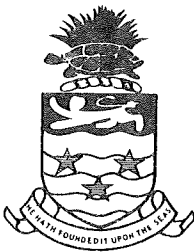


CAYMAN ISLANDS



Supplement No. 2 published with Gazette No. 17 of 1976.

THE FIREARMS LAW
(Law 17 of 1964)
(Revised)

(Consolidated with
Law 39 of 1965
Law 10 of 1966
Law 9 of 1971
and Law 26 of 1975)
and revised under the authority of the Law Revision Law 1975).
Originally enacted —
Law 17 of 1964 — 22nd October, 1964
Law 39 of 1965 — 23rd November, 1965
Law 10 of 1966 — 12th July, 1966
Law 9 of 1971 — 3rd March, 1971
Law 26 of 1975 — 1st January, 1975.

Consolidated and revised this 16th day of August, 1976.

FIREARMS LAW

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of such aerodrome, as the case may be, of any firearm referred to in paragraph (b); or

- (f) to any employee of the Government of these Islands or of any prescribed person in respect of his possession in his capacity as such employee of any humane killer; or
- (g) to any obsolete firearm forming part of any collection owned for museum purposes; or
- (h) to any spring gun or spring pistol, spear guns used for the purpose of fishing, bows and arrows, catapults or sling shots, pea-shooters or popguns.

Publication in revised form authorized by the Governor in Council this 16th day of August, 1976.

CHERYL JACKSON
Acting Clerk of the Executive Council.

Forfeiture of firearms	<p>37. Where any person is convicted of any offence under this Law in relation to —</p> <p>(a) the importation, exportation, purchase, sale or alteration of any firearm; or</p> <p>(b) the possession or use of any firearm in respect of which he is not the holder of a Licence under this Law; or</p> <p>(c) the possession in any area to which the provisions of Section 17 apply of any firearm otherwise than in accordance with the terms of a Firearm User's (Special) Permit,</p> <p>(d) any offence under subsections (6) to (10) of section 18,</p> <p>such firearm shall be forfeited to the Crown unless the Court by whom such person is convicted —</p> <p>(i) is satisfied what such person was, at the time of the commission of such offence, not the owner and not acting with the authority of the owner of such firearm; and</p> <p>(ii) directs that such firearm shall not be so forfeited.</p>
Carrying firearms in parts.	<p>38. Where any firearm is carried in parts by two or more persons in company each of such persons shall be deemed to carry a firearm.</p>
Regulations.	<p>39. The Governor may make regulations, for the better carrying out of this Law, and in particular, but without prejudice to the generality of the foregoing, for prescribing anything required or permitted by this Law to be prescribed.</p>
When provisions shall not apply.	<p>40. The provisions of this Law shall not apply —</p> <p>(a) to any firearm the property of Her Majesty or the Government, except at a time when such firearm is in the possession of some person other than a person authorised by or on behalf of Her Majesty or the Government, as the case may be, to be in possession of such firearm; or</p> <p>(b) to any firearm forming part of the equipment of any ship or aircraft or of any aerodrome at any time when such firearm is on board of such ship or aircraft or at such aerodrome, as the case may be; or</p> <p>(c) to any humane killer the property of the Government or of any prescribed person; or</p> <p>(d) to any member of the armed forces of Her Majesty, or of the Cayman Islands Police Force in respect of any firearm in his possession in his capacity as a member of the armed forces of Her Majesty, or for the Cayman Islands Police Force, as the case may be; or</p> <p>(e) to any officer or member of the crew of any ship or aircraft or any employee of any aerodrome in respect of his possession on board of such ship or aircraft or at such aerodrome, and in his capacity as an officer or member of the crew of such ship or aircraft or an employee</p>

PART VII — Financial and miscellaneous
35. Appropriate fee
36. Custody of firearms
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38. Carrying firearms in parts
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40. When provisions shall not apply.

CAYMAN ISLANDS

Law 17 of 1964
Law 39 of 1965
Law 10 of 1966
Law 9 of 1971
Law 26 of 1975

THE FIREARMS LAW
(No. 17 of 1964)
(Revised)

1. This Law may be cited as the Firearms Law (Revised)

PART I

2. (1) In this Law —
- “appropriate authority” means, in relation to the grant, amendment or revocation of any licence, the appropriate authority specified in section 30.
- “artillery” means any cannon, howitzer, mortar or flame-thrower except of a type commonly in use before the year 1850;
- “automatic rifle” means any rifle 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;
- “Commissioner” means the Commissioner of Police;
- “firearm” means artillery, machine gun, sub-machine gun, rifle, shot gun, pistol, air gun, air pistol, or any lethal barrelled weapon from which any shot, bullet or other missile can be discharged or noxious fumes can be emitted except any air rifle, air gun, or air pistol of a type prescribed by the Governor in Council, and of a calibre so prescribed, and includes any component part of any such weapon and such accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon; and also includes any ammunition capable of being used in any firearm;
- “Firearm Export Permit” means any permit under paragraph (b) of section 19 to export any firearms from the Cayman Islands;
- “Firearm Import Permit” means any permit under paragraph (a) of section 19 to import into the Islands any firearms;
- “Firearm User's (General) Licence” means any Firearm User's (General) Licence under paragraph (e) of section 19;
- “Firearm User's Licence” includes any Firearm User's (General) Licence and any Firearm User's (Restricted) Licence;

Interpretation.

“Firearm User’s (Restricted) Licence” means any Firearm User’s (Restricted) Licence under paragraph (f) of section 19;

“Firearm Disposal Permit” means any Firearm Disposal Permit under paragraph (d) of section 19;

“Governor” means the Governor in Council;

“Gunsmith’s Licence” means a Gunsmith Licence under paragraph (c) of section 19;

“licence” and “permit” mean respectively a licence or permit under this Law;

“prohibited firearm” means any artillery, machine gun, sub-machine gun, automatic rifle, or any weapon of whatsoever description or design, adapted for the discharge of any noxious liquid or gas;

“restricted person” means any person who —

(a) has served imprisonment for three months or upwards and has been released within five years; or

(b) has at any time within five years next before the event in relation to which the term is used been convicted of an offence under this Law or under any Law in force before the commencement of this Law in respect of the importation, exportation, possession or use in the Islands of any firearm, or of any offence involving fraud, or violence;

“traveller” means any person who arrives in the Islands as an officer or member of the crew or passenger or stowaway upon any vessel or aircraft.

(2) For the purpose of this Law any artillery and any firearm shall be deemed to be of an obsolete type if of a type commonly in use before the year 1850.

PART II — Importation, exportation.

Restriction on importation and exportation of prohibited firearms.

3. (1) No person shall import into or export from the Islands any firearm except under and in accordance with the terms of a Firearm Import Permit, or a Firearm Export Permit, as the case may be.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable —

(a) in the case of an offence relating to a prohibited firearm —

(i) on summary conviction to a fine not exceeding \$1,000 or to be imprisoned for any term not exceeding twelve months; or

(ii) on conviction on indictment before the Grand Court to be imprisoned for any term not exceeding five years or to a fine not exceeding \$2,000;

(b) in any other case —

(i) on summary conviction to a fine not exceeding \$200 or to be imprisoned for any term not exceeding nine months, or to both; or

(ii) on conviction on indictment before the Grand Court to be imprisoned for a term not exceeding three years, or to a fine not exceeding \$800.

(d) Handguns	do	\$10
(e) Airguns, air rifles, air pistols (each user)		\$5

and are payable in respect of each calendar year on or before the 31st day of January in that year or, in respect of part of a year, on the date of issue .

(2) Notwithstanding anything to the contrary, no licence fee shall be payable —

(a) by a member of any rifle club recognised by the Governor in respect of a Firearm User’s Licence in relation to any rifle, pistol, air gun, air rifle or air pistol;

(b) by the owner of any firearm to which the provisions of subsection (3) apply.

(3) The provisions of this section apply to any firearm in respect of which the Commissioner certifies that he is satisfied that such firearm is of an obsolete type and is not intended by the owner to be used by himself or by any other persons.

Custody of firearms

36. (1) Whoever comes into possession of any firearm in the circumstances specified in paragraph (b) of subsection (2) of section 15 shall, within thirty days of coming into possession of such firearm, unless he has obtained a Firearm User’s Licence in respect of such firearm within such period, deliver such firearm to the officer in charge of the Police Station nearest to the place at which he came into possession of such firearm together with a written statement as to the date on which, and the circumstances in which he came into possession of such firearm.

(2) Where any holder of any Firearm User’s Licence is about to leave the Islands and does not desire to take the firearm to which such licence relates with him, he shall before leaving the Islands deliver such firearm either —

(a) to some person who is the holder of a Firearm User’s Licence in respect of such firearm; or

(b) to the officer in charge of the Police Station nearest to the place at which he is ordinarily resident; or

(c) with the written approval of the Commissioner to some holder of a Firearm User’s (General) Licence in respect of a firearm of similar type to such firearm, such person being specified in such approval.

(3) Whoever contravenes subsections (1) or (2) is guilty of an offence and liable on summary conviction to a fine not exceeding \$20 or to imprisonment for a term not exceeding one month.

(4) Every firearm received at any Police Station under this section shall —

(a) on the production by any person of a Firearm User’s Licence granted to him in relation to such firearm either before or after the date on which such firearm was received at such Police Station, be delivered to such person; or

(b) if not delivered to any person in accordance with the provisions of paragraph (a) within twelve months of the date on which it was received at such Police Station, be forfeited to the Crown.

premises for the purpose of inspecting any records required to be kept by such person under this Law and of verifying the accuracy of such records by inspecting or taking an inventory of the stock of firearms possessed by such person or otherwise.

Power of constable to require production of Firearm User's Licence.

32. (1) Any constable who sees any person carrying any firearm in any public place may require such person to produce to him his Firearm User's Licence in relation to such firearm and if such place is within any area to which the provisions of section 17 apply to produce his special permit in relation to such firearm.

(2) Whoever upon being required so to do fails to produce either of the documents referred to in subsection (1) or to permit the constable to inspect such documents and to examine the firearm to which such documents relate for the purpose of verifying the particulars in such documents is guilty of an offence and on summary conviction liable to a fine not exceeding \$20 or to imprisonment for a term not exceeding thirty days.

Further provisions relating to production of Firearm User's Licence.

33. (1) Where any constable suspects that any person is carrying any firearm concealed about his person he may —

(a) ask such person if he is carrying a firearm; and

(b) if such person admits that he is carrying a firearm require such person to produce such firearm and his Firearm User's Licence in respect thereof and if the place in which such person is carrying such firearm is within any area to which the provisions of section 17 applies require him to produce his special permit in relation to such firearm.

(2) If any person denies that he is carrying any firearm about his person and the constable continues to suspect that he is carrying a firearm then the constable may search that person for the purpose of seizing the suspected firearm and may detain him for the purpose of searching him.

(3) Whoever upon being required so to do under this section fails to produce any firearm which he admits he is carrying concealed about his person or to produce either of the documents referred to in this section in relation to such firearm or refuses to submit to being searched under this section is guilty of offence and upon summary conviction liable to a fine not exceeding \$20 or to imprisonment for a term not exceeding thirty days.

Search warrants.

34. Any Justice of the Peace may on being satisfied by information upon oath that there is reasonable cause to believe that any person is in possession of any firearm in contravention of this Law and that such firearm is in any place specified in such information may grant a search warrant in the prescribed form authorising the person to whom such warrant is addressed to enter such place (using force to effect entry thereof if entry cannot otherwise be effected) for the purpose of searching for such firearms.

PART VII — Financial and miscellaneous

Appropriate fee.

35. (1) Subject to subsections (2) and (3) the annual fees chargeable upon licences under this Law are as follows —

(a) Gunsmith	\$20
(b) Shot guns (each user)	\$5
(c) Rifles do	\$10

Travellers to make declaration of firearms.

4. (1) Every traveller who disembarks in the Islands shall, on being required so to do by any Customs Officer, make a declaration in the prescribed form stating whether he has any, and, if so, what, firearms or ammunition in his possession or under his control.

(2) Every traveller who contravenes the provisions of subsection (1) is guilty of an offence and on summary conviction liable to a fine not exceeding \$100 or to be imprisoned for a term not exceeding six months or both.

(3) Any Customs Officer, having reasonable cause to believe that any traveller disembarking in the Islands has about his person or in his possession any firearm or ammunition, notwithstanding such traveller having made a declaration to the contrary, may search such person and his baggage and any firearms or ammunition so found shall be forfeited to the Crown:

Provided that such searches shall be conducted by a person of the same sex as the person searched.

Law 14 of 1971.

(2) The powers conferred by this section shall be in addition to and not in derogation of the power of search conferred by the Customs Law, 1971.

Traveller's option.

5. (1) Every traveller who declares under section 4 that he has any firearm in his possession, unless he is the holder of a permit under section 3, authorising the importation of such firearm into the Islands shall either —

(a) cause such firearm to be retained upon the vessel or aircraft upon which he arrived into the Islands until after such vessel or aircraft departs from the Islands; or

(b) deliver such firearm to a Customs Officer in a sealed packet to be dealt with in accordance with the provisions of section 6.

(2) Whoever contravenes subsection (1) is guilty of an offence, and on summary conviction liable to a fine of not exceeding \$50 or to be imprisoned for a term not exceeding three months.

Custody of firearms by Customs Officer.

6. Every firearm received by any officer of Customs under paragraph (b) of subsection (1) of section 5 shall be retained in the sealed packet in which it is received until either —

(a) the traveller from which it was received produces to a Customs Officer a permit authorising the importation of such firearm into the Islands, and pays the appropriate duty on such firearm, in which event it shall be delivered to the traveller; or

(b) such traveller gives not less than seven days' notice in writing to the Collector of Customs specifying some port at which he intends to embark for some place outside the Islands and the date, time, and vessel upon which he intends so to embark, in which event the sealed packet containing such firearm shall be delivered to the traveller immediately before he so embarks.

Firearms not to be deemed to be imported into the Cayman Islands in certain circumstances.

7. For the purpose of this Part, a person shall not be deemed to import any firearm into the Islands merely by reason of such firearm being in his possession or under his control on some vessel within the territorial waters of the Islands or on some aircraft flying over the Islands unless he causes or attempts to cause or permit such firearm to be disembarked from such vessel or aircraft in the Islands otherwise than for the purpose of being delivered to a Customs Officer in accordance with section 5.

PART III — Sale, purchase and repair of firearms.

Restrictions upon acquisition or disposal of firearms.

8. (1) No person shall purchase or accept the gift of any firearm from or give away any firearm to any other person if he has reasonable cause to believe such person to be under the age prescribed for that type of firearm by any Regulations made under this Law.
- (2) No person shall purchase or accept the gift of any firearm unless —
- (a) he is the holder of a Firearm User's Licence in relation to a firearm of the type so acquired by him; and
 - (b) the person from whom he purchases or accepts the gift of such firearm is the holder of a Firearm Disposal Permit in respect of the firearm so sold or given away by such person.
- (3) No person shall sell or give away any firearm unless —
- (a) he is the holder of a Firearm Disposal Permit in respect of the firearm so sold or given away by him; and
 - (b) the person to whom he sells or gives away such firearm is the holder of a Firearm User's Licence in respect of a firearm of the type so sold or given away to such person.
- (4) No person shall accept the delivery of any firearm pursuant to any sale or gift of such firearm except in accordance with the provisions of section 9.
- (5) No person shall deliver any firearm pursuant to any sale or gift of such firearm to any person except in accordance with the provisions of section 9.
- (6) Whoever contravenes the provisions of this section is guilty of an offence, and liable —
- (a) in the case of the acquisition or disposal of a prohibited firearm by any person or of the acquisition or disposal of an ordinary firearm by a restricted person —
 - (i) on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding twelve months; or
 - (ii) on conviction on indictment before the Grand Court, to imprisonment for a term not exceeding three years, or to a fine not exceeding \$2,000;
 - (b) in any other case, on summary conviction, to a fine not exceeding \$200 or to imprisonment for a term not exceeding nine months.

Restrictions on delivery of firearms.

9. Where any person (in this section referred to as "the purchaser") purchases or accepts the gift of any firearm from any other person (in this section referred to as "the vendor") —
- (a) the purchaser shall give notice in writing to the vendor specifying his name and address and that he will be prepared to take delivery of the firearms to which the transaction relates; and
 - (b) the vendor shall cause the firearm to which the transaction relates to be delivered in a sealed packet, together with a copy of the notice referred to in paragraph (a), to the Commissioner; and
 - (c) the Commissioner shall notify the purchaser that he has received such firearm and will deliver such firearm to the purchaser upon his ap-

Appeals.

summary conviction to a fine not exceeding \$20 or to imprisonment for a term not exceeding thirty days.

29. (1) Subject to the provisions of this section, any aggrieved party may appeal to the Governor against any decision of an appropriate authority —

- (a) refusing to grant any licence or permit; or
- (b) amending or refusing to amend any licence or permit; or
- (c) revoking or refusing to revoke any licence or permit.

(2) Notice of appeal under this section shall be given to the Governor in the prescribed form within twenty-one days of the date on which the aggrieved party first has notice of the decision against which he desires to appeal and shall be accompanied by the prescribed fee.

(3) Every appeal under this section shall be considered by the Governor at such time and in such manner (whether in the presence or in the absence of the aggrieved party) as the Governor may in his absolute discretion think fit.

(4) Upon the determination of any appeal under this section the Governor shall give to the appropriate authority against whose decision such appeal is taken such directions as the Governor may, in his absolute discretion, think fit.

(5) In this section the expression "aggrieved party" means the applicant for or the holder of any licence or permit in respect of the refusal to grant, the amendment or the revocation of which any appeal is taken and the owner of the firearm to which such application, licence or permit relates.

(6) The provisions of this section shall not apply to any licence or permit —

- (a) the appropriate authority for the grant of which is the Governor; or
- (b) the grant of which is subject under this Law to the prior approval of the Governor.

Appropriate authority.

30. (1) The appropriate authority for the grant, amendment or revocation of any Gunsmith's Licence shall be the Governor.

(2) The appropriate authority in Grand Cayman for the grant, amendment or revocation of any Firearm Import Permit, or Firearm Export Permit, or Firearm User's (Special) Permit shall be the Commissioner and the appropriate authority in the Lesser Islands shall be the District Commissioner.

(3) The appropriate authority in Grand Cayman for the grant, amendment or revocation of any Firearm User's Licence shall be the Commissioner and the appropriate authority in the Lesser Islands shall be the District Commissioner.

(4) The appropriate authority in Grand Cayman for the grant, amendment or revocation of any permit not specified in subsections (1) to (3) shall be the Commissioner and in the Lesser Islands the District Commissioner.

PART VI — Power of search and to obtain information.

Further power of inspection.

31. Any constable may at any time during which any premises upon which any person carries on business as a gunsmith are open for business enter such

done by such permit has been done or the expiration of the period specified in such permit, whichever shall first happen.

(3) Subject to the provisions of section 28, every Firearm User's (Special) Permit shall continue in force until the revocation or expiration of the Proclamation applying the provisions of section 17 to the area, district, town or village to which such permit relates.

Amendment of licences.

27. (1) Subject to the provisions of section 29, the appropriate authority on being satisfied that —

- (a) the holder of any licence or permit has changed his name or address shall; or
- (b) the owner of any firearm to which any Firearm User's (Restricted) Licence relates has ceased to be the owner or occupier of any premises specified in such licence shall; or
- (c) the owner of any such firearm has become the owner or occupier of any premises not specified in such licence may, in his absolute discretion,

amend such licence in such manner as may be appropriate:

(2) Where the appropriate authority desires to amend any licence or permit under this section, he may give notice in writing to the holder of such licence —

- (a) specifying the nature of the amendment which he desires to make to such licence; and
- (b) requiring the holder thereof to cause such licence to be delivered to him on or before some day (not being less than three days after the receipt by the holder of such notice) specified in such notice for the purpose of such amendment being effected thereto.

(3) Whoever being required so to do by notice under subsection (1) fails to cause any licence to be delivered to the appropriate authority, on or before the day specified in such notice, is guilty of an offence and liable on summary conviction to a fine not exceeding \$20 or to imprisonment for a term not exceeding thirty days.

Revocation of licence.

28. (1) Subject to the provisions of section 29, and of subsection (2), the appropriate authority may in his absolute discretion revoke any licence or permit under this Law.

(2) The appropriate authority shall upon being required so to do by any person who he is satisfied is the owner of any firearm in respect of which any Firearm User's Licence has been granted to any other person, revoke such Firearm User's Licence.

(3) Where the appropriate authority revokes any licence or permit under this section, he shall give notice in writing to the holder thereof —

- (a) specifying that he has revoked such licence or permit;
- (b) requiring such person to deliver up such licence or permit to him on or before the day (not being less than three days after the date of the receipt of such notice by such person) specified in such licence.

(4) Whoever on being required so to do under paragraph (b) of subsection (3) fails to deliver to the appropriate authority such licence or permit on or before the day specified in such notice is guilty of an offence and liable on

plying in person therefor at such Police Station and producing a Firearm User's Licence in respect of such firearm.

10. (1) No person shall repair any firearm for reward except under and in accordance with the terms of a Gunsmith's Licence.

(2) Whoever contravenes subsection (1) is guilty of an offence, and on summary conviction liable to a fine not exceeding \$100 or to imprisonment for a term not exceeding six months.

Restriction re gunsmith.

11. (1) No holder of a Gunsmith's Licence shall accept delivery of any firearm for the purpose of effecting any alteration or repair thereto —

- (a) elsewhere than at the premises in respect of which he is licensed as a gunsmith; and
- (b) from any person other than a person who he has reasonable cause to believe is the holder of a Firearm User's Licence in relation to the firearm so delivered to him.

(2) Every holder of a Gunsmith's Licence who contravenes the provisions of subsection (1) is guilty of an offence and on summary conviction liable to a fine not exceeding \$50 or to imprisonment for a term not exceeding three months.

Special restrictions on shortening firearms and converting imitation firearms into firearms.

12. (1) No person other than the holder of a Gunsmith's Licence shall —

- (a) shorten a barrel of any smooth bore gun to a length of less than twenty inches;
- (b) convert into a firearm anything which though having the appearance of being a firearm is so constructed as to be incapable of discharging a missile through the barrel thereof.

(2) No holder of a Gunsmith's Licence shall do either of the things referred to in subsection (1) except with the prior written approval of the Commissioner.

(3) Whoever contravenes the provisions of this section is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding six months.

Gunsmith's to display notice Boards.

13. (1) Every holder of a Gunsmith's Licence shall cause to be affixed and keep affixed over one of the principal entrances of the premises upon which he carried on business as a gunsmith, a board on which shall be printed in legible letters at least two inches in length the name in full of such licence and the words "Licensed as a Gunsmith".

(2) Whoever contravenes subsection (1) is guilty of an offence and on summary conviction liable to a fine not exceeding \$30 or to imprisonment for a term not exceeding three months.

Records and returns.

14. (1) Every holder of a Gunsmith's Licence shall keep such records in such form and containing such particulars as may be prescribed of all transactions relating to his business as a gunsmith.

(2) Every person who is required to keep records under subsection (1) shall make such returns to such authority in such form, in respect of such periods, at such time and containing such particulars as may be prescribed.

(3) Whoever contravenes the provisions of this section is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding six months.

PART IV — Possession and use of firearms.

Possession and use of firearms.

15. (1) Subject to the provisions of subsection (2), no person shall be in possession of any firearm except under and in accordance with the terms of a Firearm User's Licence.

(2) The provisions of subsection (1) shall not apply —

- (a) to the holder of any Gunsmith's Licence, in respect of any firearm delivered to him for the purpose of effecting any repair or lawful alterations thereto; or
- (b) to any person who comes into possession of any firearm in the capacity of executor or administrator of the estate of any deceased person, or Trustee in Bankruptcy or liquidator of any insolvent person or of any company in liquidation, during the period of thirty days after the day upon which he came into possession of such firearm; or
- (c) to any servant or agent of any of the persons referred to in paragraph (a) and (b) in respect of any firearm entrusted to him for delivery to the owner thereof in accordance with the provisions of this Law; or
- (d) to any Customs Officer or to any constable in respect of his possession of any firearm which came into his possession pursuant to the provisions of this Law during such period as such firearm is so retained by him; or
- (e) to any person in respect of the possession by him of any firearm entrusted to him by any constable for transportation pursuant to the provisions of section 9, from any place to any other place during such period, not being longer than is reasonably necessary for the transportation of such firearm, as such firearm is contained in a sealed packet; or
- (f) to any person in respect of the possession by him of any firearm delivered to him in accordance with the provisions of paragraph (c) of subsection (2) of section 36, during the period of the absence from the Islands of the owner of such firearm and two weeks thereafter, or the departure of such owner from the Islands, whichever shall be the shorter.

(3) Whoever contravenes the provisions of this section is guilty of an offence, and liable on summary conviction —

- (a) if such person is a restricted person, to imprisonment for a term not exceeding nine months, and in addition to such imprisonment to a fine not exceeding \$200; and
- (b) if any other case —
 - (i) if such offence relates to the possession of a prohibited firearm, to a fine not exceeding \$200, or to imprisonment for a term not exceeding nine months; or
 - (ii) if such offence relates to the possession of any firearm, other than a prohibited firearm, to a fine not exceeding \$100 or to imprisonment for a term not exceeding six months.

Special provisions relating to Firearm User's Licence.

22. (1) Subject to the provisions of section 20 the appropriate authority, on the payment of the appropriate fee and on the surrender to him of the appropriate application, shall grant a Firearm User's (General) Licence or a Firearm User's (Restricted) Licence, as the case may be, in respect of the firearm specified in such application, or if no firearm is so specified, a firearm of the type specified in such application.

(2) Every Firearm User's (Restricted) Licence under this section shall specify the premises specified in the application pursuant to which such Licence is granted as being the premises, other than premises owned or occupied by the Licensee, upon which he may be in possession of the firearm to which the Licence relates.

Special provisions relating to Firearm User's (Special) Licence.

23. (1) Subject to the provisions of section 29 the appropriate authority on the application of any person who is the holder of a Firearm User's (General) Licence may, in his absolute discretion, grant to such person a Firearm User's (Special) Permit authorising such person during the continuance in force of any Proclamation under section 17 to carry the firearm in respect of which he is the holder of a Firearm User's (General) Licence in any public place within the area, district, town or village to which such Proclamation applies upon the occasions and subject to the conditions specified in such Permit.

(2) Every permit under subsection (1) shall specify the area, district, town or village to which it relates.

Special provisions relating to Firearm Disposal Permit.

24. The appropriate authority, on the application of any person who he is satisfied is the owner or is acting with the authority of the owner of any firearm, shall grant to such applicant a Firearm Disposal Permit authorising the holder thereof within thirty days of the grant of such permit to give away or to sell, subject to the provisions of this Law, the firearm specified in such permit.

General provisions as to licences and permits.

25. (1) Every licence or permit under this Law shall be in the prescribed form and shall contain the prescribed particulars, and if so prescribed, shall bear upon it a photograph of the prescribed dimensions of the person to whom it is granted and a specimen of the signature of such person.

(2) Subject to the provisions of subsection (1) every licence or permit shall be subject to the prescribed conditions.

(3) Every licence or permit —

- (a) in respect of the grant of which the Governor is the appropriate authority; or
- (b) in respect of the grant of which the prior approval of the Governor is required; or
- (c) which is granted pursuant to any direction of the Governor under section 29,

shall be subject to such conditions as the Governor in his discretion may direct to be specified therein.

Duration of licence or permit.

26. (1) Subject to the provisions of section 28 every licence shall expire on the first day of January next after the day on which it is granted, so, however, that any licence granted in the month of December in any year shall be dated the 1st of January of the following year and shall come into force on such day and shall continue in force until the 1st of January of the succeeding year.

(2) Subject to the provisions of section 28, every permit, except a Firearm User's (Special) Permit, shall continue in force until the act authorised to be

subject to the provisions of section 17 of this Law, to be in possession of the firearm specified in such licence —

- (i) upon any premises owned or occupied by the holder thereof and such portion of any public road as passes through any premises; and
 - (ii) upon such other premises as may be specified in the licence and such portion of any public road as passes through any premises so specified; or
- (g) a Firearm User's (Special) Permit authorising the holder thereof to be in possession of the firearm specified in such permit within any area so specified to which the provisions of section 17 apply upon such occasions as may be so specified.

Applications for
licences and per-
mits.

20. Every application for any licence or permit shall —

- (a) be addressed to the appropriate authority; and
- (b) be in the prescribed form; and
- (c) contain the prescribed particulars; and
- (d) be accompanied by the prescribed number (if any) of photographs of the prescribed dimensions of the person to whom the licence or permit applied for is desired to be granted; and
- (e) bear upon it, if so prescribed, a specimen of the signature of the person to whom the licence or permit applied for is desired to be granted; and
- (f) be signed by the applicant; and
- (g) be accompanied by the prescribed application fee (if any) and by such documents, if any, as may be prescribed.

General provisions
as to grant and issue
of licences and
permits.

21. (1) Subject to the provisions of section 20 and of subsections (2), (3), (4) and (5) of this section and of section 29, the grant of any licence or permit shall be in the absolute discretion of the appropriate authority.

(2) No licence or permit shall be granted to any person who —

- (a) is of intemperate habits, liable to fits of uncontrolled temper, notoriously careless in the use of firearms, is of unsound mind; or
- (b) is for any reason unfitted to be entrusted with a firearm.

(3) No licence or permit shall be granted —

- (a) in relation to any prohibited firearm; or
- (b) to any restricted person,

except with the prior approval of the Governor:

Provided that this subsection shall not apply to the grant to any restricted person of a Firearm Disposal Permit.

(4) No Gunsmith's Licence shall be granted unless the appropriate authority is satisfied that not less than seven days' notice of the intention to apply for the grant of such Licence has been given to the Commissioner.

(5) The provisions of subsection (1) shall not apply to the grant of any Firearm Disposal Permit.

(6) No licence shall be issued to any person until the appropriate authority is satisfied that the appropriate fee has been paid.

General restriction
upon carrying
firearms in public.

16. (1) No person shall carry any firearm in any public place unless at the time when he carries such firearms he has about his person a Firearm User's Licence, authorising him to carry such firearm in such place.

(2) Any person found carrying a firearm in any public place in contravention of subsection (1) may be arrested without warrant by any constable and such firearm may be impounded.

(3) Whoever contravenes subsection (1) is guilty of an offence and on summary conviction liable to a fine not exceeding \$20 or to imprisonment for a term not exceeding thirty days.

Special restriction
on carrying of
firearms in public
places.

17. (1) The Governor may by Proclamation apply the provisions of this section to any district, town or village specified in such Proclamation.

(2) Every Proclamation under subsection (1) —

- (a) shall remain in force for a period of not more than one month (without prejudice to the power to issue a further Proclamation at or before the end of such period);
- (b) shall be published in the Gazette; and
- (c) may at any time be varied, altered, amended or revoked by the Governor.

(3) Subject to the provisions of subsection (6), no person shall carry any firearm in any public place within any area, district, town or village to which this section applies, except in accordance with the terms of a Firearm User's (Special) Permit.

(4) Whoever contravenes this section is guilty of an offence and on summary conviction liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding \$1,000.

(5) Where any person is arrested for, or legal proceedings are instituted against any person in respect of, the contravention of any of the provisions of this section, any firearm found upon such person at the time of his arrest or at the time of the alleged contravention of the provisions of this section shall be retained by the Police until such time as any legal proceedings against such person in respect of such contravention are finally disposed of.

(6) The provisions of this section shall not apply to any officer, warrant officer, non-commissioned officer or men of any of Her Majesty's Forces or to any constable.

Restriction relating
to the discharge and
carriage of
firearms.

18. (1) No person shall discharge any firearm on or within forty yards of any public road or in any public place except —

- (a) in the lawful protection of his person or property, or of the person or property of some other person; or
- (b) under the direction of some civil or military authority authorised to give such discharge; or
- (c) with the permission of the Governor.

(2) Where any contravention of subsection (1) occurs, any Justice of the Peace or constable may enter any premises on which he has reasonable cause to believe such contravention was committed and seize any firearms there found which he has reasonable cause to believe were used in such contravention or are about to be used in the commission of some other contravention of subsection (1).

(3) Whoever contravenes the provisions of subsection (1) is guilty of an offence, and on summary conviction liable to a fine not exceeding \$100 or to imprisonment for a term not exceeding six months.

(4) Where any person is charged with a contravention of the provisions of subsection (1) the burden of proving that the discharge of the firearm in respect of which the contravention is alleged to have occurred was a lawful discharge shall lie upon the person asserting the same.

(5) Where any contravention of the provisions of subsection (1) occurs upon any enclosed premises, the occupier of the premises shall be deemed to have incited the person by whom such contravention was committed to commit such contravention, unless he proves affirmatively that such contravention was committed against his will.

(6) Whoever has with him a firearm or imitation firearm with intent to commit an indictable offence, or to resist arrest or to prevent the arrest of another, in either case while he has the firearm or imitation firearm with him, is liable on conviction on indictment to imprisonment for a term not exceeding ten years.

(7) In proceedings for an offence under subsection (6) proof that the accused had a firearm or imitation firearm with him and intended to commit an offence or to resist or prevent arrest shall be evidence that he intended to have it with him while doing so.

(8) Whoever without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in a public place any loaded shot gun or loaded air weapon or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm

(a) is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding \$400 or both;

(b) unless the firearm is an air weapon, is liable on conviction or indictment to imprisonment not exceeding five years or a fine or both.

(9) Whoever, while he has a firearm with him, enters or is in any building or part of a building as a trespasser and without reasonable excuse, the proof whereof shall lie on him,

(a) is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding \$400 or both;

(b) unless the firearm is an air weapon, is liable on conviction on indictment to imprisonment for a term not exceeding five years or a fine or both.

(10) Whoever, while he has a firearm with him, enters or is on any land as a trespasser and without reasonable excuse, the proof whereof shall lie on him, is liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding \$200 or both.

(11) A constable may require any person whom he has reasonable cause to suspect of having a firearm, with or without ammunition with him in a public place, or to be committing or about to commit an offence under the foregoing provisions of this Part elsewhere than in a public place, to hand over the firearm and any ammunition for examination by the constable, and any person having a firearm or ammunition with him who fails to hand over the firearm or ammunition when required to do so, under this subsection is guilty of an offence

and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding \$200 or both.

(12) If a constable has reasonable cause to suspect any person of having a firearm with him in a public place or to be committing or about to commit an offence under the foregoing provisions of this Part, the constable may search that person and may detain him for the purpose of searching him.

(13) If a constable has reasonable cause to suspect that there is a firearm in a vehicle in a public place, or that a vehicle is being or is about to be used in connection with the commission of an offence under the foregoing provisions of this Part elsewhere than in a public place, he may search the vehicle and for that purpose may require the person driving or in control of it to stop it. Any person failing to stop the vehicle when so required or obstructing the search of such vehicle when stopped is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding \$200 or both.

(14) For the purpose of exercising the powers conferred by the foregoing provisions of this section a constable may enter any place.

(15) A constable may arrest without warrant any person whom he has reasonable cause to suspect to be committing an offence under the foregoing provisions of this Part.

(16) A constable may seize and detain any firearm or ammunition which may be the subject of an order for forfeiture under section 37

(17) Subsection (14) shall not be construed as prejudicing any power of entry exercisable by a constable apart from the provisions of that subsection, and subsection (16) shall not be construed as prejudicing the power of a constable, when arresting a person for an offence, to seize property found in his possession or any other power exercisable by a constable apart from that subsection of seizing firearms, ammunition or other property.

PART V — Licences and permits.

Types of licences and permits.

19. Subject to the provisions of section 17 and of this Part, the appropriate authority may grant the following licences or permits —

(a) a Firearm Import Permit authorising the holder thereof during such period as may be specified in the permit to import into the Islands from such source as may be specified thereon such firearms as may be as specified;

(b) a Firearm Export Permit authorising the holder thereof during such period as may be specified in the Permit to export from the Islands to such destination and in such manner such firearm of such type as may be specified in the permit; or

(c) a Gunsmith's Licence authorising the holder thereof to carry on the business of repairing firearms at such premises as may be specified in the licence; or

(d) a Firearm Disposal Permit authorising the holder thereof to dispose of the firearm specified in such permit; or

(e) a Firearm User's (General) Licence authorising the holder thereof, subject to the provisions of section 17, to be in possession of the firearm specified in such licence anywhere in the Islands;

(f) a Firearm User's (Restricted) Licence authorising the holder thereof,