

Chapter 310.

Firearms Act 1978.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 310.

Firearms Act 1978.

ARRANGEMENT OF SECTIONS.

PART I – PRELIMINARY.

1. Compliance with Constitutional requirement.
2. Interpretation.
 - “air-rifle”
 - “ammunition dealer’s licence”
 - “approved club”
 - “approved range”
 - “bomb”
 - “compensation”
 - “Court”
 - “firearm”
 - “firearm licence”
 - “gun dealer’s licence”
 - “have in possession”
 - “high-powered firearm”
 - “high-powered firearm licence”
 - “licence”
 - “machine gun”
 - “owner’s licence”
 - “permit”
 - “pistol”
 - “pistol licence”
 - “registered”
 - “the Registrar”
 - “sell”
 - “silencer”
 - “substantial reason”
 - “this Act”

- “unlicensed firearm”
- “unlicensed high-powered firearm”
- “unlicensed pistol”

PART II – ADMINISTRATION.

- 3. Registrar of Firearms.
- 4. Delegation.

PART III – CONTROL OF FIREARMS AND AMMUNITION.

- 5. Prohibition or restriction of certain firearms and ammunition.
- 5A. Moratorium on issue of licences.
- 6. Firearms not to be owned except by licensed owner.
- 7. Use, carriage and possession of firearms.
- 7A. Manufacture of firearms.
- 7B. Forfeiture of tools, premises, etc.

PART IV – FIREARMS.

- 8. Register of Firearms.
- 9. Firearm licences.
- 10. Owner’s licence.
- 11. Firearms capable of discharging drugs, etc.
- 12. Revocation of firearm licences.
- 13. Certificate by Registrar prima facie proof.

PART V – PERMITS TO BUY OR HIRE FIREARMS.

- 14. Permits to buy or hire firearms.
- 15. Permits to have no effect after purchase or seven days.
- 16. Buyer or hirer of firearm must give permit to seller, etc.
- 17. Seller or hirer of firearm must obtain Permit from buyer, etc.
- 18. Permit to be returned to Registrar.
- 19. Cancellation of permit to hire firearms.

PART VI – PERMITS TO CARRY FIREARMS.

- 20. Permit to carry firearms.
- 21. Permits not to be issued to certain persons.
- 22. Period of permit.
- 23. Employee’s permit to carry firearms.
- 24. Permit to be carried when firearm carried.
- 25. Conditions.
- 26. Cancellation of permit to carry firearms.

PART VII – PISTOLS AND HIGH-POWERED FIREARMS.

- 27. Person not to own, etc., pistol or high-powered firearm without licence.
- 27A. Prohibition of unlicensed pistols and high-powered firearms.
- 27B. Renewal of pistol and high-powered firearms licence.
- 28. Application for pistol licence or high-powered firearm licence.
- 29. Revocation of pistol licence or high-powered firearm licence.
- 30. Register of Pistol Licences and High-powered Firearm Licences.
- 31. Certificate by Registrar prima facie proof.

PART VIII – CLUBS.

- 32. Approved clubs.

33. Approved firing ranges.
34. Registration, etc., of firearms of approved club.
35. Restriction on number of firearms for each approved club.
36. Using or carrying firearms registered or licensed by approved club.
37. Persons not to discharge firearms on approved range in contravention of rules.

PART IX – AMMUNITION DEALERS.

38. Ammunition dealer's licences.
39. Application for licences.
40. Register of ammunition dealers' licences.
41. Revocation of ammunition dealer's licence.
42. Certificate by registrar prima facie proof.
- [43. *Repealed*]
44. Ammunition dealers to keep records, etc.
- [45. *Repealed*]
- 45A. Sale of ammunition by gun dealer, etc.

PART X – REVOCATION OF LICENCES, ETC.

46. Revoked licences to be returned.
47. Disposal of firearms where licence refused or revoked.
48. Disposal of pistol or high-powered firearm where licence refused or revoked.
49. Disposal of firearms where gun dealer's licence refused or revoked.
50. Prohibition or restriction on use of firearms.

PART XI – OFFENCES GENERALLY.

51. Safe custody.
52. Use of silencers.
53. Possession of silencers.
54. Shortening of firearms.
55. Converting toy gun, etc., into firearm.
56. Defacing, etc., numbers, etc., on firearms.
57. Possession of firearms whilst under influence, etc.
58. Carrying firearm exposed to view in public place.
59. Discharge of firearms.
60. Threat to use firearm.
61. Possession of certain firearms, etc.
62. Machine guns, etc.
63. Owner of firearm to give notice where address changed or firearm sold, etc.
64. Holder of licence to notify change of address.
65. Transfer, etc., of firearms.
- 65A. Unauthorized possession of ammunition.
- 65B. Threat to use a firearm, etc.

PART XII – MISCELLANEOUS.

66. Sale, etc., of firearm, revokes its licence.
67. Lost, defaced or destroyed certificate, etc.
68. Powers of police.
69. Special provisions relating to unlicensed pistols or high-powered firearms, etc.
- [70 - 71. *Repealed*]
72. Forfeiture of unlicensed firearms, etc.

- 73. Forfeiture of firearm used in commission of an offence.
- 73A. Forfeiture of vehicles, etc.
 - “vehicle”
 - “vehicle used in the commission of the offence”
- 74. Search warrants.
- 75. Disposal of forfeited firearms and silencers. .
- 76. Exemptions. .
- 77. Onus of proof of exemption. .
- 78. Information to be supplied.
- 79. Amnesty.
- 79A. Compensation to be paid in certain circumstances on surrender of weapons.
- 79B. Powers of police to carry out search after amnesty.
- 80. Exemptions.
- 81. Regulations.

PART XIII – PROVISIONS RELATING TO REVOCATION OF GUN DEALERS’ LICENCES.

- 82. Application of this Part.
- 83. Interpretation.
 - “former gun dealer”
 - “former dealer’s licence”
- 84. Revocation of gun dealers’ licences, etc.
- 85. Former gun dealer may dispose of firearms, etc., and hold firearms pending disposal, etc.
- 86. State may purchase firearms, etc.
- 87. Former gun dealer to keep records of sale and disposal.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Firearms Act 1978,

Being an Act to regulate and control the licensing and use of firearms, and for related purposes.

PART I. – PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENT.

This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*qualified rights*) of the *Constitution*, namely–

- (a) the freedom from arbitrary search and entry conferred by Section 44 of the *Constitution*; and
- (b) the right to privacy conferred by Section 49 of the *Constitution*,

is a law that is made for that purpose.

2. INTERPRETATION.

In this Act, unless the contrary intention appears–

“**air-rifle**” means a firearm of any kind, whether rifled or not, which is capable of propelling a projectile of any kind by means of compressed air or gas the force of which is released by means of a trigger or similar device;

“**ammunition dealer’s licence**” means an ammunition dealer’s licence issued and in force under this Act;

“**approved club**” means a gun club, rifle club or pistol club approved under Section 32, the approval of which has not been withdrawn;

“**approved range**” means a range approved under Section 33, the approval of which has not been withdrawn;

“**bomb**” includes—

- (a) an article or thing commonly known as a grenade, bomb, Mills bomb or mortar bomb; and
- (b) an article or thing which is made or used, or is intended to be used, or is capable of being used, as a grenade or bomb, whether or not it is—
 - (i) designed for being so used; or
 - (ii) designed for throwing by hand or for projection by some other means,

and which consists of, wholly or partly, or contains, an explosive within the meaning of the *Explosives Act 1953*, or any drug or noxious liquid, noxious gas or other noxious thing,

and which is reasonably capable of being carried by a person;

¹“**compensation**” means compensation paid or payable under Section 79A;

“**Court**” means a District Court;

“**firearm**” includes—

- (a) an air-rifle or other kind of rifle or gun from which a shot, bullet or other missile, or irritant liquid, gas or powder or other substance capable of causing bodily harm, can be discharged; and
- (b) a rifle or gun from which for the time being any such missile or substance cannot be discharged because of—
 - (i) the absence or defect of one or more of its parts; or
 - (ii) some obstruction in the rifle or gun,

but which, if the part or parts were replaced, renewed or repaired, or the obstruction removed, would be capable of discharging;

“**firearm licence**” means a firearm licence issued and in force under this Act;

“**gun dealer’s licence**” means a gun dealer’s licence issued and in force under this Act;

“**have in possession**” includes having in control in any place, whether for the use or benefit of the person of whom the term is used or of another person, although another person has the actual possession or custody of the thing in question;

“**high-powered firearm**” means any firearm other than—

- (a) a pistol; or
- (b) a smooth-bore shot-gun; or
- (c) an air-rifle not being one of a prescribed class of air-rifles;

¹ Section 2 (definition of “compensation”) added by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s2.

“high-powered firearm licence” means a high-powered firearm licence issued and in force under this Act;

“licence” means a licence issued and in force under this Act;

“machine gun” means a firearm which is so constructed, or can be so adapted, that, if pressure is applied to the trigger or other like appliance attached to the firearm, shots, bullets or other missiles are automatically discharged from the firearm in succession and continue to be so discharged until the pressure is removed from the trigger or other appliance or the magazine containing the cartridges is empty, and, without affecting the generality of that meaning, includes—

- (a) a firearm which is commonly known as a machine gun, a sub-machine gun, a tommy gun, a machine rifle or a machine pistol; and
- (b) a firearm so known from which, for the time being, shots, bullets or other missiles cannot be so discharged because of—
 - (i) the absence or defect of some part or parts of the firearm; or
 - (ii) some obstruction in the firearm,

but which, if the part or parts were renewed, replaced, or repaired, or the obstruction removed, would again be capable of discharging shots, bullets or missiles;

“owner’s licence” means an owner’s licence issued and in force under this Act;

“permit” means a permit issued and in force under this Act;

“pistol” means a firearm designed or capable of being fired from one hand and reasonably capable of being concealed on or about a person;

“pistol licence” means a pistol licence issued and in force under this Act;

“registered” means registered under this Act;

“the Registrar” means the Registrar of Firearms appointed by this Act;

“sell” includes selling by auction or private sale, or transferring by way of barter, exchange or gift;

“silencer” means a mechanical device designed or constructed to reduce or deaden the noise of discharge of a firearm;

“substantial reason”, in relation to requiring a firearm, includes—

- (a) use in a club approved under Section 32; and
- (b) protection of life and property; and
- (c) under-water hunting; and
- (d) veterinary purposes; and

- (e) scientific research; and
- (f) commercial hunting; and
- (g) slaughter or destruction of stock; and
- (h) sporting purposes; and
- (i) subsistence hunting; and
- (j) any other purpose approved by the Registrar;

“this Act” includes the regulations;

“unlicensed firearm” includes—

- (a) a firearm in respect of which no firearm licence is in force; and
- (b) a firearm which is carried by, or is in the possession of, a person who is not the holder of a firearm licence or of a permit in respect of that firearm;

“unlicensed high-powered firearm” includes—

- (a) a high-powered firearm in respect of which no high-powered firearm licence is in force; and
- (b) a high-powered firearm which is carried by, or is in the possession of, a person who is not the holder of a high-powered firearm licence in respect of that high-powered firearm;

“unlicensed pistol” includes—

- (a) a pistol in respect of which no pistol licence is in force; and
- (b) a pistol which is carried by, or is in the possession of, a person who is not the holder of a pistol licence in respect of that pistol.

PART II. – ADMINISTRATION.

3. REGISTRAR OF FIREARMS.

The Commissioner of Police is the Registrar of Firearms for the purposes of this Act.

4. DELEGATION.

The Registrar may, by writing under his hand, delegate to a commissioned officer of the Police Force all or any of his powers and functions under this Act (except this power of delegation).

PART III. – CONTROL OF FIREARMS AND AMMUNITION.

5. PROHIBITION OR RESTRICTION OF CERTAIN FIREARMS AND AMMUNITION.

(1) The Minister may, by notice in the National Gazette—

(a) prohibit or restrict; or

(b) declare an area to be a prohibited area in respect of,

the possession or use of any firearms or type of firearm, or of any ammunition or type of ammunition.

(2) A person who owns, uses, carries or possesses a firearm or ammunition in a prohibited area or contrary to a notice under this section is guilty of an offence.

Penalty: ²A fine not exceeding K2,000.00 or imprisonment for a term not exceeding 12 months.

5A. MORATORIUM ON ISSUE OF LICENCES.

³(1) The Minister may, by notice in the National Gazette, declare a period of moratorium, during which—

(a) no licences or licences of a specified type of firearm; or

(b) no permits or permits of a specified type,

shall be issued.

(2) A declaration under Subsection (1) shall specify—

(a) the period during which the moratorium shall apply; and

(b) the type of licence and/or permit to which it applies.

(3) During a period of moratorium declared under Subsection (1) no licences or permits of the type referred to in the declaration shall be issued and no application for such licences or permits shall be accepted, notwithstanding any provision of this Act to the contrary.

(4) A declaration under Subsection (1) does not prevent the transfer or renewal of licences or permits issued before the commencement of the period of moratorium.

6. FIREARMS NOT TO BE OWNED EXCEPT BY LICENSED OWNER.

A person who owns a firearm in respect of which he is not the holder of a licence under Part IV is guilty of an offence.

Penalty: ⁴A fine not exceeding K1,500.00 or imprisonment for a term not exceeding six months.

² Section 5(2): Penalty clause amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

³ Section 5A inserted by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s3.

⁴ Section 6: Penalty clause amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

7. USE, CARRIAGE AND POSSESSION OF FIREARMS.

⁵Subject to this Act, a person must not use, carry or be in possession of a firearm unless—

- (a) he is the holder of a licence in respect of the firearm under Part IV; or
- (b) he has bought or hired the firearm within the last seven days under a permit to buy or hire the firearm under Part V which was in force when he bought or hired the firearm; or
- (c) he has a permit to carry the firearm under Part VI, and is using, carrying or in possession of the firearm in accordance with the conditions (if any) of that permit; or
- (d) he is a member of an approved club and is using, carrying or in possession of that firearm in accordance with Section 36.

Penalty: ⁶A fine not exceeding K1,500.00 or imprisonment for a term not exceeding six months.

7A. MANUFACTURE OF FIREARMS.

⁷(1) A person, who manufactures a firearm or part of a firearm, is guilty of an offence.

Penalty: Imprisonment for a term not exceeding five years, it being expressly provided that a fine shall not be imposed instead of imprisonment.

(2) A person who—

- (a) attempts or conspires to manufacture a firearm; or
- (b) aids, counsels or assists in the manufacture of a firearm,

is guilty of an offence.

Penalty: Imprisonment for a term not exceeding five years, it being expressly provided that a fine shall not be imposed instead of imprisonment.

7B. FORFEITURE OF TOOLS, PREMISES, ETC.

⁸(1) In this section, “**premises**” includes—

- (a) any dwelling house, office, warehouse, shop or store; and
- (b) any building or structure; and
- (c) any factory, garage, workshop or hanger; and
- (d) any pavilion, tent or caravan; and
- (e) any enclosed yard, garden or area; and

⁵ Section 7 amended by No. 1 of 1983.

⁶ Section 7: Penalty clause amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

⁷ Section 7A inserted by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s4.

⁸ Section 7B inserted by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s5.

(f) any aircraft, vehicle or vessel,

and any part of such premises.

(2) Where a court has convicted a person of an offence against Section 7A and the court is satisfied that—

(a) equipment, tools and/or materials used in the commission of the offence;
or

(b) the premises in or on which the offence was committed,

is or are—

(c) owned by the person convicted; or

(d) owned by a person other than the person convicted and the owner was aware that the equipment, tools, materials and/or premises was or were used or to be used or liable to be used in the commission of the offence,

the court may, in addition to any other penalty it imposes in accordance with this Act, order that equipment, tools, materials and/or premises be forfeited to the State.

(3) Equipment, tools, materials and/or premises forfeited under Subsection (2) become or becomes the property of the State and may be sold or otherwise disposed of by the State.

PART IV. – FIREARMS.**8. REGISTER OF FIREARMS.**

The Registrar shall keep a Register of Firearms in the prescribed form in which he shall enter particulars of every firearm licence issued under this Act.

9. FIREARM LICENCES.

(1) Subject to this section, the Registrar, on receipt of an application and the prescribed fee, may issue a firearm licence in respect of a firearm produced to him if he is satisfied that the firearm is owned by a person who–

- (a) is of or over the age of 18 years; and
- (b) has not been convicted of an offence against this Act and sentenced to a term of imprisonment; and
- (c) has not been convicted of an offence, otherwise than under this Act arising out of or in connection with his possession or use of a firearm and sentenced to a term of imprisonment; and
- (d) is a fit and proper person to own a firearm; and
- (e) can be reasonably permitted to have in his possession, to use and to carry the firearm without danger to the public safety or to the peace; and
- (f) has a substantial reason for requiring a firearm,

and that the firearm is safe and fit for use.

(2) The Registrar shall refuse to issue a firearm licence in respect of a firearm if–

- (a) he is not satisfied that the owner of the firearm is a person who has a substantial reason for requiring the firearm; and
- (b) for any reason, whether arising out of the number of firearms in the locality concerned or otherwise, he is satisfied that the application should be refused.

(3) With the application for the issue of a firearm licence in respect of a firearm the applicant shall–

- (a) in the case of a firearm obtained from a gun dealer–furnish a written statement by that gun dealer that the provisions of Section 45 have been complied with; and
- (b) in any case–furnish a certificate from a commissioned officer of the Police Force that the firearm has been inspected and is apparently safe and fit for use.

(4) A firearm licence applies only in respect of one firearm and authorizes the person to whom it is issued to have in his possession, to carry and to use that firearm

for the substantial reason, in the area, and subject to the conditions, specified in the licence.

(5) A firearm licence, unless previously revoked—

- (a) remains in force for a period of 12 months from the date of issue; and
- (b) may be renewed from time to time for further periods each not exceeding 12 months.

(6) The fee referred to in Subsection (1) is not required where the firearm in respect of which the application for a licence is made is the property of the State.

(7) An application for the issue of a licence in respect of a firearm for the reasons set out in Paragraphs (g), (h) or (i) of the definition of “substantial reason” in Section 2, shall be accompanied by a statutory declaration by the applicant setting out the location and ownership of land and permission of the owner of that land for use of the firearm on that land and a licence issued on such an application shall contain a condition that it shall be used only on that land.

(8)⁹ ¹⁰A firearm licence issued under this part shall—

- (a) be in the prescribed form; and
- (b) bear a photograph of the person to whom the licence was issued; and
- (c) not be transferable; and
- (d) unless sooner cancelled under this Act be in force for the period stipulated in Subsection (5).

10. OWNER’S LICENCE.

(1) Where the owner of a licensed firearm, pistol or high-powered firearm is unable to comply with a condition as to use of the firearm at a specified location, he may apply for an owner’s licence to remove the firearm to another location.

(2) A person who, unless he has first obtained the approval of the Registrar, discharges or otherwise uses a firearm to which Subsection (1) relates is guilty of an offence.

Penalty: ¹¹A fine not exceeding K500.00.

11. FIREARMS CAPABLE OF DISCHARGING DRUGS, ETC.

Subject to Sections 9 and 28(2), the Registrar shall not issue or renew a licence in respect of a firearm, a pistol or high-powered firearm designed for the discharge of a missile containing a drug or noxious liquid, noxious gas or other noxious thing, unless—

⁹ Section 9(8) added by *Firearms (Amendment) Act 1993* (No. 17 of 1993), s1.

¹⁰ Section 9(8) added by *Firearms (Amendment) Act 1993* (No. 17 of 1993), s1.

¹¹ Section 10(2): Penalty clause amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

- (a) the applicant has produced to the Registrar a certificate from a veterinary surgeon approved by the Departmental Head of the Department responsible for agriculture and livestock matters—
 - (i) that the firearm, pistol or high-powered firearm is necessary for the control or treatment of stock and that the applicant has a genuine and substantial need for such a firearm, pistol or high-powered firearm; and
 - (ii) that the applicant has a good knowledge of the use and effects of the poison, drug or other noxious substance likely to be discharged from the firearm, pistol or high-powered firearm in respect of which the application for registration or for a licence is made; and
 - (iii) that the applicant has been instructed in and is thoroughly conversant with the use of that firearm, pistol or high-powered firearm; and
- (b) the Registrar is satisfied that the applicant—
 - (i) is of or over the age of 18 years; and
 - (ii) has not been convicted of an offence against this Act and sentenced to a term of imprisonment; and
 - (iii) has not been convicted of an offence, otherwise than under this Act, arising out of or in connection with his possession or use of a firearm and sentenced to a term of imprisonment.

12. REVOCATION OF FIREARM LICENCES.

(1) Where the Registrar is satisfied—

- (a) that the owner of a licensed firearm—
 - (i) is a person under the age of 18 years; or
 - (ii) has been convicted of an offence against this Act; or
 - (iii) has been convicted of an offence, otherwise than under this Act, arising out of or in connection with his possession or use of a firearm; or
 - (iv) has been convicted of an offence against a law in force in the country involving violence; or
 - (v) is not, in the opinion of the Registrar, a fit and proper person to own a firearm; or
 - (vi) has no substantial reason, or has ceased to have a substantial reason, for requiring the firearm; or
 - (vii) cannot reasonably be permitted to have in his possession, to use and to carry the firearm without danger to the public safety or to the peace; or

- (b) that a firearm is not safe or fit for use,

he may revoke the licence in respect of that firearm.

- (2) Where the Registrar revokes the licence in respect of a firearm, he shall—

- (a) promptly cause written notice of the revocation to be served on the owner of the firearm either personally or by post; and
- (b) enter particulars of the revocation in the Register of Firearms.

13. CERTIFICATE BY REGISTRAR PRIMA FACIE PROOF.

A certificate signed by the Registrar stating that, on a particular day—

- (a) a particular person was the holder of a firearm licence; or
- (b) a licence was not in force in respect of a particular firearm,

is, in proceedings under or arising out of this Act, *prima facie* proof of the fact stated in the certificate without proof of the Registrar's signature.

PART V. – PERMITS TO BUY OR HIRE FIREARMS.

14. PERMITS TO BUY OR HIRE FIREARMS.

(1) A person who wishes to buy or hire a firearm may apply to the Registrar for a permit to do so.

(2) Subject to Subsection (5), the Registrar may, subject to any conditions that he thinks fit–

- (a) issue a permit to buy a firearm to a person whom he is satisfied is eligible to be the owner of the firearm; or
- (b) issue a permit to hire a firearm to a person whom he is satisfied is eligible for the issue of a permit to carry the firearm.

(3) The Registrar shall not issue a permit to hire a firearm in respect of which there is in force an owner's licence.

(4) Any condition or purpose of issue shall be endorsed on the permit.

(5) In addition to any other conditions of issue, a permit to hire is subject to the same conditions as the licence in force in respect of that firearm.

(6) A permit to buy or hire a firearm does not authorize the buying or hiring of a pistol or a high-powered firearm unless the permit is so endorsed.

(7) The Registrar shall not–

- (a) issue a permit to buy a pistol or a high-powered firearm unless he is satisfied that the person to whom it is issued is eligible for the issue of a pistol licence or a high-powered firearm licence in respect of a pistol or a high-powered firearm, as the case may be; or
- (b) issue a permit to hire a pistol or a high-powered firearm unless he is satisfied that the person to whom it is issued is eligible for the issue of a permit to carry a pistol or a high-powered firearm, as the case may be.

15. PERMITS TO HAVE NO EFFECT AFTER PURCHASE OR SEVEN DAYS.

(1) A permit to buy or hire a firearm ceases to be in force when it has been used to buy or hire a firearm, and in any event at the end of a period of seven days after the date of issue.

(2) A permit to buy or hire a firearm may be used only by the person to whom it is issued.

16. BUYER OR HIRER OF FIREARM MUST GIVE PERMIT TO SELLER, ETC.

A person who buys or hires a firearm must give his permit to buy or hire the firearm at the time of the sale or hiring to the person who sells or hires the firearm to him.

Penalty: ¹²A fine not exceeding K500.00.

17. SELLER OR HIRER OF FIREARM MUST OBTAIN PERMIT FROM BUYER, ETC.

A person must not sell or hire a firearm to another person unless he first obtains from the buyer or the hirer his permit allowing him to buy or hire that firearm.

Penalty: A fine not exceeding K1,500.00 or imprisonment for a term not exceeding six months.

¹³18. PERMIT TO BE RETURNED TO REGISTRAR.

A person who sells or hires a firearm must deliver the permit for the buying or hiring of that firearm to the Registrar, or post the permit by registered post to the Registrar, not later than 48 hours after the sale or hiring.

Penalty: ¹⁴A fine not exceeding K500.00.

19. CANCELLATION OF PERMIT TO HIRE FIREARMS.

A permit to hire a firearm may be cancelled by the Registrar if he has reason to believe that the firearm is being used or has been used for a purpose other than the purpose specified in the permit or contrary to the conditions endorsed on the permit.

¹² Section 16: Penalty clause amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

¹³ Section 17: Penalty clause amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

¹⁴ Section 18: Penalty clause amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

PART VI. – PERMITS TO CARRY FIREARMS.**20. PERMIT TO CARRY FIREARMS.**

(1) The Registrar may, subject to any condition or purpose that he thinks fit, grant permits to carry firearms.

(2) A permit to carry a firearm shall be in the prescribed form and in addition to any other conditions endorsed on the permit is subject to the same conditions as the licence in force in respect of that firearm.

(3) Any conditions or purpose of issue shall be endorsed on the permit.

21. PERMITS NOT TO BE ISSUED TO CERTAIN PERSONS.

(1) The Registrar shall not issue a permit to carry a firearm to a person unless he is satisfied that the person—

(a) is a person who can reasonably be permitted to possess and use that firearm; and

(b) is of or over 18 years of age; and

(c) has not been sentenced to imprisonment on conviction for an offence against this Act or any other offence arising out of or in relation to his possession or use of a firearm; and

(d) has a substantial reason for carrying that firearm,

and that the person in whose name the firearm is registered or licensed, as the case may be, has consented to the issue of the permit.

(2) The Registrar shall not issue a permit to carry a high-powered firearm or a pistol to a person who is not allowed to obtain a high-powered firearm licence or a pistol licence under Section 28.

22. PERIOD OF PERMIT.

(1) A permit to carry a firearm shall remain in force for the period specified in the licence, unless it is sooner cancelled.

(2) A permit to carry a firearm shall not be granted for a period of more than 12 months.

23. EMPLOYEE'S PERMIT TO CARRY FIREARMS.

(1) In this section, “**employer**”, in a case where the employer is a corporation, firm or partnership, shall be deemed to include the manager or person in charge at the employee's place of employment.

(2) On the application of an employer, a permit to carry a firearm may be issued to an employee of that employer in respect of a firearm licensed or registered, as the case may be, in the name of the employer.

(3) A permit issued under this section—

- (a) shall bear the name of the employer of the holder of the permit; and
- (b) entitles the permittee to possess, carry and use the firearm only for the purposes of his employment; and
- (c) ceases to be in force when the permittee terminates his employment with the employer in whose name the firearm is registered or licensed, as the case may be.

24. PERMIT TO BE CARRIED WHEN FIREARM CARRIED.

When the holder of a permit to carry a firearm is carrying the firearm, he must—

- (a) carry the permit; and
- (b) produce the permit if required to do so by a member of the Police Force.

Penalty: ¹⁵A fine not exceeding K50.00.

25. CONDITIONS.

A permit to carry a firearm authorizes the carriage of the firearm only for the purposes and subject to the conditions (if any) specified in the permit.

26. CANCELLATION OF PERMIT TO CARRY FIREARMS.

A permit to carry a firearm may be cancelled by the Registrar if he has reason to believe that the firearm is being used or has been used for a purpose other than the purpose specified in the permit or contrary to the conditions endorsed on the permit.

¹⁵ Section 24: Penalty clause amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

PART VII. – PISTOLS AND HIGH-POWERED FIREARMS.

27. PERSON NOT TO OWN, ETC., PISTOL OR HIGH-POWERED FIREARM WITHOUT LICENCE.

(1) A person who owns or has in his possession–

- (a) a pistol or a part of a pistol unless he is the holder of a pistol licence in respect of that pistol; or
- (b) a high-powered firearm or a part of a high-powered firearm unless he is the holder of a high-powered firearm licence in respect of that high-powered firearm,

is guilty of an offence.

Penalty: ¹⁶A fine not exceeding K1,500.00 or imprisonment for a term not exceeding four months.

(2) A person who carries–

- (a) a pistol unless he is the holder of a pistol licence in respect of that pistol; or
- (b) a high-powered firearm unless he is the holder of a high-powered firearm licence in respect of that high-powered firearm,

otherwise than in accordance with the conditions (if any) specified in the licence, is guilty of an offence.

Penalty: ¹⁷A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months or, where the offence is committed between the hours of 7 p.m. and 7 a.m. on the following day, a fine not exceeding K1,500.00 or imprisonment for a term not exceeding two years.

(3) The holder of a pistol licence or a high-powered firearm licence must carry the licence with him at all times while he is carrying the pistol or high-powered firearm the subject of the licence.

Penalty: ¹⁸A fine not exceeding K200.00.

(4) It is a defence to a charge of an offence under this section if the defendant proves that the pistol or high-powered firearm in respect of which the offence is alleged to have been committed was purchased or hired by the defendant not more than seven days before the date on which the offence is alleged to have been committed, under a permit which was in force at the time when the pistol or high-powered firearm was purchased or hired, as the case may be.

¹⁶ Section 27(1): Penalty clause amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

¹⁷ Section 27(2): Penalty clause amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

¹⁸ Section 27(3): Penalty clause amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

27A. PROHIBITION OF UNLICENSED PISTOLS AND HIGH-POWERED FIREARMS.

¹⁹(1) On and from 1 October 1999—

- (a) the provisions of this Part relating to the licensing of pistols and high-powered firearms shall cease to apply; and
- (b) a person who owns or possesses a pistol or a high-powered firearm and holds a licence in respect of that pistol or high-powered firearm, granted under the provisions referred to under Paragraph (a), shall continue to own and possess that pistol or high-powered firearm, on the coming into operation of the *Firearms (Amendment) Act* 1998; and
- (c) a person who owns or possesses a pistol or a high-powered firearm which is unlicensed or of which he is not a licence holder, shall surrender that pistol or a high-powered firearm to an officer of the Police Force in accordance with the provisions of this Act; and
- (d) the provisions of Section 27B shall apply.

(2) A person referred to under Subsection (1)(c) shall not be liable to prosecution under this Act arising out of or in connection with his ownership or possession of a pistol or a high-powered firearm.

(3) On and from 1 October 1999, a person who owns or has in his possession—

- (a) a pistol or part of a pistol, unless he is the holder of a pistol licence in respect of that pistol; or
- (b) a high-powered firearm or part of a high-powered firearm, unless he is the holder of a high-powered firearm licence in respect of that high-powered firearm,

is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 and imprisonment for a term not exceeding five years.

27B. RENEWAL OF PISTOL AND HIGH-POWERED FIREARMS LICENCE.

²⁰(1) A pistol licence or a high-powered firearm licence, unless previously revoked, may be renewed from time to time for further periods of 12 months.

(2) A person referred to in Section 27A(1)(b) may, from time to time, apply to the Registrar for the renewal of a pistol licence or a high-powered firearm licence.

(3) An application under Subsection (2) shall be accompanied by a certificate by a commissioned officer of the Police Force that the pistol or high-powered firearm has been inspected and is safe and fit for use.

(4) The Registrar, if he is satisfied—

¹⁹ Section 27A inserted by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s6. Section 27A repealed and replaced by *Firearms (Amendment) Act* 1998 (No 50 of 1988), s1.

²⁰ Section 27B inserted by *Firearms (Amendment) Act* 1998 (No 50 of 1988), s2.

- (a) that the applicant—
 - (i) is a person who has a substantial reason for requiring a pistol or a high-powered firearm, as the case may be; and
 - (ii) is a person who can reasonably be permitted to have in his possession, to use and to carry a pistol or a high-powered firearm, as the case may be, without danger to the public safety or to the peace; and
 - (iii) is a person of or over the age of 18 years; and
 - (iv) has not been convicted of an offence against this Act and sentenced to a term of imprisonment; and
 - (v) has not been convicted of an offence, otherwise than under this Act, arising out of or in connection with his possession or use of a firearm and sentenced to a term of imprisonment; and
 - (vi) is a fit and proper person to hold a pistol licence or a high-powered firearm licence, as the case may be; and
- (b) that the pistol or the high-powered firearm in respect of which the application for a licence is made is safe and fit for use,

may, subject to any conditions, restrictions or purposes that he thinks fit, on receipt of the prescribed fee, renew a pistol licence or a high-powered firearm licence in the prescribed form.

(5) Any conditions, restrictions or purposes of renewal shall be endorsed on the licence.

(6) Where the Registrar is satisfied that there are substantial reasons, whether arising out of the number of firearms in the locality concerned or otherwise, why an application for the renewal of a pistol licence or a high-powered firearm licence should be refused, he shall refuse the application.

(7) A pistol licence or a high-powered firearm licence under this Section—

- (a) applies only in respect of one pistol or one high-powered firearm, as the case may be; and
- (b) authorizes the person to whom it is issued to have in his possession, to carry and to use that pistol or high-powered firearm for the purposes, and subject to the conditions, specified in the licence.

(8) A pistol or a high-powered firearm in respect of which a licence has been renewed and is in force under this Act shall be deemed to be a licensed firearm.

(9) The fee referred to in Subsection (4), is not required where the pistol or a high-powered firearm in respect of which the application for the renewal of the licence is made, is the property of the State.

28. APPLICATION FOR PISTOL LICENCE OR HIGH-POWERED FIREARM LICENCE.

(1) An application for a pistol licence or a high-powered firearm licence or for the renewal of a pistol licence or a high-powered firearm licence shall be made to the Registrar, and shall be accompanied by a certificate by a commissioned officer of the Police Force that the pistol or high-powered firearm has been inspected and is safe and fit for use.

(2) The Registrar, if he is satisfied—

(a) that the applicant—

- (i) is a person who has a substantial reason for requiring a pistol or high-powered firearm, as the case may be; and
- (ii) is a person who can reasonably be permitted to have in his possession, to use and to carry a pistol or high-powered firearm, as the case may be, without danger to the public safety or to the peace; and
- (iii) is a person of or over the age of 18 years; and
- (iv) has not been convicted of an offence against this Act and sentenced to a term of imprisonment; and
- (v) has not been convicted of an offence, otherwise than under this Act, arising out of or in connection with his possession or use of a firearm and sentenced to a term of imprisonment; and
- (vi) is a fit and proper person to hold a pistol licence or a high-powered firearm licence, as the case may be; and

(b) that the pistol or high-powered firearm in respect of which the application for a licence is made is safe and fit for use,

may, subject to any conditions, restrictions or purposes that he thinks fit, on receipt of the prescribed fee, issue or renew a pistol licence or high-powered firearm licence in the prescribed form.

(3) Any conditions, restrictions or purposes of issue shall be endorsed on the licence.

(4) Where the Registrar is satisfied that there are substantial reasons, whether arising out of the number of firearms in the locality concerned or otherwise, why an application for a pistol licence or a high-powered firearm licence should be refused, he shall refuse the application.

(5) A pistol licence applies only in respect of one pistol and authorizes the person to whom it is issued to have in his possession, to carry and to use that pistol for the purposes, and subject to the conditions, specified in the licence.

(6) A high-powered firearm licence applies only in respect of one high-powered firearm and authorizes the person to whom it is issued to have in his possession, to

carry and to use that high-powered firearm for the purposes, and subject to the conditions, specified in the licence.

(7) A pistol licence or a high-powered firearm licence, unless previously revoked—

- (a) remains in force for a period of 12 months from the date of issue; and
- (b) may be renewed from time to time for further periods of 12 months.

(8) A pistol or a high-powered firearm in respect of which a licence has been issued and is in force under this Act shall be deemed to be a licensed firearm.

(9) The fee referred to in Subsection (2) is not required where the pistol or high-powered firearm in respect of which the application for a licence is made is the property of the State.

29. REVOCATION OF PISTOL LICENCE OR HIGH-POWERED FIREARM LICENCE.

(1) Where the Registrar is satisfied—

- (a) that the holder of a pistol licence or a high-powered firearm licence—
 - (i) is a person under the age of 18 years; or
 - (ii) has been convicted at any time of an offence against this Act; or
 - (iii) has been convicted at any time of an offence, otherwise than under this Act, arising out of or in connection with his possession or use of a firearm; or
 - (iv) has been convicted of an offence against a law in force in the country involving violence; or
 - (v) is not, in the opinion of the Registrar, a fit and proper person to own a pistol or high-powered firearm, as the case may be; or
 - (vi) has no substantial reason, or has ceased to have a substantial reason, for the pistol or high-powered firearm; or
 - (vii) cannot be reasonably permitted to have in his possession to use and to carry the pistol or high-powered firearm without danger to the public safety or to the peace; or
- (b) that the purpose for which the licence was issued no longer exists; or
- (c) that a pistol or high-powered firearm in respect of which a person holds a pistol licence or high-powered firearm licence is not safe or fit for use,

he may revoke the licence held by that person.

(2) Where the Registrar revokes a licence under this section, he shall—

- (a) cause written notice of the revocation to be served on the person who held the licence; and

- (b) enter particulars of the revocation in the Register of Pistol Licences or the Register of High-powered Firearm Licences, as the case requires, kept under Section 30.

30. REGISTER OF PISTOL LICENCES AND HIGH-POWERED FIREARM LICENCES.

(1) The Registrar shall keep a Register of Pistol Licences in the prescribed form in which he shall enter particulars of every pistol licence issued under this Act.

(2) The Registrar shall keep a Register of High-powered Firearm Licences in the prescribed form in which he shall enter particulars of every high-powered firearm licence issued under this Act.

31. CERTIFICATE BY REGISTRAR PRIMA FACIE PROOF.

A certificate signed by the Registrar stating that, on a particular day—

- (a) a particular person was the holder of a pistol licence in respect of a particular pistol; or
- (b) a particular person was not the holder of a pistol licence in respect of a particular pistol; or
- (c) no pistol licence was in force in respect of a particular pistol; or
- (d) a particular person was the holder of a high-powered firearm licence in respect of a particular high-powered firearm; or
- (e) a particular person was not the holder of a high-powered firearm licence in respect of a particular high-powered firearm; or
- (f) no high-powered firearm licence was in force in respect of a particular high-powered firearm,

is, in proceedings under or arising out of this Act, *prima facie* proof of the facts stated in the certificate, without proof of the Registrar's signature.

PART VIII. – CLUBS.**32. APPROVED CLUBS.**

(1) Subject to this section, the Registrar may approve a gun club, rifle club or pistol club, for the purposes of this Act.

(2) An application for approval or renewal of approval of a club under this section shall be made in the prescribed form and shall be accompanied by a copy of the constitution of the club and such maps, plans and other particulars as are prescribed.

(3) An approval of a club under this section shall be in the prescribed form.

(4) An approval under this section, unless previously revoked—

(a) remains in force for a period of 12 months' from the date of issue; and

(b) may be renewed from time to time for further periods of 12 months.

(5) The Registrar shall not approve a club under this section unless he is satisfied—

(a) that at least 10 members over the age of 21 years have agreed to join the club; and

(b) that every place which is proposed to be used by the club as a firing range is a place which he could approve under Section 33; and

(c) that the club has—

(i) a rule preventing persons who have at any time been sentenced to imprisonment on conviction for an offence under this Act or any other law relating to firearms from becoming members of the club; and

(ii) a rule that a member who in any year does not participate in 75% of the competitions or exercises held by the club, except when prevented by distance from the club or physical disability, shall be dismissed from the club for a period of not less than six months; and

(iii) such other rules as are prescribed, or as the Registrar in any particular case thinks fit.

(6) The Registrar may from time to time prepare and distribute to approved clubs, and clubs seeking approval, copies of model rules and model amendments.

(7) The Registrar may at any time revoke the approval of a club if he is satisfied that—

(a) the club no longer has 10 members actively participating in the shooting activities of the club; or

(b) the club has ceased to have the rules prescribed by Subsection (5); or

(c) the club is not being conducted in the best interests of public safety; or

(d) the officers of the club or the members of the club have not complied with this Act.

(8) A revocation of approval of a club under Subsection (7) shall be by written notice.

(9) The Registrar shall—

(a) post one copy of any notice of revocation of approval of a club under this section to the secretary of the club; and

(b) cause copies of the notice to be affixed in a prominent position at every approved range of the club.

33. APPROVED FIRING RANGES.

(1) Subject to this section, the Registrar may approve a firing range of an approved club for the purposes of this Act.

(2) An application for approval of a firing range under this section shall be made in the prescribed form and shall contain maps and other information as prescribed.

(3) An approval of a firing range under this section shall be in the prescribed form.

(4) An approval under this section, unless previously revoked—

(a) remains in force for a period of 12 months from the date of issue; and

(b) may be renewed from time to time for further periods of 12 months.

(5) The Registrar shall not approve a firing range under this section unless he is satisfied that there will be no unreasonable danger to members of the club using the range or members of the public or their property.

(6) The Registrar may at any time revoke the approval of a firing range under this section if he is satisfied that the range is no longer safe for members of the club or members of the public or their property.

(7) A revocation of approval of a firing range under Subsection (6) shall be by written notice.

(8) The Registrar shall—

(a) post one copy of the notice of revocation of approval of a firing range under this section to the secretary of the club for which the firing range has been approved; and

(b) cause a copy of the notice to be affixed in a prominent position at the firing range.

(9) A person who, without lawful excuse (proof of which is on him) discharges a firearm at a range on which there has been affixed a copy of a notice of the withdrawal of approval of the range under this section, is guilty of an offence.

Penalty: ²¹A fine not exceeding K1,000.00.

34. REGISTRATION, ETC., OF FIREARMS OF APPROVED CLUB.

Subject to this Act, the Registrar—

- (a) may register a firearm owned by an approved club in the name of that club; and
- (b) grant to an approved club a permit to buy or hire a firearm; and
- (c) grant to an approved club a pistol licence or a high-powered firearm licence.

35. RESTRICTION ON NUMBER OF FIREARMS FOR EACH APPROVED CLUB.

The Registrar shall refuse to register a firearm or to grant a permit or a licence in respect of a firearm in the name of an approved club if he considers that the club has sufficient firearms, having regard to the membership and activities of the club.

36. USING OR CARRYING FIREARMS REGISTERED OR LICENSED BY APPROVED CLUB.

(1) A person who uses, carries or is in possession of a firearm which is registered in the name of an approved club, or is the subject of a permit or licence in the name of an approved club, unless—

- (a) he is a member of an approved club and—
 - (i) is engaged in shooting at a target at an approved range in accordance with the range rules of the club controlling the range; or
 - (ii) is carrying the firearm to or from an approved range or the premises of a licensed gun dealer; or
- (b) he is a servant of an approved club and is engaged in cleaning or repairing the firearm,

is guilty of an offence.

(2) A member of an approved club who lends, or in any way parts with possession of, a firearm which is registered in the name of the approved club, or the subject of a permit or licence in the name of an approved club, except to a member of an approved club or a registered gun dealer, is guilty of an offence.

Penalty: ²²A fine not exceeding K500.00 or imprisonment for a term not exceeding four months.

²¹ Section 33(9): Penalty clause amended by *Firearms (Amendment) Act 1993* (No. 17 of 1993), s2; amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

**37. PERSONS NOT TO DISCHARGE FIREARMS ON APPROVED RANGE
IN CONTRAVENTION OF RULES.**

A person who discharges a firearm on an approved range in contravention of the rules of the club controlling the range is guilty of an offence.

Penalty: ²³A fine not exceeding K1,000.00.

²² Section 36(2): Penalty clause amended by *Firearms (Amendment) Act 1993* (No. 17 of 1993), s3.

²³ Section 37: Penalty clause amended by *Firearms (Amendment) Act 1993* (No. 17 of 1993), s4; amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

PART IX. – AMMUNITION DEALERS²⁴.**38. AMMUNITION DEALER'S LICENCES.**

²⁵A person who—

- (a) deals in firearms; or
- (b) deals in ammunition unless he is the holder of an ammunition dealer's licence,

is guilty of an offence.

Penalty: A fine not exceeding K10,000.00 and imprisonment for a term of not exceeding 10 years.

39. APPLICATION FOR LICENCES.

(1)²⁶ ²⁷A person may apply, in the prescribed form, to the Registrar for the issue or renewal of an ammunition dealer's licence.

(2) An application under this section shall contain the following particulars—

- (a) the exact location of the building or premises where the applicant proposes to conduct his business;
- (b) the type of building or premises and the material used in its construction;
- (c) whether or not the applicant is the sole occupier of the building or premises;
- (d)²⁸ what portion (if any) of the building or premises, proposed to be used for the business of an ammunition dealer, is proposed to be used for living quarters;
- (e) whether at the time of application the building or premises is or are used to conduct any other type of business, and, if so, what type of business;
- (f)²⁹ what provisions have been made or are proposed to be made for the storage and security of ammunition and the general security of the building;
- (g) whether or not the applicant proposes to reside in the building or on the premises, as distinct from the portion of the building or premises, used for the business, and whether or not he does in fact reside there.

²⁴ Part IX: heading repealed and replaced by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s7.

²⁵ Section 38 amended by *Firearms (Amendment) Act* 1993 (No.17 of 1993), s5; repealed and replaced by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s8.

²⁶ Section 39(1) amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s9(a).

²⁷ Section 39(1) amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s9(a).

²⁸ Section 39(2)(d) amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s9(b)(i).

²⁹ Section 39(2)(f) amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s9(b)(ii).

(3) If the Registrar is satisfied—

- (a)³⁰ that the applicant is a fit and proper person to carry on the trade or business of dealing in firearms; and
- (b) that the particulars furnished in accordance with Subsection (2) in relation to the application do not show a substantial reason why a licence should not be issued to the applicant; and
- (c)³¹ [*Repealed.*]
- (d) on receipt of the prescribed fee—issue or renew a gun dealer’s licence in the prescribed form to an applicant for a gun dealer’s licence; or
- (e)³² [*Repealed.*]

(4) The fee for the issue or renewal of an ammunition dealer’s licence is as prescribed.

(5) A licence issued or renewed under this section remains in force until 30 June next following the date on which it is issued or renewed, unless it is sooner cancelled.

40. REGISTER OF AMMUNITION DEALERS’ LICENCES.

³³The Registrar shall keep a Register of Ammunition Dealers Licences in the prescribed form and enter in that Register particulars of every ammunition dealer’s licence issued under this Act.

41. REVOCATION OF AMMUNITION DEALER’S LICENCE.

³⁴(1)³⁵ ³⁶Where the Registrar is satisfied that the holder of an ammunition dealer’s licence—

- (a) has fraudulently obtained the issue of the licence; or
- (b) is not a fit and proper person to hold such licence; or
- (c)³⁷ keeps or stores ammunition at a place other than the premises described in the particulars furnished with his application for the licence; or
- (d) has let, assigned or parted with possession of the premises described in the particulars furnished with the application; or
- (e) has been convicted of an offence against this Act,

³⁰ Section 39(3)(a) repealed and replaced by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s9(c)(i).

³¹ Section 39(3)(c) repealed by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s9(c)(ii).

³² Section 39(3)(e) repealed by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s9(c)(iii).

³³ Section 40 repealed and replaced by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s10.

³⁴ Section 41: headnote amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s11(a).

³⁵ Section 41(1) amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s11(b)(i).

³⁶ Section 41(1) amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s11(b)(i).

³⁷ Section 41(1)(c) amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s11(b)(ii).

he may revoke the licence.

- (2) Where the Registrar revokes a licence under this section, he shall—
- (a) cause written notice of the revocation to be served promptly on the person who held the licence, either personally or by post; and
 - (b)³⁸ enter particulars of the revocation in the Register of Ammunition Dealers' Licences kept under Section 40.

42. CERTIFICATE BY REGISTRAR PRIMA FACIE PROOF.

A certificate signed by the Registrar stating that on a particular day—

- (a)³⁹ a particular person was the holder of an ammunition dealer's licence; or
- (b)⁴⁰ a particular person was not the holder of an ammunition dealer's licence,

is, in proceedings under or arising out of this Act *prima facie* proof of the fact stated in the certificate, without proof of the Registrar's signature.

43⁴¹. [REPEALED.]

44. AMMUNITION DEALERS TO KEEP RECORDS, ETC.

(1) The holder of an ammunition dealer's licence must keep, in the prescribed form, a record of all ammunition other than ammunition for air-rifles or ammunition of a class specified by the Minister by notice in the National Gazette—

- (a) acquired by him; and
- (b) held by him; and
- (c) sold or otherwise disposed of by him.

Penalty: ⁴²A fine not exceeding K500.00.

(2) The holder of an ammunition dealer's licence shall furnish a copy of the record kept under this section to the Registrar once in every six months.

45⁴³. [REPEALED.]

45A. SALE OF AMMUNITION BY GUN DEALER, ETC.

⁴⁴(1) The holder of—

³⁸ Section 41(2)(b) amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s11(c).

³⁹ Section 42(a) amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s12(a).

⁴⁰ Section 42(b) amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s12(b).

⁴¹ Section 43 repealed by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s13.

⁴² Section 44(1): Penalty clause amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

⁴³ Section 45 repealed by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s14.

⁴⁴ Section 45A inserted by *Firearms (Amendment) Act 1986* (No. 23 of 1986), s1.

(a) an ammunition dealer's licence; or

(b)⁴⁵ [*Repealed.*]

who sells or supplies ammunition to any person not being the holder of—

(c) an ammunition dealer's licence; or

(d) a firearm licence; or

(e)⁴⁶ [*Repealed.*]

(f) a high-powered firearm licence; or

(g) a pistol licence, is guilty of an offence.

Penalty: ⁴⁷A fine not exceeding K1,000.00.

(2) The holder of—

(a) an ammunition licence; or

(b)⁴⁸ [*Repealed.*]

who sells or supplies to the holder of—

(c) a firearm licence; or

(d) a high-powered firearm licence; or

(e) a pistol licence,

ammunition of a calibre or gauge not consistent with the calibre or gauge of the firearm, high-powered firearm or pistol, as the case may be, designated in the licence, is guilty of an offence.

Penalty: ⁴⁹A fine not exceeding K1,000.00.

⁴⁵ Section 45A(1)(b) repealed by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s15(a)(i).

⁴⁶ Section 45A(1)(e) repealed by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s15(a)(ii).

⁴⁷ Section 45A(1): Penalty clause amended by *Firearms (Amendment) Act 1993* (No. 17 of 1993), s6.

⁴⁸ Section 45A(2)(b) repealed by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s15(b).

⁴⁹ Section 45A(2): Penalty clause amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

PART X. – REVOCATION OF LICENCES, ETC.

46. REVOKED LICENCES TO BE RETURNED.

Where the Registrar revokes a firearm licence, a pistol licence, a high-powered firearm licence or a gun dealer's licence, the person to whom the licence was issued must, within seven days after the date on which he receives notice of the revocation, deliver the licence to, or forward it by registered post to, the Registrar.

Penalty: ⁵⁰A fine not exceeding K200.00.

47. DISPOSAL OF FIREARMS WHERE LICENCE REFUSED OR REVOKED.

Where the Registrar revokes or refuses to issue or to renew a firearm licence, the person in whose possession the firearm then is shall dispose of the firearm in the manner and within the time prescribed.

48. DISPOSAL OF PISTOL OR HIGH-POWERED FIREARM WHERE LICENCE REFUSED OR REVOKED.

Where the Registrar revokes or refuses to issue or to renew a pistol licence or a high-powered firearm licence, the person who then has possession of the pistol or high-powered firearm concerned shall dispose of the pistol or high-powered firearm, as the case may be, in the manner and within the time prescribed.

49. DISPOSAL OF FIREARMS WHERE GUN DEALER'S LICENCE REFUSED OR REVOKED.

Where the Registrar revokes or refuses to issue or to renew a gun dealer's licence, the person who previously held, applied for or was refused a licence or renewal of his licence, as the case may be, shall dispose of all firearms then in his possession in the manner and within the time prescribed.

50. PROHIBITION OR RESTRICTION ON USE OF FIREARMS.

(1) In this section, "**Wildlife Management Area**" means an area declared to be a Wildlife Management Area under the *Fauna (Protection and Control) Act 1966*.

(2) The Minister may, by notice in the National Gazette—

(a) prohibit the use of; or

(b) place such conditions or restrictions as he thinks fit on the use of,

firearms within a Wildlife Management Area.

(3) A person who uses a firearm in contravention of a notice under Subsection (2) is guilty of an offence.

⁵⁰ Section 46: Penalty clause amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

s. 50.

Firearms 9999

Penalty: ⁵¹A fine not exceeding K400.00.

⁵¹ Section 50(3): Penalty clause amended by *Firearms (Amendment) Act 1993* (No.17 of 1993), s7.

PART XI. – OFFENCES GENERALLY.**51. SAFE CUSTODY.**

(1) A person who has a firearm in his possession or control must take all reasonable precautions to ensure the safe-keeping of that firearm.

Penalty: ⁵²A fine not exceeding K1,000.00 or imprisonment for a term not exceeding 12 months.

(2)⁵³ A person who, without lawful excuse (proof of which is on him), carries, discharges or uses a firearm—

- (a) in an area other than the area; or
- (b) for a reason other than the substantial reason; or
- (c) otherwise than in accordance with the conditions,

specified in the licence or permit issued in respect of that firearm is guilty of an offence.

Penalty: A fine not exceeding K1,500.00 or imprisonment for a term not exceeding 12 months.

⁵⁴(3) Notwithstanding anything in any law in force in the country, a prosecution for an offence against Subsection (1) or (2) may, where the prosecutor is a member of the Police Force, be commenced at any time within 12 months after the commission of the offence.

(4) For the purposes of this section, the secretary of an approved club shall be regarded as having a firearm licensed in the name of that club in his possession or control, unless he proves that some other person had the possession or control of that firearm.

52. USE OF SILENCERS.

A person who uses or carries a silencer is guilty of an offence.

Penalty: ⁵⁵A fine not exceeding K500.00 or imprisonment for a term not exceeding five years.

53. POSSESSION OF SILENCERS.

A person who has a silencer in his possession is guilty of an offence.

⁵² Section 51(1): Penalty clause amended by *Firearms (Amendment) Act* 1993 (No.17 of 1993), s8(a); amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

⁵³ Section 51(2): Penalty clause amended by *Firearms (Amendment) Act* 1993 (No.17 of 1993), s8(b); amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

⁵⁴ Section 51(2): Penalty clause amended by *Firearms (Amendment) Act* 1993 (No.17 of 1993), s8(b); amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

⁵⁵ Section 52: Penalty clause amended by *Firearms (Amendment) Act* 1993 (No. 17 of 1993), s9.

Penalty: ⁵⁶A fine not exceeding K500.00 or imprisonment for a term not exceeding three years.

54. SHORTENING OF FIREARMS.

A person other than the holder of a gun dealer's licence who, without the written permission of a commissioned officer of the Police Force and in accordance with that permission, deals with a firearm so as to diminish its overall length is guilty of an offence.

Penalty: ⁵⁷A fine not exceeding K1,000.00 or imprisonment for a term not exceeding 12 months.

55. CONVERTING TOY GUN, ETC., INTO FIREARM.

A person who converts into a firearm, a toy gun or an article of a similar nature is guilty of an offence.

Penalty: ⁵⁸A fine not exceeding K2,000.00 or imprisonment for a term not exceeding twelve months.

56. DEFACING, ETC., NUMBERS, ETC., ON FIREARMS.

A person who defaces or alters or attempts to deface or alter a number or letter or identifying symbol or mark on a firearm is guilty of an offence.

Penalty: ⁵⁹A fine not exceeding K1,500.00 or imprisonment for a term not exceeding six months.

57. POSSESSION OF FIREARMS WHILST UNDER INFLUENCE, ETC.

A person found under the influence of alcohol or a drug in actual physical possession of a firearm is guilty of an offence.

Penalty: ⁶⁰A fine not exceeding K500.00 or imprisonment for a term not exceeding six months.

58. CARRYING FIREARM EXPOSED TO VIEW IN PUBLIC PLACE.

A person who, without reasonable excuse (proof of which is on him), carries a firearm exposed to the public view in a public place within the boundaries of a town, is guilty of an offence.

Penalty: ⁶¹A fine not exceeding K400.00.

⁵⁶ Section 53: Penalty clause amended by *Firearms (Amendment) Act* 1993 (No. 17 of 1993), s10; amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

⁵⁷ Section 54: Penalty clause amended by *Firearms (Amendment) Act* 1993 (No. 17 of 1993), s11; amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

⁵⁸ Section 55: Penalty clause amended by *Firearms (Amendment) Act* 1993 (No.17 of 1993), s12; amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

⁵⁹ Section 56: Penalty clause amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

⁶⁰ Section 57: Penalty clause amended by *Firearms (Amendment) Act* 1993 (No. 17 of 1993), s13.

59. DISCHARGE OF FIREARMS.

(1) A person who, without lawful excuse (proof of which is on him), discharges a firearm in or over any place within the boundaries of a town is guilty of an offence.

Penalty: ⁶²A fine not exceeding K1,000.00.

(2) A person who, without lawful excuse (proof of which is on him), discharges a firearm in or over any occupied land without the consent of the owner of the land is guilty of an offence.

Penalty: ⁶³A fine not exceeding K1,000.00.

(3) A person who, without lawful excuse (proof of which is on him), discharges a firearm from a motor vehicle on any roadway is guilty of an offence.

Penalty: ⁶⁴A fine not exceeding K10,000.00 or imprisonment for a term not exceeding 12 months.

(4) A person who, without lawful excuse (proof of which is on him), discharges a firearm on or over any roadway is guilty of an offence.

Penalty: ⁶⁵A fine not exceeding K10,000.00 or imprisonment for a term not exceeding 12 months.

60. THREAT TO USE FIREARM.

A person who threatens to discharge a firearm towards another person is guilty of an offence.

Penalty: Imprisonment for a term not exceeding 12 months.

61. POSSESSION OF CERTAIN FIREARMS, ETC.

⁶⁶A person who, except in accordance with the *Liquid Tear-Gas (Control) Act* 1985, without reasonable excuse (proof of which is on him), has in his possession in a public place a firearm, article or instrument capable of discharging an irritant liquid, gas or powder or other substance capable of causing bodily harm, is guilty of an offence.

Penalty: ⁶⁷A fine not exceeding K1,000.00 or imprisonment for a term not exceeding 12 months.

⁶¹ Section 58: Penalty clause amended by *Firearms (Amendment) Act* 1993 (No.17 of 1993), s14.

⁶² Section 59(1): Penalty clause amended by *Firearms (Amendment) Act* 1993 (No. 17 of 1993), s15(a); amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

⁶³ Section 59(2): Penalty clause amended by *Firearms (Amendment) Act* 1993 (No. 17 of 1993), s15(b); amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

⁶⁴ Section 59(3): Penalty clause amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

⁶⁵ Section 59(4): Penalty clause amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

⁶⁶ Section 61 amended by *Firearms (Amendment) Act* 1986 (No. 23 of 1986), s2.

⁶⁷ Section 61: Penalty clause amended by *Firearms (Amendment) Act* 1993 (No. 17 of 1993), s16; amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

62. MACHINE GUNS, ETC.

A person who uses, carries, discharges or has in his possession a machine gun or bomb is guilty of an offence.

Penalty: ⁶⁸Imprisonment for a term not less than six months and not exceeding 12 months.

63. OWNER OF FIREARM TO GIVE NOTICE WHERE ADDRESS CHANGED OR FIREARM SOLD, ETC.

The owner of a licensed firearm must—

- (a) if he changes his address—furnish particulars of the change to the Registrar in the manner and within the time prescribed; and
- (b) if he sells or otherwise disposes of the firearm—give notice to the Registrar, in the manner and within the time prescribed, stating the name and address of the person to whom he sold or otherwise disposed of the firearm.

Penalty: ⁶⁹A fine not exceeding K200.00.

64. HOLDER OF LICENCE TO NOTIFY CHANGE OF ADDRESS.

The holder of a licence who changes his address must furnish particulars of the change to the Registrar in the manner and within the time prescribed.

Penalty: ⁷⁰A fine not exceeding K500.00.

65. TRANSFER, ETC., OF FIREARMS.

A person who transfers or parts with the possession of a firearm otherwise than in accordance with this Act is guilty of an offence.

Penalty: ⁷¹A fine not exceeding K1,000.00.

65A. UNAUTHORIZED POSSESSION OF AMMUNITION.

⁷²A person who is in possession of ammunition and who is not—

- (a) the holder of an ammunition licence; or
- (b) the holder of a gun-dealer's licence; or
- (c) the holder of—
 - (i) a firearm licence; or

⁶⁸ Section 62: Penalty clause amended by *Firearms (Amendment) Act* 1993 (No. 17 of 1993), s17.

⁶⁹ Section 63: Penalty clause amended by *Firearms (Amendment) Act* 1993 (No. 17 of 1993), s18.

⁷⁰ Section 64: Penalty clause amended by *Firearms (Amendment) Act* 1993 (No. 17 of 1993), s19; amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

⁷¹ Section 65: Penalty clause amended by *Firearms (Amendment) Act* 1993 (No. 17 of 1993), s20; amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

⁷² Section 65A inserted by *Firearms (Amendment) Act* 1986 (No. 23 of 1986), s3.

(ii) a high-powered firearm licence; or

(iii) a pistol licence,

for a firearm, high-powered firearm or pistol, as the case may be, capable of discharging ammunition of the specific calibre or gauge of that which is in his possession,

is guilty of an offence.

Penalty: ⁷³Imprisonment for a term not less than six months and not exceeding 12 months.

65B. THREAT TO USE A FIREARM, ETC.

⁷⁴A person who—

(a) threatens to discharge; or

(b) points,

a—

(c) firearm; or

(d) high-powered firearm; or

(e) pistol,

towards another person is guilty of an offence.

Penalty: ⁷⁵Imprisonment for a term not less than eight months and not exceeding 15 months.

⁷³ Section 65A: Penalty clause amended by *Firearms (Amendment) Act 1993* (No. 17 of 1993), s21.

⁷⁴ Section 65B inserted by *Firearms (Amendment) Act 1986* (No. 23 of 1986), s4.

⁷⁵ Section 65B: Penalty clause amended by *Firearms (Amendment) Act 1993* (No. 17 of 1993), s22.

PART XII. – MISCELLANEOUS.**66. SALE, ETC., OF FIREARM, REVOKES ITS LICENCE.**

When the owner of a firearm sells or otherwise disposes of it, the licence issued in respect of that firearm is revoked.

67. LOST, DEFACED OR DESTROYED CERTIFICATE, ETC.

(1) Where a licence or permit granted under this Act is lost, defaced or destroyed, the owner of the firearm or the licensee or permittee, as the case may be, shall notify the Registrar of its loss, defacement or destruction and then the licence or permit becomes null and void.

(2) If the Registrar is satisfied that no improper use has been made of the licence or permit, he shall, on payment of the prescribed fee, issue to the person entitled a substitute for the licence or permit, and the substitute shall then be deemed to be the licence or permit, as the case may be.

68. POWERS OF POLICE.

⁷⁶A member of the Police Force may, without warrant—

- (a) require a person who, at the time of the demand, is carrying a pistol or high-powered firearm, to produce the licence in respect of that pistol or high-powered firearm, as the case may be, and to give full particulars of his correct name and address; or
- (b) require a person, who at the time of the demand, is in possession of a firearm, to give full particulars of his correct name and address and to produce the licence in respect of that firearm at a police station within 48 hours after the time when the demand is made; or
- (c) stop, search and for that purpose detain—
 - (i) a person whom he suspects, on reasonable grounds, of being in possession of an unlicensed firearm, unlicensed pistol, an unlicensed high-powered firearm, a machine gun or a bomb; or
 - (ii) a vehicle or conveyance in or on which he suspects, on reasonable grounds, that there is an unlicensed firearm, an unlicensed pistol, an unlicensed high-powered firearm, a machine gun or a bomb; or
- (d) arrest a person whom he suspects, on reasonable grounds, of having committed or of committing an offence against this Act for which a penalty is imprisonment and who refuses or fails, on being so required, to give full particulars of his correct name and address; or

⁷⁶ Section 68 amended by *Firearms (Amendment) Act 1986* (No. 23 of 1986), s5.

- (e) seize a pistol or high-powered firearm which, on reasonable grounds, he suspects to be an unlicensed pistol or unlicensed high-powered firearm, as the case may be; or
- (f) seize any machine gun or bomb; or
- (g) require a person in possession of a firearm to permit the officer to examine the firearm to ascertain whether it is safe and fit for use; or
- (h) require the holder of a gun dealer's licence to produce for inspection by the officer—
 - (i) the records required to be kept by the holder of the licence under this Act; or
 - (ii) any firearms held by him; or
- (i) seize a firearm or bomb which is being or has been used or carried, or which is in the possession of a person, apparently in contravention of this Act and retain possession of that firearm or bomb pending an order of a Court.

69. SPECIAL PROVISIONS RELATING TO UNLICENSED PISTOLS OR HIGH-POWERED FIREARMS, ETC.

(1) The Registrar may, in his discretion, on application, grant a permit under this section to a person whose application for a firearm licence or for a pistol licence or a high-powered firearm licence has been refused by the Registrar.

(2) A permit granted under Subsection (1)—

- (a) entitles the holder of the permit to possess and carry the firearm in respect of which the application was made for the purpose of arranging for its disposal, but does not entitle him to possess or carry it for any other purpose or to use it; and
- (b) remains in force until the expiry of such period, not exceeding six months, as is specified in the permit.

(3) If the Registrar rejects an application for the granting of a permit under this section, the applicant shall immediately deposit the firearm with the Registrar.

(4) On the expiry of a permit under this section, the person to whom the permit was granted shall deposit with the Registrar the firearm in respect of which the permit was granted, unless he has already disposed of it.

(5) The Registrar may sell a firearm deposited with him under this section and the person to whom it is sold obtains a good title under the sale.

(6) Where the Registrar sells a firearm under Subsection (5), the State shall pay to the person who, immediately before the sale, was the owner of the firearm the amount for which the firearm has been sold.

70 - 71⁷⁷. [REPEALED.]**72. FORFEITURE OF UNLICENSED FIREARMS, ETC.**

(1) Subject to Section 75, all unlicensed firearms, all unlicensed pistols, all unlicensed high-powered firearms, all silencers, all machine guns and bombs are forfeited to the State.

(2) A Court by which a person is convicted of an offence against this Act concerning or connected with an unlicensed firearm, other than a pistol or high-powered firearm, may by order, forfeit the firearm to the State.

73. FORFEITURE OF FIREARM USED IN COMMISSION OF AN OFFENCE.

(1) Where an offence with a firearm, pistol, high-powered firearm or machine gun whether or not licensed, against a law in force in the country has been proved, then that firearm, pistol, high-powered firearm, or machine gun is unconditionally forfeited to the State.

(2) Subsection (1) applies to all cases in which no conviction is recorded by virtue of the operation of Section 132 of the *District Courts Act 1963*.

73A. FORFEITURE OF VEHICLES, ETC.

⁷⁸(1) For the purposes of this section—

“**vehicle**” includes—

- (a) a “**motor vehicle**” as defined in Section 1 of the *Motor Traffic Act 1950*; and
- (b) an “**aircraft**” as defined in Section 3 of the *Civil Aviation Act 2000*; and
- (c) a “**ship**” as defined in Section 1(1) of the *Merchant Shipping Act 1975*;

“**vehicle used in the commission of the offence**” means a vehicle or any part of a vehicle in which—

- (a) a firearm; or
- (b) a high-powered firearm; or
- (c) a pistol; or
- (d) a machine gun; or
- (e) a bomb; or
- (f) a silencer; or

⁷⁷ Section 68 amended by *Firearms (Amendment) Act 1986* (No. 23 of 1986), s5.

⁷⁸ Section 73A inserted by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s18.

(g) ammunition,

involved in the offence was transported or located at or about the time of the commission of the offence.

(2) Where a court has convicted a person of an offence against this Act and the court is satisfied that a vehicle used in the commission of the offence—

- (a) is owned by the person convicted; or
- (b) is owned by a person other than the person convicted and the owner was aware that the vehicle was used or to be used or liable to be used in the commission of an offence,

the court may, in addition to any other penalty it imposes in accordance with this Act in relation to that offence, order that the vehicle be forfeited to the State.

(3) A vehicle forfeited under Subsection (1) becomes the property of the State and may be sold or otherwise disposed of by the State.

74. SEARCH WARRANTS.

(1) A court (other than a Local Court) may issue search warrants, in the prescribed form, to search for unlicensed firearms, unlicensed pistols, unlicensed high-powered firearms, silencers, machine guns and bombs to such commissioned officers of the Police Force as it thinks fit.

(2) A warrant issued under this section remains in force for six months from the date when it is issued, or for such shorter period as is specified in the warrant, unless sooner revoked.

(3) The officer named in a warrant issued under this section may, with such assistants as he deems necessary—

- (a) enter at any time in the day or night, if necessary by force, and search—
 - (i) any house, building, premises or place where he suspects, on reasonable grounds, that an unlicensed firearm, unlicensed pistol, unlicensed high-powered firearm, silencer, machine gun or bomb is; and
 - (ii) all persons found in or on that house, building, premises or place; and
- (b) break open, if necessary, and search cupboards, drawers, chests, trunks, boxes, packages or other things, whether fixtures or not, in which he has reasonable cause to suspect that an unlicensed firearm, unlicensed pistol, unlicensed high-powered firearm, silencer, machine gun or bomb may be found,

and may seize firearms, pistols, machine guns or bombs which he finds and in respect of which he has reasonable cause to suspect that there has been a breach of this Act.

75. DISPOSAL OF FORFEITED FIREARMS AND SILENCERS. .

All forfeited firearms and silencers shall be disposed of or destroyed in such manner as is prescribed or as the Minister directs.

76. EXEMPTIONS. .

Subject to this section, Sections 5(1)(b), 7, 27 and 61 do not apply—

- (a) to a person who is—
 - (i) a member of the Defence Force; or
 - (ii) an officer of the Public Service; or
 - (iii) a member of the Police Force; or
 - (iv)⁷⁹ a member of the Correctional Service,
 - in respect of his possession of a firearm the property of the State, which is used or carried by him in the performance of his duty as such an officer or member; or
- (b) to a person who is a member of a rifle club in respect of his possession of a firearm, the property of the State, which is used or carried by him only for the purpose of engaging in or proceeding to or from drill or rifle or pistol practice; or
- (c) to a licenced gun dealer in respect of his possession of an unlicensed firearm in the ordinary course of his trade or business as a gun dealer; or
- (d) to a person in respect of his possession of a firearm for the purpose of shooting at a shooting gallery where the shooting gallery is under the personal supervision and in charge of a responsible person of or over the age of 21 years and the firearm is Part of the equipment of the shooting gallery; or
- (e) to a common carrier in respect of his possession of a firearm which is not his property and which forms part of a consignment of goods in his possession as a common carrier.

77. ONUS OF PROOF OF EXEMPTION. .

On the hearing of a complaint alleging an offence against Section 7 or 27, the onus of proving that the provisions of those sections or either of them do not apply to the defendant is on him.

78. INFORMATION TO BE SUPPLIED.

If an owner of a firearm or a person who has or has had the possession of a firearm is required by a member of the Police Force to give any information which it

⁷⁹ Section 76(a)(iv) inserted by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s19.

is in his power to give and which may lead to the identification of any other person who had the ownership of or custody of that firearm when an offence against this Act is alleged to have been committed, he must not refuse or fail to give that information.

Penalty: ⁸⁰A fine not exceeding K200.00.

79. AMNESTY.

⁸¹(1) The Minister may, from time to time, by notice in the National Gazette, declare that where, within the time limited in that notice—

- (a) a person surrenders to an officer of the Police—
 - (i) a firearm, pistol or high-powered firearm which is unlicensed or of which he is not the licence holder; or
 - (ii) ammunition which he is not authorized to have in his possession; or
- (b) a person—
 - (i) voluntarily declares to a commissioned officer of the Police that he is in possession of an unlicensed firearm or unlicensed pistol; and
 - (ii) at the same time makes application for a licence for the firearm or pistol,

that person is not liable to prosecution under this Act arising of his possession of that firearm, pistol or high-powered firearm or ammunition.

(2) A declaration under Subsection (1) shall specify the area in which the amnesty applies, which area may be the whole country or part of the country.

(3) Where a person has made an application for a licence for a firearm, pistol or high-powered firearm under Subsection (1) and the application is refused, the firearm, pistol or high-powered firearm is forfeited to the State.

(4) Where a person surrenders a firearm, pistol or high-powered firearm or ammunition to an officer of the Police Force under Subsection (1)—

- (a) he is not required to give his name or otherwise identify himself; and
- (b) an officer of the Police Force is not permitted to require that person to give his name or otherwise identify himself; and
- (c) the firearm, pistol or high-powered or ammunition is forfeited to the State.

(5) Notwithstanding anything in this Act, where a person surrenders a firearm or ammunition under Subsection (1) that person is not liable to prosecution under this Act arising out of his possession of that firearm.

⁸⁰ Section 78: Penalty clause amended by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s24.

⁸¹ Section 79 repealed and replaced by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s20.

(6) The State may—

- (a) dispose of any firearm, pistol or high-powered firearm surrendered under Subsection (1) in such manner as it thinks fit; and
- (b) where a firearm, pistol or high-powered firearm surrendered under Subsection (1) is the subject of a licence under this Act and is surrendered by a person other than the licence holder without the consent of the licence holder, may return the firearm, pistol or high-powered firearm to the licence holder.

79A. COMPENSATION TO BE PAID IN CERTAIN CIRCUMSTANCES ON SURRENDER OF WEAPONS.

⁸²(1) Where—

- (a) an amnesty has been declared under Section 79(1); and
- (b) the Head of State, acting on advice, is of the opinion that a person or group or class of persons have been in possession of unlicensed firearms or unlicensed pistols or unlicensed high-powered firearms in exceptional circumstances whereby they possessed such firearms, pistol or high-powered firearms for essential self protection,

the Head of State may, by notice in the National Gazette, declare that compensation will be payable in respect of any such firearm, pistol or high-powered firearm surrendered in accordance with the amnesty.

(2) Compensation under Subsection (1) shall be—

- (a) at such rates; and
- (b) payable and paid in such manner,

as are prescribed.

79B. POWERS OF POLICE TO CARRY OUT SEARCH AFTER AMNESTY.

⁸³Where—

- (a) an amnesty has been declared under Section 79(1); and
- (b) the time limit of the amnesty has expired,

a member of the Police Force may, within the area in which the amnesty applied under Section 79(2), using such force as is reasonably necessary, enter and search premises without a warrant to recover any illegal firearms or to arrest a person suspected of an offence against this Act.

⁸² Section 79A inserted by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s21.

⁸³ Section 79B inserted by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s22.

80. EXEMPTIONS.

The Minister may, by notice in the National Gazette, exempt a person or class of persons from any or all of the provisions of this Act subject to the conditions (if any) specified in the notice.

81. REGULATIONS.

The Head of State, acting on advice, may make regulations not inconsistent with this Act prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular—

- (a) for prescribing the precautions to be taken by a person in possession of a firearm for the safe custody and control of the firearm; and
- (b) limiting the number of firearm licences that may be issued—
 - (i) in relation to a particular area or particular areas in the country; and
 - (ii) in relation to any particular substantial reason; and
- (c) for prescribing the methods of, the facilities required for and the precautions to be taken in connection with the storage and carriage of ammunition; and
- (d) for requiring and regulating the delivery to the Registrar of licences that have been revoked; and
- (e) for prescribing the reports and information to be supplied by approved clubs; and
- (f) for regulating the conduct of shooting galleries; and
- (g)⁸⁴ for prescribing penalties of fines not exceeding K500.00, for offences against the regulations.

⁸⁴ Section 81(g) amended by *Firearms (Amendment) Act* 1996 (No. 40 of 1996), s24.

PART XIII.⁸⁵ – PROVISIONS RELATING TO REVOCATION OF GUN DEALERS’ LICENCES.

82. APPLICATION OF THIS PART.

⁸⁶This Part applies, notwithstanding the proceeding provisions of this Act, in respect of the consequences of a revocation of gun dealer’s licences under Section 84.

83. INTERPRETATION.

⁸⁷In this Part–

“**former gun dealer**” means a person who, immediately before the date specified in a declaration under Section 84, held a gun dealer’s licence;

“**former dealer’s licence**” means a gun dealer’s licence in force immediately before the date specified in a declaration under Section 84.

84. REVOCATION OF GUN DEALERS’ LICENCES, ETC.

⁸⁸The Head of State, acting on advice, may, by notice in the National Gazette, declare that, on and from a date specified in the notice–

- (a) gun dealers’ licences are revoked; and
- (b) no further gun dealers’ licences shall be issued.

85. FORMER GUN DEALER MAY DISPOSE OF FIREARMS, ETC., AND HOLD FIREARMS PENDING DISPOSAL, ETC.

⁸⁹During a period of three months commencing on and from the date specified in a declaration under Section 84, a former gun dealer–

- (a) may retain firearms, pistols, high-powered firearms and ammunition held by him in connection with the former gun dealer’s licence; and
- (b) shall make arrangements for the sale or disposal of the firearms, pistols, high-powered firearms and ammunition–
 - (i) where feasible, overseas; or
 - (ii) otherwise, to the State in accordance with Section 86.

86. STATE MAY PURCHASE FIREARMS, ETC.

⁹⁰(1) Where a former gun dealer shows to the satisfaction of the Registrar that he has made efforts to sell or dispose of his firearms, pistols, high-powered firearms

⁸⁵ Part XIII inserted by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s23.

⁸⁶ Section 82 inserted by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s23.

⁸⁷ Section 83 inserted by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s23.

⁸⁸ Section 84 inserted by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s23.

⁸⁹ Section 85 inserted by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s23.

⁹⁰ Section 86 inserted by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s23.

and ammunition overseas but has been unable to sell or dispose of them or all of them, the State may purchase or otherwise acquire from the former gun dealer firearms, pistols, high-powered firearms and ammunition not sold or disposed of under Section 85(b)(i).

(2) The State may hold, sell or otherwise dispose of firearms, pistols, high-powered firearms and ammunition purchased or acquired under Subsection (1) in such manner as is determined by the Head of State, acting on advice.

87. FORMER GUN DEALER TO KEEP RECORDS OF SALE AND DISPOSAL.

⁹¹A former gun dealer shall—

- (a) keep records of the persons to whom and the manner in which firearms, pistols, high-powered firearms and ammunition are sold or disposed of by him under Section 85; and
- (b) at such time as is determined by the Registrar, furnish to the Registrar such records and permit the Registrar to make a copy thereof.

Penalty: A fine not exceeding K2,000.00.

Office of Legislative Counsel, PNG

⁹¹ Section 87 inserted by *Firearms (Amendment) Act 1996* (No. 40 of 1996), s23.