

# Arms and Ammunition Ordinance

## LAWS OF THE GILBERT ISLANDS REVISED EDITION 1977

### CHAPTER 3

#### ARMS AND AMMUNITION

#### ARRANGEMENT OF SECTIONS

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**An Ordinance to make provision for controlling the possession, manufacture, sale, repair, storage, import and export of arms and ammunition and for matters relating and incidental thereto**

**6 OF 1964;  
8 of 1971**

**3 of 1972**  
**(Cap. 74 of 1973)**  
**L.N. 16/74**  
**26 of 1977**

Commencement: 17th February 1964

## **PART I**

### **PRELIMINARY**

#### **Short title**

1. This Ordinance may be cited as the Arms and Ammunition Ordinance.

#### **Interpretation**

2. In this Ordinance, unless the context otherwise requires -

"ammunition" means ammunition for any arm as hereinafter defined and includes bullets, cartridges, shells or anything designed or adapted for or capable of use with any arm, or designed or adapted to contain any noxious liquid, gas or other thing but does not include spears discharged from an arm solely for the purpose of killing fish;

"arm" means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, or which can be adapted for the discharge of any such shot, bullet or other missile, any air gun or air pistol of whatever description, and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing dangerous to persons, 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 articles designed or adapted solely to discharge spears for spearing fish;

"licensed arms dealer" means the holder of a valid licence to deal in arms and ammunition and to repair arms and ammunition issued under the provisions of this Ordinance;

"officer in charge of police" means the police officer appointed by the Commissioner of Police to be in charge of the police stationed in any place, or where such an officer has not been appointed, the highest ranking administrative officer for the time being stationed in the district in which such place is situated;

"pistol" means an arm or other weapon of any description from which any shot, bullet, or other missile can be discharged and of which the length of barrel not including any revolving, detachable or magazine breech does not exceed 9 inches;

"prohibited area" means an area in which the Governor has prohibited the possession, use or carrying of arms;

"vessel" includes aircraft.

## **PART II**

## **LICENCES TO MANUFACTURE ARMS OR AMMUNITION**

### **Prohibition on the manufacture of arms and ammunition**

3. (1) No person shall manufacture any arm or ammunition except at an arsenal established with the approval of the Governor and in accordance with the instruction to be issued by him.

(2) In this section, the word “manufacture”, in relation to arms, does not include the repair of arms, the conversion into an arm of anything which has the appearance of an arm which is so constructed as to be incapable of discharging any missile through the barrel thereof, or the alteration, substitution or replacement of any component part of an arm.

(3) If any person manufactures any arm or ammunition other than at an arsenal established under the provisions of subsection (1) of this section, he shall be liable to imprisonment for 10 years and to a fine of \$2000.

(4) Any person who fails or neglects to comply with any instructions given by the Governor under the provisions of subsection (1) shall be liable to a fine of \$100 and to imprisonment of 6 months.

### **PART III**

## **LICENCES TO POSSESS, USE OR CARRY ARMS OR AMMUNITION**

### **Possession of arms and ammunition prohibited except under licence**

4. (1) No person shall possess, use or carry an arm or ammunition except under a licence in respect of each arm and such ammunition so possessed, used or carried and in accordance with the prescribed conditions of such licence.

(2) (a) Any person who shall possess, use or carry any arm or ammunition without such licence shall be liable in respect of every such arm or the total ammunition so possessed, used or carried -

(i) if the offence was committed in a prohibited area, to imprisonment for 10 years and to a fine of \$2000;

(ii) if the offence was committed elsewhere, to imprisonment for 2 years and to a fine of \$400.

(b) Any person who shall possess, use or carry any arm or ammunition otherwise than in accordance with the prescribed conditions of such licence shall be liable to imprisonment for a term of 1 year and to a fine of \$200.

(3) The following persons shall be exempted from the operation of this section to the extent specified

-

(a) the Governor;

(b) carriers and their servants having in their possession in the ordinary course of business of such carriers and not for use arms or ammunition for which a licence has been issued and is in force in respect of such arms or ammunition only;

- (c) any member of a rifle club or association or a miniature rifle club or association approved by the Governor in respect of any arms used by a member of such club or association solely for the lawful purposes of such club or association;
- (d) any member of a recognised Naval or Military or Air Force or any police officer or any person employed in the Prisons Division or in the Customs Division in respect of any arm or ammunition possessed, used or carried in the course of his lawful duties;
- (e) the crew and passengers of any vessel, other than a vessel solely engaged in carrying goods or passengers within the Gilbert Islands, in respect of arms or ammunition which are part of the ordinary armament of such vessel, or which are in or upon such vessel and required for the service thereof;
- (f) any public officer specifically exempted in writing from the operation of this section by the Governor, acting in his discretion, in respect of the arms or ammunition specified in the exemption;
- (g) a licensed arms dealer and his servants in respect of arms or ammunition in their possession in the ordinary course of business of such licensed arms dealer;
- (h) any member of a theatrical or circus company whilst an interim licence to import arms or ammunition is in force in respect of arms or ammunition used in his performance.

(4) Persons exempt under paragraph (c) of subsection (3) shall furnish annually in writing to the Commissioner of Police particulars of all arms and ammunition in their possession in respect whereof no licence is in force, with the name of the maker of such arms and the number, if any, marked thereon for purposes of identification.

#### **Period of exemption in certain cases**

5. No person shall be deemed guilty of any contravention of this Ordinance by reason only of the fact that during the months of January and February in any year he has in his possession or custody any arm or ammunition in respect of which no licence is in force, if such person had such arm or ammunition in his possession or custody on the 31st day of December of the previous year under a licence issued in that behalf under this Ordinance.

#### **Licences: how obtained**

6. (1) A licence for an arm and ammunition under this Ordinance may be obtained by application made in writing to the Commissioner of Police accompanied by the prescribed fee subject to the issue thereof being expressly approved by him:

Provided that if, during the licensing period or any part of the licensing period immediately preceding that in which application is made, the applicant has held a licence for the arm and ammunition referred to in the application and such licence has expired by effluxion of time and has not been suspended or cancelled, application for the renewal of such licence for the same arm and ammunition may be made verbally or in writing to, and such licence may, except as otherwise provided in this section, be renewed by the officer in charge of police in any place.

(2) No licence for a pistol or rifle or ammunition therefore shall be issued or renewed except with the express approval of the Commissioner of Police.

(3) No licence shall be issued in the name of any partnership, company or corporation.

(4) No licence shall be issued or renewed unless the arm and ammunition in respect of which its issue or renewal is applied for be produced to a police officer and such officer is satisfied that the arm and ammunition are serviceable.

(5) Every licence shall expire on the 31st day of December next following the date of issue or renewal.

(6) Every officer who issues, renews or endorses as effective any licence under this Ordinance shall enter particulars thereof in a register to be kept at every police station where such issue, renewal or endorsement takes place.

(7) The Commissioner of Police may by endorsement thereon require as a condition of any licence that the photograph of the person named in such licence be kept attached thereto, and that the person named therein shall carry on his person such licence whenever carrying the arm in respect of which the same is issued.

### **Marking of arms**

7. (1) Whenever application is made for a licence for any arm not marked with letters or figures or in such other manner so that the same may be readily identified, the officer to whom application is made may, before issuing the licence applied for, cause such arms to be marked with some permanent mark whereby the same may be afterwards known and identified, but in such manner as far as possible not to injure or disfigure the same; and any person who wilfully obliterates, defaces, alters, counterfeits or forges any such mark, or fraudulently marks any arm with any mark resembling or intended to resemble any mark used for marking arms under this section, shall be liable to imprisonment for 2 years and to a fine of \$400.

(2) A person who wilfully obliterates, defaces, alters, counterfeits or forges a manufacturer's serial number on any arm shall be liable to imprisonment for 2 years and to a fine of \$400.

### **Lost licences**

8. If a licence issued under section 4 is destroyed, defaced or lost, the person named therein may, on application to any officer authorised to issue licences and on satisfying him that the application is made in good faith, obtain from him on payment of the prescribed fee a new licence in lieu of that destroyed, defaced or lost.

### **Arms or ammunition lost or destroyed**

9. Whenever any arm or ammunition in respect whereof a licence is in force is lost or destroyed, the person named in the licence and any other person who may have been in possession of such arm or ammunition immediately before the loss or destruction thereof shall, within 14 days after becoming aware of such loss or destruction, make a report thereof to the police station nearest to the place where such persons normally reside.

## **PART IV**

### **LICENSED ARMS DEALERS**

#### **Dealers' licences**

10. (1) Subject to the provisions of this section no person other than a licensed arms dealer or his

servants in ordinary course of business of such licensed arms dealer shall, by way of trade or business -

- (i) assemble or disassemble, clean, repair, test or prove any arm or ammunition;
- (ii) manufacture any component part of any arm or ammunition;
- (iii.) sell, transfer or expose for sale any arm or ammunition;
- (iv) keep or have in his possession any arm or ammunition for any of the aforesaid purposes.

(2) Licences to deal in and repair arms or ammunition which shall be in the prescribed form may be issued by the Commissioner of Police on payment of the prescribed fee and every person applying for such licence shall furnish particulars of every place of business at which he proposed to carry on business as a licensed arms dealer.

(3) Every such licence shall expire on the 31st day of December of the year in respect of which it is issued.

(4) Every person so licensed shall at all times keep books containing an accurate record of all arms or ammunition imported or received by him in the course of his business and of all arms or ammunition sold by him and of the marks by which all arms so sold may be identified with the date of sale and the name and address of the purchaser, and shall on demand produce them for the inspection of any police officer at such place and time as the police officer may reasonably require.

(5) Every such person shall also within the first 7 days of each calendar month furnish to the Commissioner of Police particulars in the prescribed form of his stock and of all arms and ammunition imported or received by him in the course of his business and of all arms and ammunition sold by him during the past preceding calendar month.

(6) Any person who contravenes the provisions of subsection (1) shall be liable to imprisonment for 2 years and to a fine of \$400.

(7) Any person who contravenes or fails to comply with the provisions of subsections (4) or (5) shall be liable to a fine of \$50.

(8) Any person to whom a licence has been issued as aforesaid shall notify to the Commissioner of Police any additional place of business at which he proposes to carry on business as an arms dealer which is not entered on the licence and shall furnish such particulars as may be prescribed.

(9) The Commissioner of Police, if he is satisfied that any place of business notified to him by any person under either subsections (2) or (8) is a place at which the person cannot be permitted to carry on business as an arms dealer without danger to the public safety or to the peace, or that inadequate precautions exist at such place of business for the security of arms or ammunition may refuse to grant any application for such place of business.

(10) If any arms dealer has a place of business for which he has not been granted a licence and carries on business as an arms dealer at that place, he shall for each such place of business be liable to imprisonment for 5 years and to a fine of \$1000.

### **Obstructing inspection of stock-in-trade**

**11.** (1) Every licensed arms dealer shall on demand of any police officer submit his stock-in-trade to the inspection of such officer.

(2) Whoever intentionally conceals the stock-in-trade of any such person from a police officer or wilfully refuses to point out where the same is kept shall be liable to imprisonment for 6 months and to a fine of \$100.

### **Boards to be affixed at dealers' shops**

**12.** (1) Every licensed arms dealer shall affix in a conspicuous position outside the door of his shop or place of business a board bearing the words "Licensed to Deal in Arms and Ammunition" distinctly printed in letters not less than 2 inches high.

(2) Any person who fails to comply with the provisions of subsection (1) shall be liable to a fine of \$10.

### **Storage and safe custody of arms and ammunition**

**13.** (1) Every licensed arms dealer shall maintain at each of his places of business where arms or ammunition are kept a suitable enclosed store for the safe custody of arms and ammunition in his possession.

(2) Each such store as aforesaid shall be, and be maintained constantly, secure to the satisfaction of the Commissioner of Police and shall have only one means of entry thereto which shall be provided with 2 locks of which master-keys shall be delivered to, and retained by, the police officer in charge of the police station nearest to the store.

(3) If any person fails to comply with any of the provisions of this section he shall be liable to imprisonment for 6 months and to a fine of \$100.

### **Provisions as to shortening arms and converting imitation arms into arms**

**14.** (1) No person other than a licensed arms dealer or his servant in the ordinary course of business of such licensed arms dealer shall shorten the barrel of an arm to a length less than 20 inches.

(2) No person other than a licensed arms dealer or his servant in the ordinary course of business of such licensed arms dealer shall convert into an arm anything which, though having the appearance of being an arm, is so constructed as to be incapable of discharging any missile through the barrel thereof.

(3) If any person contravenes any of the foregoing provisions of this section he shall be liable to imprisonment for 2 years and to a fine of \$400.

(4) If any person purchases or has in his possession an arm which has been shortened to a length less than 20 inches or an arm which has been converted as aforesaid (whether by a licensed arms dealer or his servant or not) without holding a licence authorising him to purchase or possess it in such shortened or converted condition, he shall be liable to imprisonment for 2 years and to a fine of \$400.

(5) A licensed arms dealer or his servant shall not shorten the barrel of an arm to a length less than 20 inches or convert into an arm anything which though having the appearance of being an arm, is so constructed as to be incapable of discharging any missile through the barrel thereof, without first obtaining the written permission of the Commissioner of Police.

(6) Any licensed arms dealer or his servant who without such permission so shortens any arm or so

converts into an arm anything shall be liable to imprisonment for 6 months and to a fine of \$100.

## **PART V**

### **PURCHASE, TRANSFER, IMPORT AND EXPORT OF ARMS AND AMMUNITION**

#### **Licence for purchase or transfer**

**15.** (1) No person shall take delivery of any arm or ammunition on purchase or transfer without first obtaining a licence authorising the purchase or transfer thereof; and such licence shall have force for 1 month from the date of issue and no longer.

(2) No person shall deliver to any other person any arm or ammunition on sale or transfer except upon production to him of a licence authorising the purchase or transfer thereof.

(3) The purchaser or transferee of any arm or ammunition shall endorse the said licence with the date of delivery and particulars of the arms and ammunition purchased or transferred, and shall return such licence within 1 month from such date to the officer by whom the same was issued; and the vendor or transferor shall, if he be the holder of a licence to deal in arms and under section 10 the number, date and other particulars contained in the said licence.

(4) Any person who contravenes or fails to comply with any of the provisions of this section shall be liable to a fine of \$20.

(5) Licences for the purchase or transfer of arms and ammunition which shall be in the prescribed form may be issued by the Commissioner of Police on payment of the prescribed fee.

#### **Licence to import**

**16.** (1) No person shall import any arm or ammunition or part of arms and ammunition unless he holds a licence in that behalf:

Provided that when any arm is imported without an import licence or interim licence under this section having been obtained authorising the importation thereof, such importation shall not be deemed to contravene the provisions of this section while such arm on importation is left in the possession of the Customs Division.

(2) Such licence may be obtained on application to the Commissioner of Police on payment of the prescribed fee and shall be in the prescribed form.

(3) Every holder of such licence shall endorse thereon descriptive particulars of all arms and ammunition or parts of arms and ammunition imported thereunder, and shall return such licence to the officer in charge of the police for the place where he resides within 3 days from the expiration of the term allowed thereby.

(4) Bona fide travellers arriving in the Gilbert Islands may, on application to the officer in charge of police at the place of arrival, obtain an interim licence to import their personal arms and ammunition for such arms, which licence shall be in the prescribed form and shall remain in force in the first instance for a period of 14 days from the date of issue.

(5) An interim licence under subsection (4) may be issued free to theatrical or circus companies in respect of arms and ammunition to be used in their performances and shall remain in force until the arms and ammunition are re-exported, but such arms and ammunition and the interim licence must be produced to the officer in charge of the police for the place where such companies perform, and the licence shall be endorsed by him.

(6) Where a bona fide traveller leaves arms and ammunition in the possession of the Customs Division under the provisions of this section, such arms and ammunition shall be transported from the port or airport where they were imported to any other port of first entry or customs airport in the Islands at the request of such traveller, made in writing to the Chief Customs Officer, and on payment of the prescribed fee.

### **Arms and ammunition sent by post**

17. Arms or ammunition sent through the post from outside the Gilbert Islands shall not be delivered to the consignee unless or until an import licence for such arms or ammunition is produced at the post office of delivery.

### **Licence to export**

18. (1) No person shall export any arms or ammunition from the Gilbert Islands to a place without the Islands unless he holds a licence in that behalf.

(2) Such licence may be obtained on application to the Commissioner of Police on payment of the prescribed fee and shall be in the prescribed form.

### **Ports and places of import and export**

19. The Governor may from time to time by notice declare that arms or ammunition or particular classes of arms or ammunition shall not be imported into or exported from Gilbert Islands from or to any places without the Islands except at ports or places specified in such notification, and no arms or ammunition shall be imported into or exported from the Islands contrary to the terms of such notification.

### **Declaration of arms and ammunition on importation**

20. Every person entering the Gilbert Islands who has in his possession or among his baggage any arm or ammunition and every consignee receiving any arm or ammunition imported into the Islands shall make a declaration thereof to a customs officer on arrival and before clearing such arm or ammunition through the customs shall produce to such customs officer a licence issued under section 16.

### **Penalty for unlawful importation or exportation**

21. (1) Any person who contravenes the provisions of section 16 (1) or of section 18 or 19 shall be liable to imprisonment for 12 months and to a fine of \$200.

(2) Any person who contravenes the provisions of section 16 (3) or of section 20 shall be liable to a fine of \$100.

### **Arms and ammunition in transit**

22. Notwithstanding any provisions of this Ordinance, the Commissioner of Police may, at his discretion, grant with or without conditions, refuse, suspend or revoke transit licences covering the importation into, removal within, transportation across, and exportation from the Gilbert Islands of any arm or ammunition in transit through the Islands to any place outside the Islands, and the importation, exportation, removal, transportation and possession of any such arm or ammunition under and in accordance with the permission of any such transit licence shall be lawful and shall not constitute an offence under this Ordinance.

### **Concealing unlawfully imported arms and ammunition**

**23.** Whoever knowingly conceals any arm or ammunition imported without a licence shall be liable to imprisonment for 2 years and to a fine of \$400.

### **Governor may prohibit importation or exportation**

**24.** (1) The Governor may from time to time by notice prohibit for a period to be mentioned in such notification either the importation or the exportation of any arms or ammunition or parts of arms or ammunition or of particular kinds of arms or ammunition or parts of arms or ammunition without a special licence signed by himself which may be subject to such conditions as he may think fit.

(2) Any such prohibition of exportation may either be absolute or may relate to such place or places as shall be specified in the notification, and any person who takes or sends any such article out of the Gilbert Islands with the intention that it shall ultimately reach a particular place either directly or indirectly, shall, for the purposes of this section, be deemed to export such article to such place.

(3) Any person who imports into or exports from the Islands any arms or ammunition or parts of arms or ammunition in contravention of any notice under this section or in breach of the conditions subject to which any special licence is issued, shall be liable to imprisonment for 12 months and to a fine of \$200.

### **Penalty in respect of vessel used for illegal importation or exportation**

**25.** (1) If any vessel is used for the importation or exportation of any arms or ammunition or parts of arms or ammunition in contravention of a notification under section 24, or for the receipt or storage of any arm or ammunition or parts of an arm or ammunition imported in contravention of any such notification, the owner or master thereof shall be liable to a fine of \$2000 unless it is proved to the satisfaction of the court that the owner or master was not implicated in the placing of such arm or ammunition or parts of an arm or ammunition on board the vessel and that the offence in question was committed without his knowledge, consent or connivance, and the vessel may be detained by order of the court until security has been given for such sum as the court orders not exceeding \$2000.

(2) The finding of any arm or ammunition or part of any arm or ammunition which are subject to a prohibition under section 24 on board any vessel shall be prima facie evidence that the vessel has been used for the importation or exportation of arms or ammunition or parts of arms or ammunition contrary to the provisions of this Ordinance or for the receipt or storage of arms or ammunition or parts of arms or ammunition imported contrary thereto.

(3) For the purposes of this section the expression "master" shall include every person except a marine pilot having command or charge of the vessel.

## **PART VI**

### **MISCELLANEOUS**

#### **Prohibition of arms in certain areas**

**26.** (1) Notwithstanding any of the other provisions of this Ordinance, the Governor, if he deems it expedient on account of the prevalence of crimes involving the use of arms in any area in the Gilbert Islands, may by notice -

(a) prohibit in such area and after a specified date and subject to such exceptions as he may specify, the possession, use or carrying of arms and ammunition;

(b) order that all arms and ammunition within such area shall be delivered up on demand to any police officer before a specified date.

(2) Any person who without reasonable cause, proof whereof shall lie upon him, refuses or neglects to comply with the provisions of such notice shall be liable to a fine of \$100 and to imprisonment for 6 months.

(3) Arms and ammunition delivered up or seized in consequences of a notice under this section may be detained as long as such notice is in force and for such reasonable period thereafter as may be necessary to enable the owners to collect or re-licence them.

### **Certain weapons prohibited without authority of Governor**

**27.** (1) No person without the authority of the Governor shall sell, purchase or have in his possession any arm which is so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty or which when fired ejects the spent round and refills the breech.

(2) If any person contravenes the provision of subsection (1) he shall be liable to imprisonment for 2 years and to a fine of \$400.

(3) Any authority given to any person under this section shall be given in writing and shall be subject to such conditions as may be specified therein, and if that person fails to comply with any such condition he shall be liable to imprisonment for 3 months and to a fine of \$50.

(4) Any application for an authority under the provisions of this section shall be lodged in the first instance with the Commissioner of Police who shall forthwith forward such application, together with any representations he may wish to make regarding the same, to the Governor.

(5) The conditions specified in an authority as aforesaid shall include such conditions as the Governor having regard to the circumstances of each particular case thinks fit to impose for the purpose of securing that the arm to which the authority relates will not endanger the public safety or the peace.

(6) The Governor may at any time if he thinks fit revoke any authority given by him to any person as aforesaid by notice in writing requiring that person to deliver up the authority to such person as may be specified in the notice within 21 days from the date of the notice, and if that person fails to comply with that requirement he shall be liable to a fine of \$40.

(7) The Commissioner of Police shall not refuse to grant or renew, and shall not revoke, a licence in respect of an arm if the applicant is for the time being authorised by the Governor to have possession of that arm.

### **Licence may be refused**

**28.** (1) Subject to the provisions of the last preceding section, the Commissioner of Police may refuse any application for issue or renewal of any licence without assigning any reason for such refusal, and may for reasons of public safety to be duly recorded by him, or when the licensee has been convicted of an offence under this Ordinance, or on breach of a condition of a licence, or on other prescribed grounds, cancel or suspend the licence.

(2) No licence shall be issued or renewed to any person under the age of 21 years.

### **Penalty for taking in pawn arms or ammunition or selling arms or ammunition by auction**

**29.** (1) No person shall take any arm or ammunition in pawn from any other person or sell any arm or ammunition by auction.

(2) If any person contravenes the provisions of this section, he shall be liable to imprisonment for 6 months and to a fine of \$100.

### **Search for arms and ammunition under warrant of magistrate**

**30.** (1) Whenever a magistrate has reason to believe that any person residing within the limits of his jurisdiction -

(a) has in his possession any arm or ammunition without a licence or in contravention of the conditions upon which any licence is issued or for any unlawful purpose; or

(b) has in his possession any arm or ammunition whereof he cannot be left in possession without danger to the public peace,

such magistrate may by warrant directed to any police officer authorise such officer by day or by night -

(i) to enter and search the house or premises occupied by such person or any house or premises wherein the magistrate has reason to believe that such arm or ammunition is to be found; and

(ii) to seize and take before a court such arm or ammunition; and

(iii) to arrest any person found in such house or on such premises whom such officer has reason to suspect to have committed any offence punishable under this Ordinance.

(2) In the execution of such warrant any person to whom such warrant is directed may employ such assistants as may be necessary.

(3) Whoever, upon a search being made under this section, having in his possession or custody any arm or ammunition or knowing where any arm or ammunition is concealed, refuses to produce or point out the same to the person making the search, or intentionally conceals the same, shall be liable to imprisonment for 2 years and to a fine of \$400.

### **Detention of arms and ammunition by the police**

**31.** Any arm or ammunition produced to a police officer in accordance with the provisions of section 6 (4) or section 11 (1), or under any condition in a licence may in any case in which the Commissioner of Police for reasons of public safety or for other good cause to be duly recorded by him so direct be detained by the police officer for any period not exceeding 1 month:

Provided that -

(a) no arm or ammunition shall be detained under this section contrary to the orders of the Governor; and

(b) period of 1 month may be extended to a period not exceeding 3 months by order of the Governor.

### **Entry on place where there are arms or ammunition**

**32.** Any police officer may without a warrant enter and remain on any land or premises other than a dwelling house at and for such time as may be reasonably necessary to enable him to ascertain whether a person carrying or using or in possession of any arms or ammunition on such land or premises has a licence in that behalf.

### **Where licensee under disability**

**33.** If a person licensed to deal in arms and ammunition or to import arms or ammunition dies or becomes insolvent or bankrupt or mentally disordered or otherwise under disability, the person carrying on the business of such licensee shall not be liable to any penalty or forfeiture for acting under the licence during such reasonable time as may be necessary to allow him to make application for a new licence, and such person shall be deemed to be the holder of the said licence for all purposes under this Ordinance and to be liable in the same way as if he were the original holder thereof until a new licence is granted or refused.

### **Deposit of arms and ammunition at police station**

**34.** (1) Any person whose possession of any arm or ammunition shall have become unlawful in consequences of the expiry, suspension or cancellation of a licence shall forthwith deposit such arms and ammunition at a police station.

(2) If the owner of any arm or ammunition, the possession of which has become unlawful in consequence of the expiry, cancellation or suspension of a licence, does not, within 6 months from the date of expiry or cancellation of such licence or 6 months from the expiry of the suspension, as the case may be, produce a licence authorising him to possess the same, such arms or ammunition may be sold, in which event the owner shall be entitled to receive the proceeds of sale less expenses, or otherwise disposed of or destroyed.

(3) Every person licensed to possess arms and ammunition under this Ordinance shall, upon leaving the Gilbert Islands unless he exports such arms or ammunition on so leaving, transfer the same to some person authorised under section 15 to take delivery thereof or deposit them for safe keeping at a police station.

(4) It shall be a defence for any person charged with unlawfully possessing, using or carrying an arm or ammunition to prove that he carried or possessed such arm or ammunition with the intention of depositing it or producing it for inspection at a police station, and that he acted reasonably and without unreasonable delay in all the circumstances of the case, and that either -

(a) a licence to possess, use or carry such arm or ammunition or to import such arm or ammunition was in force within 7 days before the date of the alleged offence; or,

(b) that, if such a licence was not in force, it was not through his default.

### **Disposal of detained arms and ammunition**

**35.** Arms and ammunition detained by any police officer under the provisions of sections 26 and 31 shall, at the expiry of the period of detention, unless previously brought before any court, be returned

to the persons lawfully authorised to receive the same; and if there is no such person, such arms and ammunition shall be disposed of in the prescribed manner.

### **Ownership**

**36.** The occupier of any house or premises in which any arm or ammunition is found shall be deemed until the contrary is proved to be the possessor of such arm or ammunition for the purposes of this Ordinance.

### **Reward to informers**

**37.** Any court before whom a conviction may be had under this Ordinance may direct that any sum not exceeding one-half of any fine recovered upon such conviction shall be paid to any person upon whose information or evidence such conviction was obtained.

### **Forfeitures**

**38.** All arms and ammunition with regard to which there shall have been any offence against the provisions of this Ordinance or any breach of any condition subject to which any licence shall have been granted, may be seized by any police officer or officer of customs and, together with the receptacles containing the same, shall be liable to forfeiture by order of the court.

### **Security of arms and ammunition**

**39.** (1) Every person having in his possession arm or ammunition shall keep the same at all times securely and in safe custody and in a serviceable and safe condition, and shall take all reasonable precautions to ensure that such arm or ammunition is not lost or stolen and is not at any available to any person not lawfully entitled to possess the same.

(2) If any person fails to comply with any of the provisions of this section he shall be liable to imprisonment for 6 months and to a fine of \$100.

### **General penalty**

**40.** Any person who is guilty of any offence against the provisions of this Ordinance for which no penalty is otherwise expressly provided shall be liable to a fine of \$50.

### **Liability of principal and agent**

**41.** (1) Any person licensed under this Ordinance who would be liable under the provisions of this Ordinance to any punishment, penalty or forfeiture for any act, omission, neglect or default, shall be liable to the same punishment, penalty or forfeiture for every such act, omission, neglect or default of any agent or servant employed by him in the course of his business as such licensed person if such act, omission, neglect or default be committed by such agent or servant in the course of his employment by such licensed person.

(2) Any agent or servant employed by a person licensed under this Ordinance in the course of his business as such licensed person shall also be liable to every punishment, penalty or forfeiture prescribed by this Ordinance for such acts, omissions, neglects or defaults as fully and effectually as if such agent or servant had been the person licensed.

### **Search for vessels**

**42.** (1) If -

(a) any vessel in any port is suspected of having on board any article the importation or exportation of which into or from the Gilbert Islands is absolutely prohibited by a notification under section 24 and which is not exempted by this Ordinance or by any special licence thereunder; or

(b) any vessel about to leave any port bound for any particular place is suspected of having on board any article the exportation of which from the Islands to such place is so prohibited and which is not exempted as aforesaid, the Chief Customs Officer or a magistrate may issue a search warrant directed to any customs officer or police officer.

(2) In the execution of such warrant any person to whom such warrant is directed may -

(a) board any vessel in such warrant named or described either with or without assistants; and

(b) forcibly enter every part of such vessel; and

(c) arrest any person reasonably suspected of being guilty of an offence against this Ordinance.

(3) If upon any search made under this section -

(a) any article the importation or exportation of which is absolutely prohibited by any notification under section 24 and which is not exempted by this Ordinance or by any special licence thereunder is found on board any vessel in any port; or

(b) any article the exportation of which to any particular place is so prohibited and which is not exempted as aforesaid is found on board any vessel about to leave any port for such place,

it shall be presumed unless and until the contrary be proved that there was an attempt to import or export such article as the case may be contrary to the provisions of this Ordinance, and such vessel may be detained for the purpose of removing any such article therefrom and the same may be removed therefrom.

#### **Persons conveying arms and ammunition may be apprehended without warrant**

**43.** (1) If any person is found carrying or conveying any arm or ammunition in such a manner or under such circumstances as to afford reasonable grounds for suspicion that the same may be used for any unlawful purpose dangerous to the public peace, any person may without warrant apprehend such person so found and detain him in custody.

(2) If any person be apprehended by a person not being a police officer, he shall be forthwith taken to a police station or be handed over to a police officer.

#### **Person arrested to be taken to police station**

**44.** Every person arrested by virtue of any power given by this Ordinance shall, together with any article as to which any offence may have been committed or attempted to be committed, be taken to a police station and conveyed as soon as conveniently may be before a magistrates' court to be dealt with according to law.

### **Power to stop and search for arms and ammunition in the street**

**45.** It shall be lawful for any police officer to stop and to search for arms and ammunition any person whom he may find in any street or other public place at any hour of the day or night who acts in a suspicious manner or whom he may suspect of having any arms or ammunition in his possession.

### **Presumption**

**46.** Every person who is proved to have had in his possession or under his control anything whatever containing any arm or ammunition shall, until the contrary is proved, be deemed to have been in possession of such arm or ammunition.

### **Regulation**

**47.** The Governor may make regulations for any of the following purposes -

- (a) to prescribe the form of all licences and other documents required under this Ordinance;
- (b) to provide for the marking of arms for the possession of which a licence is issued;
- (c) to regulate the manner in which applications for licences shall be made;
- (d) to regulate the conditions subject to which licences shall be granted, and the issue of licences generally, and the grounds on which they may be suspended or cancelled;
- (e) to provide for the furnishing of information in respect of arms and ammunition by persons in possession thereof;
- (f) to prescribe the fees to be paid for anything done, or any licence or document issued or granted under this Ordinance and to direct by whom and in what manner such fees are to be collected and accounted for;
- (g) to regulate the disposition, destruction or sale of articles forfeited, detained or deposited under the provisions of this Ordinance;
- (h) generally to give effect to the provisions of this Ordinance,

and may restrict the operation of any such regulations to particular areas.

### **Power to exempt**

**48.** The Governor may by notice exempt any arms or ammunition or classes of arms or ammunition within the Gilbert Islands or within any part of the Islands from the operation of all or any of the provisions of this Ordinance.

### **Provisions of this Ordinance to be additional to other Ordinances**

**49.** The provisions of this Ordinance shall be in addition to and not in derogation of the provisions of any other law for the time being in force relating to the manufacture, sale, transfer, purchase, acquisition, possession, use, storage, carriage, transportation, importation or exportation of firearms, ammunition or explosives.

## SUBSIDIARY LEGISLATION

[Subsidiary]

### **Prohibition of Importation under section 24 (1)**

The importation of all arms and ammunition and parts of arms and ammunition (subject to the exceptions specified in the Schedule) are prohibited without a special licence signed by the Governor. **L.N. 39/74**

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### SCHEDULE

#### Exemptions

1. Air-guns
2. Anti-shark protection devices
3. Building power gun
4. Single action shot guns
5. Sports starting pistols
6. Arms imported by or for the use of the Gilbert Islands Police or the armed forces of the Crown
7. Ammunition for the arms hereinbefore specified with the exception of ammunition for shot guns other than bird shot
8. Parts of the arms and ammunition hereinbefore exempted from the prohibition of importation

### **Regulations under section 47**

#### ARMS AND AMMUNITION REGULATIONS

L.N. 5/64  
L.N.51/64  
3 of 1972

#### **Citation**

1. These Regulations may be cited as the Arms and Ammunition Regulations.

#### **Conditions of a licence to possess, use or carry arms and ammunition**

2. Every licence to possess, use or carry an arm and ammunition shall be subject to the following conditions -
  - (a) that the holder thereof shall not part with possession of such arm and ammunition except to a person lawfully entitled to possess the same;
  - (b) that the holder thereof shall not have in his possession any ammunition in excess of the quantity specified in his licence;
  - (c) that the holder thereof shall observe the provisions of the Ordinance;

(d) that the holder thereof shall obey all lawful orders of any police officer relating to such arm and ammunition and shall produce such arm and ammunition to any police officer on demand;

(e) that such arm and ammunition shall not be used for any unlawful purpose.

### **Conditions of a licence to possess, use or carry an arm or ammunition in the case of a rifle or shotgun**

3. Where the arm specified in a licence to possess, use and carry an arm and ammunition is a rifle or a shot gun, it shall be a condition of such licence that such rifle or shot gun shall be carried unloaded; and -

(a) in the case of a rifle, with, if possible, the magazine and bolt removed, or otherwise with the magazine or bolt removed; or

(b) in the case of a shot gun, either broken or in parts:

Provided that -

(i) the provisions of this regulation shall not apply when rifle or shot gun is being carried with the intention of discharging the same;

(ii) the provisions of paragraph (a) or paragraph (b) shall not apply if compliance with such paragraph is impossible.

### **Conditions of a license to deal in and repair arms and ammunition**

4. It shall be a condition of a license to deal in and repair arms and ammunition -

(a) that the holder of such license or his servants employed in the ordinary course of business of such holder as a licensed arms and ammunition dealer, shall observe the provisions of the Ordinance;

(b) that the holder of such license or his servants employed as aforesaid shall not part with possession of any arm or ammunition except to a person lawfully entitled to possess the same;

(c) that the holder of such license or his servants employed as aforesaid shall obey all lawful orders of any police officer relating to any arm or ammunition in their possession;

(d) that the holder thereof shall not have in his possession any ammunition in excess of the quantity specified in his license;

(e) that any arm and ammunition in the possession of the holder of such license shall not be used for any unlawful purpose;

(f) that the holder of such license shall ensure the proper records required under the Ordinance are maintained by him in the prescribed form.

## **Disposal of deposited, detained or forfeited arms**

5. (a) (i) Any arm or ammunition deposited for safe keeping at any police station in accordance with the provisions of section 34 (3), if not taken possession of by the lawful owner thereof within 12 months from the date of such deposit, shall be disposed of by the Commissioner of Police unless the Commissioner of Police has reason to believe that the lawful owner intends to take possession of such arm or ammunition;

(ii) Any arm or ammunition detained under section 26 and 31 which has to be disposed of, shall be disposed of, shall be disposed of as the Commissioner of Police deems fit;

(iii) in either of the above cases when the arm or ammunition is sold, the proceeds of such sale less expenses shall be paid to the owner of the arm or ammunition:

Provided that if the whereabouts of the owner cannot be ascertained the proceeds of such sale shall be paid into the Consolidated Funds;

(iv) The Commissioner of Police, at least 1 month prior to such disposal, shall advertise, in such manner as he shall consider reasonable, his intention of disposing of such arm or ammunition, naming the owner thereof in the advertisement.

(b) Any arm or ammunition forfeited under the provisions of the Ordinance may be disposed of as directed by the Commissioner of Police;

(c) where under this regulation arms and ammunition are directed to be disposed of, they shall, if a suitable purchaser is available, be sold.

## **Fees Schedule 1**

6. The fees set out in Schedule 1 shall be paid in respect of the matters therein set out.

## **Forms Schedule 2**

7. The forms set out in Schedule 2 are hereby prescribed for the purposes of Forms the Ordinance.

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SCHEDULE 1

(Regulation 6)

FEES

	\$	c
In respect of every application for a licence to possess, use and carry arms and ammunition. (Provided that if the application is granted, this fee shall be included in the licence fee)	2	00
On first issue of a licence	4	00
On renewal (including application)	4	00
For a licence to purchase or obtain a transfer of arms	1	00
For a licence to purchase or obtain a transfer of ammunition		50
For a licence to import arms and ammunition		50
For a licence to export arms and ammunition		50
For a licence to deal in or to repair arms and ammunition per annum	20	00
For a licence to replace one destroyed, defaced or lost		20
For transporting areas within the Gilbert Islands in accordance with section 16	Actual cost of	transportation.

Provided that the fee to be charged for any annual licence which is issued between the 1st day of July and the 31st day of December of the same year shall be only half of the annual fee.

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**SCHEDULE 2**

(Regulation 7)

Form 1.

ARMS AND AMMUNITION ORDINANCE, CAP. 3  
(Section 6 (1))

**APPLICATION FOR LICENCE TO POSSESS, USE OR CARRY ARMS AND AMMUNITION  
(OR FOR RENEWAL THEREOF OR TRANSFER)**

1. Name in full .....
2. (a) Address .....
- (b) Length of period resident at address .....
3. Age .....
4. Nationality .....
5. Occupation .....
6. Reason for requiring the arms and ammunition .....
- .....
7. Description of arms and ammunition for which licence is required-

- (i) Maker: .....
- (ii) Description of arm: .....
- (iii) Maker's serial number (if known): .....
- (iv) Calibre: .....
- (v) Breech size or chamber specification: .....
- (vi) Capacity and type of magazine (if any): .....
- (vii) Description of action (if known): .....

**8. (a) Arms -**

- (i) Possessed at date of application .....
- (ii) Desired to be purchased or acquired .....

**(b) Ammunition -**

	Quantity	Calibre and Type
(i) Possessed at date of application .....		.....
(ii) Maximum amount desired to be purchased or acquired at any one time .....	.....	.....
(iii) Total amount desired to be purchased or acquired in 1 year .....	.....	.....
(iv) Maximum amount desired to be possessed at any one time .....	.....	.....

**9. (a) Whether a licence or permit has previously been held, or applied for by applicant. If so, give dates of all previous applications .....**

.....

**(b) Date and place of issue of any licence or permit to possess arms or ammunition held during previous 12 months .....**

**DECLARATION**

**10. I hereby apply for a licence or renewal of any existing licence in respect of the arms and ammunition prescribed above, and I declare that the statements made above are true and complete in all respects.**

Date .....

Signature .....

NOTE

A fee of \$2 must accompany this application if the application is for a licence to possess, use or carry arms and ammunition.

FOR USE BY POLICE

This application was lodged at ..... Police Station on (date) ..... and Revenue Receipt No. .... for ..... was issued.

Station Officer .....  
\_\_\_\_\_

FORM 2

ARMS AND ON ORDINANCE, CAP. 3  
(Section 4 (1))

LICENCE TO POSSESS, USE OR CARRY ARMS AND AMMUNITION

This licence authorises A B, of ..... in the Gilbert Islands to possess, use and carry the arms and ammunition specified and described more particularly in the Schedule on the reverse of this Licence until the 31st day of December next following the day on which this licence is issued and is subject to the conditions hereinafter set out. Any breach of the conditions may result in this licence being cancelled or suspended or in the holder being prosecuted.

CONDITIONS

- (a) that the holder thereof shall not part with possession of such arm and ammunition except to a person lawfully entitled to possess the same;
- (b) that the holder thereof shall not have in his possession any ammunition in excess of the quantity specified in his licence;
- (c) that the holder thereof shall observe the provisions of the Ordinance;
- (d) that the holder thereof shall obey all lawful orders of any police officer relating to such arm and ammunition and shall produce such arm and ammunition to any such officer on demand;
- (e) that such arms and ammunition shall not be used for any unlawful purpose;
- (f) if the arm or arms specified above include a rifle or shot gun, such rifle or shot gun shall be carried unloaded; and

(i) in the case of a rifle, with, if possible, the magazine and bolt removed, or otherwise with the magazine or bolt removed, or

(ii) in the case of a shot gun, either broken or in parts:

Provided that -

(i) this condition shall not apply when such rifle or shot gun is being carried with the intention of discharging the same;

(ii) the provisions of paragraph (i) or paragraph (ii) of this condition shall not apply if compliance with this condition is impossible.

Issued this .....day of ....., 19....., at....., and Revenue Receipt No. .... dated .....was issued.

.....  
(Rank)

**NOTICE**

Notwithstanding the fact that this licence is in force in relation to the above arms and ammunition it is an offence to carry arms and ammunition in a prohibited area unless exemption has been given. Full details of any prohibited area may be obtained at any police station and all licence holders are advised to discover the boundaries of such areas.

Reverse of Form 2

**SCHEDULE**

Maker of and maker's serial number (if known)	Calibre and description of arm including size, capacity and type of magazine (if known)	Type of action of arm	Identification No. of arm	Breech size or chamber specification of arm	Calibre and Type of ammunition

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FORM 3

ARMS AND AMMUNITION ORDINANCE, CAP 3  
(Section 10 (2))

**ARMS AND AMMUNITION DEALER'S LICENCE**

This licence authorises A B, of ..... in the Gilbert Islands or his servants in the ordinary course of his business as a licensed arms and ammunition dealer -

- (a). to assemble or disassemble, clean, repair, test or approve an arm or ammunition;
- (b). to manufacture any component part of an arm or ammunition;
- (c). to sell, transfer or expose for sale any arm or ammunition;

(d). to keep or have in their possession any arm or ammunition for any of the aforesaid purposes at the following place(s)-

This license is subject to the following conditions-

(a).that the holder of such license or his servants employed in the ordinary course of business of such holder as a licensed arm and ammunition dealer, shall observe the provisions of the Ordinance;

(b). that the holder of such license or his servants employed as aforesaid shall not part with his possession of any arm or ammunition except to a person lawfully entitled to possess the same;

(c). that the holder of such license or his servants employed as aforesaid shall obey all lawful orders of any police officer relating to any arms or ammunition in their possession;

(d). that the holder thereof shall not have in his possession any ammunition in excess of the quantity specified in his license;

(e). that any arm and ammunition in the possession of the holder of such license shall not be used for any unlawful purpose; and

(f). that the holder of such license shall ensure the proper records required under the Ordinance are maintained by him in the prescribed form.

Issue this ..... day of ....., 19....., at .....

FEE PAID: \$20.

(Revenue Receipt No. .... dated .....)

.....  
Name, Rank and No. of Issuing Officer.

FORM 4

ARMS AND AMMUNITION ORDINANCE, CAP. 3  
(Section 10 (4))

DEALER'S REGISTER OF TRANSACTION

PART I  
FIREARMS

(A separate folio to be used for each type of firearms, i.e. pistols/revolvers/shot guns/rifles/combination firearms/others)

Type .....

ACQUISITION					DISPOSAL			
1	2	3	4	5	6	7	8	9
Entry No.	Source (in case of import state country), and full name and address of firm or person from whom acquired	Make, caliber and identity (if any) No.	No. and date of Import License (if any)	Firearms License (if any) of person from whom acquired	Date	Name and address of person to whom issued	Firearm License or other authority of person to whom issued	Remarks and additional information

PART II

AMMUNITION

(A separate folio to be used for each caliber of ammunition)

Calibre .....

Date	From whom acquired or to whom issued (full name and address)	Quantity	No. and date of import/export license (if any)	Firearm license No. (if any) of person with whom transaction made	Balance in stock

PART III

COMPONENT PARTS

( i.e. bolts, barrels, chambers or magazines- a separate folio to be used for each)

Nature of part .....

Date	From whom acquired or to whom issued (full name and address)	Description (make, caliber, etc)	Quantity	No. and date of import/ export license (if any)	Firearm license No. (if any) of person with whom transaction made	Balance in stock

PART IV

REPAIRS, ALTERATIONS, STORAGE, TESTING, ETC.

1	2	3	4	5	6	7	8	9
Date	Full name and address of depositor	Reason for deposit	Make, type, calibre and identification No. of firearm or component part deposited	Quantity and caliber of ammunition deposited	Date removed	By whom removed (full name and address)	Firearm license No. or other Authority of person removing	Remarks

PART V

TABULAR RECORD

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FORM 5

ARMS AND AMMUNITION ORDINANCE, CAP. 3  
(Section 15 (5))

LICENCE TO PURCHASE OR OBTAIN ON TRANSFER ARMS AND AMMUNITION

A B, of....., is hereby licensed to purchase (obtain on transfer from XY), the arms and ammunition described hereunder within 1 month of the date hereof.

(Here specify the number and description of arms and rounds of ammunition it is intended to import)

Issued this ..... day of ..... 19....., at .....  
FEE PAID: Arms: \$1.

Ammunition: 50 cents.

Commissioner of Police.

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FORM 6

ARMS AND AMMUNITION ORDINANCE, CAP. 3  
(Section 16 (2))

LICENCE TO IMPORT ARMS AND AMMUNITION

A B, of .....in the Gilbert Islands is hereby licensed to import the arms and

ammunition specified hereunder, within (here specify the period) from the date- hereof.  
(Here specify the number and description of the arms and rounds of ammunition it is intended to import)

Issued this .....day of .....,19....., at .....

FEE PAID: 50 cents.

Commissioner of Police.

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FORM 7

ARMS AND AMMUNITION ORDINANCE, CAP. 3  
(Section 16 (4))

INTERIM LICENCE TO IMPORT ARMS AND AMMUNITION

A B, of .....in the Gilbert Islands is hereby licensed to import the arms and ammunition specified hereunder.  
(Here specify the number and description of the arms and rounds of ammuni-tion it is intended to import)

This licence shall remain in force in the first instance for a period of 14 days from the date of issue. If this licence is held by a theatrical or circus company it remains in force until the arms and ammunition are re-exported but the arms and ammunition and this licence must be produced to the police officer in charge of each of the police districts in which such companies perform for endorsement by this officer.

Issued this .....day of .....,19.....,.....

Commissioner of Police.

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FORM 8

ARMS AND AMMUNITION ORDINANCE, CAP 3  
(Section 18 (2))

LICENCE TO EXPORT ARM AND AMMUNITION

A B, of ..... in the Gilbert Islands is hereby licensed to export from the Islands to ....., the arms and ammunition specified hereunder, within (here specify the period) from the date hereof.  
(Here specify the number and description of the arms and rounds of ammunition it is intended to export)

Issued this .....day of ....., 19....., .....

FEE PAID: 50 cents.

Commissioner of Police.