

## Glossary, Definitions and Help - GunPolicy.org literature library

### Penalty for Unlawful Firearm Possession

#### Definition and Selection Criteria

Wherever possible, this category cites the maximum penalty for the possession of a single, entry-level illicit firearm. In most jurisdictions, higher penalties are imposed for aggravating circumstances.

Sanctions exist for the possession of multiple illicit firearms, hidden handguns, sawn-off or automatic weapons, defaced serial numbers, perceived intentions, gang affiliations, firearm trafficking or violation of gun free zones, to name a few.

Higher penalties may also apply if it is established that the firearm was connected to the commission of a criminal offence.

As it is not possible to document each variation, this category should be used to compare a universal benchmark: the maximum penalty for simple unlawful possession of an entry-level firearm, absent aggravating circumstances.

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## Citation(s) from the GunPolicy.org literature library

Nigeria. 1990 'Enforcement of Act.' *Firearms Act, Chapter 146, Laws of the Federal Republic of Nigeria 1990*; Part 7. Abuja: Federal Republic of Nigeria. 1 January

## Relevant contents

### Enforcement of Act

28. (1) Any person who contravenes any of the provisions 1966 No.31. 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-

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

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),

to imprisonment for a term not exceeding five years...

Last accessed at:

<http://www.nigeria-law.org/Firearms%20Act.htm>

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Nigeria. 2016 'Manufacture.' *National Report of Nigeria on its Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA)*; Section 2, p. 4. New York NY: Permanent Mission of Nigeria to the United Nations. 1 January

## Relevant contents

### Section 2: Manufacture

#### 4. Are there any SALW manufactured in your country? YES

National SALW manufacturing capacity is housed within the Defence Industries Corporation of Nigeria (DICON). Established in 1964, DICON's aim is to produce SALW and ammunition for the national armed services. In addition, artisanal (craft) production of weapons takes place in Nigeria, which is essentially illegal because it is criminalised by the country's constitution.

#### 4.1. Does your country have laws, regulations and/or administrative procedures to exercise effective control over the manufacture of SALW? YES

##### 4.1.1. List laws, regulations and/or administrative procedures regulating the manufacture of SALW in your country:

- Firearms Act 1959;
- Defence Industries Corporation of Nigeria Act 1964...

##### 4.1.2. Does your country license the manufacture of SALW? YES...

Part VII, section 28(1)(a)(iv) of the existing Firearms Act 1959 makes it a criminal offence to manufacture, assemble, or repair firearms and ammunition without a permit. This carries a minimum 10 year sentence.

Under section 44 of the (new) draft Firearms Bill (forthcoming), the offence of illegal manufacture carries a minimum 25 year sentence.

[SALW = Small Arms and Light Weapons]

Last accessed at:

<http://www.poa-iss.org/PoA/PoA.aspx>

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Nigeria. 2016 'International Transfers - Penalty.' *National Report of Nigeria on its Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA)*; Section 3, p. 7. New York NY: Permanent Mission of Nigeria to the United Nations. 1 January

## Relevant contents

### Section 3: International Transfers

#### Laws, regulations and administrative procedures

6.3. Is it a criminal offence to trade SALW without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a licence or authorisation, in your country? YES

Under Part VII, section 28 of the existing Firearms Act 1959, the import or export of firearms or ammunition in contravention of the Act carries a minimum 10 year sentence.

Under section 44 of the (new) draft Firearms Bill, the minimum sentence is increased to 25 years...

[SALW = Small Arms and Light Weapons]

Last accessed at:

<http://www.poa-iss.org/PoA/PoA.aspx>

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