public armoury; or

(c) he imports the same as part of his personal effects and is in transit to some

country outside Nigeria and either surrenders the same to the customs or police authority while he is in Nigeria or obtains a permit for temporary possession during such period of transit; or

(d) he is a registered firearms dealer, or a person referred to in paragraph (c), (d)

or (e) of subsection (2) of section 37 of this Act, and imports the same in accordance with an import licence duly granted by the Inspector-General of Police who may grant or refuse the same in his discretion, subject to a like appeal as that provided for in section 6 of this Act, and who may impose such terms and conditions as he may think fit; or

(e) he gives an undertaking in writing that he will forthwith apply for a licence in accordance with section 4 of this Act and surrenders such firearm or ammunition for deposit in a public armoury pending a decision upon such application.

20. Import by post prohibited

No person shall import or cause to be imported any firearms or ammunition by post.

21. Restrictions on export of firearms and ammunition

No person shall export or cause to be exported any firearms or ammunition referred to in Part II or Part III of the Schedule to this Act unless he declares the same to a customs officer or other prescribed officer at the time of export and produces the licence or permit held in respect thereof for surrender or endorsement, or otherwise satisfies such customs or other prescribed officer that he is lawfully in possession thereof.

[Schedule Part II or III.] PART VI

Manufacture and repair of arms

22. Manufacture prohibited

Subject to the provisions of sections 23 to 25 of this Act, no person shall manufacture, assemble or repair any firearms or ammunition except at a public armoury or at arsenals established for the purposes of the armed forces with the consent of the President, acting in his discretion.

23. Permits for repair of personal firearms

The Inspector-General of Police may in his discretion grant a permit to any person to carry on the business of manufacture and repair of the firearms referred to in Part III of the Schedule to this Act, and shall maintain a register of such permits in force.

[Schedule Part III.]

24. Permits for repair of muzzle-loading firearms

The Inspector-General of Police may, with the consent of the Governor of the State,

in his discretion grant a permit to any person to carry on the business of manufacture and repair of the firearms referred to in Part III of the Schedule to this Act, and shall maintain a register of such permits in force.

[Schedule Part III.]

25. Dealer may repair

A registered firearms dealer shall be deemed to be the holder of a permit for the repair of the weapons referred to in Parts II and III of the Schedule to this Act subject to any conditions prescribed by regulations.

[Schedule Part II and III.]

26. Shortening of smooth-bore firearms prohibited

No person shall shorten the barrel of a smooth-bore firearm to a length of less than twenty inches from the muzzle to the point at which the charge is exploded on firing, and no person shall have in his possession or under his control any smooth-bore firearm which has been so shortened, or manufacture a smooth-bore firearm having such a barrel of less than twenty inches or have in his possession or under his control any firearms manufactured in contravention of this section.

[1966 No. 31.] PART VII

Enforcement of act

27. Penalties

(1) Any person who contravenes any of the provisions of this Act specified in paragraphs (a), (b) and (c) of this section, is guilty of an offence and liable on conviction-

[1966 No. 31.]

(a) as to any offences under any of the following-

(i) section 3 of this Act, (which prohibits the possession or control of firearms or certain categories);

(ii) section 17 of this Act, (which prohibits the importation or exportation of firearms or ammunition other than through prescribed ports);

(iii) section 18 of this Act, (which restricts the importation or exportation or certain firearms or ammunition); and

(iv) section 22 of this Act, (which prohibits the manufacture, assembly, or repair of firearms and ammunition),

to a minimum sentence of ten years;

(b) as to any offence under any of the following-

(i) section 4 of this Act, (which restricts the possession or control of personal firearms);

(ii) section 8 of this Act, (which restricts the possession or control of ammunition in respect of certain firearms);

(iii) section 9 (1) of this Act, (which prohibits any dealing in arms or ammunition);

(iv) section 19 of this Act, (which restricts the importation of personal firearms or ammunition); and

(v) section 26 of this Act, (which, among other things, prohibits the shortening of smooth-bore firearms),

to imprisonment for a term not exceeding five years;

(c) as to any offences under any of the following-

(i) section 5 (3) of this Act, (which restricts the possession or control of a muzzle-loading firearm within a specified area);

(ii) section 7 (2) of this Act, (which requires notification of loss, theft or destruction and certain other things with respect to firearms);

(iii) section 10 of this Act (which relates to a registered dealer's armoury);

(iv) section 11 of this Act (which deals with the sale or transfer of firearms or ammunition to licence holders); and

(v) section 12 of this Act (which relates to the stamping of all firearms sold or transferred),

to a fine of one thousand naira or imprisonment for a term of two years or to both such fine and imprisonment.

(2) Where a person contrary to section 20 of this Act imports or causes to be imported firearms or ammunition by post or, contrary to section 21 of this Act, exports or causes to be exported any firearm or ammunition therein referred to, he is guilty of an offence and liable on conviction to imprisonment for a term of not less than ten years.

(3) In addition to the penalties prescribed in subsection (1) or (2) of this section, any court of law may order the forfeiture of any firearm or ammunition to which the offence relates and any such forfeited firearm or ammunition shall be disposed of in accordance with the instructions of the Inspector-General of Police.

[1966 No. 61.]

(4) A person charged with an offence under the provisions of subsection (1) (a), (b) or (c) of this section may be tried summarily in any part of Nigeria.

(5) Every magistrate shall, without prejudice to any enactment relating to the jurisdiction of any other court of law, have and exercise jurisdiction for the summary trial of any person charged with an offence under the provisions of subsection (1) (a), (b) or (c) of this section and may impose the penalties prescribed herein notwithstanding anything to the contrary contained in any other enactment.

28. Production of licence

The holder of any licence or permit granted in accordance with the provisions of this Act shall produce the same, and if so required any firearm or ammunition to which such licence or permit relates, upon the request of a police officer, and in default shall be liable upon conviction to a fine of one hundred naira or imprisonment for six months.

29. Time for compliance

Reasonable time shall be given by a police officer for compliance with the provisions of section 28 of this Act.

30. Power to break open container

An officer executing a search warrant under the Criminal Procedure Act may open and if necessary break open any container upon the premises the subject of the warrant for the purpose of ascertaining whether any firearm or ammunition is contained therein, and the officer in charge of a public armoury shall have similar power for a similar purpose in respect of any container in a public armoury.

[Cap. C41.]

31. Protection of public officers

(1) The prescribed authorities and officers in charge of public armouries in Nigeria are hereby authorised and empowered to take all such necessary action and to do all such things as the efficient execution of any of the provisions of this Act may reasonably require.

(2) Where any proceedings, whether civil or criminal, are brought against any public officer in respect of any act done in pursuance of the provisions of this Act or any regulations made hereunder, it shall be a good defence to prove that there was reasonable and probable cause for the act in respect of which such proceedings are brought.

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