

## CHAPTER 26.

## FIREARMS.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW AS 10 of 1948.  
TO FIREARMS.

[21st October, 1948.]

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

2. In this Ordinance

“Certificate” means a certificate issued by the Chief Constable that the holder thereof is permitted to have in his possession the firearms specified therein. Definitions.

“Chief Constable” means the Chief Constable or officer acting in that behalf at Stanley.

“Firearms” means any lethal barrelled weapon of any description (other than a smooth bore gun with a barrel not less than twenty inches in length and an air gun) from which any shot, bullet or other missile can be discharged and includes any prohibited weapon whether it is such a lethal weapon or not, any component part of such lethal or prohibited weapon and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon.

“Firearms dealer” means a person who by way of trade or business manufactures, sells, transfers, repairs, tests or proves firearms.

“Gun” means a firearm of any description and includes an air gun, air rifle or air pistol.

“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.

“Licence” means a licence issued by the Chief Constable authorising the holder to carry a gun.

“Prohibited ammunition” means any ammunition

[Note. This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

containing or designed or adapted to contain any noxious liquid, gas, or other thing.

“Prohibited weapon” means (a) any firearm 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 (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas, or other thing.

“Public place” means any street, road, footway or open and public place in Stanley to which the public have or are permitted to have access.

“Registered” in relation to a firearms dealer means registered with the Chief Constable.

## Part I.

### REGISTRATION.

Penalty for purchasing or possessing firearms or ammunition without a certificate.

3. (1) Subject to the provisions of this Ordinance no person shall purchase, acquire, or have in his possession any firearm to which this part of the Ordinance applies without holding a certificate in force at the time, or otherwise than as authorised by such certificate.

(2) Any person who purchases or is in possession of any firearm without a certificate, or fails to comply with the conditions of such certificate, shall for each offence be liable on summary conviction to a fine not exceeding £50 or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Grant, renewal, variation, or revocation of certificate.

4. (1) An application for the grant of a certificate shall be made on the form issued for that purpose by the Chief Constable and shall state such particulars as may be required.

(2) A certificate shall be granted by the Chief Constable if he is satisfied that the applicant has good reason for having in his possession the firearm in respect of which the application is made and can be permitted to have the same without danger to the public peace or safety:

Provided that a certificate shall not be granted to a person whom the Chief Constable has reason to believe to be of intemperate habits or unsound mind or to be for any reason unfitted to be entrusted with any firearm.

(3) A certificate shall specify the conditions (if any)

subject to which it is held and the nature and number of the firearms to which it relates.

(4) An applicant shall pay the sum of <sup>£2-00</sup>~~five shillings~~ upon the grant of a certificate irrespective of the number of firearms to which it relates.

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(5) A certificate shall, unless previously revoked or cancelled, continue in force for three years from the date when it was granted or last renewed and shall be renewable for a further period of three years and from time to time, and the foregoing provisions shall apply to the renewals as they apply to the grant of a certificate.

(6) The Chief Constable may at any time by notice in writing vary the conditions subject to which the certificate is held and may by notice require the holder to deliver up the certificate to him within twenty-one days of the date of the notice for the purpose of amending the conditions therein specified.

(7) The Chief Constable may revoke a certificate if

- (a) he is satisfied that the holder is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with a firearm; or
- (b) the holder fails to comply with a notice under subsection (6) of this section requiring him to deliver up the certificate.

(8) Any person aggrieved by a refusal of the Chief Constable to grant him a certificate or renew a certificate or by the revocation of a certificate may appeal to the magistrate.

(9) The Chief Constable shall, when he revokes a certificate, by notice in writing require the holder to surrender the certificate, and if the holder fails to do so within twenty-one days of the date of the notice he shall be liable on summary conviction to a fine not exceeding £20.

(10) Any person who makes a statement which he knows to be false for the purpose of procuring whether for himself or any other person the grant of a certificate shall be liable for each offence on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20 or to both such imprisonment and fine.

5. The following persons shall be exempt from the Exemptions requirements of section 3 of this Ordinance:

(1) a registered firearms dealer or his servant in the ordinary course of that business;

(2) an auctioneer or his servant in the ordinary course of that business;

(3) a person who has been granted a permit by the Chief Constable to have in his possession a slaughtering instrument;

(4) a person carrying a firearm belonging to another person holding a certificate may without himself holding a certificate have in his possession that firearm under instructions from and for the use of that other person for sporting purposes only;

(5) a member of his Majesty's Forces or a member of the police force in respect of any firearm entrusted to such member in the course of his official duties;

(6) a member of the Falkland Islands Defence Force in respect of any firearm certified by the Commanding Officer thereof as being used by such member for the sole purpose of target shooting.

Production  
of certificate.

6. (1) Any constable or customs officer may demand the production of a certificate from a person whom he believes to be in possession of a firearm.

(2) If any person upon whom a demand is so made fails to produce the certificate or to permit the constable or customs officer to read the certificate or to show that he is exempt from holding a certificate under section 5 of this Ordinance, the constable or customs officer may seize and detain the firearm and may require that person to declare to him immediately his name and address.

(3) Any person who refuses so to declare his name and address or fails to give his true name and address shall be liable on summary conviction to a fine not exceeding £20, and the constable or customs officer may apprehend without warrant any person who refuses so to declare his name or address or whom he suspects of intending to abscond.

Penalty  
for manu-  
facturing,  
etc., firearms  
without  
being  
registered.

7. (1) No person shall by way of trade or business

(a) manufacture, sell, transfer, repair, test, or prove; or

(b) expose for sale, or transfer, or have in his possession for sale, transfer, repair, test, or proving any firearms unless he is registered as a firearms dealer:

Provided that it shall be lawful for an auctioneer to have in his possession for sale by auction and to sell by auction any firearm if he has obtained from the Chief Constable a permit for that purpose.

(2) Any person who contravenes the provisions of this section or makes any statement which he knows to be false for the purpose of procuring whether for himself or some other person the grant of a permit shall for each offence be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

8. (1) The Chief Constable shall keep a register of firearms dealers and shall enter therein such particulars as may be required by him of any person applying for registration:

Registration  
of firearms  
dealers.

Provided that the Chief Constable may refuse to register an applicant if he is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public peace or safety.

(2) An annual fee of £1 shall be paid by each registered firearms dealer.

(3) The Chief Constable may after giving reasonable notice to any person whose name is on the register if satisfied that that person

(a) is no longer carrying on business as a firearms dealer; or

(b) cannot be permitted to continue to carry on business as a firearms dealer without danger to the public peace or safety

cause the name of that person to be removed from the register.

(4) Any person aggrieved by a refusal by the Chief Constable to register him as a firearms dealer or by the removal of his name from the register may appeal to the magistrate.

(5) Any person who for the purpose of procuring the registration of himself or any other person as a firearms dealer makes any statement which he knows to be false shall for each offence be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Register of  
transactions  
in firearms.

9. (1) A registered firearms dealer shall provide and keep a register of transactions and shall within twenty-four hours of each transaction enter such particulars relative thereto as may be required by any regulation made under this Ordinance or by the Chief Constable.

(2) A registered firearms dealer shall allow the Chief Constable at all reasonable times to inspect all stock in hand and the register required to be kept as aforesaid.

(3) Any person who fails to comply with any provisions of this section or knowingly makes any false entry in the said register shall for each offence be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Offence by  
registered  
firearms  
dealer.

10. When a registered firearms dealer is convicted of an offence against this Ordinance, or an offence against the Customs Ordinance relating to the import or export of firearms, the Court may order that his name be removed from the register and that any stock in hand in the business be disposed of by sale or otherwise in accordance with such directions as may be contained in the order:

Provided that any person aggrieved by such an order may appeal to the Supreme Court and the Court may suspend the order pending the appeal.

## Part II.

### LICENCES.

Gun licences.

11. Any person who shall carry a gun otherwise than in a dwelling-house or outbuilding yard and enclosed ground adjoining the house without having in force a licence shall be liable on summary conviction to a fine not exceeding £10.

Grant of  
licence, etc.

12. (1) A licence shall be granted by the Chief Constable  
Provided that a licence shall not be granted to a person whom the Chief Constable has reason to believe to be a person of intemperate habits or unsound mind or to be for any reason unfitted to be entrusted with a gun.

(2) A licence shall remain in force for one year, expiring on the 31st day of December in each year, and a

fee of five shillings shall be paid in respect of each year or part of a year during which a licence is held.

(3) The Chief Constable may for any good and sufficient reason revoke any licence if he considers that the grant of it would constitute a danger to public peace or safety.

(4) Any person aggrieved by a refusal of the Chief Constable to grant him a licence or by the revocation of a licence may appeal to the magistrate.

(5) On conviction for an offence involving the use of a gun under the Wild Animals and Birds Protection Ordinance Chapter 77. or any amendment thereof the Court may revoke the licence.

**13.** The following persons shall be exempt from the requirements of section 11 of this Ordinance: Exemptions

(1) a registered firearms dealer or his servant in the ordinary course of that business.

(2) a member of His Majesty's forces or a member of the police force in respect of any gun entrusted to such member in the course of his official duties;

(3) a member of the Falkland Island Defence Force in respect of any gun certified by the Commanding Officer thereof as being used by such member for the sole purpose of target shooting.

**14.** Any constable or customs officer may require any person using or carrying a gun to produce a licence or to show that he is exempt under section 13 of this Ordinance, and if a person not so exempt shall not produce a licence or permit the constable or officer to read such licence or fail on demand to declare immediately his true name and address he shall be liable on summary conviction to a fine of £10. Production of licence.

### Part III.

#### MISCELLANEOUS PROVISIONS AS TO FIREARMS AND AMMUNITION.

**15.** Any person who shall manufacture, sell, transfer, procure, or otherwise have in his possession any prohibited firearm or ammunition without the written permission of the Governor; the Admiralty, the Army Council, or the Air Council or who shall fail to comply with any condition Prohibited firearms and ammunition.

imposed in respect thereof shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20 or to both such imprisonment and fine.

Restriction  
on sale or  
purchase of  
firearms by  
young  
persons.

16. (1) No person under the age of 17 years shall purchase or hire any firearm, and no person shall sell or let on hire any firearm to any person whom he knows or has reasonable ground for believing to be under the age of 17 years.

(2) No person under the age of 14 years shall accept as a gift or borrow or have in his possession any firearm, and no person shall give or lend or part with the possession of any such firearm to any person whom he knows or has reasonable ground for believing to be under the age of 14 years.

(3) Any person contravening any provision of this section shall for each offence be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Prohibition  
on sale, etc.,  
to drunk or  
insane  
persons.

17. Any person who sells or transfers any firearm or ammunition to, or repairs, proves or tests any firearm or ammunition for, any person whom he knows or has reasonable ground for believing to be drunk or of unsound mind shall for each offence be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding three months.

Penalty for  
possessing  
firearms with  
intent to  
injure.

18. Any person who has in his possession any firearms or ammunition with intent by means thereof to endanger life or cause serious injury to property or to enable any other person by means thereof to endanger life or cause serious injury to property shall, whether or not any injury to person or property has been caused, be guilty of felony and on conviction on indictment be liable to penal servitude for a term not exceeding fourteen years.

Penalty for  
use and  
possession of  
firearms or  
imitation  
firearms in  
certain cases.

19. Any person who makes or attempts to make any use whatever of a firearm or imitation firearm with intent to resist or prevent the lawful apprehension or detention of himself or any other person shall on conviction on indictment be liable to penal servitude for a term not exceeding fourteen years.



20. Any person other than a registered firearms dealer who shall shorten the barrel of a smooth bore gun to a length of less than twenty inches, or shall convert into a firearm any thing which though having the appearance of being a firearm is so constructed as to be incapable of discharging any missile through the barrel thereof, shall for each offence be liable on conviction on indictment to imprisonment for a term not exceeding one year or to a fine not exceeding £100 or to both such fine and imprisonment or on summary conviction to a term of imprisonment not exceeding three months or to a fine not exceeding £50 or to both such fine and imprisonment.

Provisions as to shortening guns and converting imitation firearms into firearms.

21. Any person who discharges any gun in a public place, other than a shot gun or air gun on Stanley Common, shall be liable on summary conviction to a fine not exceeding £5.

Discharging gun in public place.

## Part IV.

### GENERAL.

22. (1) When a person is convicted of any offence against Part I of this Ordinance the Court may make such order as to the forfeiture and disposal of the firearm or ammunition as it may think fit and may cancel the certificate held by the person convicted.

Forfeiture of firearms and cancellation of certificate.

(2) Whenever the Court shall cancel a certificate under this section the Chief Constable shall by notice in writing require the holder to surrender it and should the holder fail to do so within twenty-one days from the date of such notice he shall be liable on summary conviction to a fine not exceeding £20.

23. (1) A justice of the peace may, if satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Ordinance has been, is being or is about to be committed, grant a search warrant authorising any constable named therein

Search for and disposal of firearms or ammunition.

(a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein; and

- (b) to seize and detain any firearms or ammunition which he may find on the premises or place or on any such person in respect of which he has reasonable grounds for suspecting that an offence under this Ordinance has been, is being, or is about to be committed; and
- (c) if the premises are those of a registered firearms dealer to examine any books relating to the business.

(2) The constable may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence under this Ordinance.

(3) The Court may order any firearm or ammunition seized and detained by a constable under this Ordinance to be destroyed or otherwise disposed of.

Summary of proceedings.

**24.** Summary proceedings for an offence under this Ordinance shall not be instituted more than six months after commission of the offence.

Power of Governor as to Proclamations and Regulations.

**25. (1)** The Governor may by proclamation prohibit

- (a) the exportation of firearms or ammunition to any country or place named therein;
- (b) coastwise traffic in firearms and ammunition.

(2) Any person who contravenes the terms of any Proclamation shall be liable on summary conviction to a term of imprisonment not exceeding three months or to a fine not exceeding £20 for each firearm or parcel of ammunition in respect of which the offence is committed or to both such fine and imprisonment.

(3) The Governor in Council may make regulations for the effective administration of this Ordinance.