
LAWS OF THE GAMBIA

**NATIONAL COMMISSION AGAINST THE
PROLIFERATION OF SMALL ARMS AND
LIGHT WEAPONS ACT**

CHAPTER 21:03

**Act No.
6 of 2009**

*National Commission Against the
Proliferation of Small Arms and Light Weapons Act*

CHAPTER 21:03**NATIONAL COMMISSION AGAINST THE PROLIFERATION OF
SMALL ARMS AND LIGHT WEAPONS ACT**

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CHAPTER 21:03

NATIONAL COMMISSION AGAINST THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS ACT

An Act to provide for the establishment of the National Commission Against the proliferation of small arms and light weapons as a body charged with the responsibility of putting in place policies and plans for the control of small arms and light weapons within the country, and for connected matters.

[Act No. 6 of 2009.]

[Date of commencement: 7th May, 2009.]

PART I

Preliminary

1. Short title

This Act may be cited as the National Commission Against the Proliferation of Small Arms and Light Weapons Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“ammunition” means devices designed to be shot or projected through the means of firearms, including, among others—

- (a) cartridges;
- (b) projectiles and missiles for light weapons; and
- (c) mobile containers with missiles or projectiles for anti-aircraft or anti-tank single action systems;

“light weapons” means portable arms designed to be used by several persons working together in a team and include, notably—

- (a) heavy machine guns;
- (b) portable grenade launchers, mobile or mounted;
- (c) portable anti-aircraft cannons;
- (d) portable anti-tank cannons, non-recoil guns;
- (e) portable anti-tank missile launchers or rocket launchers;
- (f) portable anti-aircraft missile launchers; and
- (g) mortars with a calibre of less than one hundred millimetres;

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“**member**” means a member of the Board appointed under section 4 (1) and includes the Chairperson;

“**Minister**” means the Minister responsible for the interior;

“**National Commission**” means the National Commission Against the Proliferation of Small Arms and Light Weapons established under section 3;

“**Secretary-General**” means the Secretary-General of the National Commission;

“**small arms**” means arms used by one person and includes, notably—

- (a) firearms and other destructive arms or devices, such as, an exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile system or landmine;
- (b) revolvers and pistols with automatic loading;
- (c) rifles and carbines;
- (d) machine guns;
- (e) assault rifles;
- (f) light machine guns;
- (g) cross bows and arrows;

“**weapons of categories 1, 2 and 3**” means light weapons, small arms and ammunition, respectively.

PART II

Establishment of the National Commission Against the Proliferation of Small Arms and Light Weapons and its Governing Board

3. Establishment of the National Commission Against the Proliferation of Small Arms and Light Weapons

(1) There is hereby established the National Commission Against the Proliferation of Small Arms and Light Weapons, which is responsible for the control of small and light weapons.

(2) The National Commission is a body corporate with perpetual succession and a common seal and may—

- (a) sue or be sued in its corporate name;
- (b) enter into contracts, and acquire, hold and dispose of property; and
- (c) so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

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(3) The application of the common seal of the National Commission shall be authenticated by the signature of the Secretary-General of the National Commission or, in his or her absence, by that of any authorised officer.

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

4. Establishment and composition of the governing Board of the National Commission

(1) There is hereby established for the National Commission a governing Board which shall consist of—

- (a) a Chairperson;
- (b) the Permanent Secretary of the Ministry of the Interior;
- (c) the Permanent Secretary of the Ministry of Defence;
- (d) the Permanent Secretary of the Ministry responsible for matters relating to the Economic Community of West African States;
- (e) the Solicitor-General and Legal Secretary;
- (f) the Permanent Secretary of the Ministry of Local Government and Lands;
- (g) the Secretary-General of the National Commission; and
- (h) one person to represent civil society organisations engaged in the control of the proliferation of small arms.

(2) A member, other than an *ex officio* member, shall be appointed by the President after consultation with the Public Service Commission.

5. Tenure of office of members

(1) A member, other than an *ex officio* member, shall hold office for a term of three years and may be re-appointed.

(2) A person is not qualified to be a member or to continue to be a member if—

- (a) he or she is adjudged to be a person of unsound mind;
- (b) he or she has been convicted of an offence involving dishonesty or fraud and has not been granted a pardon; or
- (c) in the case of a person who has professional qualifications, he or she is disqualified or suspended, otherwise than at his or her request, from practising his or her profession by the order of a competent authority made in respect of him or her personally.

(3) A member, other than an *ex officio* member, may resign his or her office by notice in writing addressed to the President.

6. General powers of the Board

The Board may give to the Secretary-General general directions as to the management of the property, business and funds of the National Commission and other matters relating to the National Commission.

7. Delegation of powers of the Board

For the purpose of discharging its functions under this Act, the Board may delegate, to the Secretary-General, the power to—

- (a) acquire or authorise the acquisition of any movable or immovable property and transfer or allocate any funds of the National Commission for that purpose;
- (b) authorise the disposal of securities of any kind belonging to the National Commission;
- (c) open and operate current, deposit or credit account on behalf of the National Commission at any bank or financial institution; and
- (d) negotiate and obtain loans on behalf of National Commission and also determine the nature and conditions of the loans.

8. Meetings of the Board

(1) The Board shall meet for the discharge of its business at least once in every three months at such times and places as the Chairperson shall appoint.

(2) The Chairperson shall, at the written request of not less than five members, convene a special meeting of the Board to transact an extraordinary business on a date specified in the request.

(3) A written notice of a special meeting of the Board shall—

- (a) be sent to each member not later than forty-eight hours before the meeting; and
- (b) specify the business for which the meeting is being convened.

(4) The quorum of the Board at any meeting is five.

(5) The Board shall take decisions by a simple majority of the votes of members present and, where there is an equality of votes, the person presiding shall have a casting vote.

(6) The Chairperson shall preside at every meeting of the Board at which he or she is present and, in his or her absence, the members present shall appoint one of their number to preside at the meeting.

(7) The minutes of every meeting of the Board shall be recorded by the Secretary and signed by the Chairperson or the person who presided at the meeting, after confirmation by the members who were present at the meeting.

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(8) The Board may at any time invite a person to any of its meetings, but a person so invited is not entitled to vote at any of the meetings of the Board.

(9) The validity of the proceeding of the Board is not affected by—

- (a) a vacancy in its membership;
- (b) a defect in the appointment of any of its members; or
- (c) reason that a person not entitled to do so, took part in the proceedings.

(10) Subject to this section, the Board may regulate its own procedure.

9. Committees

(1) The Board may appoint such technical and other committees, comprising members and other persons, as it deems necessary, to carry out, on its behalf, such of its functions as it may determine.

(2) A decision of a committee appointed under subsection (1) has no effect unless it is confirmed by the Board.

10. Disclosure of interest

(1) A member who has an interest in a company or an undertaking with which the Board proposes to enter into a contract shall—

- (a) disclose the nature of his or her interest; and
- (b) not participate in any deliberation and voting of the Board in respect of the contract.

(2) The President may, on the advice of the Minister, remove from the Board a member who contravenes the provisions of subsection (1).

11. Transaction of business without meeting

A resolution is a valid resolution of the Board if—

- (a) it is signed or assented to by a simple majority of the members; and
- (b) notice of the proposed resolution was given to each member,

notwithstanding that it was not passed at a meeting of the Board.

12. Protection of members

An action, a suit, prosecution or any other proceeding shall not be brought or instituted against a member personally in respect of any thing done in good faith in pursuance, execution or intended execution of any of the provisions of this Act.

13. Allowances to members

A member shall be paid such allowances as the Minister may approve.

PART III

Functions

14. Functions of the National Commission

The National Commission is responsible for—

- (a) formulating strategies, policies and programmes for the reduction in the proliferation of small arms;
- (b) sensitising the public on the need to hand in to security services illegally held light weapons;
- (c) updating the Register of Small Arms and Light Weapons and transmitting them to the Economic Community of West Africa States Commission and any other international organisation that may so require;
- (d) advising the Economic Community of West Africa States Commission on exceptions to be granted to the moratorium for weapons of categories 1, 2, and 3; and
- (e) mobilising resources for programme expenditures.

PART IV

Management and Staff

15. Secretary-General

(1) There shall be for the National Commission a Secretary-General who shall be appointed by the President after consultation with the Board and the Public Service Commission.

(2) The Secretary-General shall—

- (a) be the chief executive of the Commission;
- (b) execute and implement the policies and decisions of the National Commission and the Board; and
- (c) be responsible for the transaction of the day-to-day business of the National Commission.

(3) The Board may delegate to the Secretary-General such of its functions as are necessary to enable him or her to transact efficiently the day-to-day business of the National Commission and for that purpose, the Board may, from time to time, issue written instructions to the Secretary-General.

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16. Secretary to the Board

The Board shall designate one of the staff of the National Commission, as the Secretary to the Board who, shall—

- (a) keep the books and records and conduct the correspondence of the Board;
- (b) with approval of the Secretary-General, prepare the agenda and record the minutes of meeting of the Board; and
- (c) perform such other functions as may be assigned to him or her by the Board.

17. Staff of the National Commission

(1) The Board shall appoint for the National Commission such other employees as it thinks necessary for the due discharge of the functions of the National Commission, on such terms as to remuneration and otherwise as it may determine.

(2) The Board is responsible for the discipline and removal of employees of the National Commission.

(3) The National Commission shall, with the approval of the Minister, make regulations establishing schemes for pensions, gratuities and other retirement benefits in respect of employees of the National Commission.

(4) The National Commission shall, for the purpose of achieving maximum efficiency in the discharge of its functions under this Act, institute schemes for the training of its employees in the relevant disciplines and in other skills, with a view to securing the benefit of their knowledge, experience and expertise in the conduct of the affairs of the National Commission.

PART V

Financial Provisions

18. Sources of finances of the National Commission

(1) The sources of the finances required to meet the expenses of the Commission under section 19 are—

- (a) sums appropriated to it, from time to time, by the National Assembly;
- (b) support from development partners;
- (c) grants and gifts, provided that the terms and conditions attached to a grant or gift are not inconsistent with the functions of the National Commission; and
- (d) such other sums as may accrue to the National Commission from any other source.

(2) The finances accruing to the National Commission under subsection (1) shall be paid into a fund to be maintained by the National Commission.

19. Expenses of the National Commission

The National Commission may, from time to time, apply the proceeds of the fund established in pursuance of section 18 to—

- (a) the cost of administration of the Commission;
- (b) the reimbursement to members of any committee appointed by the National Commission for such expenses as may be authorised by the National Commission, in accordance with the rates approved by the Minister;
- (c) the payments of salaries, fees and other remuneration, allowances, pensions and gratuities payable to members, employees of the National Commission, as appropriate, and experts, professionals or agents appointed by the National Commission;
- (d) the maintenance of any property acquired or vested in the National Commission; and
- (e) meeting such other expenses as may be approved by the Board for the purposes of this Act.

20. Estimates, accounts and audit

(1) The National Commission shall, not later than three months before the end of each financial year, prepare and submit to the Minister for approval, estimates of the income and expenditure of the National Commission for the ensuing year.

(2) The National Commission shall keep proper records and books of accounts of its income, expenditure and transfers.

(3) The National Commission shall prepare, in respect of each financial year, a statement of accounts.

(4) The National Commission shall, within three months of the end of each financial year, submit its statement of accounts to the Auditor-General for audit.

21. Annual report

(1) The National Commission shall, not later than two months after the end of each financial year, submit to the Minister, in respect of the financial year, an annual report on the financial position and performance of the National Commission.

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(2) The report under subsection (1) shall include—

- (a) a statement on the income, source of income and application of the moneys of the National Commission;
- (b) information with regard to the operation and performance of the National Commission; and
- (c) such other information as the Minister may require.

(3) The Minister shall, not later than three months after the end of the financial year, cause the report to be laid before the National Assembly.

(4) The Secretary-General shall also, from time to time, provide the Minister with such information relating to the affairs of the National Commission as the Minister may request.

22. Exemption from duties

The National Commission shall be exempted from such duties as the Minister responsible for finance may approve.

PART VI

Legal Proceedings

23. Notice of legal action

An action shall not be brought against the Commission unless at least one month's written notice of the intention to bring the action has been served on the National Commission by the intending plaintiff or his or her agent.

24. Representation

In a suit against the National Commission, the National Commission may be represented in court at any stage of the proceedings by an officer or any other employee of the National Commission duly authorised in writing by the National Commission in that behalf.

25. Indemnity

An officer of the National Commission or any other person acting on the direction of the National Commission is not personally liable in respect of a matter or thing done by him or her in good faith for the purposes of this Act.

PART VII

Register of Small Arms and Light Weapons

26. Establishment of Register of Small Arms and Light Weapons

(1) The National Commission shall establish a computerised Register of Small Arms and Light Weapons and a database, in which shall be recorded the following information—

- (a) description of the product (type of model, calibre) and quantity (if it concerns a batch);
- (b) the content of the marking;
- (c) the names and addresses of the former and current owners and, when possible, successive owners;
- (d) the date of registration;
- (e) information concerning each transaction, including—
 - (i) the name and address of the shipper, the intermediary (where applicable), the consignee and the user indicated on the end-user certificate,
 - (ii) the point of departure, transit and destination, as well as the customs references and the dates of departure, transit and delivery to the end-user,
 - (iii) the export, transit and import licence (quantities and batches corresponding to the same licence as well as the validity of the licence),
 - (iv) full details concerning the method of transport and the transporter,
 - (v) the controlling agency or agencies (at point of departure, transit and entry),
 - (vi) the nature of the transaction (commercial, non-commercial, private or public, conversion, repair), and
 - (vii) where applicable, the insurer and the financial institution intervening in the transaction.

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

27. Registrar of Arms

The Board shall appoint for the National Commission a Registrar of Arms who shall—

- (a) keep, maintain and update, from time to time, the Register of Small Arms and Light Weapons established under section 26; and

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- (b) through the National Commission, transmit the Register to the Economic Community of West Africa Commission and any other international organisation that may so require.

PART VIII

Miscellaneous

28. Regulations

The Minister may, on the recommendation of the National Commission, make regulations that are necessary to give effect to this Act.

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SUBSIDIARY LEGISLATION

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No Subsidiary Legislation
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