

**ROBBERY AND FIREARMS (SPECIAL PROVISIONS)
(AMENDMENT) DECREE 1971**



Decree No. 48

[14th October 1971]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. In section 1 (2) (b) of the Robbery and Firearms (Special Provisions) Decree 1970 (hereinafter referred to as "the principal Decree") the words "or uses any personal violence to" shall be deleted.

Amendment
of section
1 (2).

2. Immediately after section 3 of the principal Decree there shall be inserted the following section—

Insertion of
new section
3A.

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

3A. Any person who—

(a) aids, counsels, abets or procures any person to commit an offence under section 1, 2 or 3 of this Decree, or
(b) conspires with any person to commit such an offence, 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 Decree."

3. In section 5 (2) (a) of the principal Decree, for the words "a chief magistrate" there shall be substituted the words "a High Court Judge".

Amendment
of section 5.

4. For section 6 (1) of the principal Decree there shall be substituted the following subsection—

Amendment
of section 6.

"(1) The trial of offences under this Decree shall commence by way of application, supported by evidence on affidavit, made to the tribunal in that behalf by the Attorney-General, or where there is no Attorney-General by the Solicitor-General, of the State concerned or by such officer in the Ministry of Justice of that State as the Attorney-General, or as the case may be the Solicitor-General, may authorise so to do :

Provided that the question whether any authority, or what authority has been given, in pursuance of this subsection shall not be enquired into by any person, other than the Attorney-General or as the case may be the Solicitor-General of the State".

Amendment
of section 9.

5. In section 9—

(a) in the definition of "firearms", immediately after the word "pistol" there shall be inserted the words ", explosive or ammunition,"

(b) in the definition of "offensive weapon" immediately after the word "article" there shall be inserted the words "(apart from a firearm)", and the words ", but does not include a firearm" shall be deleted.

Citation
and extent.

6. This Decree may be cited as the Robbery and Firearms (Special Provisions) (Amendment) Decree 1971 and shall apply through the Federation.

MADE at Lagos this 14th day of October 1971.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree, but is intended to explain its purpose)

The Decree amends the Robbery and Firearms (Special Provisions) Decree 1970 as follows—

By virtue of section 1 of this Decree, it shall no longer be a capital offence to commit the offence of robbery if no weapon is used and no wound is caused.

Section 2 of this Decree inserts a new section in the principal Decree which makes it clear that abetment and conspiracy are punishable in the same way as the principal offences.

Section 3 of the Decree amends section 5 of the principal Decree so as to ensure that the judicial functionary of a State to be entrusted with the pronouncement of a verdict involving the death penalty should not be below the rank of a High Court Judge.

Section 4 of the Decree amends section 6 (1) of the principal Decree so as to place the primary responsibility for the institution of proceedings upon the Attorney-General, or where there is no Attorney-General the Solicitor-General, of a State rather than the Director of Public Prosecutions.

Section 5 of the Decree amends the definition of "firearm" to include explosives and ammunition and expands the definition of "offensive weapon" to include firearm.