

CHAPTER 30. No. 5.

FIREARMS AND AMMUNITION.

Ordinances
Ch.30. No.5- AN ORDINANCE RELATING TO FIREARMS AND AMMUNITION.
1940.
No. 37-1942.
" 30-1945.
Commence-
ment.

[22nd March, 1909.]

Short title. 1. This Ordinance may be cited as the Firearms and Ammunition Ordinance.

Interpre-
tation.
Ord.37-1942,
s. 2.

2. In this Ordinance—

“ammunition” means bullets, shots, cartridges or any article used in the discharge of a rifle or pistol as herein defined, but does not include gunpowder, cartridges, percussion caps, small shot or other articles used in the discharge of smooth-bored guns: Provided that the Governor in Council may by proclamation extend the definition of ammunition herein contained to include any description of ammunition used in the discharge of any firearms;

“firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and includes any component part of any such weapon, and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon, but does not include any air gun, air rifle or air pistol, or the component parts thereof or accessories thereto, unless such air gun, air rifle or air pistol is of a type declared by order of the Governor in Council to be specially dangerous;*

* G.N.183-1949. All types of air guns, air rifles and air pistols, other than smooth barrel air guns and air pistols of or below .177 calibre, are specially dangerous.

"gun" means a smooth-bored firearm, not being a pistol, and includes a fowling piece, air gun, or any other kind of gun from which any shot, bullet, or other missile can be discharged;

"gunsmith" means any person who makes or repairs firearms;

"pistol" means a firearm of which the length of barrel does not exceed twelve inches, and includes revolvers;

"rifle" means a firearm, not being a pistol, the inside of the barrel of which is grooved or formed with spiral chambers.

Firearms.

3. (1) It shall not be lawful for any person, unless he be licensed in accordance with section 9 of this Ordinance, to use, carry, or have in his custody or possession any firearms without having in force a licence to keep firearms duly granted under the provisions of this Ordinance, for which licence an annual duty of \$4.80 for each pistol or rifle and \$1.20 for each gun shall be payable:

Licence to
keep firearms
necessary.
Ord.30-1945.

Provided that, without having had granted to him a licence to keep firearms, any person in the Naval, Military or Air Forces of His Majesty or in the Local Forces of the Colony, or any member of any Rifle Association or Club approved by the Governor, may use, carry, or have in his custody or possession, any firearms issued to him or forming part of his ordinary equipment; and any Warden or other public officer approved by the Governor may use, carry, or have in his custody or possession any firearms for his personal protection:

Exemptions.

Provided also, that this section shall not apply to any person acting as a porter or carrier who may have in his custody firearms entrusted to him solely for the purpose of being transported direct from one place to another:

Provided also, that any person may use or carry on any lands, the occupier whereof has in force a licence under this Ordinance, firearms belonging to such occupier and by the written order of such occupier, if the person so carrying firearms, upon the request of a Warden, Ward Officer,

Justice, or member of the Police Force, gives his true name and address and also the name and address of the occupier of such land:

Provided also that any employee may use or carry any firearm belonging to and duly licensed by his employer when actually engaged on the business of his employer for the protection of the employer or his employer's property.

(2) It shall not be lawful for any such person or employee as described in the last two provisos of the foregoing subsection to use or carry any firearm as therein provided unless the said person or employee shall first obtain from the Officer of Police in charge of the division in which the applicant resides a certificate of his fitness to use a firearm; such certificate shall remain in force until cancelled but may be cancelled at any time by the Officer of Police in charge of the division aforesaid if he thinks fit.

(3) Any person aggrieved by a refusal to grant, or the cancellation of, a certificate may appeal to the Commissioner of Police whose decision shall be final.

Duration
and particu-
lars of
licence.

4. (1) Every licence to keep a firearm shall be dated on the day on which it is granted and shall expire on the 31st of March next following, shall be numbered, and shall contain the full names and address of the person to whom, and the description of the firearm in respect of which it is granted, and shall be in the form A in the Schedule hereto, and shall not be transferable.

Schedule.
Form A.

(2) It shall be lawful for the Commissioner of Police and any gazetted police officer or subordinate police officer to amend any licence subsequent to the issue thereof by altering the description of the firearm described in such licence.

Having, etc.,
firearms,
without
licence.

5. Every person, not being a person exempted by the provisions of section 3, who shall use, carry, or have in his custody or possession any firearm without having in force a licence to keep firearms, and every person who shall use, carry, or have in his custody or possession any firearm except such as is described in his licence to keep firearms, shall be liable to a fine of two hundred and forty dollars.

6. Where a firearm is carried in parts by two or more persons in company, each and every one of such persons shall be deemed to carry a firearm. Carrying firearms in parts.

7. (1) It shall be lawful for any Warden or Ward Officer or any member of the Police Force to demand from any person carrying or using any firearm (not being a person exempted under section 3) his licence for the same, and if such person does not forthwith produce such licence, or satisfactorily account for the non-production thereof, such Warden, Ward Officer, or member of the Police Force may seize and detain such firearm until a licence therefor is produced. Power to demand production of licence.

(2) Any person who resists or obstructs the Warden, Ward Officer, or member of the Police Force in seizing and detaining any such firearm, shall be liable to a fine of forty-eight dollars.

8. (1) Except with the special permission of the Governor, no licence to keep firearms shall be granted to any immigrant within the meaning of the Immigration (Indian) Ordinance, nor to any person who has been convicted before the Supreme Court of any offence against the person, nor to any person subject to Police supervision under the Prevention of Crimes Ordinance, nor to any person of weak intellect, nor to persons under the age of sixteen years. Persons not to be licensed.

(2) Except with the special permission of the Governor, no licence to deal in firearms or to carry on the trade of a gunsmith shall be granted to any person who has been convicted of an offence under sections 13, 15, or 16 of this Ordinance, or on whose premises or in whose possession firearms shall have been found which have not been entered in the Firearms Receipt Book in accordance with the provisions of section 16 hereof.

9. It shall not be lawful for any person to sell or deal in firearms or to carry on the trade of gunsmith without having in force a licence to deal in firearms or to trade as a gunsmith duly granted to him under the provisions of this Ordinance, for which licence an annual duty of \$4.80 shall be paid: Licence for dealer in arms or gunsmith.

Provided that it shall be lawful for any person to export any firearms imported into the Colony and kept in bond without having a licence to deal in firearms.

Certificate
of fitness to
keep or deal
in firearms or
to be a
gunsmith.
Ord.37-1942,
s. 4.

10. (1) No licence to keep firearms, or to sell or deal in firearms, or to carry on the trade of a gunsmith, shall be granted to any person unless he has obtained in accordance with subsection (2), and delivered to the person issuing the licence, a certificate that he is a fit and proper person to be granted a licence to keep firearms, or to sell or deal in firearms, or to carry on the trade of a gunsmith, as the case may be.

(2) Any such certificate may be granted by the officer of Police in charge of the division in which the applicant resides or carries on, or intends to carry on, the business of a dealer in firearms or the trade of a gunsmith, as the case may be, and shall remain in force until cancelled, but may be cancelled at any time by the officer of Police in charge of the division aforesaid, if he thinks fit.

(3) Notice in writing of the cancellation of the certificate shall be given by such officer to the holder of the licence issued in pursuance of such certificate, and to all persons authorised to grant licences under this Ordinance.

(4) Upon the cancellation of any such certificate the licence granted to the person to whom such certificate relates shall become void and of no force or effect.

(5) Any person aggrieved by a refusal to grant, or the cancellation of, a certificate may appeal to the Commissioner of Police whose decision shall be final.

Particulars
of dealer's
and gun-
smith's
licences.

11. Every licence to deal in firearms or to trade as a gunsmith shall contain the name and description of the licensee and a description of the premises in respect of which the licence is granted, and shall be numbered, and shall be dated on the day of grant and shall expire on the next following 31st of March, and shall be in the form B in the Schedule hereto, and shall not be transferable.

Form B.

Signboards.

12. (1) Every person having a licence to deal in firearms or to trade as a gunsmith shall cause to be painted, in letters three inches at least in length in white upon a black

ground or in black upon a white ground upon a board placed over the entrance door of the licensed premises, the name of such licensed person, together with the words "licensed to deal in firearms," or "licensed gunsmith," as the case may be, and every such person shall keep such name and words so painted visible and legible during all the time he continues licensed.

(2) Every person having a licence to deal in firearms or to trade as a gunsmith who contravenes any of the provisions of this section shall be liable to a fine of ten dollars.

13. Every person who sells or deals in firearms or who trades as a gunsmith without having in force a licence to deal in firearms or to trade as a gunsmith, or who sells or deals in firearms or trades as a gunsmith upon any premises other than those specified in his licence, shall be liable to a fine of ninety-six dollars.

Selling or dealing without licence.

14. (1) It shall be lawful for the Commissioner of Police from time to time to require in writing any person licensed to sell or deal in firearms to deliver up to him for safe keeping any firearms which he may consider to be in excess of the quantity reasonably required to be kept in stock by such dealer for the purposes of his business.

Delivery of surplus stock to Police.

(2) Any person refusing, omitting, or neglecting to comply with such requirement shall be liable to a fine of two hundred and forty dollars.

15. (1) It shall not be lawful to sell, let on hire or deliver (otherwise than on sale or letting on hire) to any person any firearm unless that person, at the time of such sale, letting on hire or delivery, produces to the vendor, hirer or person delivering the firearm an appropriate licence: Provided that this subsection shall not apply where the person to whom the firearm is sold, let on hire or delivered is entitled, under the provisions of this Ordinance, to use or carry that firearm, or to have that firearm in his custody, possession or keeping, without a licence.

Restriction on sale, etc., of firearms. Ord.37-1942, s. 4.

(2) For the purposes of this section, the expression "an appropriate licence" means—

(a) where the firearm is sold, a licence to keep that firearm or a licence to sell or deal in firearms;

(b) where the firearm is let on hire, a licence to keep that firearm;

(c) where the firearm is delivered to a gunsmith for overhaul or repair, a licence to carry on the trade of gunsmith;

(d) where the firearm is delivered otherwise than to a gunsmith for overhaul or repair, a licence to keep that firearm.

(3) If the provisions of this section shall be contravened or not complied with in respect of any firearm, the vendor, hirer or person delivering the firearm, as the case may be, shall be liable to a fine of two hundred and forty dollars.

Books to be kept by dealers and gunsmiths.
Form C.

16. (1) Every person licensed to sell or deal in firearms and every licensed gunsmith shall keep on his licensed premises a book according to the form C in the Schedule hereto, to be called the "Firearms Receipt Book," and shall immediately after receipt of any firearms at his licensed premises, make or cause to be made entry therein of the date of such receipt, the number and full description of each kind of firearm received, and the name and address of the person or persons from whom received.

Form D.

(2) And every such person shall keep on his licensed premises a book according to the form D in the Schedule hereto, to be called the "Firearms Delivery Book," and shall, immediately after delivery of firearms from his licensed premises, make or cause to be made entry of the date of such delivery, the name and address of the person to whom delivered, the nature and serial number of the licence produced by him with the name of the office from which it was issued, or the circumstances exempting such person from producing such licence, the description of every firearm delivered, and the cause of such delivery whether on sale, hire, or otherwise.

(3) Such books shall be produced for inspection on the request of any member of the Police Force, who shall have power to verify the same by examination of the premises.

(4) Any person who contravenes any of the provisions of this section, or who in the sale, purchase, hire, or delivery of any firearm knowingly makes or causes to be made any false entry or statement as to any matter which he is required by this section to make, shall be liable to a fine of twenty-four dollars.

17. It shall be lawful for any Justice, by warrant under his hand, to direct any member of the Police Force, with such assistance as may be necessary, to enter and search at any time of the day or night any house, store, yard, or other place or any vessel in which there shall be reasonable cause to suspect that any firearms are concealed or placed in respect of which no licence to keep firearms under the provisions of this Ordinance shall be then in force. All firearms that may be found upon any such search shall be forfeited to the Crown:

Search
warrant.

Provided that this section shall not apply to firearms in the possession of persons exempted under the provisions of section 3, nor to firearms in the possession of persons licensed to sell or deal in firearms or in the possession of a licensed gunsmith, entry whereof shall have been made in accordance with the provisions of section 16.

18. No firearm imported into the Colony shall be delivered by the Comptroller of Customs and Excise to any person unless he shall have first obtained a licence to deal in firearms or a licence to keep firearms.

Delivery
from
Customs.

19. The provisions of this Ordinance shall not apply where an antique firearm is sold or kept as a curiosity or ornament.

Curiosities.

20. (1) It shall be lawful for the Governor in Council, by proclamation, to prohibit the carrying of firearms in any district or part of the Colony, and any such proclamation to revoke or alter as he shall think fit.

Power to
prohibit
carrying
of arms.

(2) Any person who carries firearms in contravention of the provisions of such proclamation shall be liable to a fine of two hundred and forty dollars, in addition to the forfeiture to the Crown of such firearms.

Sale of
firearms may
be
prohibited.

21. (1) It shall be lawful for the Governor, by proclamation, to prohibit the sale of firearms within the Colony for such time as may be specified in such proclamation.

(2) Any person who sells firearms in contravention of any such proclamation shall be liable to a fine of two hundred and forty dollars.

Governor
may order
firearms to
be
delivered.

22. (1) It shall be lawful for the Governor, by proclamation, to order that within any district specified in such proclamation all firearms shall be delivered up on demand to such person or persons as the Governor may appoint.

(2) Any person who refuses or neglects to comply with the orders of any such proclamation shall be liable to a fine of two hundred and forty dollars, in addition to the forfeiture to the Crown of the firearms in respect of which the offence was committed.

Granting and
recording
licences

23. Licences under this Ordinance may be granted by the Commissioner of Police, and by any gazetted police officer or subordinate police officer duly authorised in writing by the Commissioner so to do. Every person who grants licences under this Ordinance shall keep a register in which he shall enter the particulars contained in every licence granted by him.

Notice of
disposal of
firearms.
Ord.37-1942,
s. 5.

24. (1) Any person, other than a licensed dealer, who sells or otherwise disposes of any firearm to any other person in the Colony shall, within fourteen days after such sale or disposition, notify the same in writing to the officer of Police in charge of the division in which he is resident, stating the name and address of the person to whom the firearm has been sold or otherwise disposed of and the description of the firearm.

(2) Every person contravening the foregoing provisions of this section, or who knowingly sells or disposes of a firearm to any person precluded by section 8 of this Ordinance from obtaining a licence, shall be liable to a fine of twenty-four dollars.

Ammunition.

25. (1) No ammunition shall be sold by retail to any person unless at the time of sale such person produces a licence to keep firearms then in force, or gives reasonable proof that he is a person entitled to keep firearms without a licence, and unless he also produces and delivers to the seller a permit in the form E in the Schedule hereto signed by a gazetted police officer authorising the purchase of such ammunition and specifying the quantity and description thereof:

Restrictions on sale of ammunition.

Form E.

Provided that the production of a licence shall not be required where the permit to purchase is endorsed by the officer granting the same authorising the sale without the production of a licence.

(2) Every person who sells by retail any ammunition shall, before delivery, make or cause to be made an entry in a book to be kept for that purpose specifying the quantity and description of the ammunition sold, the date of such sale, the name and address of the purchaser, the person by whom and the place at which the licence produced by the purchaser was issued, the number and date of such licence, or the circumstances exempting such purchaser from having such licence. Such book shall be produced for inspection on the request of any member of the Police Force, and the permit referred to in subsection (1) of this section shall be delivered up to such officer.

Entry of particulars of sale.

Inspection of book.

(3) Any person who contravenes any of the foregoing provisions of this section, or, on the sale or purchase of any ammunition, knowingly makes, or causes to be made, any false entry or statement as to any matter concerning which he is required by this section to make any entry or statement, shall be liable to a fine of forty-eight dollars.

Offences.

(4) Nothing in this section contained shall make it an offence to sell and deliver ammunition to anyone representing himself to be the agent or servant of a person holding a licence, or entitled to keep firearms without a licence, if at the time such agent or servant produces a written authority from his employer to purchase such ammunition on his behalf.

Exemption.

Power to prohibit sale or to order delivery of ammunition.

26. The powers conferred on the Governor by sections 21 and 22 by proclamation to prohibit the sale of firearms and to order the delivery up of firearms, may in like manner be exercised from time to time with regard to ammunition.

Recovery of penalties.

Recovery of penalties.

27. All offences under this Ordinance may be prosecuted, and all penalties incurred may be imposed or recovered, before a Magistrate or Justice, in the manner provided by the Summary Courts Ordinance.

SCHEDULE.

FORM A.

(Section 4.)

Licence to keep Firearms.

No. of .
A.B. [name in full], residing at . having paid the sum of . is hereby licensed under the provisions of the Firearms and Ammunition Ordinance to keep the following firearm, viz.:—

Dated this . day of ., 19 .

(Signed) *C.D.*

NOTE.—This Licence expires on the 31st of March, 19 .

FORM B.

(Section 11.)

Licence to deal in Firearms or to trade as a Gunsmith.

No. of .
A.B. of ., having paid the sum of \$4.80, is hereby licensed to deal in firearms [or trade as a gunsmith], under the provisions of the Firearms and Ammunition Ordinance, in the premises in the ., known as No. .

Dated this . day of ., 19 .

(Signed) *C.D.*

NOTE.—This Licence expires on the 31st of March, 19 .

FORM C.

Firearms Receipt Book.

(Section
16 (1).)

Date of Receipt.	Person from whom received.	Address of person from whom received.	Number.	Description of Firearm.*	Remarks.†

* Description to be full and accurate—specifying whether rifle, gun, etc., number of barrels or chambers in case of revolvers, bore, whether magazine or repeating, maker's name if known, etc.

† Remarks to specify whether for sale, hire, repair, etc.

FORM D.

Firearms Delivery Book.

(Section
16 (2).)

Date of Delivery.	Person to whom delivered.	Address of person to whom delivered.	Number of Licence.	Nature of licence and office of issue.	Number of Fire-arms.	Description of Firearm.*	Remarks.†

* Description to be full and accurate—specifying whether rifle, gun, etc., number of barrels or chambers in case of revolvers, bore, whether magazine or repeating, maker's name if known, etc.

† Remarks to specify whether for sale, hire, repair, etc.

FORM E.

Permit to Purchase Ammunition.

(Section 25.)

of is hereby permitted to purchase the ammunition herein described:

Quantity
Description

This permit is available for one month from the date hereof and no longer.

Dated this day of 19 .

Officer of Police.