

Firearms Act

CHAPTER 146

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.

1958 No. 7.

[1st February, 1959]

Commence-
ment.
L.N. 32 of
1959.

PART I.—INTRODUCTORY

1. This Act may be cited as the Firearms Act.

Short title.

2. In this Act, unless the context otherwise requires—

Interpreta-
tion.

“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 barrelled 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;

Schedule.

“public armoury” means a place or building established or recognised as a public armoury in accordance with section 14.

PART II.—LICENSING

3. 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 hereto (hereinafter referred to as a prohibited firearm) except in accordance with a licence granted by the President acting in his discretion.

Prohibited
firearms.
Schedule,
Part I.

Personal
firearms.

4. 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 (hereinafter referred to as a personal firearm) except in accordance with a licence granted in respect thereof by the Inspector-General of Police, which licences shall be granted or refused in accordance with principles decided upon by the National Council of Ministers.

Muzzle-
loading fire-
arms may be
prohibited
except under
licence.

5. (1) This section shall not have effect in respect of Lagos.

(2) 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 firearm of the categories specified in Part III of the Schedule to this Act (hereinafter referred to as a "muzzle-loading firearm") without the licence of an authority to be specified in such order.

(3) Upon the making of an order under subsection (2) 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 33 of this Act.

(4) An authority specified in an order made under subsection (2) of this section, shall render such periodical returns as may be required by regulations.

(5) 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 7 of this Act.

Muzzle-
loading fire-
arms prohi-
bited in
Lagos except
under
licence.

6. No person shall within Lagos have in his possession or under his control a muzzle-loading firearm without a licence from the Inspector-General of Police.

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.

Ammunition.

9. (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 outside Lagos and 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

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

10. (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.

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(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 9 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 33 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.

11. (1) A registered firearms dealer shall construct in accordance with the requirements prescribed by regulations under section 33 of this Act and maintain in proper repair an armoury at each place in respect of which he carries on business.

Registered
dealers'
armouries.

(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.

Sale only to
person
holding
licence.

12. 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 33 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.

Stamping of
all firearms
sold.

13. (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 12 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

Estab-
lishment of
public arm-
ouries.

14. 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.

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15. Firearms and ammunition may be deposited in a public armoury in accordance with regulations made under section 33 of this Act and shall not be withdrawn therefrom save in accordance with such regulations.

Deposit in
and withdra-
wal from
public
armoury.

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

Disposal in
certain cases
of deposited
arms or
ammunition.

(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 refused, 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 officer 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 intention 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 enquiry posted to his last known address.

17. (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.

Damage or
loss.

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

PART V.—IMPORT AND EXPORT

Import and
export
through pre-
scribed ports.
L.N. 108 of
1955.

18. 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 prescribed town.

Import and
export of
prohibited
firearms and
ammunition.

19. 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.

Restriction
on import of
personal
firearms and
ammunition.

20. No person shall import or cause to be imported 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 importation and—

(a) unless he produces to such customs officer or other prescribed officer a licence to possess such firearms 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

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with the terms of 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 38 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 7 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.

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

Import by
post pro-
hibited.

22. 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.

Restrictions
on export of
firearms and
ammunition.

PART VI.—MANUFACTURE AND REPAIR OF ARMS

Manufacture
prohibited.

23. Subject to the provisions of sections 24 to 26 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.

Permits for
repair of per-
sonal
firearms.

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

Permits for
repair of
muzzle-
loading
firearms.

25. The Inspector-General 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.

Dealer may
repair.

26. 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.

Shortening
smooth-bore
firearms pro-
hibited.

1966 No. 31.

27. 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.

PART VII.—ENFORCEMENT OF ACT

Penalties.
1966 No. 31.

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

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

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

(ii) section 18 of this Act, (which prohibits the importation or exportation of firearms or ammunition other than through prescribed ports),

(iii) section 19 of this Act, (which restricts the importation or exportation of certain firearms or ammunition), and

(iv) section 23 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 offences under any of the following—

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

(ii) section 9 of this Act, (which restricts the possession or control of ammunition in respect of certain firearms),

(iii) section 10(1) of this Act, (which prohibits any dealing in arms or ammunition),

(iv) section 20 of this Act, (which restricts the importation of personal firearms or ammunition), and

(v) section 27 of this Act, (which, among other things, prohibits the shortening of smoothbore 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 6 of this Act, (which prohibits possession or control of a muzzle-loading firearm in Lagos,

(iii) section 8(2) of this Act, (which requires notification of loss, theft or destruction and certain other things with respect to firearms),

(iv) section 11 of this Act (which relates to a registered dealer's armoury),

(v) section 12 of this Act (which deals with the sale or transfer of firearms or ammunition to licence holders), and

(vi) section 13 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 21 of this Act imports or causes to be imported firearms or ammunition by post or, contrary to section 22 of this Act, exports or causes to be exported any firearms or ammunition therein referred to, he shall be guilty of an offence and liable on conviction to imprisonment for a term of not less than ten years.

1966 No. 61.

(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.

(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.

Production
of licence.

29. 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

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a police officer, and in default shall be liable upon conviction to a fine of one hundred naira or imprisonment for six months.

30. Reasonable time shall be given by a police officer for compliance with the provisions of section 29 of this Act.

Time for compliance.

31. 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.

Power to break open container.
Cap. 80.

32. (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.

Protection of public officers.

(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.

PART VIII.—REGULATIONS AND OTHER POWERS

33. (1) The President, after consultation with the National Council of Ministers, may by regulations provide for—

Power to make regulations.

- (a) the method of application for and the terms and conditions which shall be attached to any licence or permit granted, and to any registration effected, under this Act, and the renewal and revocation of any such licence, permit or registration;
- (b) the records which shall be kept and returns to be made by a registered firearms dealer;

- (c) the records which shall be kept and returns to be made by authorities granting licences in respect of muzzle-loading firearms;
 - (d) requirements as to the buildings in which a registered firearms dealer shall carry on his business, and as to the structural and safety and security requirements of an armoury maintained by a dealer;
 - (e) the procedure upon sale or transfer by a registered firearms dealer of firearms or ammunition which shall be subject to licensing procedure in another part of Nigeria;
 - (f) the stamping or marking of firearms and the method thereof;
 - (g) the conditions or circumstances in which deposit shall be made or may be made in a public armoury and the conditions of and method for withdrawal therefrom;
 - (h) the conditions under which the provisions of this Act may be modified in respect of rifle clubs in accordance with section 38 of this Act;
 - (i) the total or partial exemption from the provisions of this Act of any type of air-gun, air-rifle or air-pistol (and ammunition therefor) the use or possession of which is considered to involve no danger or little danger, and any conditions to be attached to such exemption;
 - (j) prescribing anything which by this Act has to be prescribed;
 - (k) prescribing forms;
 - (l) subject to subsections (2) and (3) of this section, prescribing fees or minimum fees; and generally for the better carrying out of the purposes of this Act.
- (2) The Governor of a State, and the President may by regulations provide for the fees to be paid in respect of the licensing of personal firearms in the State.
- (3) The proceeds of any fees in respect of the licensing of muzzle-loading firearms in accordance with section 5 of this

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Act, shall be retained by the authority collecting such fees in augmentation of the funds of such authority.

34. The President, after consultation with the National Council of Ministers, may by order amend any part of the Schedule.

Power to
amend
Schedule.

35. The Inspector-General may by notice in the *Federal Gazette* delegate all or any of the powers or duties conferred upon him by this Act, other than this power of delegation, to any police officer or police officers, subject to such conditions, exceptions and qualifications and in respect of such parts of the Federation as may therein be prescribed, and during the period of such a delegation a reference in this Act to the Inspector-General of Police shall be deemed to include a reference to any police officer or police officers to whom the relevant power or duty has been delegated.

Delegation.

36. (1) The President if he thinks fit may at any time by proclamation prohibit the possession of or dealing in any firearms or ammunition, either throughout the Federation or in any part thereof, and either absolutely or except subject to such restrictions or conditions as may be specified.

President
may prohibit
possession or
dealing.

(2) A proclamation under subsection (1) of this section, may require the surrender of firearms and ammunition within a specified time and to a specified authority, and any person neglecting to make such surrender, or being in possession of or dealing in any firearm or ammunition during the period that such proclamation is in force, shall be guilty of an offence and shall be liable to a penalty of one thousand naira or imprisonment for two years, or to both such fine and imprisonment:

37. A police officer may seize any firearm or ammunition of which the owner is unknown or cannot be traced, and shall in such case deposit the same in a public armoury.

Seizure of
unclaimed
arms and
ammunition.

PART IX.—SAVINGS AND REPEAL

38. (1) The provisions of this section shall have effect notwithstanding the provisions of Part II of this Act.

Exemption
from neces-
sity for fire-
arms licence.

(2) A person specified in any of the following paragraphs, subject to any limitation specified in such paragraph, may acquire or have in his possession a firearm and ammunition therefor without having a firearms licence, whilst such firearm or ammunition is not used for other than the specified purpose or other than its proper purpose—

- (a) a registered firearms dealer, or person employed by him, in respect of a firearm or ammunition therefor acquired in his possession in the ordinary course of business;
- (b) the holder of a permit for the manufacture or repair of firearms, subject to the terms of such permit, and in respect of a firearm or ammunition therefor acquired or in his possession in the ordinary course of business;
- (c) a person requiring to use a riveting gun, or mechanical tool of some other nature which may come within the definition of a firearm, in respect of such gun or other tool;
- (d) a person on board a ship or aircraft, or at a port or aerodrome, in respect of signalling apparatus necessary for such ship or aircraft, or necessary at such port or aerodrome;
- (e) a member of a rifle club approved by the Inspector-General of Police, or of a unit of a cadet force so approved, when engaged as such a member in drill or target practice or under instruction in respect of any firearm or ammunition necessary for such drill or practice;
- (f) a person taking part in the production of a theatrical or cinematograph performance in respect of a firearm or ammunition necessary for such purpose;
- (g) a person having a firearm or ammunition for the purpose of starting events at an athletic meeting in respect of a firearm or ammunition designed for such purpose;
- (h) a person having a firearm or ammunition therefor designed for the capture of fish by a diver under water in respect of such firearm or ammunition.

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39. The provisions of this Act shall not apply to any member of the armed forces of the United Kingdom or of the Federation, or to a member of the police force, in relation to any firearm or ammunition issued to him for official purposes, and an officer of such armed forces or of the police force shall, if the Inspector-General is satisfied that he is required to purchase or acquire a firearm or ammunition therefor for his own use in his capacity as such officer, be entitled without payment of any fee to the grant of a licence therefor.

Armed forces and police.

40. The Arms Ordinance, the Arms Ordinance, 1942, and the Explosives (Import, Control and Sale) Ordinance, 1947, are repealed.

Repeal.
Cap. 14 of
the 1948
Edition.
No. 14 of
1942.
No. 28 of
1947.

41. Any licence or permit granted in accordance with the Arms Ordinance or the Explosives (Import, Control and Sale) Ordinance 1947, shall for a period of twelve months after the date that this Act comes into operation or for the period for which such licence or permit was granted (whichever shall sooner expire) shall be as valid and effectual as though granted in accordance with this Act.

Transitional.

SCHEDULE (sections 2,3-5,9,24-26,34)

PART I.—PROHIBITED FIREARMS

1. Artillery.
2. Apparatus for the discharge of any explosive or gas diffusing projectile.
3. Rocket weapons.
4. Bombs and grenades.
5. Machine-guns and machine-pistols. 1966 No. 31.
6. Military rifles, namely those of calibres 7.62 mm, 9 mm., .300 inches and .303 inches.
7. Revolvers and pistols whether rifled or unrifled (including flint-lock pistols and cap pistols). 1966 No. 68
8. Any other firearm not specified in Part II or Part III of this Schedule.

PART II.—PERSONAL FIREARMS

1. Shotguns other than—
 - (a) automatic and semi-automatic shotguns; and
 - (b) shotguns provided with any kind of mechanical reloading device.
2. Sporting rifles, namely rifles of calibres other than those specified in Item 6 of Part I.
3. Air-guns, air-rifles or air-pistols.
4. Humane killers of the captive bolt type.

PART III.—MUZZLE-LOADING FIREARMS

1. Dane-guns
 2. Flint-lock guns
 3. Cap guns
- } all being unrifled and muzzle-loading.