LAWS OF PITCAIRN, HENDERSON, DUCIE AND OENO ISLANDS

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CHAPTER XL

FIREARMS OFFENCES (PROSECUTION AND PUNISHMENT) ORDINANCE

An ordinance to provide for the prosecution and punishment of offences under the Local Government (Firearms Control) Regulations. No. 5 of 2003

[28 March 2003]

Citation

1. This ordinance may be cited as the Firearms Offences (Prosecution and Punishment) Ordinance.

Interpretation

2. In this ordinance, unless the context otherwise requires,

the Regulations means the Local Government (Firearms Control) Regulations made by the Island Council under section 7(6) of the Local Government Ordinance; cap.11

all words and expressions defined by regulation 2(1) of the Regulations shall respectively bear the same meaning and be construed in the same manner in and for the purposes of this ordinance.

Application

3.—(1) The Schedule to this ordinance shall have effect with respect to the manner in which offences under the Regulations may be tried and, on conviction, are punishable.

(2) For the purposes of subsection (1) the Schedule is comprised as follows—

(a) the first column specifies the regulation of the Regulations in which the offence is contained;

(b) the second column describes the general nature of the offence;

(c) the third column shows whether the offence is triable only summarily (by the Magistrate's Court), or only on information preferred by the Public Prosecutor (by the Supreme Court) or either way;

(d) the fourth column shows the maximum punishment by way of fine or imprisonment or both under this ordinance which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to

say, summarily by the Magistrate's Court or on information by the Supreme Court); any reference in the fourth column to a sum of money being construed as a reference to a maximum fine of that amount and any reference to a period of years or months being construed as a reference to a maximum term of imprisonment of that duration.

SCHEDULE

PROSECUTION AND PUNISHMENT OF OFFENCES

TABLE OF PUNISHMENTS

Regulation creating offence	General nature of offence	Mode of prosecution	Punishment (maximum)
Regulation 4(1)	Possessing etc. firearm or ammunition without certificate	(a) Summary	6 months and/or $1,500
		(b) On information	(i) where offence is committed in an aggravated form within the meaning of regulation 7(3), 5 years and/or a fine ii) in any other case, 3 years and/or a fine
Regulation 4(2)	Non-compliance with condition of firearm certificate	Summary	6 months and/or $1500
Regulation 5(1)	Possessing etc. shotgun without shot gun certificate	(a) Summary	6 months and/or $1500
		(b) On information	3 years and/or a fine
Regulation 5(2)	Non-compliance with condition of shot gun certificate	Summary	6 months and/or $1500
Regulation 6(1)	Trading etc. in firearms	(a) Summary	6 months and/or $1500
		(b) On information	3 years and/or a fine
Regulation 6(2)	Selling firearm to person without a certificate	(a) Summary	6 months and/or $1500
		(b) On information	3 years and/or a fine
Regulation 6(3)	Falsifying certificate etc. with view to acquiring firearm	(a) Summary	6 months and/or $1500
		(b) On information	3 years and/or a fine
Regulation 7 (1) and (2)	Shortening a shot gun and conversion of firearms	(a) Summary	6 months and/or $1500
		(b) On information	(i) Where offence is committed in an aggravated form within the meaning of regulation 7(3), 5 years and/or a fine (ii) in any other case 3 years and/or a fine
Regulation 8(1)	Possessing or distributing prohibited weapons or ammunition	(a) Summary	6 months and/or $1500
			(b) On information 5 years and/or a fine
Regulation 8(4)	Non-compliance with condition of authority	Summary	3 months and/or $900
Regulation 8(6)	Non-compliance with requirement to surrender authority to possess etc. prohibited weapon or ammunition	Summary	$300

Regulation creating offence	General nature of offence	Mode of prosecution	Punishment (maximum)
Regulation 9(3)	Contravention of order restricting importation or removal of firearms and ammunition	Summary	3 months and or $900 (for each firearm or parcel of ammunition in respect of which the offence is committed)
Regulation 13(4)	Failing to comply with condition of authority for entertainment activity	Summary	3 months and/or $900
Regulation 15(1)	Possession of firearm with intent to endanger life or injure property	On information	Life imprisonment and/ or a fine
Regulation 15(3)	Possessing firearm with intent to cause etc. belief that unlawful violence will be used	On information	Life imprisonment and/ or a fine
Regulation 16(1)	Use of firearm to resist arrest	On information	Life imprisonment and/ or a fine
Regulation 16(2)	Possessing firearm while committing an offence	On information	Life imprisonment and/ or a fine
Regulation 17(1)	Possessing firearm when a trespasser on land	Summary	3 months and/or $900
Regulation 17(2)	Carrying loaded firearm in a public place	(a) Summary (b) On information	6 months and/or $1500 5 years and/or a fine
Regulation 18(4)	Contravention of provisions denying firearms to ex-prisoners and others	(a) Summary (b) On information	6 months and/or $1500 3 years and/or a fine
Regulation 19(1)	Person under 16 years acquiring firearm	Summary	3 months and/or $900
Regulation 19(2)	Person under 16 years having unlawful possession of firearm	Summary	3 months and/or $900
Regulation 19(3)	Person under 16 years having shot gun without adult supervision	Summary	$600
Regulation 19(4)	Person under 16 years having air weapon or ammunition in a public place	Summary	$600
Regulation 20(1)	Supplying firearms or ammunition to person under 16 years	Summary	6 months and/or $1500
Regulation 20(2)	Supplying firearm or ammunition of a kind to which regulation 4 applies to person under 16 years etc.	Summary	6 months and/or $1500
Regulation 20(3)	Transfer of shot gun or ammunition to person under 16 years	Summary	$600

Regulation creating offence	General nature of offence	Mode of prosecution	Punishment (maximum)
Regulation 20(4)	Supplying air weapon to person under 16 years	Summary	$600
Regulation 21	Supplying firearm to person drunk or of unsound mind	Summary	6 months and/or $1500
Regulation 22(8)	Making false statement to produce grant or renewal of a firearm or shot gun certificate	Summary	6 months and/or $1500
Regulation 26(4)	Making false statement to procure amendment of a firearm or shot gun certificate	Summary	6 months and/or $1500
Regulation 27(3)	Failing to surrender certificate on revocation	Summary	$600
Regulation 28(3)	Failure to comply with instructions in firearm certificate when transferring firearm to person other than registered dealer, or failure to give notice to Police Officer	(a) Summary (b) On information	6 months and/or $1500 3 years and/or a fine
Regulation 30(2)	Failure to hand over firearm when so required by police officer	Summary	3 months and/or a fine
Regulation 30(6)	Failure to comply with any request by police officer exercising powers to stop and search	Summary	3 months and/or $900
Regulation 31(3)	Failure to give or declaring false name or address to police officer	Summary	$900
Regulation 32(3)	Failure to give police or customs officer facilities for examination of firearms about to be exported or to produce relevant documents	Summary	3 months and/or $900 (for each firearm or parcel of ammunition in respect of which the offence is committed)
Regulation 34(3)	Failure to surrender certificate cancelled by Court on conviction of offence, etc.	Summary	$900

LOCAL GOVERNMENT (FIREARMS CONTROL) REGULATIONS

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LOCAL GOVERNMENT (FIREARMS CONTROL) REGULATIONS

Made by the Island Council under the power conferred by section 7(6) of the Local Government Ordinance to regulate the importation into, exportation from and the possession and use of firearms and other weapons in the Islands and for matters connected therewith or incidental thereto.

[28 March 2003]

PART I—PRELIMINARY

Short title

1. These Regulations may be cited as the Local Government (Firearms Control) Regulations.

Interpretation

2.—(1) In these Regulations—

"acquire" means to hire, accept as a gift, purchase or borrow and "acquisition" shall be construed accordingly;

"air weapon" includes an air rifle, air gun or air pistol;

"ammunition" means any missile capable of being used in any firearm and includes bombs, grenades and other missiles whether capable of use with a firearm or not;

"certificate" means a firearm certificate or a shot gun certificate; and—

(a) "firearms certificate" means a certificate granted by the Governor pursuant to regulation 23; and

(b) "shot gun certificate" means a certificate granted by the Police Officer pursuant to regulation 25 authorising a person to possess a shotgun or guns;

"firearm" means any lethal, barrelled weapon of any description from which any shot, bullet or other missile can be discharged, including ammunition for use with any such weapon and including an air weapon;

"Governor's Representative" means the person appointed by the Governor to the office of representative of the Governor resident on the Island and includes any person acting on his or her behalf;

"imitation firearm" means any article which has the appearance of being a firearm, whether or not it is capable of discharging any shot, bullet or other missile, but shall not include a water pistol or any other article specifically manufactured for use as

a toy;

"land" includes land covered with water;

"Police Officer" means the person, being a police officer duly appointed under section 2 of the Justice Ordinance, designated by the Governor as having principal authority and responsibility for the administration of these Regulations and the general supervision and control of firearms in the Islands;

"premises" includes land with or without a building or buildings erected on such land;

"prescribed" means anything prescribed by rules made by the Mayor pursuant to regulation 45;

"prohibited weapon" means any weapon of a kind specified in regulation 8;

"public place" includes any road and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise;

"revolver", in relation to a smooth-bore gun, means a gun containing a series of chambers which revolve when the gun is fired;

"self-loading" and **"pump-action"** in relation to any weapon mean respectively that it is designed or adapted (otherwise than as mentioned in regulation 8(1)(a)) so that it is automatically re-loaded or that it is so designed or adapted that it is re-loaded by the manual operation of the fore-end or forestock of the weapon;

"Senior Magistrate" means a Magistrate appointed by the Governor under sections 11(1) and 11(4) of the Judicature (Courts) Ordinance;

"shot gun" means any weapon of a kind referred to in regulations 5 and 25;

"slaughtering instrument" means a firearm which is specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them;

"transfer" includes letting on hire, giving, lending or otherwise parting with possession and "transferor" and "transferee" shall be construed accordingly.

(2) For the purposes of these Regulations—

(a) the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing; and

(b) a shot gun or an air weapon shall be deemed to be

loaded if there is ammunition in the chamber or barrel or in any magazine or other device which is in such a position that the ammunition can be fed into the chamber or barrel by the manual or automatic operation of some part of the gun or weapon.

Application

3. These Regulations shall not apply to any Police Officer of the Islands or to any member of Her Majesty's armed forces when respectively acting in the lawful discharge of their duties as such.

PART II—POSSESSION, HANDLING AND DISTRIBUTION OF WEAPONS AND AMMUNITION AND PUBLIC SAFETY.

Requirement of firearm certificate

4.—(1) Subject to any exemption under these Regulations, it shall be an offence for a person—

(a) to import, or have in his or her possession or acquire a firearm to which this regulation applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate;

(b) to import, or have in his or her possession or acquire any ammunition to which this regulation applies without holding a firearm certificate in force at the time or otherwise than as authorised by such a certificate, or in quantities in excess of those so authorised.

(2) It shall be an offence for a person to fail to comply with a condition subject to which a firearm certificate is held by him or her.

(3) This section shall apply to any ammunition for a firearm except the following articles, namely—

(a) cartridges containing five or more shot, none of which exceeds .36 inch in diameter;

(b) ammunition for an air gun, air rifle or air pistol; and

(c) blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannelure of the base of the cartridge.

Requirement of certificate for possession of shot gun

5.—(1) Subject to any exemption under these Regulations, it shall be an offence for a person to import or have in his or her possession or to acquire a shot gun without holding a certificate issued under regulation 23 of these Regulations.

A shotgun within the meaning of these Regulations is defined as being a smooth-bore gun (not being an air gun) which—

(a) has a barrel not less than 24 inches in length and does not have any barrel with a bore exceeding 2 inches in diameter;
(b) either has no magazine or has a non-detachable magazine incapable of holding more than two cartridges; and
(c) is not a revolver gun.

(2) Any person who fails to comply with any condition attached to a shot gun certificate issued to him or her shall be guilty of an offence.

Business and other transactions with firearms and ammunition

6.—(1) Any person shall be guilty of an offence if he or she—

(a) manufactures, sells, transfers, repairs or tests any firearm or ammunition to which regulation 4 of these Regulations applies or a shot gun; or
(b) exposes for sale or transfer or has in his or her possession for sale, transfer, repair or test any such firearm or ammunition, or a shot gun.

(2) Subject as hereinafter provided, it shall be an offence for a person to sell or transfer to any other person in the Islands any firearm or ammunition to which regulation 4 applies or of a shot gun, unless the purchaser or transferee produces a firearm certificate authorising him or her to acquire it or, as the case may be, his or her shot gun certificate or shows that he or she is by virtue of these Regulations entitled to acquire it without the necessity to hold such certificate.

(3) A person shall be guilty of an offence if, in any case with a view to acquiring, or procuring the repair or testing of any firearm or ammunition to which regulation 4 applies, or a shot gun, he or she produces a false certificate or a certificate in which any false entry has been made or represents himself or herself to be another person to whom a certificate has been granted or makes any false statement.

Conversion of weapons

7.—(1) Subject to the following sub-regulations, any person who shortens the barrel of a shot gun to a length of less than 24 inches shall be guilty of an offence:

Provided that it shall not be an offence for a person to shorten the barrel of a shot gun for the sole purpose of replacing a defective part of the barrel so as to produce a barrel not less than 24 inches in length.

(2) It shall be an offence for a person to convert into a firearm anything which, although appearing to be a firearm, is so constructed as to be incapable of discharging any missile through its barrel.

(3) A person who commits an offence under regulation 4 by

importing or having in his or her possession or by acquiring a shot gun which has been shortened contrary to sub-regulation (1) or a firearm which has been converted contrary to sub-regulation (2) without holding a firearm certificate authorising him or her to import it or have it is his or her possession, or to acquire it, shall be guilty of an offence.

Weapons subject to general prohibition

8.—(1) Subject to the provisions of regulation 4, a person shall be guilty of an offence if, without the permission in writing of the Governor, he or she has in his or her possession or acquires, manufactures, sells or transfers—

(a) any firearm which either has a barrel less than 30 centimetres in length or is less than 60 centimetres overall, other than an air pistol, a muzzle-loading gun or a firearm designed as signalling apparatus;

(b) any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger;

(c) any self-loading or pump action rifle other than one which is chambered for .22 rim-fire cartridges;

(d) any self-loading or pump-action smooth-bore gun which is not an air weapon or chambered for .22 rim-fire cartridges and either has a barrel less than 24 inches in length or (excluding any detachable, folding, retractable or other movable butt-stock) is less than 40 inches in length overall;

(e) any smooth-bore revolver gun other than one which is chambered for 9mm rim-fire cartridges or loaded at the muzzle end of each chamber;

(f) any rocket launcher or any mortar for projecting a stabilised missile other than a launcher or mortar designed for line-throwing or pyrotechnic purposes or as a signalling apparatus;

(g) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; and

(h) any cartridge with a bullet designed to explode on or immediately before impact, any ammunition containing or designed or adapted to contain any noxious thing as is mentioned in paragraph (g) and, if capable of being used with a firearm of any description, any grenade, bomb (or other like missile), or rocket or shell designed to explode as aforesaid.

(2) The weapons and ammunition specified in sub-regulation (1) are referred to in these Regulations as "prohibited weapons" and "prohibited ammunition" respectively.

(3) Any authority given pursuant to sub-regulation (1) shall be subject to such conditions as the Governor may specify therein for the purpose of securing or ensuring that the prohibited weapon or prohibited ammunition to which the authority relates will not endanger the public safety or peace.

(4) It shall be an offence for a person to whom an authority is given pursuant to sub-regulation (1) to fail to comply with any condition specified therein.

(5) The Governor in his or her discretion may at any time revoke an authority given to a person pursuant to sub-regulation (1) by notice in writing requiring him or her to deliver up the authority by not later than the date specified in such notice.

(6) A person who fails to comply with the requirements of a notice given pursuant to sub-regulation (5) shall be guilty of an offence.

Power to prohibit movement of arms and ammunition

9.—(1) The Governor may by order prohibit the importation into or the removal of firearms or ammunition from one place to another in the Islands or their export therefrom.

(2) An order made pursuant to sub-regulation (1) may apply

(a) either generally to all such removals, or to removals from and to particular localities specified in the order; and

(b) either to all firearms and ammunition, or to firearms and ammunition of such classes and descriptions as may be so specified; and

(c) either to all modes of conveyance, or to such modes of conveyance as may be so specified:

Provided that no such order shall prohibit the holder of a firearm certificate from carrying with him or her any firearm or ammunition authorised by the certificate to be so carried.

(3) Any person who contravenes any of the provisions specified in an order made pursuant to sub-regulation (1) shall be guilty of an offence.

Exemption for certain businesses

10.—(1) A person carrying on the business of an auctioneer, carrier or warehouseman or a servant of such person may, without holding a certificate, have in his or her possession a firearm or ammunition in the ordinary course of that business.

(2) It shall not be an offence under regulation 6(1) for an auctioneer, carrier or warehouseman or a servant of any of them to deliver any firearm or ammunition in the ordinary course of his or her business or employment as such.

Weapons for slaughtering or humanely destroying animals

11.—(1) A person may, without holding a certificate have in his or her possession the following—

(a) a slaughtering instrument and ammunition therefor

for the purpose of slaughtering any animal intended to be used for human consumption; or

(b) an humane killer for the purpose of humanely destroying any animal that is not intended to be used for human consumption.

(2) The burden of proving that a weapon has been specifically manufactured or adapted for use as a slaughtering instrument or an humane killer shall lie with the person in possession of it.

Weapons used in sporting activities

12.—(1) A person carrying a firearm or ammunition belonging to another person holding a certificate under these Regulations may, without holding such a certificate, have in his or her possession that firearm or ammunition under instructions from, and for the use of, that other person for the purpose of a sporting activity.

(2) A person may, without holding a certificate, have a firearm in his or her possession at an athletic meeting for the purpose of starting races at that meeting.

(3) A member of any rifle, pistol or shooting club approved in writing by the Police Officer may, without holding a certificate, have in his or her possession a firearm and ammunition when participating as a member in competitions held by such clubs, or in connection with instruction or target practice.

(4) A person may, without holding a shot gun certificate, use a shot gun at any time and place approved by the Police Officer for the purpose of shooting at artificial targets.

Entertainment activities

13.—(1) The Governor may authorise a person who is not the holder of a certificate to have a firearm with or without ammunition, in his or her possession for the purpose of the performance, rehearsal or production of any concert, play or other activity of entertainment:

Provided that authorisation shall not be given unless the Governor is satisfied that no person likely to attend the performance, rehearsal or production will be at risk of physical injury or other harm.

(2) Where the Governor is satisfied, on the application of a person in charge of a performance, rehearsal or production of any concert, play or other activity of entertainment that a prohibited weapon is required for any of these purposes he or she may, pursuant to regulation 8(1), additionally authorise such other person or persons as he or she may specify to have possession of it while participating in such performance, rehearsal or production.

(3) An authority granted pursuant to this regulation shall

be in writing and may be unconditional or subject to such conditions as the Governor may specify therein.

(4) A person who fails to comply with any condition specified in an authority granted pursuant to this regulation shall be guilty of an offence.

Equipment for ships and other vessels

14. A person may, without holding a certificate—

(a) have in his or her possession a firearm or ammunition on board a ship, boat, or other sea vessel, as part of the safety equipment thereof; or

(b) if he or she has obtained from the Police Officer a permit for the purpose in the prescribed form, remove a firearm or ammunition from or to a ship, boat or other sea vessel for such purpose as may be specified on the permit.

Possession of firearm for specific purposes

15.—(1) Any person (whether or not the holder of a certificate) who has in his or her possession any firearm or ammunition with intent by means thereof to endanger life or to cause damage to property or to enable another person to do so shall be guilty of an offence.

(2) For the purposes of sub-regulation (1) it shall be immaterial whether or not any life has been endangered or damage caused to any property.

(3) It is an offence for a person to have in his or her possession any firearm or imitation firearm with intent—

(a) by means thereof to cause, or

(b) to enable another person by means thereof to cause any person to believe that unlawful violence will be used against him or her or another person.

Use of firearm in circumstances of arrest

16.—(1) A person who makes or attempts to make any use whatsoever of a firearm or imitation firearm with intent to prevent, obstruct or resist the lawful arrest or detention of himself or herself or another person shall be guilty of an offence.

(2) A person who has with him or her a firearm or imitation firearm with intent to commit any offence punishable by imprisonment, or to resist arrest, or prevent the arrest of another person, in any case while he or she has the firearm or imitation firearm in his or her possession, shall be guilty of an offence.

(3) In proceedings for an offence under this regulation proof that the accused had a firearm or imitation firearm with him or her and intended to commit an offence, or to resist or prevent arrest, shall be sufficient evidence that he or she intended to have it with him or her while doing so.

Possession of firearm when a trespasser or in a public place

17.—(1) Any person in possession of a firearm who enters upon or is on premises as a trespasser and without reasonable excuse (the proof whereof shall lie with him or her) shall be guilty of an offence.

(2) Any person who, without lawful authority or reasonable excuse (the proof whereof shall lie with him or her) has with him or her in a public place a loaded shot gun, or loaded air weapon, or any other firearm (whether loaded or not), together with ammunition suitable for use therewith, shall be guilty of an offence.

Possession of firearm by previously convicted person

18.—(1) A person who has, on previous conviction for any offence, been sentenced to imprisonment for a term of three years or more shall not at any time have a firearm or ammunition in his or her possession.

(2) A person who has been sentenced to imprisonment for a term of three months or more but less than three years shall not, before the expiration of five years from the date of his or her release, have any firearm or ammunition in his or her possession.

(3) A person who is subject to a recognizance to keep the peace or be of good behaviour shall not, at any time while subject to such recognizance as aforesaid, use or possess any firearm or ammunition.

(4) Any person who contravenes any of the provisions of the previous sub-regulations shall be guilty of an offence.

Acquisition and possession of firearms by young persons

19.—(1) It shall be an offence for a person under the age of sixteen years to purchase or hire any firearm or ammunition.

(2) It shall be an offence for a person under the age of sixteen years to have in his or her possession any firearm or ammunition to which regulation 4 applies, except in circumstances where under regulation 12(1) or (3) he or she is entitled to have possession of it without holding a firearm certificate.

(3) It shall be an offence for a person under the age of sixteen years to have with him or her an assembled shot gun, except while under the supervision of another person of not less than twenty-one years, or while the shot gun is so covered with a securely fastened gun cover that it cannot be fired.

(4) Subject to sub-regulations (5) and (6), it shall be an offence for a person under the age of sixteen years to have with him or her an air weapon or ammunition for an air weapon in a public place, except an air gun or air rifle which is so covered with a securely fastened gun cover that it cannot be fired.

(5) It shall not be an offence under sub-regulation (4) for a

person to have with him or her an air weapon or ammunition while he or she is under the supervision of another person of not less than twenty-one years:

Provided that where a person has with him or her an air weapon on any premises in circumstances where he or she would be prohibited from having it save for the provisions of this sub-regulation, it shall be an offence—

(a) for him or her to use it for firing any missile beyond those premises; or

(b) for the person under whose supervision he or she is to allow him or her so to use it.

(6) It shall not be an offence under sub-regulation (4) for a person to have with him or her an air weapon or ammunition at a time when being a member of any rifle, pistol or shooting club approved pursuant to regulation 12(3), he or she is engaged as such a member in or in connection with target practice.

Supplying firearms to young persons

20.—(1) It shall be an offence to sell or let on hire any firearm or ammunition to any person under the age of sixteen years.

(2) It shall be an offence—

(a) to transfer any firearm or ammunition to which regulation 4 applies to any person under the age of sixteen years; or

(b) to part with the possession of an air weapon or ammunition therefor to any person under that age, except in circumstances where that person is entitled to have possession thereof, without holding a firearm certificate, pursuant to section 12(1) or (3).

(3) It shall be an offence to transfer a shot gun or ammunition therefor to any person who is under the age of sixteen years.

(4) It shall be an offence—

(a) to transfer an air weapon or ammunition therefor to any person who is under the age of fourteen years; or

(b) to part with the possession of an air weapon or ammunition therefor to any person under that age, except where by virtue of regulation 19(5) or (6) that person is not prohibited from having it with him or her.

(5) In proceedings for an offence under any provision of the preceding sub-regulations, it shall be a defence to prove that the person charged with the offence believed the other person to be of or more than the age specified in that provision and that reasonable grounds existed for such belief.

Supplying firearms to persons drunk or of unsound mind

21. Any person who sells or otherwise transfers any firearm or ammunition to any other person whom he or she knows, or has reasonable cause to believe, is drunk or is of unsound mind, or delivers or causes to be delivered to such person any firearm or ammunition for the purpose of testing or repair shall be guilty of an offence.

Trading in firearms

22. It shall be an offence for any person by way of trade or business to import, make, sell, transfer, repair or test firearms in any of the Islands.

PART III—FIREARM AND SHOT GUN CERTIFICATES

Applications for certificates

23.—(1) An application for the grant of a firearm or shot gun certificate shall be made in the prescribed form to the Police Officer and shall contain all particulars required by such form.

(2) The Police Officer shall endorse the form accordingly and forward it to the Governor's Representative for decision as to grant.

(3) A certificate granted by the Governor's Representative shall, unless earlier revoked or cancelled, continue in force for a period of three years or such shorter period as the Governor's Representative may in his or her discretion determine, from the date when it was granted or last renewed.

(4) The Governor's Representative may renew a certificate for a further period not exceeding three years as he or she shall deem appropriate and may grant as many subsequent renewals as he or she shall think fit. The provisions of this sub-regulation shall apply to all applications for and the grant of such renewal or renewals.

(5) On the grant of a certificate or upon the first or any subsequent renewal thereof, the Governor's Representative may, in his or her discretion, attach any conditions which he or she shall consider appropriate.

(6) Any person aggrieved by the refusal of an application for the grant of a certificate or the renewal thereof or the attachment of any condition may appeal to a Senior Magistrate whose decision shall be final. Subject to any provisions prescribed by rules made under regulation 45, an appeal under this sub-regulation shall be in writing and shall be made within 28 days of the date of the decision complained of:

Provided that the Senior Magistrate may, in his or her discretion, extend in any case the time for making such an appeal.

(7) The Governor's Representative shall not grant a firearm certificate—

(a) to any person who he or she has reason to believe is prohibited by these Regulations from possessing a firearm to which regulation 4 applies, or to be of intemperate habits or unsound mind, or who is, in his or her opinion, not fit to be entrusted with such a firearm; or

(b) to any person in respect of whom he or she is not satisfied has a good reason for having in is or her possession or acquiring the firearm or ammunition to which the application relates and who can be permitted to possess or acquire the same without apprehension of danger to the public safety or peace.

(8) Any person who makes any statement, which he or she knows to be false for the purpose of procuring the grant or renewal of a certificate under this regulation whether for himself or herself or for another person shall be guilty of an offence.

Form of firearm certificate

24.—(1) A firearm certificate shall be in the prescribed form and shall specify the conditions (if any) subject to which it is held, the nature and number of the firearms to which it relates, including any specific identification numbers known, and, in the case of ammunition, the quantities authorised to be possessed or acquired and to be held at any one time thereunder.

(2) The provisions of sub-regulation (1) shall apply to both the grant and any renewal or renewals of a firearm certificate.

Special provisions for shot gun certificates

25.—(1) Subject to sub-regulation (2), a shot gun certificate may be granted or, as the case may be, renewed by the Police Officer for such period as he or she may think fit, if he or she is satisfied that the applicant can be permitted to possess a shot gun without danger to the public safety or peace:

Provided that no such certificate shall be granted or renewed if the Police Officer—

(a) is satisfied that the applicant does not have a good reason for possessing or acquiring a shot gun; or

(b) has reason to believe that the applicant is prohibited by these Regulations from possessing a shot gun.

(2) For the purpose of the proviso to sub-regulation (1)(a), an applicant shall, in particular, be regarded as having a good reason if the shot gun is intended to be used for sporting or competition purposes.

Variation of firearms and shot gun certificates

26.—(1) The Governor's Representative may at any time, by notice in writing, amend the conditions subject to which a firearm certificate is held and may, by such notice, require the holder to deliver up the certificate to the Police Officer

within seven days from the date of receipt of the notice for the purpose of amending the conditions specified therein. A firearm certificate may also, on the application of the holder thereof, be amended from time to time by the Police Officer acting on behalf of the Governor's Representative.

(2) The Police Officer may at any time, by notice in writing, amend the conditions subject to which a shot gun certificate is held and may by such notice require the holder to deliver up the certificate to him or her within seven days from the date of the notice for the purpose of amending the conditions specified therein. A shot gun certificate may also, on the application of the holder thereof, be amended from time to time by the Police Officer.

(3) Any person aggrieved by the amendment of a certificate or the refusal of an application therefor, may appeal to the Governor and the provisions of regulation 23(6) shall apply to such appeal.

(4) Any person who makes any statement which he or she knows to be false for the procuring the amendment of a firearm or shot gun certificate under this regulation whether for himself or herself or for another person shall be guilty of an offence.

Revocation of certificates

27.—(1) The Police Officer may revoke a firearm or shot gun certificate if—

(a) he or she is satisfied that the holder is prohibited by these Regulations from possessing any firearm or shot gun, or is of intemperate habits or of unsound mind, or is otherwise not fit to be entrusted with such a firearm or shot gun; or

(b) the holder fails to comply with a notice issued under regulation 26(1) requiring him or her to deliver up the certificate;

(c) in the case of firearm certificates the revocation must be endorsed by the Governor's Representative within seven days of the date of revocation and the holder appraised of the result.

(2) Any person aggrieved by the revocation of a certificate under sub-regulation (1) may appeal to a Senior Magistrate and the provisions of regulation 23(6) shall apply to such appeal.

(3) Where a certificate is revoked under sub-regulation (1), the Police Officer shall, by notice in writing, require the holder to surrender the certificate within 7 days. Failure to do so shall be an offence:

Provided that if an appeal is made pursuant to sub-regulation (2), this sub-regulation shall not apply to that revocation, unless the appeal is withdrawn or dismissed, and

shall then apply with the substitution for the reference to the date of the notice, of a reference to the date on which the appeal was withdrawn or dismissed.

Transactions involving firearms

28.—(1) A person who sells or transfers any firearm or ammunition to which regulation 4 applies to another person in the Islands shall, unless that other person shows that he or she is, by virtue of these Regulations, entitled to acquire the firearm or ammunition without holding a certificate, comply with any conditions contained in the certificate produced and shall within seven days of the transaction cause notice in writing to be given to the Police Officer.

(2) A notice given pursuant to sub-regulation (1) shall contain a description of the firearm (with the identification number where appropriate) and shall state the nature of the transaction and the name and address of the purchaser or transferee.

(3) Any person to whom the provisions of this regulation apply who fails to comply therewith shall be guilty of an offence.

PART IV—LAW ENFORCEMENT AND PUNISHMENT FOR OFFENCES

General powers of search, seizure and examination

29. Where there are reasonable grounds for suspecting that any offence under these Regulations has been, is being or is about to be committed on any premises, a police officer may—

(a) enter such premises at any time, if necessary by force, and search the same and every person found there;

(b) seize and detain any firearm or ammunition which he or she may find on such premises or on any such person found there, which he or she has reasonable grounds for suspecting has been, is being or is about to be used contrary to any provision of these Regulations.

Powers to stop and search

30.—(1) A police officer may require any person whom he or she has reasonable cause to suspect—

(a) of possessing a firearm, with or without ammunition, in a public place; or

(b) to be committing or about to commit, elsewhere than in a public place, any offence under these Regulations,

to hand over the firearm or any ammunition for examination.

(2) Any person who is in possession of a firearm or ammunition, and fails to hand it over when required to do so

pursuant to sub-regulation (1), shall be guilty of an offence.

(3) For the purposes of the discharge of the powers under sub-regulation (1), a police officer may search any person so suspected, and may detain him or her for so long as is reasonably necessary for the purpose of so doing:

Provided that no female person shall be searched other than by a female police officer and no male person shall be searched other than by a male police officer.

(4) If a police officer has reasonable cause to suspect that there is a firearm in any vehicle in a public place, or that a vehicle is being or is about to be used in the commission of an offence under these Regulations, he or she may search the vehicle and for that purpose require the person driving or in control of it to stop it.

(5) For the purpose of exercising any of the powers conferred by this regulation, a police officer may enter any premises, including any private premises, without giving prior notice to the owner or occupier thereof.

(6) Any person who fails to comply with any request, instruction or direction lawfully given by a police officer pursuant to the provisions of this regulation shall be guilty of an offence.

Production of certificates

31.—(1) A police officer may demand from any person whom he or she believes to be in possession of a firearm or ammunition to which these Regulations apply, the production of his or her certificate therefor.

(2) If a person upon whom a demand is made under sub-regulation (1) fails to produce a valid certificate, or to permit the police officer to examine any certificate produced, or to show that he or she is entitled by virtue of these Regulations to have a firearm or ammunition in his or her possession without holding a certificate, the police officer may seize and detain any firearm or ammunition in the possession of that person and may require that person to declare to him or her immediately his or her name and address.

(3) Any person who is required to declare his or her name and address pursuant to sub-regulation (2) who refuses to declare it, or who declares a false name or a false address, shall be guilty of an offence.

Firearms about to be exported

32.—(1) A police officer or a customs officer may search for and seize any firearm or ammunition which he or she has reason to believe is about to be unlawfully exported from the Islands and may board any ship, vessel or other conveyance for that purpose.

(2) The Master of a ship and any other person who has the

control or custody of any firearm or ammunition in course of transit for exportation shall, on demand by a police officer or a customs officer, allow him or her all reasonable facilities for the examination and inspection thereof, and shall produce all documents in his or her possession relating thereto.

(3) Any person who fails to comply with the provisions of sub-regulation (2), or who otherwise wilfully obstructs a police officer or a customs officer lawfully acting in the execution of his or her duty under this regulation, shall be guilty of an offence.

Prosecution and punishment of offences

33.—(1) The Schedule to the Firearms Offences (Prosecution and Punishment) Ordinance 2003 shall have effect with respect to the manner in which offences under these Regulations may be tried and, on conviction, are punishable and for such purpose the provisions of the said ordinance shall be read, construed and applied by any court together with the provisions of these Regulations.

(2) Where the Magistrate's Court or Judge of the Supreme Court is not satisfied that a defendant charged with an offence under these Regulations is guilty of that offence, but is guilty of another offence under these Regulations which has not been charged, the defendant may be convicted of that other offence and punished accordingly.

Court's powers to order forfeiture and disposal, and cancellation of certificates.

34.—(1) Where any person—

(a) is convicted of an offence under these Regulations; or

(b) has been ordered to enter into a recognizance to keep the peace or to be of good behaviour, a condition of which is that he or she shall not possess, use or carry any firearm or ammunition; or

(c) is subject to any order containing a requirement that he or she shall not possess, use or carry any firearm or ammunition,

the Court by or before which he or she is convicted, or by which the order is made, may make such order as to the forfeiture or disposal of any firearm or ammunition found in his or her possession as the Court thinks fit and may cancel any firearm certificate held by him or her.

(2) Where the Court cancels any firearm certificate under sub-regulation (1)

(a) it shall cause notice to be sent to the Police Officer; and

(b) the Police Officer shall by notice in writing require the holder of any such certificate to surrender it forthwith.

(3) Any person who fails without reasonable cause (the proof whereof shall lie with him or her) to comply with any notice given pursuant to sub-regulation (2)(b) within 7 days of the date of such notice shall be guilty of an offence.

(4) A police officer may seize and detain any firearm or ammunition which may be the subject of an order under sub-regulation (1).

PART V—MISCELLANEOUS PROVISIONS

Service of notice

35. Any notice required or authorised by these Regulations to be given to a person may either delivered personally or left for him or her at his or her last known address.

Power of the Police Officer to delegate

36. Without prejudice to the provisions of the powers and duties conferred specifically by these Regulations upon police officers, the Police Officer may informally delegate to a police officer or officers any of his or her powers and duties under these Regulations:

Provided that the powers and duties conferred upon the Police Officer under the provisions of sections 23, 25 and 27 of these regulations shall at all times be exercised and performed by him or her personally.

Mayor's power to make rules

37. The Mayor may, with the approval of the Governor, make rules for the further and better execution of these Regulations and without prejudice to the generality of this power such rules may provide for—

(a) anything which by these Regulations is required or permitted to be prescribed;

(b) the amount and nature of any security considered necessary, by way of cash deposit or otherwise before a certificate, registration or other permission is given, for the due performance of any conditions attached thereto;

(c) the enforcement of any security given and the forfeiture or repayment of any cash deposit;

(d) the forms of certificates, registrations and other permits provided for by these Regulations, the nature of any conditions which may be attached thereto, and the variation of such conditions;

(e) the information to be supplied and documents to be produced in connection with any application which may be made under these Regulations for a certificate, registration or other permit or the variation thereof;

(f) the fees to be charged in respect of anything required to permitted to be done under these Regulations;

(g) the documents necessary and the procedure to be followed in the pursuance of any right of appeal provided for by these Regulations, including the determination and notification thereof;

(h) the inspection by police officers or customs officers of the business premises of registered firearms dealers and the arrangements for storage and security of the firearms and ammunitions kept on such premises;

(i) the marking or other means of identification of firearms and ammunition authorised by these Regulations to be acquired, possessed or transferred;

(j) conditions which may be imposed by the Police Officer upon the holding of any sporting or entertainment activity at which a firearm or ammunition will be used, for the purpose of protecting the public safety or peace;

(k) without prejudice to the provisions of regulation 3, the exemption by such authority as may be specified from all or any of the requirements of these Regulations for such period and in such circumstances as may be deemed appropriate.