

ROBBERY AND FIREARMS (SPECIAL PROVISIONS) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Punishment for robbery.
 1. Punishment for attempted robbery, etc.
 2. Punishment for illegal possession of firearms.
 3. Offences relating to sheltering and treating armed robber.
 4. Offence and punishment for receiving.
 5. Punishment for parties to offences under section 1, 2, 3 or 4.
 6. Forfeiture of assets.
 7. Power to arrest by force without warrant, etc.
 8. Trial of offences.
 9. Adaptation of Act to Federal Capital Territory, Abuja.
 11. Interpretation.
12. Short title.

An Act to make comprehensive provisions for matters relating to armed robbery.

[1984 No. 5. 1986 No. 28.]

[29th March, 1984]

[Commencement.]

1. Punishment for robbery

(1) Any person who commits the offence of robbery shall upon trial and conviction under this Act, be sentenced to imprisonment for not less than 21 years.

(2) If-

(a) any offender mentioned in subsection (1) of this section is armed with any firearms or any offensive weapon or is in company with any person so armed;

or

(b) at or immediately before or immediately after the time of the robbery the said offender wounds or uses any personal violence to any person, he offender shall be liable upon conviction under this Act to be sentenced to death.

(3) The sentence of death imposed under this section may be executed by hanging the offender by the neck till he be dead or by causing such offender to suffer death by firing squad as the Governor may direct.

1. Punishment for attempted robbery, etc.

(1) Any person who, with intent to steal anything, assaults any other person and at or immediately after the time of assault, uses or threatens to use actual violence to any other person or any property in order to obtain the thing intended to be stolen shall upon conviction under this Act be sentenced to imprisonment for not less than fourteen years but not more than twenty years.

(2) If-

(a) any offender mentioned in subsection (1) of this section is armed with any firearms or any offensive weapon or is in company with any other person so armed; or

(b) at or immediately before or immediately after the time of the assault the said offender wounds or uses any other personal violence to any person, the offender shall upon conviction under this Act be sentenced to imprisonment for life.

(3) Any person found in any public place in possession of any firearms whether real or imitation and in circumstances reasonably indicating that the possession of the firearms is with intent to the immediate or eventual commission by that person or any other person of any offence under section 1 of this Act or under the foregoing provisions of this section shall upon conviction under this Act be sentenced to imprisonment for not less than fourteen years but not more than twenty years.

1. Punishment for illegal possession of firearms

(1) Any person having a firearm in his possession or under his control in contravention of the Firearms Act or any order made thereunder shall be guilty of an offence under this Act and shall upon conviction under this Act be sentenced to a fine of twenty thousand naira or to imprisonment for a period of not less than ten years, or to both.

(2) For the avoidance of doubt, section 28 of the Firearms Act shall, subject as provided in section 12 (4) of this Act, have effect notwithstanding subsection (1) of this section.

1. Offences relating to sheltering and treating armed robber

(1) It shall be an offence punishable under this Act for any person to knowingly house, shelter, or give quarters to any person who has committed an offence under section 1 (2) of this Act.

[1986 No. 28.]

(2) It shall be the duty of any person, hospital or clinic that admits, treats or administers any drug to any person suspected of having bullet wounds to immediately report the matter to the police.

(3) Any-

(a) person who; or

(b) hospital or clinic which, fails to report as stipulated in subsection (2) of this section shall be guilty of an offence under this Act.

(4) A person convicted of an offence under subsections (1) and (3) of this section shall be liable-

(a) in the case of an individual, to imprisonment for a term not exceeding five years; and

(b) in the case of a hospital or clinic, to a fine of ten thousand naira and in addition the hospital or clinic shall be closed down.

5. Offence and punishment for receiving

Any person who receives anything which has been obtained by means of any act constituting an offence under this Act shall be guilty of an offence under this Act and shall be liable upon conviction to be sentenced to imprisonment for life.

r 1990 No. 31.]

6. Punishment for parties to offences under section 1, 2, 3 or 4

Any person who-

(a) aids, counsels, abets or procures any person to commit an offence under section 1, 2, 3 or 4 of this Act; or

(b) conspires with any person to commit such an offence; or

(c) supplies, procures or provides any person with firearms for use to commit an offence under section 1 or 2 of this Act,

[1990 No. 31.]

whether or not he is present when the offence is committed or attempted to be committed, shall be deemed to be guilty of the offence as a principal offender and shall be liable to be proceeded against and punished accordingly under this Act.

7. Forfeiture of assets

(1) All the assets, movable or immovable, including motor vehicles, of any person convicted of an offence under this Act shall be forfeited to the Government of the State in which the asset or property is situated or found.

[1986 No. 28.]

(2) The Governor of a State may constitute a panel consisting of such number of persons (including an officer of the State Ministry of Justice) as he may think fit to conduct an investigation for the purpose of ascertaining the assets of any person convicted of an offence under this Act.

Power to arrest by force without warrant, etc.

(1) A police officer or a member of the armed forces may arrest without warrant any person reasonably suspected of having committed or of being about to commit an offence under this Act and the police officer or member of the armed forces may use such force, including the use of firearms, as may be reasonably necessary to effect the arrest of that person or to prevent his escape.

(2) The foregoing provisions of this section shall have effect-

(a) without prejudice to any other power conferred by any law on members of the Nigeria Police Force or members of the armed forces; and

(b) notwithstanding anything to the contrary in any law.

9. Trial of offences

Offences under this Act shall be triable in the High Court of the State concerned.

[1999 No. 62.]

10. Adaptation of Act to the Federal Capital Territory, Abuja

The provisions of this Act shall apply to the Federal Capital Territory, Abuja as if it were one of the States of the Federation, and accordingly-

(a) any reference in this Act to the Governor of a State shall be construed as being a reference to the Minister of the Federal Capital Territory, Abuja;

(b) any reference to a serving or retired judge of a State shall be construed as a reference to a serving or retired judge of the High Court of the Federal Capital Territory, Abuja or a serving or retired judge of the Federal High Court;

(c) any reference to any other person, office or authority of a State shall be construed as being a reference to the person, office or authority of the Federation with like status, designation or powers; and in particular, any reference to the Attorney-General of a State shall be construed as being a reference to the Attorney-General of the Federation.

11. Interpretation

(1) In this Act, unless the context otherwise requires-

“assault” means striking, touching moving or otherwise applying force, including heat, light, electrical force, gas, odour, or any other substance or thing whatever, if applied in such a degree as to cause injury or personal discomfort to the person of another, either directly or indirectly without his consent, or with his consent if the consent is obtained by fraud, or any bodily act or gesture, amounting to an attempt or threat to apply force of any kind as aforesaid to the person of another without his consent, in such circumstance that the person making the attempt or threat has in fact or apparently a present ability to effect the purpose;

“firearms” includes any canon, gun, rifle, carbine, machine-gun, cap-gun, flint-lock gun, revolver, pistol, explosive or ammunition or other firearm, whether whole or in detached pieces;

“Governor” means the Governor of any State in the Federation and includes the Minister of the Federal Capital Territory, Abuja;

“offensive weapon” means any article (apart from a firearm) made or adapted for use for causing injury to the person or intended by the person having it for such use by him and it includes an air gun, air pistol, bow and alTOW, spear, cutlass, marcher, dagger, cudgel, or any piece of wood, metal, glass or stone capable of being used as an offensive weapon;

“robbery” means stealing anything and, at or immediately before or after the time of stealing it, using or threatening to use actual violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained;

“steal” means to take or convert to one’s use or the use of any other person anything other than immovable property, with any of the following intents-

- (a) an intent permanently to deprive the owner of the thing of it;
- (b) an intent permanently to deprive any person who has any special property in the thing of such property, the term "special property" here including any charge or lien upon the thing in question and any right arising from or dependent upon holding possession of the thing in question, whether by the person entitled to such right or by some other person for his benefit;
- (c) an intent to use the thing as a pledge or security;
- (d) an intent to part with the thing on a condition as to its return which the person taking or converting it may be unable to perform;
- (e) an intent to deal with the thing in such a manner that it cannot be returned in the condition in which it was at the time of taking or conversion;
- (f) in the case of money, an intent to use it at the will of the person who takes or converts it, although he may intend afterwards to repay the amount to the owner.

12. **Short title**

This Act may be cited as the Robbery and Firearms (Special Provisions) Act.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation