

Membership
of the National
Commission

- 1 2.-(1) The National Commission shall consist of:
2 (a) the Minister of Foreign Affairs who shall be the Chairman;
3 (b) one person, not below the rank of Director or its equivalent, to be
4 appointed from each of the following Ministries, Department and agency, as
5 the case may be:
6 (i) the Ministry Internal Affairs,
7 (ii) the Ministry of Defence,
8 (iii) the Federal Ministry of Justice,
9 (iv) the State Security Service,
10 (v) the Nigeria Police Force, Nigeria Security and Civil defence
11 corps;
12 (vi) the Nigerian Customs Service;
13 (b) the Director-General of the National Commission who shall also
14 be the Secretary of the National Commission; and
15 (c) two persons to represent civil society organisations engaged in the
16 control of the proliferation of small arms and light weapons.
17 (2) The members of the National Commission, other than ex-officio
18 members shall be appointed by the President on the recommendation of the
19 Minister,
20 (3) The National Commission may co-opt a person to act as adviser at
21 a meeting of the National Commission, but a person so co-opted shall not count
22 towards a quorum or vote at the meeting.
23 (4) A member of the National Commission, including a person co-
24 opted as a member
25 under subsection (3) of this section, shall be paid such reasonable allowance in
26 accordance with the scale approved by the Federal Government.
27 (5) The supplementary provisions set out in the Schedule to this Act
28 relate to the proceedings of the National Commission and the other matters
29 specified in it.

Tenure of office
of members

- 30 3. -(1) A member, other than an ex-officio member:

1 (a) shall hold office for a term of four years commencing on the
2 date of appointment on such terms and conditions as may be specified in his
3 letter of appointment; and

4 (b) may, at the end of his term unless he previously vacates or is
5 otherwise removed from office, be re-appointed for a further term of four
6 years only.

7 (2) The office of a member, other than an ex-officio member shall
8 become vacant if:

9 (a) his term has expired;

10 (b) he resigns his office by notice in writing under his hand
11 addressed to the President through the Minister;

12 (c) he dies;

13 (d) he becomes of unsound mind or incapable of carrying out his
14 duties;

15 (e) he becomes bankrupt;

16 (f) he is found guilty of gross misconduct relating to his duties;

17 (g) he ceases to hold the office on the basis of which he became a
18 member of the National Commission;

19 (i) the National Commission by resolution declares that -the
20 member should be removed from office for contravening the provisions of
21 paragraph 3 (1) of the Schedule to this Act; or

22 (j) the President is satisfied that it is not in the interest of the
23 National Commission or of the public for the person appointed to continue
24 in office.

25 (3) Where a vacancy occurs in the National Commission, it shall be
26 filled by an appointment by the President of a successor who shall represent
27 the same interest as that member whose exit created the vacancy.

28 (4) Where the office of a member of the National Commission
29 becomes vacant, the President shall appoint another person in his place in
30 accordance with the provisions of this Act.

Functions of the
National
Commission

1 PART II - FUNCTIONS THE NATIONAL COMMISSION

2 4. The National Commission is responsible for:

3 (a) establishing programmes of action to prevent, combat and
4 eradicate the illicit trade in small arms and light weapons;

5 (b) formulating strategies, plans and policies for the reduction in the
6 proliferation of small arms;

7 (c) sensitizing the public on the need to hand in to security services
8 illegally held light weapons;

9 (d) updating the Register of Small Arms and Light Weapons and
10 transmitting them to the Economic Community of West Africa States and any
11 other international organisation that may so require;

12 (e) advising the Economic Community of West Africa States African
13 Union and United Nations Organization on exemptions to be granted to
14 member States for weapons of categories 1, 2 and 3 to meet legitimate national
15 defence and security needs, or to participate in peace support or other
16 operations in accordance with the decisions of the United Nations, African
17 Union, Economic Community of West Africa States, or other regional or sub-
18 regional body of which it is a member.

19 (f) providing appropriate recommendations to the Economic
20 Community of West Africa States, African Union and United Nations
21 Organization Secretariat on exemptions to be granted under the Convention.,

22 (g) liaising on a permanent basis with Economic Community of West
23 Africa States, African Union, United Nations Organization and the Programme
24 for Co-ordination for Assistance on Security and Development secretariats on
25 issues relevant to the Convention and on issues regarding the proliferation of
26 small arms in general;

27 (h) initiating and developing mechanisms for exchange of
28 information and experience with the National Commission of other Economic
29 Community of West Africa States, African Union and United Nations
30 accordance with the provisions of this Act;

1 (i) mobilizing resources for programme expenditures; and
2 performing such other functions as are assigned to it under this Act or to
3 National Commissions under the Convention.

4 PART III - MANAGEMENT AND STAFF

5 5.- (1) There shall be for the National Commission, a Director-
6 General to be appointed by the President, on the recommendation of the
7 Minister.

Director-General
of the National
Commission

8 (2) The Director-General shall:

9 (a) be the chief executive and accounting officer of the National
10 Commission;

11 (b) be an experienced in matters relating small arms and light
12 weapons;

13 (c) be responsible for the day-to-day administration and
14 management of the National Commission and the keeping of books and
15 records of the National Commission;

16 (d) ensure that, in conducting its affairs, the National Commission
17 is guided by the Jaws of Nigeria and international best practices which shall
18 include the development and implementation of information security
19 measures, technical and administrative competence, and the principles of
20 impartiality, confidentiality, objectivity and integrity;

21 (e) formulate and develop an efficient and performance driven
22 administration;

23 (g) the control and maintenance of discipline of staff; and

24 (e) perform such other functions as are assigned to him under this
25 Act or any other law.

26 (3) The National Commission may give to the Director-General
27 general directions as to the management of the property, business and funds
28 of the National Commission and other matters relating to the functions of the
29 National Commission.

30 (4) The Director-General shall be appointed into office for a term

1 of four years in the first instance and may subject to satisfactory performance,
2 be re-appointed for a further term of four years and no more.

3 (5) The Director-General shall cease to hold office if any the
4 provisions of section 3 (2)(a) to (h) of this Act become applicable to him.

5 (6) The salary and emoluments of the Director-General of the
6 National Commission shall be equivalent to that of a Permanent Secretary in
7 the public service of the Federation.

8 (7) All departments shall render such assistance as may be reasonably
9 required in the exercise, performance or carrying out of the powers, functions
10 and duties conferred on, assigned to or imposed on the Director-General by or
11 under this Act.

Delegation of
powers by the
Director-General

12 6. -(1) The Director-General may:

13 (a) delegate, in writing, any of his powers under this Act to a
14 Deputy Director of the National Commission; or

15 (b) instruct any other employee to perform any of the functions
16 assigned to the National Commission under this Act.

17 (2) A delegation or instruction under subsection (1) of this section:

18 (a) is subject to the limitations or conditions that the Director-General
19 may impose; and

20 (b) does not relieve the Director-General of the ultimate
21 responsibility concerning the exercise of the delegated power or the
22 performance of the assigned function.

23 (3) The Director-General may confirm, vary or revoke any decision
24 taken by an employee in consequence of a delegation or instruction under
25 subsection (1) of this section, as long as no such variation or revocation of a
26 decision detracts from any rights or contractual obligations that may have
27 accrued as a result of the decision.

Other Staff

28 7.-(1) The National Commission may, from time to time, appoint
29 directly, or on secondment from law enforcement and security agencies,
30 Ministries or private sector, such professional, technical and other staff as it

1 may consider necessary to assist the National Commission in the effective
2 and efficient performance of its functions under this Act.

3 (2) For the purposes of this Act, a public officer who is transferred
4 or seconded to the National Commission under subsection (1) of this section
5 shall be regarded as a staff of the National Commission and be subject only
6 to the control and direction of the National Commission.

7 (3) The National Commission shall, with the approval of Minister
8 make staff regulations and determine conditions of service, including
9 allowances, pensions and other benefits and disciplinary control, as are
10 appropriate for its employees.

11 (4) The National Commission shall publish regulations made
12 under subsection (4) of this section in such manner as it may determine.

13 (5) The National Commission shall, for the purpose of achieving
14 maximum efficiency in the discharge of its functions set out in this Act,
15 institute schemes for the training of its staff.

16 8.-(1) A person, other than the Director-General, shall not be
17 appointed or seconded to perform any of the functions of the National
18 Commission unless:

Security screening
of staff

19 (a) information with respect to that person has been gathered in a
20 security screening investigation by the State Security Service; and

21 (b) the National Commission, after evaluating the information
22 gathered, is satisfied that the person may be so appointed or seconded
23 without the possibility that he might be a security risk or that he might act in
24 any way prejudicial to the objectives or functions of the National
25 Commission.

26 (2) Where the National Commission on the advice of the Director-
27 General is satisfied, it shall certify that the person has successfully
28 undergone a security clearance.

29 (3) The Director-General may at any time, after consultation with
30 the National Commission, subject a person referred to in subsection (1) of

1 this section to further security screening investigation as contemplated in
2 subsection (1)(a) of this section.

Service in the
National
Commission
to be pensionable

3 9. -(1) Service in the National Commission is pensionable service for
4 purposes of the Pension Reform Act, 2004 (2004 No.2) and accordingly,
5 employees of the National Commission shall, in respect of their services, be
6 entitled to pensions and other retirement benefits as are enjoyed by persons
7 holding equivalent grades in the public service of the Federation.

8 (2) Notwithstanding the provisions of -subsection (1) of this section,
9 nothing in this Act shall prevent the appointment of a person to any office on
10 terms which preclude the grant of pension in respect of that office.

11 (3) For the purpose of the application of the provisions of the Pension
12 Reform Act, any powers exercisable by a Minister or other authority of the
13 Government of the Federation (not being the power to make regulations under
14 section 97 under that Act) are hereby vested in and shall be exercisable by the
15 Board.

Establishment
of Departments
and Special Units

16 10. The National Commission shall establish Departments and
17 Special Units for the effective and efficient discharge of its functions and
18 powers under this Act.

19 PART IV - FINANCIAL PROVISIONS

Fund the National
Commission

20 11. -(1) There shall be established for the National Commission a
21 fund which shall be applied towards the discharge of its functions and duties
22 under this Act and into which shall be credited:

23 (a) take off grants and annual subventions received from the
24 Government of the Federation;

25 (b) budgetary allocations approved by the National Assembly for the
26 purpose of the National Commission;

27 (c) grants, gifts or donations from international organisations and
28 donor agencies, provided that the terms and conditions attached to a grant, gift
29 or donation are not inconsistent with the functions of the National Commission;

30 (d) charges, fees and other sums collected or received for services rendered by

1 the National Commission; and

2 (e) all other funds which may, from time to time, accrue to the
3 National Commission;

4 (2) The fund established pursuant to subsection (1) of this section
5 shall be managed in accordance with extant Financial Regulations
6 applicable in the public service of the Federation.

7 12. The National Commission may, from time to time, apply the
8 proceeds of the fund established pursuant to section 11 (1) of this Act for the
9 following purposes:

Expenditure of
the National
Commission

10 (a) the cost of administration of the National Commission;

11 (b) the reimbursement of members of the National Commission or
12 any committee set up by the National Commission for such expenses as may
13 be authorised in accordance with the rates approved by the Government of
14 the Federation;

15 (c) the payments of salaries, fees and other remunerations or
16 allowances, payable to members of the National Commission, committee,
17 employees, experts or professionals appointed by the National
18 Commission;

19 (d) the maintenance of any property acquired or vested in the
20 National Commission; and

21 (e) any matter connected with all or any of the functions of the
22 National Commission under this Act.

23 13. -(1) The National Commission shall not later than 30th August
24 of each year, submit to the Minister for approval, estimates of the income
25 and expenditure of the National Commission for the next financial year.

Estimates,
accounts and audit

26 (2) The National Commission shall:

27 (a) keep proper records and accounts of its incomes and
28 expenditures;

29 (b) prepare a statement of accounts in respect of each year; and

30 (c) ensure that the bank accounts are held with reputable banks.

1 (3) The National Commission shall, within the first four months of
2 each financial year, submit its accounts to auditors appointed by the National
3 Commission from the list and in accordance with guidelines approved by the
4 Auditor-General of the Federation, for auditing.

5 (4) The audited accounts of the National Commission and the
6 Auditor-General's report on those accounts shall form part of the Auditor
7 General's overall annual report to the National Assembly.

Annual report

8 14. The National Commission shall, not later than six months after
9 the end of each year, submit through the Minister to the President, a report on
10 the activities of the National Commission, including evaluation reports
11 received and of money laundering and terrorist financing trends and its
12 administration during the preceding year and shall include in the report, the
13 audited accounts of the National Commission and the auditor's comments on
14 them.

15 PART V - LEGAL PROCEEDINGS AGAINST THE NATIONAL COMMISSION

Limitation of
suit against the
National
Commission t

16 15.-(1) Subject to the provisions of this Act, the provisions of the
17 Public Officers' Protection Act (Cap. P41 LFN 2004) apply in relation to any
18 suit instituted against the Director-General, a member of the Board, or an
19 employee of the National Commission.

20 (2) Notwithstanding anything contained in any other law or
21 enactment, no suit shall lie or be instituted in any court against the Director;
22 General, a member of the Board, or employee of the National Commission for
23 any act done in pursuance of this Act or any other law or enactment on money
24 laundering or terrorist financing or of any public duty or authority or in respect
25 of any alleged neglect or default in the execution of this Act or such other law or
26 enactment, duty or authority, unless:

27 (a) it is commenced within three months after the act, neglect or
28 default complained of; or

29 (b) in the case of a continuation of damage or injury, within 6 months
30 after its cessation.

1 (3) No suit shall be commenced against the Director-General, a
2 member of the Board or an employee of the National Commission before the
3 expiration of 3 months after written notice of the intention to commence the
4 suit shall have been served on the National Commission by the intending
5 plaintiff or his agent.

6 16. A notice, summons or other documents required or authorised
7 to be served on the National Commission under the provisions of this Act or
8 any other law or enactment may be served by delivering it to the Director-
9 General, or by sending it by registered post and addressed to the head office
10 of the National Commission.

Service of documents

11 17. -(1) In an action of a suit against the National Commission, no
12 execution or attachment process in any nature thereof shall be issued against
13 the National Commission unless not less than 3 months' notice of the
14 intention to execute or attach has been given to the National Commission.

Restriction on execution against property of the National Commission

15 (2) Any sum of money which may by the judgment of any court be
16 awarded against the National Commission shall, subject to any direction
17 given by the court, where no notice of appeal against the said judgment has
18 been given, be paid from the fund of the National Commission.

19 18. The Director-General, a member of the National Commission,
20 or an employee of the National Commission shall be indemnified out of the
21 assets of the National Commission against any proceedings brought against
22 him in his capacity as the Director-General, member of the National
23 Commission or the employee of the National Commission where (he act
24 complained of is not ultra vires his powers.

Indemnity of officers

25 PART VI - COLLECTION, STORAGE, DESTRUCTION, MANAGEMENT AND
26 STOCKPILING OF SMALL ARMS AND LIGHT WEAPONS

27 19. -(1) The National Commission shall collect:

Collection, storage and destruction of small arms and light weapons

28 (a) small arms which are surplus to the national needs or have
29 become obsolete;

30 (b) seized light weapons;

- 1 (c) unmarked light weapons;
2 (d) illicitly held light weapons;
3 (e) small arms collected in the implementation of peace accords or
4 programmes for the voluntary handing in of weapons.

5 (2) A small arms or light weapon collected under subsection (1) of this
6 section shall be registered and securely stored or destroyed.

7 (3) The National Commission shall promote and carry out
8 programmes of voluntary handing in of small arms and light weapons.

Management
and security of
stockpiles

9 **20.**-(1) The National Commission shall take the necessary measures
10 to ensure the safe and effective management, storage and security of national
11 stocks of small arms and light weapons.

12 (2) The National Commission shall, in pursuance of subsection (1) of
13 this section, establish effective standards and procedures for stockpile
14 management, storage and security, including:

- 15 (a) appropriate site;
16 (b) physical security measures of storage facilities;
17 (c) inventory management and record keeping;
18 (d) staff training;
19 (e) security during manufacture and transportation; and
20 (f) sanctions in case of theft or loss.

21 (3) The National Commission shall ensure that stockpiles of small
22 arms and light weapons by manufacturers, dealers as well as individuals are
23 securely ordered in accordance with the appropriate standards and procedures;

24 **PART VII - REGISTER OF SMALL ARMS AND LIGHT WEAPONS AND**
25 **REGISTER ARMS FOR PEACE OPERATIONS**

Establishment
of Register of
Small Arms and
Light Weapons

26 **21.**-(1) The National Commission shall keep and maintain a
27 computerised Register of Small Arms and Light Weapons and a database, in
28 which shall be recorded the following information:

- 29 (a) description of the product (type of model, calibre) and quantity (if
30 it concerns a batch);

- 1 (b) the content of the marking;
- 2 (c) the names and addresses of the former and current owners and,
3 when possible, successive owners;
- 4 (d) the date of registration;
- 5 (e) information concerning each transaction including:
- 6 (i) the name and address of the shipper, the intermediary (where
7 applicable), the consignee and the user indicated on the end-user-certificate;
- 8 (ii) the point of departure, transit and destination, as well as the
9 customs references and the dates of departure, transit and delivery to the
10 end-user;
- 11 (iii) the export, transit and import licence (quantities and batches
12 corresponding to the same licence as well as the validity of the licence);
- 13 (iv) full details concerning the method of transport and the
14 transporter;
- 15 (v) the controlling agency or agencies (at point of departure, transit
16 and entry);
- 17 (vi) the nature of the transaction (commercial, non-commercial,
18 private or public, conversion, repair), and
- 19 (vii) where applicable, the insurer and the financial institution
20 intervening in the transaction.

21 (2) The records in the Register shall be kept permanently,

22 **22.** -(1) The National Commission shall also:

- 23 (a) keep and maintain a Register of Small Arms and Light weapons
24 destined for use in peacekeeping operations both inside and outside the
25 ECOWAS or AU territory under the ECOWAS and AU and Executive
26 Secretary to ensure the control of movements of small arms and light
27 weapons and their effective withdrawal at the end of peace operations in
28 which Member States are participating; and

29 (b) declare to the ECOWAS, African Union and United Nations
30 Organization Executive Secretariat all small arms and light weapons:

Register or Arms
for Peace
Operations

- 1 (i) used in peace operations, or
- 2 (ii) seized, collected or destroyed during peace operations in Nigeria
- 3 and in the ECOWAS or AU region.

Registrar of arms

4 **23.** The National Commission shall appoint a Registrar of Arms who
5 shall:

6 (a) keep, maintain and update, from time to time, the Registers
7 established under sections 21 and 22 of this Act; and

8 (b) transmit the Registers to the Secretariat of the Economic
9 Community of West Africa States.

10 PART VIII - CONTROL OF THE MANUFACTURE OF SMALL ARMS

11 AND LIGHT WEAPONS

Control of the manufacture of small arms and light weapons

12 **24.**-(1) The National Commission shall:

13 (a) control the manufacture of small arms and light weapons within
14 Nigeria;

15 (b) regulate the activities of local small arms and light weapons
16 manufacturers; and

17 (c) adopt strategies and policies to the reduction or limitation of the
18 manufacture of small arms and light weapons so as to control the local
19 manufacture as well as their marketing within West African Economic
20 Community States.

21 (2) The National Commission shall also prepare an exhaustive list of
22 local manufacturers of small arms and light weapons and ensure their
23 registration in the Register of Small Arms and Light Weapons established
24 under section 21 of this Act.

Measures of control for small arms and light weapons manufacture

25 **25.**-(1) The National Commission shall ensure the effective control of
26 the manufacturing of small arms and light weapons.

27 (2) The National Commission shall not grant a request for the
28 manufacture of small arms and light weapons unless the manufacturer gives
29 information relating to:

30 (a) details of the arms to be manufactured and the quantity, exact type

1 and kind of arms using ECOWAS classification system, including all serial
2 numbers and other markings;

3 (b) the procedure for marking, the procedure for entering details of
4 each small arm and light weapon into the Register of Small Arms and Light
5 Weapons established under section 21 of this Act and information on the
6 storage and management of the small arms and light weapons after
7 manufacture.

8 26.-(1) The National Commission shall exchange with other Tracing
9 ECOWAS, African Union and United Nations Organization member States
10 information on:

11 (a) illicit small arms and light weapons;

12 (b) seized small arms and light weapons; and

13 (c) trafficking in weapons that contravene international law or the
14 internal laws of the States in which the operations take place, including
15 condemnation of the person or institution implicated, sanctions, disposal,
16 destruction methods and neutralisation.

17 (2) The National Commission shall, in the case of other small arms
18 and light weapons exchange the following data on a regular basis:

19 (a) on manufacture, the marking system and techniques used and
20 authorized manufacturers;

21 (b) on transfers, exports to and imports from all other States,
22 transits, information available concerning national legislation, existing
23 practices and controls, authorised dealers and brokers; and

24 (c) on existing stockpiles, management, inventory, security,
25 surplus, losses, theft and destruction.

26 (3) The National Commission may initiate a tracing request
27 through the ECOWAS, AU or UN Executive Secretary in relation to small
28 arms and light weapons found within Nigeria that it considers to be illicit.

29 (4) A request by the National Commission for assistance in tracing
30 illicit small arms or light weapons shall contain sufficient information,

1 including, among others:

2 (a) information describing the illicit nature of the small arm and light
3 weapon, including its legal justification and circumstances under which the
4 small arm and light weapon was found;

5 (b) markings, type, calibre and other relevant information; and,

6 (c) intended use of the information being sought.

7 (5) Where the National Commission receives through the ECOWAS,
8 AU or UN Executive Secretary request for assistance in tracing illicit small
9 arms and light weapons found in the requesting Member State, the National
10 Commission shall acknowledge its receipt within a reasonable time frame.

11 (6) A request from a Member State received under subsection (5) of
12 this section shall contain the information set out in subsection (4) of this
13 section.

14 (7) The National Commission shall provide reliable responses to
15 tracing requests made by other Member States within one month from the date
16 of receipt of the request.

17 (8) In responding to a tracing request, the National Commission shall
18 provide all available information sought by the requesting Member States that
19 is relevant for the purpose of tracing illicit small arms and light weapons;

20 (9) The National Commission may seek additional information from
21 the requesting Member States where a tracing request does not contain the
22 information required in this section.

23 PART IX- MISCELLANEOUS

Public education
and awareness
programmes

24 27.-(1) The National Commission shall, in the interest of promoting a
25 culture of peace, design public and community education and awareness
26 programmes at national, State and local levels in order to involve Nigerians in
27 the efforts to curb the proliferation of small arms and light weapons.

28 (2) The National Commission shall, in pursuance of subsection (1) of
29 this section, undertake to develop and strengthen its partnership with civil
30 society organisations at national, State and local levels, including, women,

1 youth and others, for better information and raise public awareness on the
2 dangers of the proliferation of small arms and light weapons.

3 (3) The National Commission shall encourage civil society
4 organisations to play a central role in creating awareness and education of
5 the population.

6 28.-(1) The administrative body domiciled in the Ministry of
7 Foreign Affairs and known as the National Committee on SAIWs
8 (NATCOM) (in this section referred to as the "dissolved Committee") is
9 dissolved.

Dissolution,
transitional and
savings provisions

10 (2) Accordingly, all rights, obligations and liabilities which,
11 immediately before the commencement of this Act, were vested in or
12 imposed on the dissolved Committee shall be the rights, obligations and
13 liabilities of the National Commission established under this Act;

14 29. The Minister may make regulations and issue guidelines as are
15 necessary or expedient for the effective and efficient implementation of the
16 provisions of this Act.

Regulations

17 30. In this Act, unless the context otherwise requires:

Interpretation

18 "ammunition" means devices designed to be shot or projected through the
19 means of firearms, including, among others:

20 (a) cartridges;

21 (b) projectiles and missiles for light weapons; and

22 (c) mobile containers with missiles or projectiles for anti-aircraft
23 or anti-tank single action systems;

24 "Convention" means the Economic Community of West African States
25 Convention on Small Arms and Light Weapons, their Ammunition and
26 Other Related Materials, 2006, done at Abuja, on 14th June, 2006;

27 "ECOWAS" means the Economic Community of West African States; AU-
28 means African Union; UN - means United Nations

29 "illicit" means all that is carried out in violation of the Convention;

30 "light weapons" means portable arms designed to be used by several persons

- 1 working together in a team and include, notably:
- 2 (a) heavy machine guns;
- 3 (b) portable grenade launchers, mobile or mounted;
- 4 (c) portable anti-aircraft cannons;
- 5 (d) portable anti-tank cannons, non-recoil guns; "
- 6 (e) portable anti-tank missile launchers or rocket launchers;
- 7 (f) portable anti-aircraft missile launchers; and
- 8 (g) mortars with a calibre of less than one hundred millimetres;
- 9 "marking" means inscriptions permitting the identification of arms covered by
- 10 the Convention;
- 11 "member" means a member of the National Commission appointed under
- 12 section 2 (1) of this Act and includes the Chairperson;
- 13 "Minister" means the Minister of Foreign Affairs;
- 14 "National Commission" means the Nigeria National Commission Against the
- 15 Proliferation of Small Arms and Light Weapons established under section 1 of
- 16 this Act;
- 17 "other related materials" means all components, parts or spare parts for small
- 18 arms or light weapons or ammunition necessary for its functioning; or any
- 19 chemical substance serving as active material used as propelling or explosive
- 20 agent;
- 21 "small arms" means arms used by one person and include, notably:
- 22 (a) firearms and other destructive arms or devises such as an
- 23 exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket
- 24 launcher, a missile system or landmine;
- 25 (b) revolvers and pistols with automatic loading;
- 26 (c) rifles and carbines;
- 27 (d) machine guns;'
- 28 (e) assault rifles; and
- 29 (f) light machine guns;

1 "small arms and light weapons" includes ammunition and other related
2 materials;

3 "tracing" means the systematic monitoring of the movements of small arms
4 and light weapons and their ammunition and other related materials, from
5 the manufacturer until the end user, with a view to helping member States
6 competent authorities to detect illicit manufacture and trading;

7 "weapons -of categories 1, 2 and 3" means light weapons, small arms and
8 ammunition, respectively,

9 31. This Bill may be cited as the Nigeria National Commission Citation
10 Against the Proliferation of Small Arms and Light Weapons Bill, 2019.

11 SCHEDULE

12 (Sections 2 (5))

13 SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS OF THE
14 NATIONAL COMMISSION AND OTHER MATTERS

15 1.-(1) "Subject to the provisions of section 21 of the Interpretation
16 Act (Cap 123 LFN 2004) (which provides for the decisions of a statutory
17 body-to-be-taken by a majority of the members of the body and for the
18 person presiding to have a second or casting vote), the National Commission
19 to make standing orders regulating the proceedings of the National
20 Commission and of its committee.

21 (2) The National Commission shall meet once a quarter at such
22 times and places as the Chairman may determine.

23 (3) The quorum for a meeting of the National Commission is five,
24 which shall include one other member who is not an ex-officio member, and
25 the quorum of a committee of the National Commission shall be determined
26 by the National Commission.

27 (4) The Chairman shall, at any time, if five other members request
28 in writing, convene an emergency meeting of the National Commission,
29 provided that not less than forty-eight hours notice is given to members for
30 the meeting.

1 (5) At a meeting of the National Commission, where the Chairman is
2 absent, the members present at the meeting shall appoint one of the members to
3 preside.

4 (6) The minutes of the National Commission shall be recorded by the
5 Secretary and signed by the Chairman or the person who presided at the
6 meeting, after confirmation by the National Commission.

7 (7) The validity of a proceeding of the National Commission is not be
8 affected by:

9 (a) a vacancy in its membership;

10 (b) a defect in the appointment or qualification of a member; or

11 (c) reason that a person not entitled to do so, took part in proceedings
12 of the National Commission.

13 2. A resolution of the National Commission is valid, even though it is
14 not passed at a meeting of the National Commission, if:

15 (a) the notice in writing of the proposed resolution was given to each
16 member; and

17 (b) the resolution is signed or assented to by a majority of members of
18 the National Commission, including the Director-General.

19 3.-(1) A member who has a direct or an indirect personal interest in
20 the outcome of the:

21 (a) disclose the nature of the interest at that meeting;

22 (b) withdraw from the deliberations of the National Commission in
23 respect of the matter; and

24 (c) not vote on the matter.

25 (2) The disclosure of the interest shall be recorded in the minutes of
26 the meeting.

27 (3) A member who contravenes the provisions of sub-paragraph (1)
28 may be removed from office.

29 4.-(1) The application of the common seal of the National
30 Commission shall be authenticated by the signature of the Chairman or the

1 Director General on behalf of the National Commission.

2 (2) A document bearing the imprint of the seal of the National
3 Commission is deemed to be properly sealed unless the contrary is proved.

4 5.-(1) Without prejudice to other provisions of this Act, the
5 National Commission may appoint such number of committees as the
6 National Commission considers necessary to carry out, on its behalf, such of
7 its functions as the National Commission may determine.

8 (2) A committee appointed under this paragraph shall consist of
9 such number of persons as the National Commission may determine, and
10 not more than one-third of those persons maybe appointed, who are not
11 members of the National Commission.

12 (3) A person who is not a member of the National Commission
13 shall hold office on the committee in accordance with his letter of
14 appointment

15 (4) A decision of a committee appointed under this paragraph shall
16 be of no effect until it is confirmed by the National Commission.

17 EXPLANATORY MEMORANDUM

18 *(This memorandum does not form part of the Bill but is intended to
explain its purport)*

This Bill seeks to provide for the establishment of the Nigeria National Commission against the Proliferation of Small Arms and Light Weapons to coordinate and implement activities to combat the problem of the proliferation of small arms and light weapons in Nigeria in line with the Economic Community of West African States Convention on Small Arms and Light Weapons.

