



BELIZE

**FIREARMS ACT
CHAPTER 143**

REVISED EDITION 2000

SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
ARRANGEMENT OF SECTIONS	3
FIREARMS ACT	6
Amendments in force as at 31st December, 2000.	



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CHAPRER 143

FIREARMS

ARRANGEMENT OF SECTIONS

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 Short title.

[1st December, 1913]

Preliminary

1. This Act may be cited as the Firearms Act.

Interpretation.

2.-(1) In this Act, unless the context otherwise requires:-

8 of 1962.
 9 of 1987.

“ammunition” includes gunpowder, nitroglycerine, dynamite, gun-cotton and every other explosive substance whether fitted for use with any firearm or otherwise, but shall not include air gun or air pistol pellets;

“carrier” means any person who receives firearms or ammunition to be delivered by him, for reward or otherwise, to any other person within Belize;

18 of 1998.

“firearm” includes any weapon or other thing of any description from which any shot, bullet or other missile can be discharged and includes any component part of any such weapon or other thing and any accessory to any such weapon or thing designed or adapted to diminish the noise or flash caused by firing the weapon or thing, but does not include a toy gun or a toy pistol.

“gun-dealer” means every person who deals in, sells, or makes firearms or ammunition, or repairs firearms;

“licensed gun-dealer” means a person holding a gun-dealer’s licence under this Act.

(2) In interpreting this Act, any firearm or kind of ammunition not coming clearly within the exception shall be deemed to be included in the definition.

*Prohibition against Keeping Firearms
without Licence*

3.-(1) Subject to subsection (2), no person shall own, keep, carry, discharge or use any firearm or ammunition unless he has been granted a gun licence in Form 1. Gun licences.
9 of 1987.
Form 1.

(2) Subsection (1) shall not apply to a licensed gun dealer in respect of any firearm he may possess in the ordinary course of his business or to a carrier. 3 of 1963.

(3) No person licensed under subsection (1) shall own or keep a greater number of firearms or ammunition than is specified in his licence. 9 of 1987.

(4) Subject to subsections (5) and (6) below, the fees specified in the Second Column and Third Column of the Table below shall be payable in advance for the grant of a gun licence specified in the First Column of the said Table, respectively by a citizen of Belize and by a person who is not a citizen of Belize:- 44 of 1999.

TABLE

TYPE OF GUN LICENCE	CITIZEN OF BELIZE	PERSON WHO IS NOT A CITIZEN OF BELIZE
(a) Special Protection Licence	\$75.00	\$500.00
(b) Gun Repair Licence	\$200.00	\$500.00
(c) Sport Hunters Licence	\$150.00	\$250.00
(d) Farmers Gun Licence	\$5.00	\$250.00

(5) For the purpose of subsection (4) above:-

- (a) where a firearm is used for more than one purpose, the higher of the fees prescribed above for such purposes shall be payable;
- (b) the licence fee for a member of the British Forces Belize or of any other foreign Force, or a non-national member of the Belize Defence Force, in respect of a firearm kept by him for his personal use shall be the same as that specified for nationals in the Second Column of the above Table;
- (c) the diplomatic personnel accredited to the Government of Belize by a sovereign State shall pay as administrative charge the fees specified in the Second Column of the

above Table in respect of firearms kept by them for their personal use;

- (d) it shall be lawful for the Minister to exempt from the payment of the fees prescribed in the preceding subsection any public officer to whom the Minister has given permission to keep, carry or use a firearm or ammunition for his protection in the carrying out of his official duties;
- (e) such conditions may be attached to each type of licence as the Commissioner may consider necessary; and
- (f) in the case of a Farmers Gun Licence, the applicant may, at the time of applying for the licence, request the names of immediate members of his family or farm workers to be included in the licence, and the Commissioner of Police may, if satisfied that such persons are not disqualified from holding a gun licence, include the names of such other persons in the licence, who may lawfully use the licensed firearm, and the list of such other persons may from time to time be amended by the Commissioner of Police at the request of the holder of the licence.

(6) The Minister may from time to time by Order published in the *Gazette*, amend the Table contained in the preceding subsection.

(7) Where a person who is granted a gun licence fails to acquire the type of firearm shown on his licence within three months of the date of issue, such gun licence shall automatically become void.

4.-(1) No person shall-

- (a) carry on business of a gun-dealer unless he is granted a

Gun-dealer's
licences.

Form 2. gun-dealer's licence in Form 2 authorising him to do so;

(b) carry on the business of gun-dealer at any other place than the premises specified in the gun-dealer's licence granted to him under this section.

40 of 1963. (2) A gun-dealer's licence granted under this section may be revoked by the Minister, and no subsequent gun-dealer's licence shall be granted without the consent of the Minister to any person whose gun-dealer's licence has been at any time revoked.

9 of 1987. (3) The following fees shall be payable in advance for the grant of a gun-dealer's licence under this section, namely-

44 of 1999. (i) by a citizen of Belize.....\$650.00;

(ii) by a person who is not a citizen of Belize..\$7,000.00.

Provided that the Minister may, by Order published in the *Gazette*, vary from time to time the amount of fee payable for the grant of a gun-dealer's licence under this section.

Penalty for not taking out licences. 5. Every person who contravenes any of the provisions of section 3 or 4 shall be guilty of an offence, and all firearms or ammunition in respect of which any such contravention is committed shall be liable, on the order of the court trying any such offence, to be forfeited.

Evidence as to ownership. 6. The owner or occupier of any land, house or premises in or on which any firearm or ammunition is found shall, for the purposes of this Act, be deemed to be the owner or keeper of such firearm or ammunition until the contrary is proved.

Administration of the Act

- 7.-(1) Subject to this Act, every licence under this Act shall be granted by the Commissioner of Police. Licences, by whom granted and conditions of issue.
- (2) No licence shall be granted-
- (a) to any person under the age of sixteen years; or 9 of 1987.
 - (b) to any person who has been convicted of any crime of violence to the person or of any crime against the public peace within three years immediately preceding the date of his application, except for some special reason shown; 44 of 1999.
 - (c) to any person who at the time of his application for a gun licence is already in possession of any firearm, except for some special reason shown; or
 - (d) to any person who, in the opinion of the Commissioner of Police, is not a fit and proper person to hold any such licence; or 9 of 1987
 - (e) to any person who is unable to show any reasonable ground why a licence should be issued to him; or
 - (f) in respect of any firearm which in the opinion of the Commissioner of Police is of such a dangerous kind as to be unsafe in the possession of any person;
 - (g) to any person who has had his previous firearm lost or stolen, and it appears to the Commissioner of Police after due investigation that the loss or theft of the firearm was due to the negligence or fault of such person. 44 of 1999.
- (3) Any person aggrieved by the refusal of the Commissioner of Police to grant him a licence may, by petition in writing to the Minister, pray 9 of 1987.

that the Commissioner of Police be directed to grant him a licence, and the Minister may after such enquiry as he may think fit-

- (i) grant the prayer and direct the Commissioner of Police to grant such licence; or
- (ii) decline to interfere with the decision of the Commissioner of Police.

9 of 1987.

(4) No gun-dealer's licence shall be issued to any person unless the Commissioner of Police is satisfied that the place in the premises where that person proposes to keep the firearms or ammunition is reasonably secure from theft or other crimes against property.

(5) Every gun-dealer's licence shall clearly state the maximum number and quantity of firearms and ammunition to be kept.

14 of 1982.
9 of 1987.

(6) Every gun-dealer who keeps firearms and ammunition at any premises other than the premises described in the licence, or in any place in such premises other than the place approved by the Commissioner of Police, or keeps any firearms or ammunition in excess of the number and quantity specified in his licence shall be guilty of an offence, and his licence shall be forfeited.

Expiry of licences.
44 of 1999.

8. Every licence granted under this Act shall expire on the following birthday of the licence holder occurring immediately after the grant of the licence, but may be renewed for a like period subject to such conditions and on payment of such fees as may be prescribed.

Surrender of
firearms if licence
not renewed.
19 of 1966

9.-(1) Where any person has made application for a licence in respect of a firearm which has been previously licensed and the application is refused, such person shall forthwith surrender the firearm to the Commissioner of Police if he resides in the Belize district or, if he resides in any other district, to the officer in charge of the nearest police station, who shall hand such

firearm to the Commissioner of Police.

(2) Where any firearm has been surrendered under subsection (1) the owner may, within twelve months of such surrender, sell the firearm to any person to whom the Commissioner of Police is willing to grant a licence. Upon the grant of a licence to a purchaser of a firearm which is held by the Commissioner of Police, such firearm shall be handed to the purchaser.

14 of 1982
9 of 1987

(3) Where any firearm which has been surrendered under subsection (1) has not been sold and handed to a purchaser under subsection (2), such firearm may, not less than twelve months after its surrender, be disposed of in a manner as the Minister may direct.

10.-(1) The Commissioner of Police shall keep a register in Form 3 of all licences granted by him under this Act.

Register of
licences.
Form 3.
6 of 1977.
9 of 1987.

(2) At the end of each month, the Commissioner of Police shall cause a copy of the entries in the register made during that month to be published in the *Gazette*.

11.-(1) Every person applying for a licence under this Act, and who had not held a similar licence for the year immediately preceding the year in respect of which the licence applied for is to be granted, shall make a declaration as to whether he had ever been refused a similar licence by the Commissioner of Police or any other authority competent to grant licences under this Act.

Declaration when
no licence held
the year
preceding the
application.
9 of 1987

(2) At least one month's notice of intention to apply for a gun-dealer's licence shall be given to the Commissioner of Police.

(3) At the hearing, the application may be opposed by any police or customs officer.

12. No firearms or ammunition imported into Belize shall be delivered to any person unless and until such person satisfies the Comptroller of Customs

Importation of
firearms.
9 of 1987.

that he is licensed under this Act.

Firearms brought into Belize from neighbouring state, how dealt with.
9 of 1987.

13.-(1) Every person entering Belize with firearms or ammunition in his possession shall forthwith deposit them with the officer or constable in charge of a police station.

(2) The firearms or ammunition so deposited shall remain in the custody of the police officer in charge of the police station until the person depositing them either produces to such police officer a licence under this Act or satisfies such police officer that he is about to depart forthwith from Belize, whereupon the firearms or ammunition shall be returned to him.

(3) Every person-

(a) who fails to deposit his firearms or ammunition at a police station at the first available opportunity under this section;
or

(b) to whom firearms or ammunition are returned on the ground that he is about to depart forthwith from Belize who shall not at once depart therefrom by the customary route,

shall be guilty of an offence.

40 of 1963.

(4) All firearms and ammunition so deposited shall be stored at the police station where they were deposited at the risk of the owner and if not claimed by and returned to the owner within one month from the day when they were so deposited shall be destroyed or disposed of in a manner as the Minister may direct.

Unlicensed persons selling firearms.
14 of 1982.

14.-(1) Every person, other than a licensed gun-dealer, who sells or otherwise disposes of any firearm or ammunition to any other person in Belize shall, within fourteen days of such sale or disposition, notify in writing the

Commissioner of Police or the police officer in charge of the district where such person resides, stating the name and address of the person to whom the firearm or ammunition has been sold or otherwise disposed of.

9 of 1987.

(2) Every person who contravenes the provisions of subsection (1) shall be guilty of an offence.

15.-(1) Every licensed gun-dealer shall-

Licensed gun-dealer to keep stock books.
17 of 1980.
9 of 1987.

- (a) keep on his premises a “stock book” and shall make or cause to be made an entry therein of all firearms and ammunition on his licensed premises, and shall immediately after the receipt of any firearm or ammunition make or cause to be made therein an entry giving the particulars of such firearms and ammunition;
- (b) immediately after delivery of any firearm or ammunition from his licensed premises make or cause to be made in his “stock book”-
- (i) an entry of the number of firearms and the quantity of ammunition delivered by him together with the number or other identification mark, if any, of each such firearm;
 - (ii) the date of delivery of the firearm or ammunition;
 - (iii) the name and address of the person to whom the delivery was made;
 - (iv) the number of the licence produced by the person to whom the firearm or ammunition was delivered; and

- (v) the district from which the licence was granted, or the circumstances excepting the person from producing his licence and the cause of the delivery, whether on sale, hire or otherwise.

(2) The stock book and all arms and ammunition in the possession and control of such licensed gun-dealer shall be produced by him upon demand of any police officer for his inspection.

(3) Every person who contravenes any of the provisions of this section, or who in the sale, purchase, hire or delivery of any firearms or ammunition 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 guilty of an offence.

Prohibition of dealings with gas-discharging weapon.

16.-(1) No person may without the authority of the Minister import, manufacture, sell, purchase, carry or have in his possession any weapon, of whatever description, designed for the discharge of any noxious liquid, gas or other thing, or any ammunition containing or designed or adapted to contain any such noxious thing.

(2) Every person who contravenes this section shall be guilty of an offence.

Production of licences.
44 of 1999.

17.-(1) Every person who has been granted a licence under this Act shall carry such licence with him at all times when he is carrying or using the firearm specified in the licence, and shall produce and deliver such licence to be examined and read by a police officer on demand.

(2) Every person who contravenes or fails to comply with subsection (1) above shall be guilty of an offence.

Delivery of firearms or ammunition to

18.-(1) Every person who delivers firearms or ammunition to a carrier to be delivered by him to any other person within Belize shall, at the time of

delivery of such firearms or ammunition, give to the carrier a certificate in writing stating that the person to whom the firearms or ammunition are to be delivered is licensed under this Act.

carrier.
9 of 1987.

(2) A carrier shall not receive firearms or ammunition without, at the same time, receiving the certificate mentioned in subsection (1), and such certificate shall be kept by him and be produced by him at the request of any police officer.

(3) A carrier who has had firearms or ammunition so delivered to him shall not keep them in his possession for a longer period than is reasonably necessary for delivering them to the person named in such certificate.

(4) Every person who fails, in contravention of subsection (1), to deliver a certificate to a carrier, and any carrier who, in contravention of subsection (2), receives any firearms or ammunition without at the same time receiving a certificate, or who does not produce and deliver such certificate to be examined and read by a police officer within a reasonable time after such officer has requested its production, and any carrier who contravenes the provisions of subsection (3), shall be guilty of an offence.

19.-(1) The Minister may, from time to time by Order published in the *Gazette*, prohibit-

Minister may
prohibit carrying
or sale of arms.
40 of 1963.
9 of 1987.

- (a) the carrying of firearms or ammunition in any district or part of Belize;
- (b) the carrying of firearms or ammunition by persons who are not citizens of Belize;
- (c) the sale of firearms or ammunition within Belize for such time as may be specified in the Order, or only allow the sale thereof within Belize subject to the conditions set

out in such Order; or

- (d) the sale of firearms or ammunition to persons who are not citizens of Belize.

(2) Every person who carries any firearms or ammunition in contravention of the said Order shall be guilty of an offence and shall be liable to forfeit any such firearms or ammunition.

(3) Every person who sells any firearms or ammunition in contravention of the said Order shall be guilty of an offence.

Power to exclude special weapons, etc., from operation of Act. 40 of 1963. 9 of 1987.

20. The Minister may from time to time by Order published in the *Gazette* declare that any kind of weapon or ammunition specifically named in the said Order shall be excluded, either for the whole of Belize or any district in Belize, from the operation of this Act either for a fixed period or until such time as the Minister shall revoke the said Order by another Order.

Search, Arrest and Procedure

Production of licences.

21. Any police officer, or any other person authorised by the Minister, may-

- (a) enter upon any lands for the purpose of requesting any person possessing, carrying or using any firearm or ammunition to produce his licence forthwith; and
- (b) arrest without a warrant any person possessing, carrying or using firearms or ammunition without a licence as provided by this Act who does not satisfactorily account for the non-production of his licence; and
- (c) detain any such firearm or ammunition in his custody until such time as he can produce it with the person arrested before the

court of summary jurisdiction of the Belize Judicial District or of the district where the arrest was made.

22. Any police officer may arrest without warrant any person whom he believes to be in possession of, or to be using or carrying a firearm or ammunition in contravention of any of the provisions of this Act, and may search that person and, whether arresting him or not, may seize and detain any firearm or ammunition in his possession, or used or carried by him. Power to arrest and search person suspected of carrying firearms, etc.
- 23.-(1) Any police officer may enter and search all premises of persons suspected of possessing or selling firearms or ammunition otherwise than in accordance with this Act and may enter and search any place, vessel, boat or conveyance in which there is reasonable cause to suspect that any firearms or ammunition is or are concealed or placed in contravention of this Act. Powers of entry and search.
- (2) If upon any such search any firearm or ammunition is found and no licence under this Act in respect of such firearm or ammunition is produced the firearm or ammunition may be seized and delivered into the custody of the officer in charge of the nearest police station, pending further proceedings in relation to the offence or until the licence is produced.
- 24.-(1) Any person may hand to an officer in charge of a police station any firearm which has become unserviceable or which such person no longer wishes to retain. Safe custody of firearms. 19 of 1966.
- (2) Subject to subsection (3)-
- (a) where any firearm has been handed to an officer in charge of a police station under subsection (1); or
- (b) where any firearm has come into the possession of any police officer whether by finding or otherwise and the owner of such firearm is unknown,

the Commissioner of Police may, not less than six months after such firearm has been handed in or come into the possession of the Police, publish an Order in the *Gazette* setting out-

- (i) the details of such firearm;
- (ii) the owner's name if known; and
- (iii) the date the firearm came into his possession.

(3) The Order mentioned in subsection (2) shall also state that unless such firearm is claimed within twenty-eight days of the publication of the Order, it will be disposed of in a manner as the Minister may direct, and the Commissioner of Police shall thereafter dispose of it in accordance with the Minister's direction.

(4) Notwithstanding anything contained in subsection (2), no such Order shall be published before 1st January, 1967.

No cause of action in respect of disposal of firearm.

25. No suit or other legal proceedings shall be instituted in any court of law against the Government, the Commissioner of Police or any other officer of Government or the Minister in respect of the disposal of any firearm under section 9 (3) or 24 (3).

Cancellation of licences and forfeiture of firearms.
18 of 1998.
CAP. 49.

26. The Commissioner of Police may in his discretion revoke any licence, certificate or permit granted under this Act -

- (a) if, in the case of a licensed gun dealer, he is convicted of an offence against this Act or of an offence against the Customs Regulation Act;
- (b) if he is satisfied that the holder thereof is of intemperate habits or of unsound mind, or is otherwise unfit to be entrusted with such firearm or ammunition as may be mentioned in the licence,

- certificate or permit;
- (c) if the licence holder is convicted of any crime of violence to the person;
- (d) if the licence holder is convicted under any of the following provisions, namely, paragraphs (xvi), (xxii) and (xxiii) of subsection (1) of section 3, paragraph (xxviii) of subsection (1) of section 4 and section 14 of the Summary Jurisdiction (Offences) Act; CAP. 98.
- (e) for non-payment of fees;
- (f) if the licence holder is or becomes a prohibited immigrant for the purposes of the Immigration Act; CAP. 156.
- (g) in any other case, if there is some other fit and proper cause.
- 27.-(1) The Commissioner by the 31st day of December in each year, cause to be published in the *Gazette* a list of all the licences revoked by him under this Act. Publication of cancelled licences.
- (2) The Commissioner shall, immediately on the publication of any such list mentioned in subsection (1), strike out from the register of licences kept by him under section 10 the names of all those persons whose licences have been cancelled, noting in the register the reasons for the cancellation. 14 of 1982.
9 of 1987.
28. All offenders under this Act may be prosecuted by any member of the Police Department before the court of Summary Jurisdiction of the judicial district in which the offence was committed. Police may prosecute.
9 of 1987.
42 of 1999.

Evidence. 29. Whenever in any prosecution under this Act the defendant claims to be licensed or claims any qualification or exemption from liability, the burden of proving such licence, qualification or exemption shall lie on him.

General Offences and Penalties

Sale to persons intoxicated or of unsound mind. 30. Every person who knowingly sells or delivers any firearm or ammunition to any person who is intoxicated or is not of sound mind shall be guilty of an offence.

Forging licence or certificate. 31. Every person who forges or counterfeits any licence or certificate required by this Act or who knowingly uses any forged licence or certificate shall be guilty of an offence.
9 of 1987.

General Penalty. 32.-(1) Any person who is guilty of an offence against this Act shall, unless otherwise specially provided, be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for any term not exceeding two years, or to both such fine and term of imprisonment:
15 of 1983.
9 of 1987.

6 of 1994. Provided that the punishment for the first offence under this Act shall not be less than a term of six months' imprisonment, and the punishment for a second or subsequent offence under this Act shall not be less than a term of eighteen months' imprisonment:

Provided further that the court may, in the case of a first offence under this Act, refrain from imposing the mandatory custodial sentence prescribed above if there be special extenuating circumstances which shall be recorded in writing, and *in lieu* thereof, impose a fine of not less than one thousand dollars and in default of payment of such fine, a term of imprisonment of not less than six months.

6 of 1994. (2) The expression "special extenuating circumstances" referred to in the second *proviso* of subsection (1) above shall include the circumstances where:

(a) the convicted person was the holder of a valid firearms li-

cence before the commission of the offence but the same had expired and was not renewed inadvertently; or

(b) the convicted person had a reasonable excuse for being in possession of a firearm at the material time.

(3) Notwithstanding anything to the contrary in this or any other enactment, it shall be within the discretion of the Director of Public Prosecutions whether any offence under this Act shall be prosecuted summarily or on indictment. 15 of 1983.

(4) Every person guilty of an offence against this Act shall, in respect of each offence, be liable where the conviction is on indictment, to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment: 15 of 1983.
9 of 1987.

Provided that the punishment of the first offence under this Act shall not be less than a term of two years' imprisonment and the punishment for a second or subsequent offence under this Act shall not be less than a term of five years' imprisonment: 6 of 1994.

Provided further that the court may, in the case of a first offence under this Act, refrain from imposing the mandatory custodial sentence prescribed above if there be special extenuating circumstances (including those referred to in subsection (2) above) which shall be recorded in writing, and *in lieu* thereof, impose a fine which shall not be less than five thousand dollars and, in default of payment of such fine, to a term of imprisonment which shall not be less than two years. 6 of 1994.

(5) Where any person is convicted of an offence or of an attempt to commit an offence or of soliciting or inciting the commission of an offence under this Act the court by which such person is convicted shall order that the firearm, the subject of the offence, be forfeited; and any currency whether foreign or Belizean found in his control or possession may be forfeited, if the court is 15 of 1983

satisfied that the money was intended to be used for an illegal purpose.

26 of 1992.

(6) Where a person is convicted of an offence or of an attempt to commit an offence or of soliciting or inciting the commission of an offence under this Act and the court by which such person is convicted finds that any vehicle, vessel, aircraft or any other means of conveyance of whatever description was used or employed by such person for transporting or attempting or conspiring to transport any firearms or ammunition which are the subject of the offence of which he is convicted, such vehicle, vessel, aircraft or other means of conveyance of whatever description shall be forfeited.

26 of 1992.

(7) If, upon the application of any person (other than the accused person) prejudiced by a forfeiture order made under subsection (6) above, the court is satisfied that he did not know, believe or suspect nor had reasonable grounds to believe or suspect that any such vehicle, vessel, aircraft or other means of conveyance of whatever description, as the case may be, was being used or employed in the commission or attempted commission of any offence under this Act, the court may upon such terms and conditions (if any) as it thinks fit revoke that order.

26 of 1992.

(8) An application under subsection (7) above for the revocation of a forfeiture order shall be made either at the time when such order is made or within thirty days of the date of the order, unless the court for special reasons to be recorded in writing, extends such period.

Application of Act

Application for
Act.
9 of 1987.
26 of 1989.
42 of 1999.

33. This Act shall not apply to any person in the Naval, Military, Air or Volunteer Forces of Her Majesty, or in the Police Department, or in the Prison or Revenue Services of Belize keeping, carrying or using any firearms or ammunition in the performance of his duties or when engaged in target practice or going to or returning from any place for such purpose.

- 34.-(1) No person under the age of 16 years shall carry, keep, use, own or have in his possession any firearm or ammunition. Offences in respect of persons under 16 years of age.
3 of 1963.
9 of 1987.
- (2) No person shall sell, lend, give or otherwise dispose of any firearm or ammunition to any person under the age of 16 years.
- (3) Any person who contravenes any of the provisions of this section shall be guilty of an offence.
- 35.-(1) Subject to section 33, no person, including a gun-dealer shall own, keep, carry, use or have in his possession any firearm or ammunition, of the following description- Prohibition on possession, use, etc., of certain firearms.
- (a) rifle of 7.62 or higher calibre; 9 of 1987.
44 of 1999.
- (b) revolver of .44 or higher calibre;
- (c) magnum revolver of .357 calibre;
- (d) sawed-off shotgun of any calibre;
- (e) machine gun of any calibre.
- (2) A gun licence or gun-dealer's licence granted to any person in respect of any firearm of the description mentioned in subsection (1) shall be deemed to have been cancelled on and from the date of commencement of the Firearms (Amendment) Act 1987, and such person shall surrender such firearm to the Commissioner within one month of such commencement. 9 of 1987.
- (3) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable-
- (a) upon summary conviction, to imprisonment for a term which shall not be less than three years but which may extend to seven 6 of 1994.

years;

- (b) upon conviction on indictment, to imprisonment for a term which shall not be less than three years but which may extend to seven years.

44 of 1999.

(4) Where any firearm or ammunition is surrendered to the Commissioner under subsection (2), a reasonable compensation therefor, based on the market value of such firearm, shall be paid to the owner within a reasonable time:

Provided that subject to the directions of the Minister, to be given on the advice of Cabinet, no compensation shall be payable if such firearm was being kept contrary to the provisions of this Act or of any other law.

Alteration, etc., of
firearms prohibited.
9 of 1987.

36.-(1) No person shall, without the previous permission in writing of the Commissioner of Police, in any manner whatsoever add to, alter or tamper with any firearm for which a gun licence or gun-dealer's licence has been granted to him under this Act.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

Transitional
provisions.
9 of 1987.

37.-(1) Every person, other than a licensed gun-dealer, who at the commencement of the Firearms (Amendment) Act, 1987, owns, keeps or has in his possession or control any unrifled shotgun or ammunition suitable for use in such shotgun shall, if he wishes to retain such firearm or ammunition, apply to the Commissioner of Police for the grant of a gun licence within one month of such commencement.

(2) Where an application for a gun licence made under subsection (1) is refused, or where the owner or keeper of such firearm or ammunition does not wish to retain the same, the applicant or such other person, as the case may be, shall forthwith surrender such firearm or ammunition to the Com-

missioner of Police, or to the officer in charge of the nearest police station who shall hand the same to the Commissioner of Police.

(3) Where any firearm or ammunition has been surrendered under subsection (2) the owner may, within twelve months of such surrender, sell the firearm or ammunition to any person to whom the Commissioner of Police is willing to grant a licence, and upon the grant of such licence, such firearm or ammunition shall be handed to the purchaser.

(4) Where any firearm or ammunition which has been surrendered under subsection (2) has not been sold or handed to a purchaser under subsection (3), such firearm or ammunition may, not less than twelve months after its surrender, be disposed of in a manner as the Minister may direct.

(5) Where any firearm or ammunition is disposed of on the directions of the Minister under subsection (4), a reasonable compensation therefor, based on the market value of such firearm or ammunition, shall be paid to the owner within a reasonable time:

Provided that no compensation shall be payable if such firearm or ammunition was being kept contrary to the provisions of this Act or of any other law.

38. It is an offence for a person to have in his possession any firearm or imitation firearm with intent by means thereof to cause, or to enable another person by means thereof to cause, any person to believe that unlawful violence will be used against him or another person.

Possession of firearm with intent to cause unlawful violence.
18 of 1998.

39.-(1) It is an offence for a person to have with him a firearm or imitation firearm with intent to commit an offence, or to resist arrest or prevent the arrest of another, in either case while he has the firearm or imitation firearm with him.

Having firearm with criminal intent.
18 of 1998.

(2) In proceedings for an offence under this section, proof that the accused had a firearm or imitation firearm with him and intended to commit an

offence, or to resist or prevent arrest, is evidence that he intended to have it with him while doing so.

(3) For the purposes of this section and section 38, “imitation firearm” means anything which has the appearance of being a firearm whether or not it is capable of discharging any shot, bullet or other missile.

Discharging firearm
in public.
18 of 1998.

40.-(1) A person shall be guilty of an offence against this Act who discharges any firearm or ammunition on or within forty yards of any public road or any public place, except -

- (a) in the lawful protection of his person or property or of the person or property of some other person; or
- (b) under the direction of some civil or military authority authorized to give such direction; or
- (c) with the permission of the Commissioner of Police, or
- (d) for any other lawful excuse or justification.

(2) Where any person is charged with an offence under subsection (1), the burden of proving that the discharge of the firearm or ammunition in respect of which the contravention is alleged to have occurred was lawful within the meaning of paragraphs (a) to (c) of subsection (1) above shall lie on the person asserting the same.

Prohibition against
manufacture of
firearms or ammuni-
tion.
18 of 1998.

41.-(1) No person shall manufacture or assemble any firearm or ammunition, or keep any equipment or paraphenalia capable of use for the making or assembling of firearms or ammunition, without a licence granted by the Commissioner of Police.

(2) Every person who contravenes subsection (1) above shall be guilty of an offence.

- 42.-(1) Subject to subsection (2) below, it is an offence for a person to have in his possession any firearm or ammunition while such person is under the influence of drugs or alcohol above the prescribed limit. Possession of firearm while under the influence of alcohol, etc. 44 of 1999.
- (2) Where a person is charged with an offence under subsection (1) above, it will be a defence for him to adduce evidence to show that the firearm was carried in the case of extreme necessity.
- (3) For the purpose of this section, the words “drugs”, and “prescribed limit” shall have the meaning assigned to each of them by section 74G of the Motor Vehicles and Road Traffic Act. CAP. 230.
- (4) The provisions of sections 74 C and 74E(3) and (4) of the Motor Vehicles and Road Traffic Act shall apply, *mutatis mutandis*, to the provision of a specimen of blood or urine for a laboratory test under this section by an accused person to determine the proportion of any drug or alcohol in a specimen of blood or urine provided by the accused person. CAP. 230.
43. The Minister may, on the recommendations of the Commissioner of Police, by Regulations made under this Act, restrict the carrying of firearms, including the carrying of firearms by licence holders, in places of public entertainment or public functions, where he is satisfied that the carrying of firearms in such circumstances may result in a breach of the peace. Restriction on the carrying of firearms in certain circumstances. 44 of 1999.
44. The Minister may make Regulations to give better effect to the provisions of this Act, and without prejudice to the generality of the foregoing, such Regulations may provide for:- Regulations. 44 of 1999.
- (a) the establishment of a forensic firearms identification system and the functions of that system;
- (b) the requirement that all persons applying for gun licences should pass a proficiency firearms test;

- (c) the requirement that all persons granted gun licences should deposit with the Firearms Examiner test-fired ammunition, bullets and cartridges and other information regarding the identification of their firearms.
- (d) restricting the carrying of firearms, including the carrying of firearms by licence holders, in places of public entertainment or public functions; and
- (e) any other matters necessary to give full effect to the provisions of this Act.

SCHEDULE

14 of 1982.

9 of 1987.

FORM I

[Section 3]

Gun Licence

NOT TRANSFERABLE

Licence No.

District.

(a)

having paid the sum of _____ is hereby licensed under the
Firearms Act, to keep the following firearms and ammunition, namely:-

CAP. 143.

(b)

until the 31st December, 20 .

DATED this day of 20 .

Commissioner of Police.

(a) Full name, description and address

(b) Number and description of firearms and quantity and description of ammunition.

FORM 2

[Section 4]

Gun-Deater's Licence

Licence No.

District.

(a)

having paid the sum of _____ is hereby licensed to deal in firearms and ammunition and to trade as a licensed gun-dealer under the provisions of the Firearms Act at his premises in

CAP. 143.

(b)

until the 31st December, 20__ .

DATED this ____ day of _____ 20__ .

Commissioner of Police.

(a) Full name, description and address.

(b) Address of business premises.

FORM 3

[Section 10]

9 of 1987.

Register of Licences for Firearms

Name	Address	Description of Licence	Number of firearm	Receipt No. and date, Year 20 .	Receipt No. and date, Year 20 .	Receipt No. and date, Year 20 .