

CHAPTER 259.

FIREARMS.

AN ORDINANCE RELATING TO FIREARMS.

[22nd March, 1909.]

Ordinances
 No. 9 of 1909,
 " 21 of 1912,
 " 10 of 1916,
 " 8 of 1920.

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

2. In this Ordinance—

Interpreta-
tion.

“Firearms” includes a weapon of any description from which any shot, bullet, or other missile can be discharged by means of an explosive substance;

“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; (*As amended by 10 of 1916, s. 2.*)

“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.

3. 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 one pound for each pistol or rifle and five shillings for each gun shall be payable:

Licence to
keep firearms
necessary.

Provided that, without having had granted to him a licence to keep firearms, any person in the Naval or Military service of His Majesty or in the Local Forces of the

Exemptions.

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 :

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 Constabulary Force, gives his true name and address and also the name and address of the occupier of such land.

Duration and
particulars 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 thirty-first day 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 to this Ordinance, and shall not be transferable.

(2) It shall be lawful for the Inspector-General and any officer or non-commissioned officer of Constabulary 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 of this Ordinance, 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, on summary conviction before a Magistrate or Justice, to a penalty not exceeding fifty pounds.

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 firearm in parts.

7. (1) It shall be lawful for any Warden or Ward Officer or any member of the Constabulary Force to demand from any person carrying or using any firearm (not being a person exempted under section 3 of this Ordinance) 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 Constabulary 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 Constabulary Force in seizing and detaining any such firearm, shall be liable, on summary conviction before a Magistrate or Justice, to a penalty not exceeding ten pounds.

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 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.
Cap. 245.
Cap. 91.

(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. (*As amended by 21 of 1912, s. 2.*)

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 one pound shall be paid: Provided that it shall be lawful for any person to export any firearms imported into the Licence for dealer in arms or gunsmith.

Colony and kept in bond without having a licence to deal in firearms.

Certificate of fitness to keep or deal in firearms or be a gunsmith.

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 and delivered to the person issuing the licence a certificate from the Inspector-General 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.

(2) Such certificates shall remain in force until cancelled, but may at any time be cancelled by the Inspector-General if he thinks fit.

(3) Notice in writing of the cancellation of the certificate shall be given by the Inspector-General to the holder of the licence issued in pursuance of such certificate and to all persons authorized 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) The granting and cancellation of such certificates shall be in the absolute discretion of the Inspector-General.
(*Added by 8 of 1920, s. 2.*)

Particulars of dealer's and gunsmith'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 thirty-first day of March, and shall be in the Form B in the Schedule to this Ordinance, and shall not be transferable.

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, on summary conviction before a Magistrate or Justice, to a penalty not exceeding two pounds.

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, on summary conviction before a Magistrate or Justice, to a penalty not exceeding twenty pounds.

Selling or dealing without licence.

14. (1) It shall be lawful for the Inspector-General from time to time to require in writing any person licensed to sell or deal in firearms to deliver up to him for safekeeping 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 Constabulary.

(2) Any person refusing, omitting, or neglecting to comply with such requirement shall be liable, on summary conviction before a Magistrate or Justice, to a penalty not exceeding fifty pounds. (*Added by 8 of 1920, s. 3.*)

15. (1) It shall not be lawful to sell or let on hire to any person any firearm unless at the time of sale or hire such person produces a licence to deal in firearms or a licence to keep firearms of the description intended to be sold or let on hire.

Buyer to produce licence.

(2) Any person who contravenes the provisions of this section shall be liable, on summary conviction before a Magistrate or Justice, to a penalty not exceeding fifty pounds.

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 to this Ordinance, 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.

Books to be kept by dealers and gunsmiths.

(2) And every such person shall keep on his licensed premises a book according to the Form D in the Schedule to this Ordinance, 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 Constabulary 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, on summary conviction before a Magistrate or Justice, to a penalty not exceeding five pounds.

Search
warrant.

17. It shall be lawful for any Justice, by warrant under his hand, to direct any member of the Constabulary 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 His Majesty :

Provided that this section shall not apply to firearms in the possession of persons exempted under the provisions of section 3 of this Ordinance, 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 of this Ordinance.

Delivery
from
Customs.

18. No firearm imported into the Colony shall be delivered by the Collector of Customs to any person unless

he shall have first obtained a licence to deal in firearms or a licence to keep firearms.

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 Executive 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, on summary conviction before a Magistrate or Justice, to a penalty not exceeding fifty pounds, in addition to the forfeiture to His Majesty of such firearms.

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. Sale of firearms may be prohibited.

(2) Any person who sells firearms in contravention of any such proclamation shall be liable, on summary conviction before a Magistrate or Justice, to a penalty not exceeding fifty pounds.

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. Governor may order firearms to be delivered.

(2) Any person who refuses or neglects to comply with the orders of any such proclamation shall be liable, on summary conviction before a Magistrate or Justice, to a penalty not exceeding fifty pounds, in addition to the forfeiture to His Majesty of the firearms in respect of which the offence was committed.

23. Licences under this Ordinance may be granted by the Inspector-General, and by any officer or non-commissioned officer of Constabulary duly authorized in writing Granting and recording licences.

by the Inspector-General 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.

24. (1) Any person, other than a licensed dealer, who sells or otherwise disposes of any firearms to any other person in the Colony shall, within fourteen days of such sale or disposition, notify the Inspector-General thereof in writing, stating the name and address of the person to whom such firearms have been sold or otherwise disposed of, and the description of such firearms.

(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, on summary conviction before a Magistrate or Justice, to a penalty not less than one pound and not exceeding five pounds.

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 Ordinance to keep the following
firearm viz. :—

Dated this day of

(Signed.) C.D.

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

FORM B.

Section 11.)

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

No. 1 of.....

A.B., of , having paid the sum of one pound, is hereby licensed
to deal in firearms (or trade as a gunsmith), under the provisions of the Firearms Ordinance, in the premises in the , known as No.
Street.

Dated this day of

(Signed.) C.B.

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

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 deliv'rd	Address of person to whom delivered.	Number of Licence.	Nature of licence and office of issue.	Number of Firearms.†	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.

CHAPTER 260.

FISHERIES.

*Ordinance
No. 39 of 1916.*

AN ORDINANCE TO REGULATE FISHING IN THE WATERS OF
THE COLONY.

[11th December, 1916.]

Short title. 1. This Ordinance may be cited as the Fisheries Ordinance.

Application of Ordinance. 2. This Ordinance shall extend to all rivers, whether tidal or otherwise, and all waters of the Colony within one marine league of the coast.

Regulations. 3. (1) The Governor in Executive Council may make regulations, which shall be published in the *Royal Gazette*, for all or any of the following purposes:—

- (a) For prescribing the size of mesh, form, and dimensions of nets or appliances for fishing, and for the manner of using the same;
- (b) For restricting the size of fish, crabs, shrimps, and turtles that may be taken, and prohibiting the sale or exposing for sale of such as are under such size as may be prescribed by the regulations;
- (c) To prevent the taking of fish, oysters, crabs, shrimps, and turtles at such times and within such areas as may be defined in the regulations;
- (d) For naming, and prescribing the duties of, persons authorized to see to the carrying out of the provisions of this Ordinance.

(2) Regulations made under this Ordinance shall not have any force or effect until they have been approved by the Legislative Council, and when so approved by resolution shall have the same force and effect as if they were contained in and formed part of this Ordinance.

4. (1) Any person acting in contravention of any regulation under this Ordinance shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding ten pounds, or to imprisonment, with or without hard labour, for any term not exceeding two months. Penalty for breach of regulations.

(2) Such Magistrate, in his discretion, may also order any net or other appliance used in the commission of any offence to be forfeited to His Majesty.

5. Any person who uses poison of any description or any explosive with intent to stupefy, poison, take, or kill fish shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding three months. Use of poison or explosives.

6. (1) Any member of the Constabulary Force and any person authorized in any regulation made under this Ordinance may inspect and measure any fishing net which he may see in any part of the Colony, whether or not the same has been seen in actual use, and may, without warrant, enter into or upon any premises between the hours of seven o'clock in the morning and five o'clock in the afternoon in or upon which there shall be any fishing net visible, for the purpose of inspecting and measuring the same. Inspection, seizure, and forfeiture of nets.

(2) Any such member of the Constabulary Force or person, if upon inspection he is of opinion that the construction of such fishing net contravenes the provisions of the law for the time being set forth in any regulation made under this Ordinance, may cause such net to be conveyed to the nearest convenient place where the same may be measured.

(3) If, on inspection or measurement, it be found that the construction of such net contravenes the law as aforesaid, it shall be seized and taken before a Magistrate, who, upon being satisfied of such contravention, shall declare the same to be forfeited; and it shall be lawful for the Magistrate to declare and order such forfeiture notwithstanding that no person shall have been charged, in relation to or in connection with such net, with having committed an offence against any regulation made under section 3 of this Ordinance.

(4) Where a net has been seized under this section, and no person, at the time of such seizure, is found in possession of the same, the order for its forfeiture shall not be declared by the Magistrate until the expiration of one month after its seizure, or until, before the expiration of such month, the owner or other person entitled to the possession of such net shall come forward to claim the same and shall have been given an opportunity of showing cause why it should not be forfeited.

(5) The Magistrate shall cause every fishing net forfeited as aforesaid to be delivered to the Constabulary for the purpose of being destroyed, and it shall be the duty of the non-commissioned officer in charge of the Constabulary Station where any such fishing net is delivered forthwith to destroy the same.

Offences
committed
at sea.

7. Any offence against this Ordinance or any regulation made thereunder committed at sea shall be deemed to have been committed on the coast adjoining the sea, or to have been committed in any place where the offender is found, and may be tried and punished accordingly.