

- (b), in which event such firearm or ammunition shall be delivered to such person as if he had been the traveller from whom such firearm or ammunition was received; or
- (d) the Collector General is authorised to dispose of such firearm or ammunition in such circumstances and after such period as may be prescribed.

8—For the purposes of this Part, a person shall not be held to import any firearm or ammunition into Jamaica merely by reason of such firearm or ammunition being in his possession or under his control on some vessel within the territorial waters of Jamaica or on some aircraft flying over Jamaica or its territorial waters or at some aerodrome in Jamaica, unless he causes or attempts to cause or permits such firearm or ammunition to be landed from such vessel or aircraft in Jamaica otherwise than for the purpose of being delivered to an officer of customs in accordance with section 6.

Firearms and ammunition not to be held to be imported into Jamaica in certain circumstances.

### PART III—*Manufacture, Sale, Purchase and Repair of Firearms and Ammunition*

9—(1) A person shall not manufacture or deal in—

- (a) firearms or ammunition except under and in accordance with the terms of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence; or
- (b) any prohibited weapon.

General restrictions upon manufacture and dealing in firearms and ammunition.

(2) Every person who contravenes subsection (1) shall be guilty of an offence and shall be liable in the case of—

- (a) an offence in relation to the manufacture of, or to dealing in, prohibited weapons—
  - (i) on summary conviction before a Resident Magistrate to imprisonment with or

without hard labour for a term not exceeding two years; or

- (ii) on conviction before a Circuit Court to imprisonment with or without hard labour for a term not exceeding ten years; or
- (b) an offence in relation to the manufacture of any firearm (other than a prohibited weapon) or ammunition or to dealing in restricted weapons or restricted ammunition—
  - (i) on summary conviction before a Resident Magistrate to a fine not exceeding five hundred pounds or to imprisonment with or without hard labour for a term not exceeding two years; or
  - (ii) on conviction before a Circuit Court to a fine or to imprisonment with or without hard labour for a term not exceeding ten years;
- (c) an offence in relation to dealing in firearms or ammunition, other than prohibited or restricted weapons or restricted ammunition—
  - (i) on summary conviction before a Resident Magistrate to a fine not exceeding two hundred pounds or to imprisonment with or without hard labour for a term not exceeding twelve months; or
  - (ii) on conviction before a Circuit Court to a fine or to imprisonment with or without hard labour for a term not exceeding five years.

10—(1) A person shall not purchase, acquire, sell or transfer any prohibited weapon.

(2) A person shall not purchase or acquire any firearm or ammunition from or sell or transfer any firearm or ammunition to any other person whom he knows or has reasonable cause to believe to be under the age of seventeen years, except where such other person is the holder of a certificate issued under paragraph (j) of subsection (2) of section 20.

Restrictions  
upon  
acquisition  
or disposal  
of firearms  
and  
ammunition.

(3) A person shall not purchase or acquire any firearm or ammunition unless—

- (a) subject to subsection (9), he is the holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence or a Firearm User's Licence in relation to a firearm or ammunition of the type so purchased or acquired by him; and
- (b) subject to subsections (8) and (9), the person from whom he purchases or acquires such firearm or ammunition is the holder of a Firearm Manufacturer's Licence, or a Firearm Dealer's Licence, or a Firearm Disposal Permit in respect of the firearm or ammunition so purchased or acquired from such person.

(4) A person shall not sell or transfer any firearm or ammunition unless—

- (a) subject to subsections (8) and (9), he is the holder of a Firearm Manufacturer's Licence, or a Firearm Dealer's Licence, or a Firearm Disposal Permit in respect of the firearm or ammunition so sold or transferred by him; and
- (b) subject to subsection (9), the person to whom he sells or transfers such firearm or ammunition is the holder of a Firearm User's Licence or a Firearm Dealer's Licence or a Firearm Manufacturer's Licence in respect of a firearm or

ammunition of the type so sold or transferred to such person.

(5) A person other than the holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence shall not accept the delivery of any firearm or ammunition pursuant to any purchase or acquisition of such firearm or ammunition except in accordance with section 11.

(6) A person shall not, pursuant to any purchase or acquisition of any firearm or ammunition, deliver such firearm or ammunition to any person other than the holder of a Firearm Manufacturer's Licence or of a Firearm Dealer's Licence except in accordance with section 11.

(7) Every person who contravenes this section shall be guilty of an offence, and shall be liable—

(a) in the case of the purchase, acquisition, sale or transfer of a prohibited weapon—

(i) on summary conviction before a Resident Magistrate to imprisonment with or without hard labour for a term not exceeding two years; or

(ii) on conviction before a Circuit Court to imprisonment with or without hard labour for a term not exceeding ten years;

(b) in the case of the purchase, acquisition, sale or transfer of a restricted weapon or of restricted ammunition by any person or of the purchase, acquisition, sale or transfer of a firearm or ammunition other than a prohibited or restricted weapon or restricted ammunition by a restricted person—

(i) on summary conviction before a Resident Magistrate, to a fine not exceeding five hundred pounds or to imprisonment with



or without hard labour for a term not exceeding two years; or

(ii) on conviction before a Circuit Court to a fine or to imprisonment with or without hard labour for a term not exceeding five years;

(c) in any other case, on summary conviction before a Resident Magistrate, to a fine not exceeding two hundred pounds or to imprisonment with or without hard labour for a term not exceeding twelve months.

(8) Notwithstanding anything to the contrary, firearms (other than prohibited weapons) or ammunition may be sold at a public auction pursuant to section 87 of the Customs Law without any such licence or permit as is referred to in paragraph (a) of subsection (4). Cap. 89.

(9) Subsections (3) and (4) in so far as they relate to the acquisition or transfer of a firearm or ammunition shall not apply to the obtaining of possession of a firearm or ammunition by any such person as is mentioned in paragraphs (b) to (i) of subsection (2) of section 20 in the circumstances set out in those paragraphs.

11—(1) Where any person (in this section referred to as "the purchaser") other than the holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence proposes to purchase or acquire any firearm or ammunition from any other person (in this section referred to as "the vendor")—

*Restriction on delivery of firearm and ammunition.*

(a) the vendor and purchaser shall certify to the chief officer of police in writing particulars as to—

(i) the purchaser's name and address;

- (ii) the vendor's name and address; and
  - (iii) the type of firearm or ammunition to be purchased or acquired; and
- (b) the chief officer of police shall notify the purchaser and vendor in writing as to the terms and conditions on the fulfilment of which delivery of the firearm or ammunition will be permitted.

(2) Where delivery of any firearm or ammunition is effected in contravention of any terms or conditions imposed by a chief officer of police pursuant to subsection (1) the purchaser or, as the case may be, the vendor of such firearm or ammunition shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding twelve months unless he proves that at the time of the delivery he was unaware of the contravention.

Special  
restrictions  
upon  
holders of  
Firearm  
Manu-  
facturers'  
or Firearm  
Dealers'  
Licences.

**12—**(1) A holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence shall not manufacture or deal in firearms or ammunition elsewhere than at the place specified in his licence or in any amendment thereof.

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

- (a) if such offence relates to any restricted weapon or restricted ammunition—
  - (i) on summary conviction before a Resident Magistrate to a fine not exceeding five hundred pounds or to imprisonment with or without hard labour for a term not exceeding five years; or
  - (ii) on conviction before a Circuit Court to a fine or to imprisonment with or without

hard labour for a term not exceeding ten years; or

(b) in any other case—

- (i) on summary conviction before a Resident Magistrate to a fine not exceeding two hundred pounds or to imprisonment with or without hard labour for a term not exceeding twelve months; or
- (ii) on conviction before a Circuit Court to a fine or to imprisonment with or without hard labour for a term not exceeding five years.

**13—**(1) A person shall not undertake the repair, test or proof of a firearm or ammunition for any other person except under and in accordance with the terms of a Gunsmith's Licence.

*General restriction on repair and transfer of firearms and ammunition.*

(2) A person shall not sell or transfer a firearm or ammunition to, or repair, test or prove a firearm or ammunition for, any person whom he knows, or has reasonable cause to believe, to be a restricted person, or to be drunk or of unsound mind or, at the time, otherwise unfitted to be entrusted with such a firearm or ammunition.

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

**14—**(1) A holder of a Gunsmith's Licence shall not accept delivery of any firearm or ammunition for the purpose of effecting any alteration or repair thereto—

*Restrictions re gunsmiths.*

- (a) elsewhere than at the premises in respect of which he is licensed as a gunsmith; and
- (b) from any person unless that person produces or causes to be produced a Firearm Manufacturer's Licence, a Firearm Dealer's Licence, or a Firearm User's Licence, or a certificate issued under

paragraph (j) of subsection (2) of section 20 authorising him to manufacture, buy, sell or be in possession of, as the case may be, such firearm or ammunition.

(2) A holder of a Gunsmith's Licence shall forthwith record in the records kept by him pursuant to section 17 particulars of any licence or certificate produced to him pursuant to paragraph (b) of subsection (1), and shall in due course return such licence or certificate to the person who produced it.

(3) Every holder of a Gunsmith's Licence who contravenes subsection (1) or (2) shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding twelve months.

Special  
restrictions  
on shorten-  
ing firearms  
and con-  
verting  
imitation  
firearms  
into  
firearms.

15—(1) Subject to subsection (5), a person other than the holder of a Gunsmith's Licence shall not—

- (a) shorten a barrel of any smooth bore gun to a length of less than twenty inches; or
- (b) convert into a firearm anything which is not a firearm; or
- (c) convert into a prohibited weapon anything which is not a prohibited weapon; or
- (d) convert into a restricted weapon anything which is not a restricted weapon.

(2) A holder of a Gunsmith's Licence shall not do any of the things referred to in subsection (1) except with the prior written approval of the Commissioner of Police,

(3) Every person who contravenes subsection (1) or (2) shall be guilty of an offence, and in the case of a contravention of paragraph (c) of subsection (1) shall be liable—

- (a) on summary conviction before a Resident Magistrate to imprisonment with or without hard labour for a term not exceeding two years;
- (b) on conviction before a Circuit Court to imprisonment with or without hard labour for a term not exceeding ten years.

(4) For the purposes of this section 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.

(5) This section shall not apply to the holder of a Firearm Manufacturer's Licence operating in accordance with the terms of that licence.

16—(1) Every holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence or a Gunsmith's Licence shall cause to be affixed and keep affixed over one of the principal entrances of the place in which or premises upon which he carries on business as a firearm manufacturer or a firearm dealer or a gunsmith, as the case may be, a board on which shall be printed in legible letters at least two inches in height the name in full of such licensee and the words "Licensed as a firearm manufacturer" or "Licensed as a firearm dealer" or "Licensed as a gunsmith", as the case may be.

Notice to  
be dis-  
played by  
licensees.

(2) Every person who contravenes subsection (1) shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding three months.

17—(1) Every licensed dealer (as defined in this section) shall provide and keep a register of transactions and shall

Records  
and  
returns.

enter or cause to be entered therein such particulars as may be prescribed of all transactions relating to his business as a licensed dealer.

(2) Every such entry shall be made within twenty-four hours after the transaction to which it relates took place, and, in the case of a sale or transfer, every such licensed dealer shall at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the register.

(3) Every such licensed dealer shall on demand allow any constable duly authorised in writing in that behalf by the chief officer of police, or any member of the Constabulary Force of or above the rank of Inspector to enter and inspect all stock in hand and shall on request by—

- (a) any constable duly authorised in writing in that behalf by the chief officer of police; or
- (b) an officer of customs; or
- (c) any member of the Constabulary Force as aforesaid,

produce for inspection the register required to be kept under subsection (1):

Provided that any written authority required by this subsection shall be produced on demand.

(4) Every person who is required to keep a register of transactions 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.

(5) Every person who contravenes this section or knowingly makes any false entry in the register required to be kept under subsection (1) shall be guilty of an offence.

(6) In this section "licensed dealer" means the holder of a Firearm Manufacturer's Licence, a Firearm Dealer's Licence or a Gunsmith's Licence.

**18—**(1) Where a licensed dealer (as defined in this section) is convicted of an offence under this Act or of an offence against the Customs Law in relation to the import or export of firearms or ammunition, the court shall cause the conviction to be certified to the appropriate authority who may, giving notice in accordance with subsection (2) of section 36 and subject to section 37, revoke the licence of the licensed dealer.

Revocation  
of licences  
in case of  
certain  
offences.  
Cap. 89.

(2) In this section "licensed dealer" means the holder of a Firearm Dealer's Licence or a Gunsmith's Licence.

**19—**(1) A pawnbroker shall not take in pawn from any person any firearm or ammunition.

Penalty  
for  
taking in  
pawn  
firearms or  
ammunition.

(2) Any pawnbroker who contravenes subsection (1) shall be guilty of an offence and if such offence relates to a prohibited weapon shall be liable—

- (a) on summary conviction before a Resident Magistrate to imprisonment with or without hard labour for a term not exceeding two years;
- (b) on conviction before a Circuit Court to imprisonment with or without hard labour for a term not exceeding ten years.

#### **PART IV—Possession and use of Firearms and Ammunition**

**20—**(1) A person shall not—

Possession  
of firearms  
and ammu-  
nition.

- (a) save as authorised by a Licence which continues in force by virtue of section 55, be in possession of a prohibited weapon; or
- (b) subject to subsection (2), be in possession of any other firearm or ammunition except under and in accordance with the terms and conditions of a Firearm User's Licence.

(2) Subsection (1), except in so far as it relates to a prohibited weapon, shall not apply—

- (a) to any holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence in respect

- of any firearm or ammunition manufactured by him or forming part of his stock in trade as a firearm manufacturer or a firearm dealer; or
- (b) to the executor or administrator of any deceased person or to the Trustee in Bankruptcy or liquidator of any insolvent person, or of any company in liquidation, who before his decease, or becoming insolvent or going into liquidation, as the case may be, was the holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence, in respect of any firearm or ammunition forming part of the stock in trade of such person during the administration by such executor, administrator, Trustee in Bankruptcy or liquidator of the affairs of such person; or
  - (c) to the holder of any Gunsmith's Licence, in respect of any firearm or ammunition in his possession for the purpose of repairing, testing or proving such firearm or ammunition; or
  - (d) to any person who came into possession of any firearm or ammunition 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 ammunition; or
  - (e) to any person who came into possession of any firearm or ammunition in the capacity of auctioneer, bailiff or assistant bailiff of a Court, or landlord bailiff, during the period of thirty days after the day upon which he came into possession of such firearm or ammunition; or
  - (f) to any servant or agent of any of the persons referred to in paragraphs (a) to (e) (both inclusive) in respect of any firearm or ammunition entrusted to him for delivery to the owner or to



some person who is about to become the owner thereof in accordance with this Act; or

- (g) to any officer of customs or to any constable in respect of his possession of any firearm or ammunition which comes into his possession pursuant to this Act during such period as such firearm or ammunition is retained by him pursuant to this Act; or
- (h) to any person in respect of the possession by him of any firearm or ammunition entrusted to him by any constable for transportation pursuant to section 11, from any place to any other place during such period, not being longer than is reasonably necessary for the transportation of such firearm or ammunition, as such firearm or ammunition is contained in a sealed packet; or
- (i) to any person in respect of the possession by him of any firearm or ammunition delivered to him for storage in accordance with subsection (2) of section 45, during the period of the absence from Jamaica of the owner of such firearm or ammunition and two weeks thereafter, or the period of twelve months from the date of the departure of such owner from Jamaica, whichever is the shorter; or
- (j) to any person to whom this paragraph relates in respect of the possession by him of any firearm or ammunition under and in accordance with the terms of a certificate issued to him in respect thereof by the appropriate authority.

(3) The persons to whom paragraph (j) of subsection (2) relates are—

- (a) any person taking part in a theatrical performance or any rehearsal thereof, or in the production of a cinematograph or television film;

- (b) any person present at an athletic meeting for the purpose of starting races at that meeting;
- (c) any person conducting or carrying on a miniature rifle range (whether for a rifle club or otherwise) or shooting gallery, in respect of miniature rifles not exceeding 0.23 calibre and ammunition therefor used at such rifle range or shooting gallery;
- (d) any other person prescribed under section 48.

(4) Every person who contravenes this section shall be guilty of an offence, and shall be liable—

- (a) if the offence relates to the possession of a prohibited weapon—

- (i) on summary conviction before a Resident Magistrate to imprisonment with or without hard labour for a term not exceeding two years;
- (ii) on conviction before a Circuit Court to imprisonment with or without hard labour for a term not exceeding ten years;

- (b) if such person is a restricted person or if the offence relates to the possession of a restricted weapon or restricted ammunition—

- (i) on summary conviction before a Resident Magistrate to a fine not exceeding five hundred pounds or to imprisonment with or without hard labour for a term not exceeding two years; or
- (ii) on conviction before a Circuit Court to a fine or to imprisonment with or without hard labour for a term not exceeding ten years, and

- (c) in any other case—

- (i) on summary conviction before a Resident Magistrate to a fine not exceeding two hundred and fifty pounds or to imprisonment

with or without hard labour for a term not exceeding twelve months; or

- (ii) on conviction before a Circuit Court to a fine or to imprisonment with or without hard labour for a term not exceeding five years.

**21—(1)** A person shall not carry any firearm or ammunition in any public place unless at the time when he carries such firearm or ammunition he has about his person a licence, certificate or permit granted by the appropriate authority, authorising him to carry such firearm or ammunition in such place and, if such place is a place to which section 22 applies, a Firearm User's (Special) Permit authorising him to carry such firearm or ammunition in such place on such occasion.

General  
restriction  
upon carry-  
ing firearms  
and ammu-  
nition in  
public.

(2) Every person who contravenes subsection (1) shall be guilty of an offence, and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding twelve months.

**22—(1)** The Minister may by order apply this section to any area, parish, district, town or village specified in such order.

Special  
restriction  
on carrying  
of firearms  
and ammu-  
nition in  
public  
places.

(2) Every order 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 order 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 Minister.

(3) A person shall not carry any firearm or ammunition in any public place within any area, parish, district, town or village to which this section applies,

except in accordance with the terms of a Firearm User's (Special) Permit.

(4) Every person who contravenes this section shall be guilty of an offence and shall be liable—

- (a) on summary conviction before a Resident Magistrate to a fine not exceeding five hundred pounds or to imprisonment with or without hard labour for a term not exceeding two years;
- (b) on conviction before a Circuit Court to a fine or to imprisonment with or without hard labour for a term not exceeding seven years.

(5) Where any person is arrested for, or legal proceedings are instituted against, any person in respect of any contravention of this section, any firearm or ammunition found upon such person at the time of the arrest or at the time of the alleged contravention 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.

Restrictions relating to the discharge of firearms and ammunition.

23—(1) A person shall not discharge any firearm or ammunition 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) in the lawful shooting of a trespassing animal; or
- (c) under the direction of some civil or military authority authorised to give such direction; or
- (d) with the permission of the Minister.

(2) Where any contravention of subsection (1) occurs, any Justice of the Peace or constable may without warrant enter any premises on which he has reasonable cause to believe such contravention was committed and seize any firearms and ammunition there found which he has reasonable cause to believe were used in such contra-

vention or are about to be used in the commission of a contravention of subsection (1) and may retain such firearm or ammunition for so long as may be necessary for the purpose of any investigation in relation thereto, and where such investigation results in legal proceedings against any person for any such offence until such legal proceedings are finally disposed of.

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

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

**24**—Every person who has in his possession any firearm or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person to endanger life or cause serious injury to property shall, whether any injury to person or property has been caused or not, be guilty of felony and shall be liable on conviction on indictment—

Penalty  
for possess-  
ing firearm  
or ammuni-  
tion with  
intent to  
injure.

- (a) before a Resident Magistrate to a fine not exceeding two hundred and fifty pounds or to imprisonment with or without hard labour for a term not exceeding two years; or
- (b) before a Circuit Court to imprisonment with or without hard labour for a term not exceeding fourteen years.

**25**—(1) Every person who makes or attempts to make any use whatever of a firearm or imitation firearm with intent to commit or to aid the commission of a felony or to resist or prevent the lawful apprehension or detention of himself or some other person, shall be guilty of an offence against this subsection.

Penalty  
for use  
and posses-  
sion of  
firearms  
or  
imitation  
firearms  
in certain  
circum-  
stances.

First  
Schedule.

(2) Every person who, at the time of committing or at the time of his apprehension for, any offence specified in the First Schedule, has in his possession any firearm or imitation firearm, shall, unless he shows that he had it in his possession for a lawful object, be guilty of an offence against this subsection and, in addition to any penalty to which he may be sentenced for the first mentioned offence, shall be liable to be punished accordingly.

(3) Any person guilty of an offence against subsection (1) or (2) shall be liable on conviction on indictment—

- (a) before a Resident Magistrate to a fine not exceeding two hundred and fifty pounds or to imprisonment with or without hard labour for a term not exceeding two years; or
- (b) before a Circuit Court to imprisonment with or without hard labour for a term not exceeding fourteen years,

and where any person commits an offence against subsection (1) in respect of the commission of a felony or the lawful apprehension or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by this subsection in addition to any penalty to which he may be sentenced for that felony or other offence.

(4) On the trial of any person for an offence against subsection (1) the Resident Magistrate or jury, not being satisfied that that person is guilty of that offence, but being satisfied that he is guilty of an offence against subsection (2), may find him guilty of the offence against subsection (2) and thereupon he shall be liable to be punished accordingly.

(5) In this section—

“firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes any prohibited weapon and any restricted weapon, whether such a lethal weapon or not;

“imitation firearm” means anything which has the appearance of being a firearm within the meaning of this section whether it is capable of discharging any shot, bullet or missile or not.

**26**—Every person who, being the holder of a licence, certificate or permit, contravenes any of the terms or conditions thereof, shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding twelve months.

Penalty for use of firearm or ammunition in contravention of terms or conditions of licences, etc.

#### PART V—*Licences, Certificates and Permits*

**27**—Subject to section 22 and to this Part, the appropriate authority may grant the following licences, certificates or permits—

Types of licences, certificates and permits.

- (a) a Firearm Import Permit; or
- (b) a Firearm Export Permit; or
- (c) a Firearm Transshipment Permit; or
- (d) a Firearm Manufacturer's Licence; or
- (e) a Firearm Dealer's Licence; or
- (f) a Gunsmith's Licence; or
- (g) a Firearm Disposal Permit; or
- (h) a Firearm User's Licence; or
- (i) a Firearm User's (Special) Permit; or
- (j) a certificate under paragraph (j) of subsection (2) of section 20; or
- (k) a Firearm User's (Employee's) Certificate.

Application  
for licences,  
certificates  
and  
permits.

**28**—Every application for any licence, certificate 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, certificate 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, certificate or permit applied for is desired to be granted; and
- (f) be signed by the applicant; and
- (g) be accompanied by the receipt for the prescribed application fee (if any) and by such other documents, if any, as may be prescribed.

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

**29**—(1) Subject to this section and to sections 28 and 37, the grant of any licence, certificate or permit shall be in the discretion of the appropriate authority.

(2) No licence, certificate or permit shall be granted in relation to any prohibited weapon.

(3) No licence, certificate or permit shall be granted to a restricted person or in relation to any restricted weapon or restricted ammunition except with the prior approval of the Minister:

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

(4) A Firearm Import Permit, a Firearm User's Licence, a Firearm User's (Special) Permit, a Firearm User's (Employee's) Certificate or a certificate issued under paragraph (j) of subsection (2) of section 20 shall be granted by the appropriate authority only if he



is satisfied that the applicant has a good reason for importing, purchasing, acquiring or having in his possession the firearm or ammunition in respect of which the application is made, and can be permitted to have in his possession that firearm or ammunition without danger to the public safety or to the peace:

Provided that such a permit, certificate or licence shall not be granted to a person whom the appropriate authority has reason to believe to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm or ammunition.

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

(6) A licence or certificate shall not be issued to any person until the appropriate authority is satisfied that the appropriate duty has been paid.

(7) Where the application for a licence or certificate is refused, the applicant may on the presentation of a certificate to that effect from the appropriate authority, obtain from the Collector of Taxes a refund of the duty paid in respect of that application.

**30**—Subject to the provisions of this Act, the appropriate authority, on the application of any person who is acting with the written consent of the holder of a Firearm User's Licence in respect of a particular firearm specified in such application, may grant to such person a Firearm User's (Employee's) Certificate which shall authorise such person to keep, carry and use in connection with the business of the holder of such Firearm User's Licence the particular firearm specified in such certificate and such ammunition therefor as may be so specified.

Firearm  
User's  
(Employee's)  
Certificate.

**31**—(1) Subject to the provisions of this Act, the appropriate authority on the application of any person who is the holder of a Firearm User's Licence may grant to such person a Firearm User's (Special) Permit authorising

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

such person during the continuance in force of any order under section 22 to carry the firearm and ammunition in respect of which he is the holder of a Firearm User's Licence in any public place within the area, parish, district, town or village to which such order applies upon the occasions and subject to the conditions specified in such permit.

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

Special provisions relating to Firearm Disposal Permit.

**32—**(1) 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 or ammunition, shall grant to such applicant a Firearm Disposal Permit authorising the holder thereof within thirty days of the grant of such permit to transfer or to sell, subject to this Act and to such terms and conditions as may be specified in the permit, the firearm or ammunition specified in such permit.

(2) Any person who transfers or sells any firearm or ammunition in contravention of any term or condition imposed in a permit under subsection (1) shall be guilty of an offence.

General provisions as to licences, certificates and permits.

**33—**(1) Every licence, certificate or permit shall be in the prescribed form and shall contain the prescribed particulars and shall specify the conditions (if any) subject to which it is held, 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 subsection (1), every licence, certificate or permit shall be subject to the prescribed conditions and to such other terms and conditions as the appropriate authority may impose.

(3) Every licence, certificate or permit—

- (a) in respect of the grant of which the Minister is the appropriate authority; or
- (b) in respect of the grant of which the prior approval of the Minister is required by this Act,

shall be subject to such conditions as the Minister in his absolute discretion may specify or direct to be specified therein.

**34—**(1) Subject to sections 18, 36 and 46 and to the payment in each financial year of the appropriate duty prescribed by section 44, every licence shall continue in force for five years from the day on which it is granted.

*Duration  
of licence  
or permit.*

(2) Subject to sections 36 and 46, every permit, except a Firearm User's (Special) Permit, shall continue in force until the act authorised to be done by such permit has been done or the expiration of the period specified in such permit, whichever shall first happen.

(3) Subject to sections 36 and 46, every Firearm User's (Special) Permit shall continue in force until the revocation or expiration of the order applying section 22 to the area, parish, district, town or village to which such permit relates.

**35—**(1) Subject to section 37 the appropriate authority may at any time by notice in writing to the holder of a licence, certificate or permit vary the conditions subject to which such licence, certificate or permit is held except such of them as may be prescribed.

*Amendment  
of licences,  
certificates  
and  
permits.*

(2) A notice under subsection (1) shall specify the nature of the variation of conditions proposed and require the holder to deliver up the licence, certificate or permit to the appropriate authority on or before a day specified in the notice (not being less than three days after delivery of the notice) for the purpose of amending the conditions specified therein.

(3) Every person who fails without lawful excuse (the proof whereof shall lie on such person) to comply with a notice under this section requiring him to deliver up a licence, certificate or permit to the appropriate authority shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding twelve months or to both such fine and imprisonment.

(4) A licence, certificate or permit may also on the application of the holder thereof, be varied from time to time by the appropriate authority.

Revocation  
of licences,  
certificates  
and permits.

**36—**(1) Subject to section 37, the appropriate authority may revoke any licence, certificate or permit if—

- (a) he is satisfied that the holder thereof is of intemperate habits or of unsound mind, or is otherwise unfitted to be entrusted with such a firearm or ammunition as may be mentioned in the licence, certificate or permit; or
- (b) the holder thereof fails to comply with a notice under section 35.

(2) Where the appropriate authority revokes any licence, certificate or permit under this section or under section 18 or 46, he shall give notice in writing to the holder thereof—

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

(3) Every person who fails without lawful excuse (the proof whereof shall lie on such person) to comply with a notice under subsection (2) requiring him to deliver up a licence, certificate or permit to the appropriate

authority shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding twelve months.

**37—**(1) Subject to this section, any aggrieved party <sup>Appeals</sup> may within the prescribed time and in the prescribed manner appeal to the Minister against any decision of an appropriate authority—

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

(2) Upon the determination of any appeal under this section the Minister shall give to the appropriate authority against whose decision such appeal is taken such directions as the Minister may think fit.

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

(4) The provisions of this section shall not apply to any application for a licence, certificate or permit approval for the grant of which has been refused by the Minister or to any licence, certificate or permit the appropriate authority for the grant of which is the Minister.

**38—**(1) The appropriate authority for the grant, <sup>Appropriate authority.</sup> amendment or revocation of any Firearm Manufacturer's Licence shall be the Minister.

(2) The appropriate authority for the grant, amendment or revocation of any Firearm Dealer's Licence, or any Gunsmith's Licence shall be the Commissioner of Police.

(3) The appropriate authority 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 of Police, or in the case of Firearm User's (Special) Permit the chief officer of police for the parish or police division if so authorised in writing in that behalf by the Commissioner of Police.

(4) The appropriate authority for the grant, amendment or revocation of any Firearm Transhipment Permit shall be the Collector General.

(5) The appropriate authority for the grant, amendment or revocation of any Firearm User's Licence or Firearm Disposal Permit or Firearm User's (Employee's) Certificate shall be the chief officer of police for the parish or police division in which the applicant for such licence, permit or certificate resides or carries on business.

(6) The appropriate authority for the grant, amendment or revocation of any certificate under paragraph (j) of subsection (2) of section 20 shall be the Minister or a police officer authorised by him.

#### **PART VI—*Power of Search and to Obtain Information***

Power of constable to require production of licence, certificate or permit.

**39—**(1) Any constable who sees any person carrying any firearm or ammunition in any public place may require such person unless he is exempted by virtue of subsection (2) of section 20 to produce to him his licence or certificate in relation to such firearm or ammunition and if such place is within any area to which section 22 applies to produce his Firearm User's (Special) Permit in relation to such firearm or ammunition.

(2) If any person so required fails unless he is exempted as aforesaid to produce the licence, certificate or permit, as the case may be, or to permit the constable to read the licence, certificate or permit or to examine the firearm or ammunition for the purpose of verifying the particulars in the licence, certificate or permit—

- (a) that person shall be guilty of an offence; and
- (b) the constable may seize and retain the firearm or ammunition until such time as legal proceedings against that person in respect of that offence are finally disposed of and may require that person to declare to him immediately his name and address.

(3) If any person so required refuses to declare his name and address, or fails to give his true name and address, he shall be guilty of an offence and the constable may arrest without warrant any person who refuses so to declare his name and address, or whom he suspects of giving a false name or address or of intending to abscond.

(4) A constable authorised in writing by a chief officer of police may at any time require the holder of a licence, certificate or permit to produce for inspection the firearm and ammunition to which it relates, and any person who without good cause refuses or fails to do so shall be guilty of an offence.

**40—(1)** Where any constable suspects that any person is carrying any firearm or ammunition concealed about his person he may—

- (a) ask that person if he is carrying such firearm or ammunition; and
- (b) if that person admits that he is carrying such firearm or ammunition require that person to produce such firearm or ammunition and, unless he is exempted by virtue of subsection (2) of section 20, his licence or certificate in respect thereof

Further provisions relating to production of licence, certificate or permit.

and if the place in which that person is carrying such firearm or ammunition is within any area to which section 22 applies to produce his Firearm User's (Special) Permit in relation to such firearm or ammunition.

(2) If any person so required fails, unless he is exempted as aforesaid, to produce the licence, certificate or permit, as the case may be, or to permit the constable to read the licence, certificate or permit or to examine the firearm or ammunition for the purpose of verifying the particulars in the licence, certificate or permit—

- (a) that person shall be guilty of an offence; and
- (b) the constable may seize and retain the firearm or ammunition until such time as legal proceedings against that person in respect of that offence are finally disposed of and may require that person to declare to him immediately his name and address.

(3) If any person denies that he is carrying any firearm or ammunition about his person the constable may search that person and seize and retain any firearm or ammunition carried by that person until such time as legal proceedings against that person in respect of that offence are finally disposed of and may require that person to declare to him immediately his name and address.

(4) If any person so required refuses to declare his name and address, or fails to give his true name and address, he shall be guilty of an offence and the constable may arrest without warrant any person who refuses so to declare his name and address or whom the constable suspects of giving a false name or address or of intending to abscond.

Report of  
loss or  
theft of  
firearm or  
ammunition.

**41—**(1) The holder of a licence, certificate or permit in respect of any firearm or ammunition and any other person lawfully in possession of any firearm or ammunition by virtue of subsection (2) of section 20 shall, within



forty-eight hours after he discovers the loss or theft of such firearm or ammunition, report the loss or theft at a Police Station.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty-five pounds and in default of payment to imprisonment with or without hard labour for a term not exceeding three months.

**42—**(1) Any constable may without warrant stop any vehicle in which he suspects any firearm or ammunition is being conveyed, and may search such vehicle and the driver thereof and any person conveyed therein.

Power to  
stop and  
search  
vehicles.

- (2) Any person who—
- (a) being the driver or person operating a vehicle fails to stop the vehicle at the request of a constable under this section; or
  - (b) being conveyed in a vehicle, prevents or intimidates the driver thereof or other person operating such vehicle from stopping at the request of a constable under this section; or
  - (c) escapes or attempts to escape from a vehicle requested to be stopped under this section,

shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding five hundred pounds or to imprisonment with or without hard labour for a term not exceeding two years.

**43—**(1) A Justice of the Peace on being satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been, is being, or is about to be committed, may grant a search warrant authorising any constable named therein—

Search  
warrant.

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein; and
- (b) to seize any firearm or ammunition which he may find on the premises or in the place, or on any such person, in respect of which or in connection with which he has reasonable grounds for suspecting that an offence under this Act has been, is being, or is about to be committed and to retain such firearm or ammunition for so long as may be necessary for the purpose of any investigation in relation thereto, and where such investigation results in legal proceedings against any person for any such offence, until such legal proceedings are finally disposed of.

(2) The constable making the search may arrest without warrant any person found on the premises or in the place whom he has reason to believe to be guilty of an offence under this Act other than an offence against section 41.

#### PART VII—*Financial and Miscellaneous*

Appropriate  
duty.

**44**—(1) Subject to subsections (2) and (3), the appropriate duty payable to a Collector of Taxes shall be—

- (a) on every Firearm Manufacturer's Licence, five hundred pounds; and
- (b) on every Firearm Dealer's Licence, one hundred pounds; and
- (c) on every Gunsmith's Licence, ten pounds; and
- (d) on every Firearm User's Licence, the terms and conditions of which authorise the holder to carry a firearm or ammunition anywhere in Jamaica, five pounds; and

- (e) on any Firearm User's Licence, the terms and conditions of which authorise the holder to carry a firearm or ammunition in some specified place or area in Jamaica, three pounds; and
- (f) on any Firearm User's (Employee's) Certificate, one pound.

(2) Notwithstanding anything to the contrary, no duty shall be payable under this section—

- (a) by the members of any rifle club recognised by the Minister, in respect of—
  - (i) a Firearm User's Licence in relation to any rifle, pistol, shot gun, air gun, air rifle or air pistol to be used solely for drill or target practice; or
  - (ii) a Firearm Manufacturer's Licence in relation to any ammunition manufactured solely for use for target practice or drill by such members;
- (b) by the owner of any rifle in respect of which the prescribed authority certifies that such rifle is ordinarily used in the training of members of the Army and Air Cadet Force, constituted under the Army and Air Cadet Force Law; Cap. 22.
- (c) by the owner of any firearm or ammunition to which subsection (3) applies.

(3) This subsection applies to any firearm or ammunition in respect of which the Commissioner of Police certifies that he is satisfied that such firearm or ammunition is of an obsolete type and is not intended by the owner to be used by himself or by any other person.

(4) The appropriate duty shall be payable in respect of the period commencing with the date of grant of the licence or certificate and ending with the next succeeding

31st day of March, and thereafter shall be payable in respect of each financial year in which the licence or certificate is in force and on or before the 30th day of April in that financial year:

Provided that where a licence or certificate is first granted in the month of March in any year the appropriate duty shall be deemed to apply to the period ending on the 31st day of March of the next succeeding year, and thereafter shall be payable in respect of each financial year as aforesaid.

(5) Any person who fails to pay the appropriate duty in accordance with the provisions of this section shall be guilty of an offence and on summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding five hundred pounds and in default of payment to imprisonment with or without hard labour for a term not exceeding twelve months.

(6) The Minister responsible for Finance may from time to time by order revoke, increase, reduce or alter any duty payable under subsection (1).

(7) Every order under subsection (6) shall be subject to affirmative resolution of the House of Representatives.

Cap. 375.

(8) Notwithstanding the provisions of sections 16 and 19 of the Tax Collection Law, the appropriate duty shall be payable in one sum.

Custody of  
firearms  
and ammu-  
nition.

45—(1) Every person who comes into possession of any firearm or ammunition in the circumstances specified in paragraph (d) or (e) of subsection (2) of section 20 shall, within thirty days of coming into possession of such firearm or ammunition, unless he has obtained a Firearm User's Licence in respect thereof within such period, deliver such firearm or ammunition to the sub-officer in charge of the Police Station nearest to the place at which he comes into possession of such firearm or ammunition

together with a written statement as to the date on which, and the circumstances in which he came into possession of such firearm or ammunition.

(2) Where any holder of any Firearm User's Licence is about to leave Jamaica and does not desire to take the firearm or ammunition to which such licence relates with him, he shall before leaving Jamaica arrange for the storage of such firearm or ammunition in such place and under such conditions as may be approved by the chief officer of police, or deliver such firearm or ammunition either—

- (a) to some person who is the holder of a Firearm User's Licence in respect of such firearm or ammunition as the case may be; or
- (b) to the sub-officer in charge of any Police Station specified in the Second Schedule.

Second  
Schedule.

(3) Every person who contravenes subsection (1) or (2) shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding twelve months.

(4) The holder of a Firearm User's Licence may, if he does not desire to retain in his possession the firearm or ammunition to which such licence relates, surrender the licence and deliver the firearm or ammunition to the sub-officer in charge of the Police Station nearest to the place at which he is ordinarily resident.

(5) Every firearm and any ammunition received at any Police Station under this section shall—

- (a) be delivered to any person who produces a Firearm User's Licence granted to him in relation to such firearm or ammunition either before or after the date on which such firearm or ammunition was received at such Police Station; or

- (b) if not delivered to any person in accordance with paragraph (a) within twelve months of the date on which it was received at such Police Station, render the owner thereof liable for payment of a storage fee in such sum or at such rate as may be prescribed and if such fee is not paid within six months of the expiry of the period of twelve months aforesaid the firearm or ammunition, or both as the case may be, shall be forfeited to the Crown.

Second  
Schedule.

- (6) The Minister may from time to time by order amend the Second Schedule by adding thereto or removing therefrom any Police Station.

Forfeiture  
of firearms  
and ammu-  
nition.

#### 46—Where any person—

- (a) is convicted of an offence under this Act, or of any crime for which he is sentenced to penal servitude or imprisonment whether with or without hard labour; or
- (b) has been ordered to be subject to police supervision or to enter into a recognizance to keep the peace or be of good behaviour, a condition of which is that the offender shall not possess, use or carry a firearm or ammunition,

the court before which he 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 possession as the court thinks fit, and shall cause the conviction or order as the case may be to be certified to the appropriate authority who may, giving notice in accordance with subsection (2) of section 36 and subject to section 37, revoke any licence, certificate or permit held by the person convicted.

47—Where any firearm or ammunition is carried in parts by two or more persons in company, each of such persons shall be deemed to carry a firearm or ammunition.

Carrying  
firearms or  
ammunition  
in parts.

48—The Minister may make regulations for the better carrying out of this Act, and in particular, but without prejudice to the generality of the foregoing, for prescribing anything required or permitted by this Act to be prescribed.

Regulations.

49—Any notice required or authorised by this Act to be given to any person may be sent by registered post in a letter addressed to him at his last or usual place of abode, or in the case of the holder of a Firearm Dealer's Licence or of a Firearm Manufacturer's Licence or of a Gunsmith's Licence at any place or premises in respect of which the licence is issued.

Service of  
notices.

50—Any person guilty of an offence under this Act for which no penalty is otherwise provided shall on summary conviction before a Resident Magistrate be liable to a fine not exceeding two hundred pounds or to imprisonment with or without hard labour for a term not exceeding twelve months.

General  
penalty.

51—Notwithstanding any other provisions to the contrary, a sentence of imprisonment shall be imposed on every person other than a juvenile within the meaning of the Juveniles Law found guilty of an offence under this Act relating to a prohibited weapon.

Compulsory  
imprison-  
ment for  
certain  
offences.  
Cap. 189.

52—This Act shall not apply—

Saving.

- (a) to any firearm or ammunition the property of the Government of Jamaica except at a time

when such firearm or ammunition is in the possession of some person other than a person authorised by or on behalf of the Government of Jamaica to be in possession of such firearm or ammunition; or

- (b) to any firearm or ammunition or signalling apparatus or ammunition therefor forming part of the equipment of any ship or aircraft or of any aerodrome at any time when such firearm or ammunition or signalling apparatus or ammunition therefor is on board of such ship or aircraft or at such aerodrome, as the case may be; or
- (c) to any slaughtering instrument the property of the Kingston and St. Andrew Corporation or of any Parish Council or of the Jamaica Society for the Prevention of Cruelty to Animals or of any prescribed person except at a time when such slaughtering instrument is in the possession of some person other than a person authorised under this section to be in possession of such slaughtering instrument; or
- (d) to any person authorised by the Government of Jamaica to be in possession of a firearm or ammunition, in respect of any firearm or ammunition the property of the Government of Jamaica in his possession pursuant to that authority; or
- (e) to any member of the Army and Air Cadet Force constituted under the Army and Air Cadet Force Law, or to any constable or any Special Constable or any Parish Special Constable, in respect of any firearm or ammunition in his possession in his capacity as a member of the Army and Air Cadet Force, or as such constable, Special Constable or Parish Special Constable as the case may be; or



- (f) to any officer or member of the crew of any ship or aircraft or any employee at 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 of such aerodrome, as the case may be, of any firearm ammunition, signalling apparatus or ammunition therefor referred to in paragraph (b); or
- (g) to any employee of the Kingston and St. Andrew Corporation or any Parish Council or the Jamaica Society for the Prevention of Cruelty to Animals or of any prescribed person in respect of his possession in his capacity as such employee of any slaughtering instrument; or
- (h) to any firearm or ammunition forming part of any collection owned by the Institute of Jamaica for museum purposes except at a time when such firearm or ammunition is in the possession of a person not authorised by the Institute of Jamaica to be in possession of such firearm or ammunition; or
- (i) to such firearms and ammunition the property of the Government of such country in such circumstances and subject to such conditions as may for the time being be approved by the Minister, and to such persons in respect of their possession thereof as may be so approved.

**53**—The enactments specified in the Third Schedule are hereby amended in the respects so specified.

Amend-  
ments.  
Third  
Schedule.

**54**—(1) Where any person is in possession of any firearm immediately before the enactment of this Act and is not the holder of a licence under the Firearms Law in respect of such firearm such person shall not be liable to be prosecuted for the contravention of the Firearms Law

Inaugural  
provisions.  
Cap. 129.

by reason only of his possession of such firearm if he surrenders such firearm to a Police Station before the 15th day of February, 1967.

(2) Any firearm and ammunition which on the appointed day are in the possession of the police and in respect of which there is no Firearm User's Licence under the Firearms Law then in force shall render the owner thereof liable to payment of a storage fee in such sum or at such rate as may be prescribed and if such fee is not paid within a period of six months after the appointed day shall be forfeited to the Crown.

(3) This section shall come into operation on the enactment of this Act.

**Repeal.**

**55—**(1) Subject to this section, the Firearms Law is hereby repealed.

(2) Licences and Permits issued under the Firearms Law and in force at the appointed day (including any such Licences and Permits which relate to prohibited weapons within the meaning of this Act) shall continue in force as if that Law had not been repealed.

(3) Such Licences and Permits shall, notwithstanding that they may relate to prohibited weapons within the meaning of this Act, be subject to amendment or revocation as if they had been issued under this Act.

## FIRST SCHEDULE

(Section 25)

*Offences in relation to which possession of a firearm or imitation firearm contravenes subsection (2) of section 25*

1. Offences against sections 4 to 6, 16 to 19, 35 to 38, paragraphs (2), (3) and (4) of section 39 and sections 40 and 41 of the Larceny Law.
2. Offences against sections 2 to 13, 15, 16, 26, 27 to 29 and 36 of the Malicious Injuries to Property Law.
3. Offences against sections 18 to 20, 27, 31, 38, 39, 49 to 51 and 63 of the Offences against the Person Law.
4. Offences against section 38 of the Road Traffic Law.
5. Offences against the Treason Felony Law.
6. Offences against paragraph (4) of section 6 of the Vagrancy Law.
7. Aiding and abetting the commission of any offence specified in paragraphs (1) to (6) and attempting to commit any such offence other than an offence against section 9 of the Malicious Injuries to Property Law.

## SECOND SCHEDULE

(Section 45)

*List of Police Stations*

- |                            |     |                   |
|----------------------------|-----|-------------------|
| 1. Kingston (Central)      | ... | East Queen Street |
| 2. Kingston (Eastern)      | ... | Elletson Road     |
| 3. Kingston (Western)      | ... | Denham Town       |
| 4. St. Andrew (North)      | ... | Constant Spring   |
| 5. St. Andrew (Central)    | ... | Halfway Tree      |
| 6. St. Andrew (South)      | ... | Hunts Bay         |
| 7. Morant Bay              |     |                   |
| 8. Port Antonio            |     |                   |
| 9. Port Maria              |     |                   |
| 10. St. Ann's Bay          |     |                   |
| 11. Falmouth               |     |                   |
| 12. Montego Bay            |     |                   |
| 13. Lucas                  |     |                   |
| 14. Savanna-la-Mar         |     |                   |
| 15. Black River            |     |                   |
| 16. Mandeville             |     |                   |
| 17. May Pen                |     |                   |
| 18. Spanish Town           |     |                   |
| 19. Police Training School | ... | Port Royal        |

## THIRD SCHEDULE

(Section 53)

| Enactments                                | Amendments   |
|---|--|
| Cap. 142 The Gunpowder and Explosives Law |  |
| section 2                                 | Insert in the proviso next after the word "may" where that word occurs for the first time the words "for any of the purposes of this Law".   |
| section 22                                | Delete the words "ammunition or" wherever they occur.  |
| Cap. 212 The Larceny Law                  |  |
|   | Insert next after section 8 the following section as section 3A—   |
| "Offensive weapons.                       | 3A—(1) A firearm or imitation firearm shall notwithstanding that it is not loaded or is otherwise incapable of discharging any shot, bullet or other missile, be deemed to be an offensive weapon or instrument for the purposes of paragraph (a) of subsection (1) of section 34 and paragraph (1) of section 39. |
|   | (2) In this section—<br>"firearm" means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged;   |
|   | "imitation firearm" means anything which has the appearance of being a firearm whether it is capable of discharging any shot, bullet or missile or not."   |

Passed in the House of Representatives this 17th day of January, 1967, with four (4) amendments.

T. N. GOLDING,  
*Speaker*

Passed in the Senate this 20th day of January, 1967.

*This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.*

F. R. DUHANEY,  
*President.*

*Clerk to Houses of Parliament.*



**THE  
JAMAICA GAZETTE  
SUPPLEMENT  
PROCLAMATIONS, RULES AND REGULATIONS**

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THURSDAY, MARCH 16, 1967

No. 26

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No. 65

**THE FIREARMS ACT, 1967  
(Act 1 of 1967)**

**THE FIREARMS ACT, 1967 (APPOINTED DAY) NOTICE**

In exercise of the power conferred upon the Minister by section 1 of the Firearms Act, 1967, the following Notice is hereby given:—

1. This Notice may be cited as the Firearms Act, 1967 (Appointed Day) Notice.
2. The 16th day of March, 1967, is hereby appointed as the day on which the Firearms Act, 1967, shall come into operation.

Dated at Kingston this 16th day of March, 1967.

R. A. MCNEILL,  
Minister of Home Affairs.

No. 66

**THE FIREARMS ACT, 1967  
(Act 1 of 1967)**

**THE FIREARMS (APPEALS TO THE MINISTER) REGULATIONS, 1967**

In exercise of the powers conferred upon the Minister by section 48 of the Firearms Act, 1967, the following Regulations are hereby made:—

1. These Regulations may be cited as the Firearms (Appeals to the Minister) Regulations, 1967, and shall come into operation on the appointed day.

2. In these Regulations "applicant" means the person appealing from a decision of an appropriate authority.

3. (1) Every appeal shall be commenced by notice in writing addressed to the Minister and filed within twenty-one days of the date on which the decision from which the applicant is appealing is communicated to him, or within such longer period as the Minister may in any particular case allow.

(2) The applicant shall state in his notice his grounds of appeal and shall forward a copy of such notice to the appropriate authority.

4. Within fourteen days of the receipt of a notice of appeal, the appropriate authority shall forward to the Minister a statement in writing setting out the reasons for the decision from which the applicant is appealing together with a copy of every other document relating thereto.

5. (1) The Minister may, in his discretion, permit any applicant to appear before him to put forward arguments in support of his appeal.

(2) Any applicant permitted to appear before the Minister as aforesaid, may do so in person or may be represented by Counsel or Solicitor if he so desires.

(3) Where the Minister permits an applicant to appear before him, he shall invite the appropriate authority to be represented at the hearing if the appropriate authority so desires.

6. So soon as may be practicable after the filing of all documents or the conclusion of the hearing of the appeal, as the case may be, the Minister shall communicate his decision in writing to the applicant and to the appropriate authority and give to the appropriate authority such directions as may be necessary.

Dated at Kingston this 16th day of March, 1967.

R. A. McNEILL,  
Minister of Home Affairs.

No. 67

### THE FIREARMS ACT, 1967

(Act 1 of 1967)

#### THE FIREARMS REGULATIONS, 1967

In exercise of the powers conferred upon the Minister by section 48 of the Firearms Act, 1967, the following Regulations are hereby made: -

1. These Regulations may be cited as the Firearms Regulations, 1967, and shall come into operation on the appointed day.

2. (1) Every application for any certificate, licence or permit to be granted in accordance with the provisions of the Act shall be in the appropriate form specified in the First Schedule.

(2) Where the application aforesaid is for the grant of a -

(i) Firearm Dealer's licence; or

(ii) Firearm Manufacturer's Licence; or

(iii) Gunsmith's Licence; or

(iv) Firearm User's Licence; or

(v) Firearm User's (Special) Permit; or

(vi) certificate under paragraph (j) of subsection (2) of section 20 of the Act,

such application shall, if made by an individual, be accompanied by three unmounted photographs from the same negative of the applicant which shall be approximately 2½" x 2" in dimensions and on the back of one such photograph a certificate in the form set out in Part I of the Second Schedule shall be affixed by one of the following persons, that is to say, a Resident Magistrate, Justice of the Peace, Minister of Religion or Collector of Taxes.

3. Every certificate, licence or permit granted pursuant to an application made in accordance with the provisions of regulation 2 shall be in the appropriate form specified in the First Schedule, and shall be subject to such terms and conditions as may be set out thereon.

4. For the purposes of section 17 of the Act, every licensed dealer (as defined in that section) shall keep a register in the appropriate form specified in the Third Schedule, and shall forward to the Commissioner of Police a true copy of every transaction effected by him during the six-month period ending on the 30th of June and on the 31st of December each year, within twenty-one days of the end of the period to which such copy of the register relates.

5. The declaration which a traveller shall make for the purposes of section 5 of the Act, shall be in the form set out in Part II of the Second Schedule and shall contain such particulars as may be specified in such form.

6. Where a traveller has delivered firearms or ammunition to an officer of customs pursuant to section 6 of the Act, and such firearms or ammunition has not been retrieved in accordance with the provisions of section 7 of the Act within three months of the date of such delivery, the Collector General shall cause such firearms or ammunition to be forwarded to the Commissioner of Police, together with all declarations relating thereto.

7. The authority to certify, for the purposes of subsection (2) of section 44 of the Act that a rifle is ordinarily used in the training of members of the Jamaica Combined Cadet Force, shall be the Officer commanding the Jamaica Defence Force.

8. (1) The storage fees chargeable in respect of all firearms received at a police station pursuant to section 45 and section 54 of the Act shall be at the following rates:—

- (a) for every revolver, pistol or other small arm, 2/- per week;
- (b) for every rifle or shot gun, 5/- per week;
- (c) for every other class of firearm, 10/- per week.

1-(2) For the purpose of this regulation, "small arm" includes air rifle, air pistol and air gun.

9. Paragraph (j) of subsection (2) of section 20 of the Act relates to the persons specified in the Fourth Schedule and a certificate issued under that paragraph shall be subject to any conditions specified in that Schedule and in that certificate.

## FIRST SCHEDULE

(Regulations 2, 3)

## FORM OF APPLICATION FOR FIREARM IMPORT PERMIT

To the Commissioner of Police,

- (a) Here insert full name of applicant. I, (a).....
- (b) Here insert full residential address of applicant. of (b).....
- (c) Here insert occupation of applicant. (c) .....
- (d) Here insert source of importation. hereby apply for a permit to import into Jamaica from (d).....
- (e) Here insert type, quantity and Identification Nos., if any, of firearms and ammunition. (e) .....
- (f) Here insert period during which applicant desires to import. during the period of (f).....

Dated this.....day of.....19.....

Signed.....

## FORM OF FIREARM IMPORT PERMIT

Pursuant to an application dated.....

- (a) Here insert full name of applicant. (a) .....
- (b) Here insert full residential address of applicant. of (b).....
- (c) Here insert occupation of applicant. (c).....
- (d) Here insert source of importation. is hereby authorized to import into Jamaica from (d).....
- (e) Here insert type, quantity and Identification Nos., if any, of firearms and ammunition. (e).....
- (f) Here insert period during which firearms and ammunition may be imported. during the period of (f).....

Dated this.....day of.....19.....

Signed.....



## FORM OF APPLICATION FOR FIREARM EXPORT PERMIT

To the Commissioner of Police,

- (a) Here insert full name of applicant. I, (a).....
- (b) Here insert full residential address of applicant. of (b).....
- (c) Here insert occupation of applicant. (c).....
- (d) Here insert destination. hereby apply for a permit to export from Jamaica to (d).....
- (e) Here insert manner in which it is proposed to export the firearms and ammunition. (e).....
- (f) Here insert type, quantity and Identification Nos., if any, of firearms and ammunition. the following firearms and ammunition—(f).....
- (g) Here insert period during which applicant desires to export. during the period of (g).....
- Dated this..... day of..... 19.....

Signed.....

## FORM OF FIREARM EXPORT PERMIT

Pursuant to an application dated.....

- (a) Here insert full name of applicant. (a).....
- (b) Here insert full residential address of applicant. of (b).....
- (c) Here insert occupation of applicant. (c).....
- (d) Here insert destination. is hereby authorized to export from Jamaica to (d).....
- (e) Here insert manner in which firearms and ammunition shall be exported. (e).....
- (f) Here insert type, quantity and Identification Nos., if any, of firearms and ammunition for which permit is granted. the following firearms and ammunition—(f).....
- (g) Here insert period during which firearms and ammunition may be exported. during the period of (g).....

Dated this..... day of..... 19.....

Signed.....

## FORM OF APPLICATION FOR FIREARM TRANS-SHIPMENT PERMIT

- To the Collector General
- (a) Here insert full name of applicant. (a).....
- (b) Here insert full residential address of applicant. of (b).....
- (c) Here insert occupation of applicant. (c).....
- (d) Here insert name of vessel from which applicant desires to trans-ship firearms and ammunition. hereby apply for a Firearm Trans-shipment Permit authorizing me to trans-ship from (d).....
- (e) Here insert name of vessel to which applicant desires to trans-ship firearms and ammunition. to (e).....
- (f) Here insert period during which applicant desires the trans-shipment to be effected. during (f).....
- (g) Here insert the amount and type of firearms and ammunition the applicant desires to trans-ship. the following firearms and ammunition— (g).....

Dated this ..... day of ..... 19....

Signed.....

## FIREARM TRANS-SHIPMENT PERMIT

- Pursuant to an application dated.....
- (a) Here insert full name of applicant. (a).....
- (b) Here insert full residential address of applicant. of (b).....
- (c) Here insert occupation of applicant. (c).....
- (d) Here insert name of vessel from which applicant may trans-ship firearms and ammunitions. is hereby authorized to trans-ship from (d).....
- (e) Here insert name of vessel to which applicant may tranship firearms and ammunition. to (e).....
- (f) Here insert period during which trans-shipment may be effected by applicant. (f).....
- (g) Here insert the amount and types of firearms and ammunition the applicant may trans-ship. the following firearms and ammunition (g).....

Dated this ..... day of ..... 19....

Signed.....

*Collector-General*

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FORM OF APPLICATION FOR FIREARM MANUFACTURER'S LICENCE, FIREARM DEALER'S  
LICENCE, GUNSMITH'S LICENCE

To: .....  
(appropriate authority)

I ..... of .....  
(name of applicant) (address and occupation of applicant)

hereby apply for a licence under the Firearms Act, 1967, to operate the business of  
.....  
(nature of business)

at .....  
(business address)

in relation to firearms of the following descriptions. ....  
.....  
(description of firearms)

I declare that—

(a) I do not carry on or intend to carry on upon the said premises .....  
..... any business other than that of  
(business address)

a. .... except. ....  
.....  
.....

(b) that if pursuant to this application a ..... licence  
is granted to me I intend only to deal in the following types of firearms—  
.....  
(types of firearms)  
.....  
.....

(c) that I have not at any time during the five years next preceding the date of  
this application—

(i) been convicted of any offence in relation to the importation,  
exportation, purchase, sale, possession or use of any firearm except  
.....  
.....

(ii) been sentenced to any term of imprisonment in respect of any offence  
except. ....

Dated this ..... day of ..... 19.....

Signed .....  
(applicant)

FORM OF FIREARM MANUFACTURER'S LICENCE, FIREARM DEALER'S LICENCE,  
GUNSMITH'S LICENCE

Pursuant to an application dated ..... of .....

.....  
having satisfied me that he has paid the appropriate duty in respect of this licence is,  
in the exercise of the powers conferred upon me by the Firearms Act, 1967, hereby  
licensed to operate the business of .....

(nature of business)

at ..... in the parish

of ..... in relation to firearms of the following

descriptions. ....

(description of firearms)

This licence is granted subject to the following conditions. ....

Photograph

Dated this ..... day of ..... 19.....

Signed .....

(appropriate authority)

FORM OF APPLICATION FOR FIREARM DISPOSAL PERMIT

(a) Here insert the authority to whom  
application is made. To  
(a) .....  
(appropriate authority)

(b) Here insert full name of applicant. I, (b) .....

(c) Here insert full residential address of  
applicant. of (c) .....

(d) Here insert occupation of applicant. (d) .....

(e) Here insert make, type, calibre and  
Identification No., if any, of the fire-  
arm and ammunition to which appli-  
cation relates. being owner of (e) .....

.....  
hereby apply for a Firearm Disposal  
Permit authorizing me to dispose of the  
firearm and ammunition described above.

Dated this ..... day of ..... 19.....

Signed .....

## FORM OF FIREARM DISPOSAL PERMIT

Pursuant to an application dated .....

- (a) Here insert full name of applicant. (a).....
- (b) Here insert full residential address of applicant. of (b).....
- (c) Here insert occupation of applicant. (c).....
- (d) Here insert make, type, calibre and Identification No., if any, of the firearm and ammunition to which permit relates. is hereby authorized to dispose of (d) .....

Dated this.....day of.....19.....

Signed.....

## FORM OF APPLICATION FOR FIREARM USER'S LICENCE, FIREARM USER'S (SPECIAL) PERMIT AND ANY CERTIFICATE

To: .....  
(appropriate authority)I.....of.....  
(name of applicant) (address and occupation of applicant)

in the parish of.....do hereby apply for the grant of

a.....  
(type of licence, permit or certificate)licence  
permit in respect of a .....  
certificate (make, type, calibre and

identification number of firearm)

## 2. I hereby declare—

- (a) that I have not previously been refused any licence, permit or certificate to possess or use any firearm, nor has any licence, permit or certificate previously

granted me been revoked except.....  
(particulars of

application refused or licence, etc., revoked)

- (b) that I have not been convicted during the five years next preceding the date of this application of any offence in respect of the importation, exportation, purchase, sale, possession or use of any firearm except

.....  
(previous conviction, if any)

- (c) that I have not during the five years next before the date of this application been sentenced to any term of imprisonment except:

.....  
(details of imprisonment)

- (d) that I have not during the period of five years next before the date of this application been detained in any Mental Hospital;

- (e) that the purposes for which I desire to possess such firearm are as follows—

.....  
.....  
.....

Dated this ..... day of ..... 19....

Signed .....  
(applicant)

#### FORM OF FIREARM USER'S LICENCE

This licence is granted to ..... of  
..... and relates to the firearms and  
ammunition specified hereunder:—

1. Firearms.
  - (a) Here insert quantity, type, calibre, maker's name, identification number or any other distinguishing mark.
    - (i) Possessed at date of grant (a)....
    - .....
    - .....
    - (ii) Authorized to be purchased or acquired (b).....
  - (b) Here insert quantity and type.
  - (c) Here insert quantity, type and calibre.
    - (i) Possessed at date of grant (c)....
    - .....
    - (ii) Maximum amount authorized to be possessed at any one time (d)
    - .....
  - (d) Here state quantity and type.
2. Ammunition.
 

Authority to possess

  - (i) Possessed at date of grant (c)....
  - .....
  - (ii) Maximum amount authorized to be possessed at any one time (d)
  - .....

Authority to purchase or acquire:

  - (iii) Total amount authorized to be purchased or acquired in five years
  - (d).....

- (iv) Maximum amount authorized to be purchased or acquired at any

one time (d).....

The following conditions shall be observed by the holder of this licence—

- (1) The firearms and ammunition to which this licence relates shall at all times when not in actual use be kept in a secure place with a view to preventing access to them by unauthorized persons;
- (2) The loss or theft of any of the firearms to which this licence relates shall be reported at once to the Chief Officer of Police by whom this licence was granted;
- (3) Any change in the permanent address of the holder of this licence shall be notified without undue delay to the Chief Officer of Police by whom this licence was granted.

*Here insert any other conditions subject to which the licence is held*

The following instructions shall be complied with by every person from whom the holder of this licence purchases or acquires firearms or ammunition—

- (1) Every person selling, letting on hire, giving or lending a firearm or ammunition to the holder of this licence must give a certificate of the transaction on one of the forms marked 'A' attached to this licence.
- (2) If the holder of this licence is unknown to the person from whom he purchases or acquires firearms, such person must obtain a receipt from the holder of the licence for any firearm supplied to the holder of this licence and keep it for production if required.
- (3) The person from whom the holder of this licence purchases or acquires any firearms or ammunition must within forty-eight hours of the completion of the transaction in respect of which the certificate on form 'A' was given report in writing to the Chief Officer of Police who granted this licence any circumstances attending that transaction which appear to require investigation.

*(Here insert any other instructions which the Chief Officer of Police may see fit to insert)*

This licence will continue in force for five years from the date hereof.

Dated this.....day of.....19....

Signed.....  
Chief Officer of Police

## Form 'A'

I.....  
(name)

of.....  
(address)

certify that on the.....  
(date)

- (a) Here insert "sold", "let on hire",  
"gave" or "lent", as the case may be.

I.....(a) to.....  
.....of.....

- (b) Here insert quantity and type of fire-  
arms with calibre, maker's name,  
identification number or other distin-  
guishing mark.

Firearms as follows (b).....  
.....

- (c) Here insert the quantity, type and  
calibre of ammunition.

and Ammunition as follows (c).....  
.....

I have inspected the firearm licence  
and the records of previous transactions  
attached thereto and I am satisfied that  
this transaction will not place him in  
possession of firearms or ammunition  
in excess of, or otherwise than as autho-  
rized by, the licence.

I am authorized to be in possession of  
firearms and ammunition by virtue of

- (d) Here give date and particulars of  
Firearm User's Licence, Firearm Deal-  
er's Licence or other authority of the  
seller, etc., to possess firearms or  
ammunition.

(d).....

Dated this.....day of.....19....

Signed.....



## FORM OF FIREARM USER'S (SPECIAL) PERMIT

Pursuant to an Application dated . . .

- (a) Here insert full name of applicant. (a) . . . . .
- (b) Here insert full residential address of applicant. of (b) . . . . .
- (c) Here insert occupation of applicant. (c) . . . . .  
being the holder of a Firearm User's  
Licence is hereby authorized to be  
in possession of
- (d) Here insert make, type, calibre and Identification No., if any, of firearm and ammunition. (d) . . . . .
- (e) Here insert area, parish, town or village in which applicant may be in possession of the firearm and ammunition. (e) . . . . .  
on the following occasions—
- (f) Here insert occasions on which applicant may be in possession of firearm and ammunition. (f) . . . . .

Photograph <sup>1</sup>

Dated this . . . . . day of . . . . . 19 . . . . .

Signed . . . . .

## FORM OF CERTIFICATE

Pursuant to an application dated . . .

- (a) Here insert full name of applicant. (a) . . . . . of
- (b) Here insert full residential address of applicant. (b) . . . . .
- (c) Here insert occupation of applicant. (c) . . . . .
- (d) Here insert make, type, calibre and Identification No., if any, of firearm and ammunition. (d) . . . . .  
is hereby authorized to be in possession of  
- . . . . .  
- . . . . .

subject to the following conditions:

- (e) Here insert conditions\*subject to which applicant may be in possession of firearm and ammunition.

(e) .....  
.....

Photograph

Dated this.....day of.....19....

Signed.....

## SECOND SCHEDULE

(Regulations 2, 5)

### PART I

I certify this to be a true photograph of—

Mr.  
Mrs.  
Miss

.....  
(Signature and qualification of person  
certifying photograph)

### PART II

#### *Form of Declaration to be signed by Traveller*

I.....of.....  
(name) (address and occupation)

hereby declare as follows—

- (a) that my address, while in Jamaica will be.....

- (b) that I am in possession of.....  
(make, type, calibre and identification

number)

together with.....rounds of ammunition therefor;

- (c) that I intend to dispose of the abovementioned firearm and ammunition in Jamaica by .....

OR

- (d) that I do not intend to dispose of the abovementioned firearm and ammunition while in Jamaica;

- (e) that I will inform the Collector General within three months of the date of this declaration of the time, place and mode of my departure from Jamaica so that the abovementioned firearm and ammunition may be returned to me.

Dated this.....day of.....19....

Signed.....

## THIRD SCHEDULE

(Regulation 4)

FORM OF REGISTERS TO BE KEPT BY HOLDER OF GUNSMITH'S LICENCE OR FIREARM DEALER'S LICENCE

(a) *Firearms Register*

| FIREARMS RECEIVED |      |      |         |                       |  |         | FIREARMS SOLD OR DELIVERED                           |                  |
|-------------------|------|------|---------|-----------------------|--|---------|--|------------------|
| Date of Receipt   | Make | Type | Calibre | Identification Number | Name, Address, Serial Number of Licence, etc. of Person from Whom Received | Purpose | Name and Address of Person to Whom Delivered or Sold | Date of Delivery |
|                   |      |      |         |                       |  |         |  |                  |

and

(b) *Ammunition Register*

| AMMUNITION RECEIVED |         |          |   | AMMUNITION SOLD OR DELIVERED                   |   |         |          |                  |
|---------------------|---------|----------|---|--|---|---------|----------|------------------|
| Date of Receipt     | Calibre | Quantity | Name and Address of Person from Whom Received | Name and Address of Person to Whom Transferred | Serial Number of Licence, etc., of Person to Whom Transferred | Calibre | Quantity | Date of Transfer |
|                     |         |          |   |  |   |         |          |                  |

FORM OF REGISTERS TO BE KEPT BY HOLDER OF FIREARM MANUFACTURER'S LICENCE

(a) *Firearms Register*

| Firearms Manufactured |      |         |                       | Firearms Sold |   |
|-----------------------|------|---------|-----------------------|---------------|---|
| Date                  | Type | Calibre | Identification Number | Date of Sale  | Name, address and serial number of licence, etc. of person to whom sold |
|                       |      |         |                       |               |   |

and

(b) *Ammunition Register*

| Ammunition Manufactured |          |         | Ammunition Sold |          |         |   |
|-------------------------|----------|---------|-----------------|----------|---------|---|
| Month                   | Quantity | Calibre | Date of Sale    | Quantity | Calibre | Name, address and serial number of licence, etc. of person to whom sold |
|                         |          |         |                 |          |         |   |

## FOURTH SCHEDULE

(Regulation 9)

*Persons to whom paragraph (j) of subsection (2) of section 20 of the Act relates*

The members of any rifle club which is operated by a school and is approved by the Minister, so, however, that any such member—

- (a) shall not be entitled to purchase or sell any firearm or ammunition;
- (b) shall not acquire or have in his possession any firearm or ammunition other than a firearm or ammunition provided by that club or by some other club approved by the Minister;
- (c) shall not use any such firearm or ammunition otherwise than at the rifle range of any such club.

Dated at Kingston this 16th day of March, 1967.

R. A. McNEILL,  
Minister of Home Affairs.



JAPAN

Department of State

TELEGRAM

47

UNCLASSIFIED 840

**ACTION  
COPY**

PAGE 01 TOKYO 09186 130133Z

83

ACTION L 03

INFO EA 06,RSR 01,RSC 01,011 W  
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R 130100Z JUN 68  
FM AMEMBASSY TOKYO  
TO SECSTATE WASHDC 0887

LEGAL ADVISER

UNCLAS TOKYO 9186

JUN 13 1968

REF: STATE 179593

DEPARTMENT OF STATE

SUBJ: GUN CONTROL LAWS

INFO REQUESTED REFTEL POUCHED UNDER COVERING AIRGRAM JUNE 13.  
OSBORN

UNCLASSIFIED

# AIRGRAM

SOC 11-1 JAPAN  
FOR RM USE ONLY

|      |      |      |
|------|------|------|
| RM/R | REP  | AF   |
| 1    |      |      |
| ARA  | EUR  | FE   |
|      |      | 4    |
| NEA  | CU   | INR  |
|      |      |      |
| E    | P    | IO   |
|      |      |      |
| L    | FBO  | AID  |
|      |      |      |
| AGR  | COM  | FRB  |
|      |      |      |
| INT  | LAB  | TAR  |
|      |      |      |
| TR   | XMB  | AIR  |
|      |      |      |
| ARMY | CIA  | NAVY |
|      |      |      |
| OSD  | USIA | NSA  |
|      |      |      |

A-1629 NO. UNCLASSIFIED

TO : DEPARTMENT OF STATE

FROM : Amembassy TOKYO

SUBJECT : Gun Control Laws

REF : State 179593

RECEIVED  
JUN 17 12 06 PM 1968  
DATE: June 14, 1968

Per request reftel Embassy submits enclosed in order stated below. This information was obtained from the National Police Agency and in addition to covering the specific questions raised in reftel, provides a broad range of information on gun control laws in Japan.

- Enclosures: 1) Japanese law controlling firearms --replies to questions in reftel.
- 2) Law controlling possession, etc, of firearms and sword (sic)
- 3) General information on gun control legislation in Japan

JUN 17 1968

ENCLOSURE

FORM 4-62 DS-323

UNCLASSIFIED

FOR DEPT. USE ONLY

☒ In ☐ Out

Drafted by: D/EX:R/Rushitz/ba

Contents and Classification Approved by:

Clearances:



JAPAN

Official answer to your questionnaire

1. Legal control etc. over the possession of firearms in Japan:

Possession, carrying, transporting and firing of pistols and revolvers are strictly controlled in our country by our "Law Controlling Possession, etc., of Firearms and Sword".

Summary of this control law is as follows:

(1) Handguns (Pistols and revolvers)

Possession of the above weapons in our country is not authorized, except the following main cases.

a. In case any police officer or Maritime Safety Officer etc. possesses it for a duty pursuant to laws or orders.

b. In case any representative athlete participating in a pistol shooting match of the athletic game to be held in an international scale or any person both of whom were recommended by the Japan Athletic Association to be appropriate as its representative or its candidate, intends to possess a pistol necessary for use in said pistol shooting match after obtaining a valid permit from the local Public Safety Commission concerned. In addition to the above, there are very few exceptions admitted in the possession of handguns.

c. Therefore, any private individual who has no special legal reason for doing so can not possess any handgun in our country. Any person who possesses a pistol in violation of the provisions of this law shall be punished with penal servitude of not more than 5 years or with a fine of not more than 200,000 yen.



(2) Hunting-guns (rifles and shotguns)

A hunting-gun can be authorized for possession by an individual in our country when he had obtained a permit for said guns from the local Public Safety Commission concerned, however, it is strictly stipulated by this law that permission shall not be given to those who have no such definite purposes of possessing it as for hunting, extermination of harmful insects or animals or for target shooting purposes or one who has any disqualifying requirements such as mentally deranged and the like. It is to be noted that there are several fixed criteria to be applied to the authorization of hunting-guns regarding its length of barrel and caliber etc.

In case when a person possesses a hunting rifle without obtaining a valid permit from the local Public Safety Commission concerned, he shall be given the same length of penal servitude or same amount of fines as in the violation cases of handguns specified in 1-(1)-c.

2. Trend of crimes in which handguns or hunting guns were involved:

- (1) Pistols and revolvers involved in criminal cases are as follows.

After the peak of these crimes recorded in 1963, these crimes seem to have shown downward tendency year after year.

However, due to our change of reporting system, newly employed in and after 1966, exact trend of criminal cases is very difficult and unknown for us. Those figures quoted above

/for

for the period from 1963 to 1965 indicate "number of cases known to the police" (Ninchi-kensu in Japanese), while those for 1966 and 1967 show "number of cases cleared up" (Kenkyo-kensu in Japanese).

Statistics of pistols or revolvers involved in criminal cases.

| Category<br>or crimes | Number of cases known to the police |      |      | Number of cases cleared up |      |
|-----------------------|-------------------------------------|------|------|----------------------------|------|
|                       | 1963                                | 1964 | 1965 | 1966                       | 1967 |
| Homicide              | 50                                  | 40   | 12   | 22                         | 7    |
| Robbery               | 25                                  | 26   | 20   | 5                          | 7    |
| Rape                  | 1                                   | 1    |      | 1                          | 2    |
| Assault               | 6                                   | 12   | 8    | 8                          | 4    |
| Extortion             | 7                                   | 15   | 20   | 10                         | 3    |
| Total                 | 89                                  | 94   | 60   | 46                         | 23   |

(2) Hunting guns (rifles and shot-guns) involved in criminal cases are as follows:

It is to be noted that on and after 1965, the trend of these crimes have been following a crablike course.

/Statistics

Statistics of hunting-guns etc. involved in criminal cases:

| Category or crimes | Number of hunting-guns used |      |      |      |      |
|--------------------|-----------------------------|------|------|------|------|
|                    | 1963                        | 1964 | 1965 | 1966 | 1967 |
| Homicide           | 62                          | 43   | 37   | 29   | 38   |
| Robbery            | 8                           | 6    | 4    | 3    | 4    |
| Rape               | 1                           |      |      | 2    | 2    |
| Assault            | 14                          | 19   | 10   | 16   | 14   |
| Extortion          | 5                           | 6    | 3    | 3    | 1    |
| Total              | 90                          | 74   | 54   | 53   | 59   |

It is to be noted that the category of crimes used in the above statistics are the same with those used in the left column of 2-(1).

- (3) For your reference in comparing the variation (increase or decrease) with the criminal cases involving pistols (mentioned above (1) ), we wish to quote here the cases known to the police and the cases cleared up for the past five years concerning those crimes such as homicide and robbery:

| Classification                 |   | 1963      | 1964      | 1965      | 1966      | 1967      |
|--------------------------------|---|-----------|-----------|-----------|-----------|-----------|
| Total number of criminal cases | Total number of cases known to the police | 1,557,803 | 1,609,741 | 1,602,430 | 1,590,681 | 1,603,471 |
|                                | Index                                     | 100       | 100.3     | 102.2     | 102.1     | 102.9     |
|                                | Total number of cases cleared up          | 1,045,417 | 1,107,374 | 1,069,617 | 1,051,608 | 1,077,103 |
|                                | Index                                     | 100       | 105.9     | 102.3     | 100.6     | 103.0     |

| Classification |   | 1963  | 1964  | 1965  | 1966  | 1967  |
|----------------|---|-------|-------|-------|-------|-------|
| Homicide       | Total number of cases known to the police | 2,283 | 2,366 | 2,288 | 2,198 | 2,111 |
|                | Index                                     | 100   | 105.9 | 100.2 | 96.3  | 92.5  |
|                | Total number of cases cleared up          | 2,222 | 2,299 | 2,228 | 2,124 | 2,014 |
|                | Index                                     | 100   | 103.5 | 100.3 | 95.6  | 90.6  |
| Robbery        | Total number of cases known to the police | 4,021 | 3,926 | 3,886 | 3,558 | 3,009 |
|                | Index                                     | 100   | 97.6  | 96.6  | 88.5  | 74.8  |
|                | Total number of cases cleared up          | 3,358 | 3,200 | 3,278 | 2,941 | 2,481 |
|                | Index                                     | 100   | 95.3  | 97.6  | 87.6  | 73.9  |

Remarks : "Index" used in this data means the yearly variation rate calculated in accordance with the following formula. 100 is given to the cases either known to the police or cleared up in 1963.

NATIONAL POLICE AGENCY

1, 2-Chome, Kasumigaseki  
Chiyoda-ku, Tokyo  
Japan



"J-NCB/ 283 /68"

I N T E R P O L  
NATIONAL CENTRAL BUREAU

Telegraphic Address:  
"INTERPOLJAPAN TOKYO"

TOKYO, June 12, 1968.

Mr. Roderick V. Precht, Jr.  
Legal Attache  
American Embassy  
Tokyo

Re : Japanese law controlling firearms

Dear Sir;

In reply to your telephone request made on June 12, this year, we wish to inform you as follows:

1. Our controlling law generally prohibits the possession of firearms by an individual in our country, however, possession is exceptionally authorized in special cases when any person has obtained the permission for possession of a certain type of firearms from the local Public Safety Commission concerned.
2. Pistols or revolvers, rifles, shotguns, air-guns and other special cannon or guns used for industrial purposes are all covered by this law in Japan.
3. (1) Possession of a pistol or revolver is authorized to those persons for duty pursuant to laws or orders such as police officers, etc.

The same is true to those athletic representatives or its candidates who are recommended to participate in a sport matches etc. to be held in an international scale.

- (2) Rifles, shot-guns, and air-guns are authorized for possession in Japan to those persons who had obtained permission from the local Public Safety Commission, however, there is some specific criteria to be applied concerning the type of fire-arms.
- (3) A cannon or gun used for industrial purposes is authorized to those who had obtained the permission for possession in Japan from the local Public Safety Commission.
4. There are several special provisions made in our law pertaining to pistols or revolvers, however, no provisions are stipulated by the above law, so far as sporting-guns are concerned.
5. Importation or mail-order selling of these weapons such as pistols, revolvers, rifles, machine-guns or cannons are strictly prohibited, however, no restriction is applied to other type of firearms in our country.
6. In cases only when any manufacturer or seller of hunting guns has obtained the permission from the Prefectural Governor, he is authorized to sell hunting guns in our country.

Enclosed herewith is our Criminal Statistic data as well as the copy of the law in question for your further reference.

Trusting the above information is of some assistance to your inquiry.

We are always ready to assist you in any way possible.

Yours sincerely,

for HEAD, NCB, JAPAN:

*Y. Sode*

(YOSHITO SODE)

Chief

Criminal Research & Statistics Section  
Criminal Investigation Bureau  
National Police Agency

YS/mo/s  
Encl.

Criminal Statistics

## (1) Criminal cases in which firearms were involved :

(a) Homicide : (occurred)

| Year | Homicide caused<br>by firearms * | By pistols<br>only | Total number of homicide<br>cases occurred | Percentage of homicides<br>by firearms to the total<br>homicides cases occurred |
|------|----------------------------------|--------------------|--|---|
| 1962 | 112 cases                        | ( 37 ) cases       | 2,177 cases                                | 5.1 %   |
| 1963 | 116                              | ( 50 )             | 2,103                                      | 5.5 %   |
| 1964 | 84                               | ( 40 )             | 2,174                                      | 3.9 %   |
| 1965 | 50                               | ( 12 )             | 2,067                                      | 2.4 %   |

\* Including the cases caused "by pistols".

(b) Suicide committed by gun or powder :

| Year | Total persons involved | (Total persons involved)<br>in suicide |
|------|------------------------|--|
| 1962 | 106 persons            | 14,065 persons                         |
| 1963 | 104 persons            | 14,850 persons                         |

(c) Accidental death : Sorry, unknown

## (2) Total cases committed by firearms :

| Year | Robbery                                    |                              |  |
|------|--|------------------------------|--|
|      | Cases in which fire-<br>arms were involved | Total number<br>of robberies | Percentage of robbery cases<br>in which firearms were used<br>as against total number of<br>robberies occurred |
| 1962 | 38 cases                                   | 4,142 cases                  | 0.9 %  |
| 1963 | 37   | 4,021                        | 0.9 %  |
| 1964 | 52   | 3,926                        | 1.3 %  |
| 1965 | 27   | 3,886                        | 0.7 %  |

| Year | Bodily injury (B/I)                        |                              |  |
|------|--|------------------------------|--|
|      | Cases in which fire-<br>arms were involved | Total number<br>of B/I cases | Percentage of B/I cases<br>in which firearms were used<br>as against total number of<br>B/I occurred |
| 1962 | 85 cases                                   | 63,918 cases                 | 0.1 %  |
| 1963 | 64   | 59,730                       | 0.1 %  |
| 1964 | 62   | 61,282                       | 0.1 %  |
| 1965 | 34   | 58,702                       | 0.06 %   |



1. - a) Importing :

Only those firearms that are legally authorized to private individuals for possession in our country can be imported into our country. As to the conditions of firearms and persons in particular to which authorization are granted, please refer to our answer entered in 3-a and 3-b respectively. The importing of a rifle, a pistol, a machine-gun or a gun into our country are prohibited as a rule.

Our importing formalities required are as follows :

- (1) In case any person intends to import a firearm into our country, it is required for him to obtain importing permit from the Ministry of International Trade and Industry (MITI). (In case the total price of said firearm to be imported is ¥180,000 or less, it is required to obtain importing permit for said firearm, Director of Customs instead of MITI.) At the time of custom clearance, it is further controlled that any importer has to obtain importing permit for said firearm from the Director of Customs. In the application for the above permit, the applicant shall be required to have his legal basis of his possession of said firearm intended for importing into our country.
- (2) In case any person intends to import a firearm into our country either by carrying said firearm as his personal baggage or his professional tool at the time of his entry into our country, or by sending it separately to our country after his declaration to Customs, he has to obtain importing permit for said firearm from the Director of Customs at the



time of his customs clearance. In the application for this permit, he shall have the same legal basis as stated in 1-a, (1). Generally speaking, any person who enters into our country is not always immediately granted authorization for possession of said firearm legally in our country. It is customary the case with our country that prior to granting the importing permit by the Director of Customs, the Chief of the Police Station having jurisdiction over the landing place shall detain said firearm provisionally, and return it to the owner in case he has obtained permission for possession of said firearm legally in our country from the Prefectural Public Safety Commission concerned. Then his application for importing said firearms into our country ~~are~~<sup>is</sup> authorized by authorities concerned.

It is further controlled that those firearms which did not fall under the object of requiring permission shall not be returned to each owner of said firearm until his actual departure from our country.

b) Exporting :

Only those firearms that are legally authorized to private individuals for possession in our country can be exported from our country.

Our exporting formalities required are as follows:

- (1) In case any person intends to export firearms from our country, it is required for him to obtain exporting permit from the MITI (in casey firearms involving no price settlement are exported, no exporting permit is requires).



The person intending to export firearms from our country is further required to obtain another exporting permit from the Director of Customs at the time of the clearance of said firearms, concerned.

- (2) In case any person intends to export a firearm from our country, either by carrying it as his personal baggage or his professional tool at the time of his exit from our country or by sending it separately from our country after his declaration to Customs, he is required to obtain export permit for said firearm from the Director of Customs concerned at the time of the clearance of said firearm, ~~concerned~~.

2. (1) In case any person desires to sell firearms to private individuals, as business, it is required that he ~~has obtained~~ permission of his doing so from Prefectural Governor or that he ~~has~~ filed to that effect to Prefectural Public Safety Commission having jurisdiction over the location of his working place depending upon the kind of firearms he so desires.

- (2) In case any person engaged in selling firearms to private individuals, as business, ~~so desires~~, he shall not be permitted to do so it is confirmed that legal possession permit of a specified firearm is duly presented to him by the purchaser. With respect to those firearms such as Hunting gun (hunting rifle, shot-gun), Air-gun, Butcher-gun, Harpoon rifle and Harpoon gun, they shall be entered by the above seller on a prescribed book specifying type of a firearm, quantity, date of sale made and address of the purchaser at the time of the delivery of said firearm.



- (3) Prior to the purchase of a firearm, any person intending to do so is required to have the permit of possession of said firearm issued to him by Prefectural Public Safety Commission concerned.

3 - a) Acquiring and owning firearms are controlled depending on the description of firearms involved. Prohibition is applied to specified firearms, while permission is granted to particular <sup>ones</sup> firearms. (Please refer to our answer made in 3 - b.)

- (1) With respect to those firearms which fall under the category of authorization for possession, any person is able to possess that particular firearm to which permission was granted by obtaining, in advance, the permit of possession of said firearm in our country from Prefectural Public Safety Commission concerned.

In the case stated above, it is to be noted that possession of a firearm has no direct connection with the ownership of a firearm. Therefore, any person who is actually in possession of a firearm whose ownership belongs to another individual shall be placed as responsible for the fact that he has obtained permission of possessing said firearm in our country.

- (2) Various conditions under which permission of possession of a firearm is granted are as follows :

- A. The firearm so presented shall meet the prescribed standard of firearms as stated in item 3-a.
- B. The object of possession of a firearm so requested shall conform to the intended use of said firearm so specified



by our law, depending upon the description of firearms requested. For instance, with respect to hunting rifle (rifle, shot-gun) and air-gun in particular, only these firearms exclusively used for hunting, destruction of harmful birds and beasts or target practice are authorized for possession in our country. Therefore, permission shall not be granted to the applicants intending to possess a firearm for personal protection, admiration or collection purposes.

(3) Any person intending to possess a firearm shall conform to the following personal condition and requirement so stipulated by our law :

- A. As a rule persons reaching the age of eighteen years old.
- B. Any person who is neither mentally deranged person nor poisoned by narcotic drugs or cannabis.
- C. Any person having a definite residence.
- D. Any person having no considerable reason to sufficiently believe that life or property of other persons or public safety is likely to be destroyed.
- E. Others.

(4) With respect to hunting rifle (rifle, shot-gun) and Air-gun, it is further required that any person intending to obtain permit for possession of firearms stated above ~~Prefectural~~ ~~Public Safety Commission~~ has finished the training course conducted by Prefectural Public Safety Commission.



(5)

Any person having obtained permission for possession of a firearm shall at all times keep firearm relating to permission himself except for such cases under justifiable reasons. In his actual custody of the said firearm, he shall not keep said firearm loaded with a ball cartridge, a blank cartridge or any metallic bullet.

Except for such cases when any person intends to use his firearm for the purpose relating to permission or for other case under justifiable reason, he is not allowed to bring or carry said firearm to which permission was granted.

In the event that the person having obtained permission brings or carries the firearm for which he has obtained permission, he shall, except for such cases when he is at the actual scene of hunting or target practice, cover or put said firearm in a case without loading it with a ball cartridge, a blank cartridge or any metallic bullet.

- 3 - b (1) The law prescribing the possession of firearms etc. in our country is the one entitled "Law Controlling Possession Etc. of Firearms and Sword". "Firearms" in this law shall mean pistols, rifles, machine-guns, guns, hunting-guns and any other firearms charging with gunpowder and air-guns (including those using compressed gas) that have mechanism of shooting metallic bullets.
- (2) Of those firearms stated above, pistols, rifles, machine-guns and guns are, as a rule, prohibited for possession in our country, therefore no permit shall be granted to any private individual. (With respect to exception of permission of possession of a pistol, please refer to our Referential information added at the end of this answer.)



With respect to an old type of firearms such as matchlock type of firearms worthy as an object of art or an antique, any person can legally possess them in our country in the event that any owner or any one who is in possession of said firearms has obtained registration for said arm by making his application for registration to Prefectural Education Board concerned.

(3) Of those firearms relating to permission for possession of firearms in our country, functional and structural conditions for hunting guns (rifle, shot-gun) and air-guns are as follows :

A. Those firearms not belonging to the type of continuous automatic percussion.

B. As part of structure of a firearm, no magazine or cylinder capable of loading more than six ball cartridges or metallic bullets.

C. Required calibre of the firearms stated above is as follows :

Rifle ..... under 10.5 mm. (under 12 mm. for rifle used for used capturing a sea-horse or a bear etc.).

Shot-guns ..... Smaller calibre than gauge 12 (Smaller than gauge 8: used for capturing a <sup>woodcock</sup> sea-horse or a bear).

Air-guns ..... Light mm. or less (As to air shot-gun ... 12 mm. or less)  
(As to anesthetic air-gun ... 15 mm.  
or less).

D. Length of barrel of rifles and shot-guns shall be 48.8 cm. or over.

E. Over-all length of rifles and shot-guns shall be 93.9 cm. or over.

Over-all length of air-guns shall be 79.9 cm. or over.



F. As part of structure of firearms, no silencing device is attached to said firearms.

G. There shall be no serious defects likely to cause danger at mechanized or barrel part of said firearms.

(4) Other firearms to which permission for possession in our country is granted are as follows :

Rescue rope discharging gun, Signal guns for rescue, Butchering guns, Harpoon gun, Harpoon rifle, Signal guns for whaling, Rivet discharging guns for construction, and Rope discharging guns for construction etc. With respect to those firearms, there is no structural and functional conditions applied to said firearms except the fact that there is no distinct defects likely to cause danger on mechanized or barrel part of said firearms.

3 - c) Yes, on condition that these weapons are used for the intended purpose authorized or for other justifiable reason.

3 - d) Yes, so long as various conditions required is met as stated in item 3-a and 3-b.

4 - a) Self-evident by our statement in 3-a.

4 - b) Self-evident by our statement in 3-b.

4 - c) Other than police officers etc., possession of firearms by any person without permit is authorized strictly in cases specified below :

(1) In case any official of the State or local public entity possesses them for test or research, for use in teaching material of the short training course or for display to public.



(2) In case any manufacturer or seller etc. possesses the weapons under his manufacture for business.

It is to be noted that even in such cases stated above, the above listed persons are not authorized to carry or bring said firearms without justifiable reasons.

5 - a Yes.

5 - b The National Police Agency is responsible for keeping this file up-to-date.

6 Any private individual intending to purchase ammunition for firearms, shall be in possession of a firearm to which permit has been granted by authorities concerned. He is further required to obtain the permit of transfer of his firearm from Prefectural Public Safety Commission concerned. However, any person spending ammunition of a firearm for hunting purpose shall not be required to possess the permit of transfer of the ammunition in the event that he intends to purchase the ammunition which is less than the quantity so fixed. It is further stated that prior to business transaction a seller who is responsible for sale of an ammunition to private individuals has to obtain permit for doing so from Prefectural Governor concerned. (Referencial information)

It is to be noted that any person falling under any one of the following items shall only be authorized to obtain each permit of possession of a firearm in our country.

(1) Any person intending to possess a firearm necessary for use in such test or research after acquiring a required certificate issued to him by related Administrative agencies.



- (2) Any representative athlete or its candidate both of whom are recommended by the Japan Athletic Association to participate in pistol shooting match of the athletic game such as Olympic Games etc. to be held in an international scale, intends to possess a pistol for use in said pistol shooting match.
- (3) Any person recommended by the Japan Athletic Association as a person engaging in umpire of athletic match in the athletic game to be held in an international or nation-wide scale, who intends to possess a signal gun for the athletic game or a pistol for use in starting signal of said athletic match.
- (4) Any foreigner participating in an international match to be held in our country, who intends to possess a pistol necessary for use in the said pistol shooting match.

It is further noted that any person falling under each of the items listed above, who is able to possess said <sup>firearm</sup> ~~firearm~~ upon receiving permission shall not be authorized to bring or carry said firearm unless he has any justifiable reason to do so, (please refer to our answer as stated in 3-a) and that he is also under strict control of our law with respect to the condition of custody for his firearm to which permission had already been granted.

NO. 3920

銃砲刀剣類  
所持等取締法

☐ LAW CONTROLLING POSSESSION, ETC.  
OF FIRE-ARMS AND SWORD

(Law No. 6, Mar 10, 1958)

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EHS LAW BULLETIN SERIES

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Amendments:

- ① Law No. 72, Apr. 5, 1962
- ② Law No. 161, Sept. 15, 1962
- ③ Law No. 23, Mar. 22, 1963
- ④ Law No. 47, Apr. 15, 1965
- ⑤ Law No. 80, June 7, 1966

☐ LAW CONTROLLING POSSESSION, ETC.  
OF FIRE-ARMS AND SWORD  
(Law No. 6, Mar. 10, 1958)

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| CHAPTER IV  | MISCELLANEOUS PROVISIONS  | (Articles 21-2-30) |
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Note: Circled numbers after title of each Article indicate the amendments thereto, the amending laws being referred to above as well as in Supplementary Provisions with the same circled numbers.

CHAPTER I GENERAL PROVISIONS

(Purpose)

Article 1. This Law is to prescribe the necessary control for preventing the danger relating to possession of fire-arms, swords, etc.

(Definition) ① ④

Article 2. "Fire-arms" in this Law shall mean pistols, rifles, machine-guns, guns, hunting guns and any other fire-arms charging with gunpowder and air guns (including those using compressed gas) that have mechanism of shooting metallic bullets.

2. "Swords" in this Law shall mean a sword, a blade, a spear and a halbert as well as a dagger with a blade 15 or more centimeters long and a knife having a mechanism to automatically open a blade at 45 or more degrees (excluding a knife with a blade 5.5 or less centimeters long and without having a mechanism to have an opened blade fixed in a straight line with a case, and whose edge of a blade is straight and whose point of a back is tinged with round and a line connecting a point of 1 centimeter by straight line from the edged point on the back of a blade with the edged point is intercrossed by an angle of 60 or more degrees against the line of the edge of a blade).

(Prohibition of possession) ① ④ ⑤

Article 3. Except for such cases as falling under any one of the following items no person shall possess a fire-arm or fire-arms or a sword or swords:

(1) In case any person possesses it for a duty pursuant to

laws or orders;

- (2) In case any official of the State or local public entity possesses them for test or research, for use in teaching material of the short training course under Article 5-3 paragraph 1 or Article 7-2 paragraph 1 of the Law concerning Protections of Birds and Beasts and Hunting (Law No. 32 of 1918) or for display to public;
- (3) In case any person who has obtained permission under the provisions of Article 4 or Article 6 possesses it that has been permitted under said provisions (excluding a remodeled fire-arm or sword (meaning a fire-arm or a sword that has been remodeled to a stick or otherwise in such a way as to mislead it to a thing other than a fire-arm or a sword; hereinafter the same) after obtained the permission therefor);
- (3)-2 In case any person who was entrusted the custody of a pistol under the provisions of Article 10-4 paragraph 1 possesses the pistol under the entrustment for custody in accordance with the provisions of paragraph 2 of said Article;
- (4) In case any person possesses it that has been registered under the provisions of Article 14 (excluding remodeled fire-arms or swords);
- (5) In case any manufacture of weapon under the Weapon, etc. Manufacture Law (Law No. 145 of 1953), any manufacturer of hunting guns, etc. or any person who has obtained

permission under the proviso to Article 4 or Article 18 possesses them under his manufacture for business (limiting to those that have been sent for repair from a seller of hunting guns, etc. or a person who possesses it upon obtaining permission under the provisions of Article 4 in the case of a manufacturer of hunting guns, etc. engaging in repair);

- (6) In case any seller of hunting guns, etc. under the Weapon, Etc. Manufacture Law possesses for business those that have been taken over from any manufacturer of hunting guns, etc., any seller of hunting guns, etc. or any person who possesses it or the State or local public entity upon obtaining permission under the provisions of Article 4 or those that have been imported by said seller of hunting guns, etc.;
- (7) In case any person who makes a sword or swords upon obtaining approval from the Cultural Properties Protection Commission possesses in accordance with the purpose of making those manufactured;
- (8) In case any person who, upon filing with the Prefectural Public Safety Commission having jurisdiction over the location of his working place, engages as business in the manufacture of signal guns for whaling, rescue rope discharging guns, signal guns for rescue, rivet discharging guns for construction, rope discharging guns for construction, signal guns for athletic game or such fire-arms

as prescribed by Cabinet Order under Article 4 paragraph 1 item (2) (hereinafter referred to as "manufacturer of signal guns, etc. for whaling") possesses those manufactured for business (limiting to those that have been sent for repair from any person who, upon filing with the Prefectural Public Safety Commission having jurisdiction over the location of his working place, engages as business in the sale of those guns (hereinafter referred to as "seller of signal guns, etc. for whaling") in the case of a manufacturer of signal guns, etc. for whaling engaging in repair or from any person possessing them upon obtaining permission under the provisions of Article 4);

- (9) In case any seller of signal guns, etc. for whaling possesses for business those that have been taken over from any manufacturer of signal guns, etc. for whaling, any seller of signal guns, etc. for whaling or any person who possesses them upon obtaining permission under the provision of Article 4 or the State or local public entity or those that have been imported by said seller of signal guns, etc. for whaling;
- (10) In case besides such cases as mentioned in item (7), any person who, upon filing with the Prefectural Public Safety Commission having jurisdiction over the location of his working place, engages as business in the making of swords for export, possesses for business those so made,



or in case any person who has been entrusted for handling of export with respect to said swords, possesses for export those so entrusted.

2. Any person who engages in the construction works under the supervision of the person who has obtained permission for possession of fire-arms necessary for use in construction in accordance with the provisions of Article 4 paragraph 1 item (2) (limiting to those who have been filed beforehand by the person who has obtained permission with the Prefectural Public Safety Commission having jurisdiction over his address (as for the representative or agent, employee or any other worker of a juridical person, who has obtained permission under the provisions of said item with respect to the possession for business of such juridical person, the location of said working place); (hereinafter referred to as "person engaging in construction works") may, notwithstanding the provisions of the preceding paragraph, possess the fire-arms relating to such permission to use for business under the direction of the person who has obtained the permission.

3. The case where employees of the person as mentioned in items (5) to (10) inclusive of paragraph 1 (limiting to those who have been filed beforehand by the person as mentioned in said each item with the Prefectural Public Safety Commission having jurisdiction over the location of a working place) possess fire-arms or swords for business of the person as indicated in said each item respectively, shall be included in such case as prescribed

in each item of said paragraph respectively.

4. The necessary detail concerning the file with the Prefectural Public Safety Commission as prescribed in paragraph 1 items (8) and (10) as well as the preceding two paragraphs shall be provided for by Prime Minister's Office Ordinance.

(Prohibition of importation of pistol, etc.) ④ ⑤  
Article 3-2. Except for such cases as falling under any one of the following items, no person shall import a pistol, a rifle, a machine gun or a gun (hereinafter referred to as "a pistol, etc."):

- (1) In case the State or a local public entity imports a pistol, etc. necessary for possession under paragraph 1 item (1) or item (2) of the preceding Article;
- (2) In case the person who has been entrusted an importation of a pistol, etc. under the preceding item from the State or a local public entity imports a pistol, etc. relating to such entrustment;
- (3) In case the person who has obtained permission for possession of a pistol, etc. in accordance with the provisions of paragraph 1 item (3) or item (4) of the following Article imports a pistol, etc. relating to such permission;
- (4) In case the person who has been entrusted the importation of a pistol, etc. under permission from such person as provided for in the preceding item imports a pistol, etc. relating to such entrustment;

- (5) In case the person who has obtained permission for possession of a pistol, etc. in accordance with the provisions of Article 6 paragraph 1 imports a pistol, etc. under such permission.

CHAPTER II PERMISSION FOR POSSESSION  
OF FIRE-ARMS OR SWORDS

(Permission) ① ② ③

Article 4. Any person falling under any one of the following items shall in accordance with the procedure as prescribed by Prime Minister's Office Ordinance obtain permission for each fire-arm or sword intended to possess from the Prefectural Public Safety Commission having jurisdiction over his address with regard to the possession thereof:

- (1) Any person intending to possess a hunting gun or an air gun for use in hunting, destruction of harmful birds and beasts or target practices;
- (2) Any person intending to possess rescue rope firing guns, signal guns for rescue or butchery guns or harpoon guns, harpoon rifle, signal guns for whaling, rivet discharging guns for construction, rope discharging guns for construction or such fire-arms necessary for any other industry as provided for by Cabinet Order to be used for saving a life or butchery or fishing,

construction or any other industry;

- (3) Any person intending to possess a fire-arm necessary for use in such test or research as prescribed by Cabinet Order;
- (4) Any representative athlete participating in pistol shooting match of the athletic game as prescribed by Cabinet Order to be held in an international scale or any person recommended by the person as prescribed by Cabinet Order to be appropriate as its candidate, who intends to possess a pistol necessary for use in said pistol shooting match;
- (5) Any person recommended by the person as prescribed by Cabinet Order to be appropriate as a person engaging in umpire of athletic match in the athletic game as provided for by Cabinet Order to be held in an international or nation-wide scale, who intends to possess a signal gun for athletic game or a pistol for use in starting signal of said athletic match;
- (6) Any person intending to possess swords necessary for use in hunting, destruction of harmful birds and beasts, butchery, fishing or construction;
- (7) Any person intending to possess a sword to be used in a regular annual events such as a festival or any other sword that is deemed inevitable to possess from the standpoint of general manners and customs.



2. The person who has obtained permission under the provision of the preceding paragraph shall, in the event that he was to possess a fire-arm or a sword, obtain confirmation from the Prefectural Public Safety Commission having jurisdiction over his address or the location of the working place of a juridical person as to whether or not the fire-arm or the sword that he was to possess is the fire-arm or the sword under said permission within fourteen days reckoning from the day of his possession in accordance with Prime Minister's Office Ordinance.
3. The recommendation to be taken by such person as designated by Cabinet Order under paragraph 1 item (4) shall be made within the scope of the numbers as prescribed by the National Public Safety Commission.
4. Permission for possession of a pistol under paragraph 1 item (4) shall be made by specifying the period therefor in accordance with Cabinet Order.
5. In the event that a juridical person intends to cause a representative or an agent, an employee or any other worker to possess a fire-arm or a sword for the business as mentioned in paragraph 1, the representative or an agent, an employee or any other worker of the juridical person that intends to actually possess a fire-arm or a sword shall obtain permission from the Prefectural Public Safety Commission having jurisdiction over the location of the working place of the juridical person in accordance with the procedure as prescribed by Prime Minister's Office Ordinance.

(Standard for permission) ① ②  
Article 5. The Prefectural Public Safety Commission shall, in the event that any person intending to obtain permission under the provision of the preceding Article comes under any one of the following items, not give permission:

- (1) Persons not reaching the age of eighteen years old  
(in the case of any person intending to obtain permission for possession of an air gun, who is recommended by the person as prescribed by Cabinet Order in accordance with Cabinet Order, any person not reaching the age of fourteen years old);
- (2) Mentally deranged persons, persons poisoned by narcotic or hemp or feeble-minded persons;
- (3) Persons having no definite residence;
- (4) Any person who has not elapsed three years reckoning from the day on which permission has been cancelled in accordance with the provision of Article 11;
- (5) Any person who has been punished with heavier penalty than fine in violation of the provision of Article 3 paragraph 1 and who has not elapsed three years reckoning from the day on which the execution of the penalty has been completed or the execution has been remitted;
- (6) Any person having a considerable reason to sufficiently believe that life or property of other persons or public safety is likely to be destroyed.

2. The Prefectural Public Safety Commission shall not give

permission with respect to remodeled fire-arms or swords or fire-arms, the structure or function of which does not conform to such standards as prescribed by Cabinet Order.

3. If in the event that any person intending to obtain permission under the provision of the preceding Article has such a relative living together (including any person not filing a marriage notification, but having the same condition as in fact marital relation in regard to a spouse; hereinafter the same in this paragraph) as falling under paragraph 1 item (6), such a relative living together is deemed to likely destroy life or property of other persons or public safety by using a fire-arm or a sword relating to an application for said permission, the Prefectural Public Safety Commission may not give permission.

(Special instance of standards for permission of hunting gun and air gun) ⑤  
Article 5-2. Unless any person intending to obtain permission for possession of a hunting gun or an air gun under the provision of Article 4 paragraph 1 item (1) falls under any one of the following items, the Prefectural Public Safety Commission shall not give permission:

- (1) Persons who have attended the training course under paragraph 1 of the following Article and have finished the lesson;
- (2) Persons who with respect to handling a hunting gun and an air gun have knowledge more or equivalent to the persons as mentioned in the preceding item.

2. The Prefectural Public Safety Commission shall not, in case any person intending to obtain permission for possession of a hunting gun under the provision of Article 4 paragraph 1 item (1) does not reach the age of twenty years old (in the case of persons who are recommended by the persons as prescribed by Cabinet order in accordance with Cabinet Order, eighteen years old), give permission.

(Training course relating to handling hunting gun and air gun) ⑥  
Article 5-3. The Prefectural Public Safety Commission shall, in accordance with Cabinet Order, hold a training course for persons having their address in its jurisdictional area and intending to obtain permission for possession of a hunting gun or an air gun under the provision of Article 4 paragraph 1 item (1) as trainers in order to acquire the necessary knowledge relating to the following matters:

- (1) Laws and orders relating to possession of hunting guns and air guns;
- (2) Handling of use, custody, etc. of hunting guns and air guns.

2. The Prefectural Public Safety Commission shall in accordance with Cabinet Order issue a certificate to the persons who attended the training course under the preceding paragraph and finished the lessons.

3. The Prefectural Public Safety Commission may cause such person as prescribed by Cabinet Order to perform a part of the business relating to holding the training course under paragraph 1 in accordance with Cabinet Order.

(Special instance for permission to foreigners participating in international match)

Article 6. Any foreigner entering into this country for the purpose of participating in an international match in which a fire-arm or a sword is used and which is held in this country shall obtain permission from the Prefectural Public Safety Commission having jurisdiction over the port of entry with respect to the possession of a fire-arm or a sword to be used for said international match in accordance with the procedure as prescribed by Prime Minister's Office Ordinance.

2. In the event that an application for permission has been made under the provision of the preceding paragraph, the Prefectural Public Safety Commission shall give permission by specifying the period in accordance with Cabinet Order.

(Permit) ④

Article 7. The Prefectural Public Safety Commission shall, in the event that it gives permission under the provisions of Article 4 or the preceding Article, deliver a permit.

2. The person who has received the delivery of permit under the provision of the preceding paragraph shall, in the event that the matters stated in said permit have been changed, or said permit has been lost or stolen, or said permit has been destroyed, tender it for renewal of the permit or ask for re-issuance thereof by notifying promptly the Prefectural Public Safety Commission having jurisdiction over his address (as for foreigner under the preceding Article, the present address; hereinafter the same) or the location of the working place of

a juridical person of such effect in accordance with the procedure as prescribed by Prime Minister's Office Ordinance.

3. The form of permit shall be provided for by Prime Minister's Office Ordinance.

(Renewal of permission of hunting gun and air gun) ⑤

Article 7-2. Unless permission for possession of a hunting gun or an air gun under the provision of Article 4 paragraph 1 item (1) is renewed for every five years, it shall lose its effect after lapse of such period.

2. Procedure for renewal under the preceding paragraph and the necessary matters relating to renewal shall be prescribed by Prime Minister's Office Ordinance.

(Invalidation of permission and return of permit) ① ④ ⑤

Article 8. Permission under the provisions of Article 4 or Article 6 shall lose its effect in the cases as mentioned in any one of the following items:

- (1) In case the person who has obtained permission has not come to possess a fire-arm or a sword relating to said permission within three months reckoning from the day on which permission was given;
- (2) In case the person who has obtained permission died;
- (3) In case the person who has obtained permission has transferred a fire-arm or a sword, or has come not to possess it on the basis of his own intent;
- (4) In case a fire-arm or a sword has been lost or stolen or destroyed;

- (5) In case the submission of a fire-arm or a sword has been ordered or it has been confiscated in accordance with the provision of Article 27 paragraph 1;
- (6) In case the recommendation of the person who has obtained permission has been revoked by the person as prescribed by Cabinet Order under Article 4 paragraph 1 item (4) or item (5) or the recommendation of the person who has obtained permission for possession of an air gun and who has not reached the age of eighteen years old or the person who has obtained permission for possession of a hunting gun and who has not reach the age of twenty years old has been revoked by the person as specified by Cabinet Order under Article 5 paragraph 1 item (1) or Article 5-2 paragraph 2;
- (7) In case the period for permission expired.

2. In the event that the person who has received the delivery or permit has come to fall under any one of the following items, he shall promptly return said permit (in the case of item (3), the recovered permit) to the Prefectural Public Safety Commission having jurisdiction over his address or the location of the working place of a juridical person:

- (1) When the permit has been invalidated;
- (2) When the permit has been revoked;
- (3) When the lost or stolen permit has been recovered.

3. If in the event that the permit has been invalidated due to

the fact that the person who has obtained permission died, there is a person liable for notifying of the death under the provision of Article 87 of the Family Registration Law (Law No. 224 of 1947) or a person liable for returning the registration certificate of the deceased foreigner under the provisions of Article 12 paragraph 3 of the Alien Registration Law (Law No. 125 of 1952), such person shall, notwithstanding the provision of the preceding paragraph, return the permit within ten days reckoning from the day on which he knew the fact of death.

4. In the event that the foreigner who has obtained permission under the provision of Article 6 departs from this country prior to the day on which the period for said permission expires, he shall return the permit to the Prefectural Public Safety Commission having jurisdiction over the location of the port of entry and departure.

(Ditto)

Article 9. In the event that any person who possesses a fire-arm upon obtaining permission under the provision of Article 4 transfers the fire-arm relating to said permission to any seller of hunting guns, etc. under the Weapon, Etc. Manufacture Law or any seller of signal guns, etc. for whale fishing, he shall transfer it together with said permit. In this case the provision of paragraph 2 item (1) of the preceding Article shall not apply.

2. In the case of the preceding paragraph any seller of hunting guns, etc. under the Weapon, Etc. Manufacture Law or any seller

of signal guns, etc. for whale fishing shall promptly return said permit to the Prefectural Public Safety Commission having jurisdiction over the location of the working place by accompanying the written consent of the transferrer.

(Designation, etc. of shooting place) ①

Article 9-2. The Prefectural Public Safety Commission may, out of facilities to perform shooting by fire-arms, designate the facilities, the situation and structural equipment of which conform to such standards as prescribed by Prime Minister's Office Ordinance for each kind of fire-arms to perform the shooting, and the person who administers said establishment and the method of the administration of which conform to such standards as prescribed by Prime Minister's Office Ordinance as the designated shooting place under said kind of a fire-arm upon application of the person who sets up or administers said establishment (hereinafter referred to as "establisher, etc.").

2. The Prefectural Public Safety Commission may, in case it deems necessary to investigate whether or not the designated shooting place conforms to such standards as prescribed by Prime Minister's Office Ordinance of paragraph 1, cause a policeman to enter the spot and inspect or to question the persons concerned, or request the establisher, etc. of said designated shooting place to submit the necessary report or information.

3. The policeman shall, in the event that he conducts the spot inspection in accordance with the provision of the preceding

paragraph, carry with him a certificate showing his status and present to the persons concerned.

4. In the event that the designated shooting place has come not conform to such standards as prescribed by Prime Minister's Office Ordinance of paragraph 1, the Prefectural Public Safety Commission may remove the designation.

5. The necessary matters relating to the procedure for application under paragraph 1 and the designation of shooting place shall be prescribed by Prime Minister's Office Ordinance.

(Restrictions on condition of possession) ① ③ ④

Article 10. The person who has obtained permission under the provisions of Article 4 or Article 6 shall not bring or carry the fire-arm or sword for which he has obtained said permission, except for such cases where it is used for the purpose relating to said permission and there is a justifiable reason respectively.

2. The person who has obtained permission under the provisions of Article 4 or Article 6 shall not, except for each case as falling under any one of the following items, discharge the fire-arm for which he has obtained said permission:

- (1) In case the person who has obtained permission for possession of a hunting gun or an air gun for use in hunting or destruction of harmful birds and beasts (excluding those as prescribed by Cabinet Order) in accordance with the provisions of Article 4 paragraph 1 item (1),

does hunting for the use of said purpose in accordance with the provisions of the Law concerning Protection of Birds and Beasts and Hunting;

- (2) In case the person who has obtained permission for possession of a hunting or an air gun for use in target practices in accordance with the provision of Article 4 paragraph 1 item (1) or who has obtained permission for possession of a fire-arm under the provisions of item (4) of said paragraph or Article 6, does shooting in the designating shooting place by kind of the fire-arm designated by such shooting place;
- (3) In case the person who has obtained permission for possession of a fire-arm under the provision of Article 4 (excluding such persons as provided for in the preceding two items), uses it for the purpose relating to said permission.

3. In the event that the person who has obtained permission under the provisions of Article 4 or Article 6 brings or carries the fire-arm for which he has obtained said permission, he shall, except for such case as falling under any one of the items of the preceding paragraph, cover or put said fire-arm in a case without loading it with a ball cartridge, a blank cartridge or any metallic bullet.

(Maintenance of structure and function of fire-arm) ②  
Article 10-2. The person who has obtained permission under the provision of Article 4 shall maintain the fire-arm relating to

permission so as to conform to the standards as prescribed by Cabinet Order of Article 5 paragraph 2 relating to said fire-arm: Provided, That this shall not apply when the person who has obtained permission under the provision of Article 4 paragraph 1 item (3) uses the fire-arm relating to permission for the purpose relating to permission.

(Custody of fire-arm) ③  
Article 10-3. The person who has obtained permission under the provisions of Article 4 or Article 6 shall, except for such case where he entrusts the custody in accordance with the provision of the following Article and there is a justifiable reason, keep the fire-arm relating to permission himself and shall not, at the time of the custody thereof, load said fire-arm with a ball cartridge, a blank cartridge or a metallic bullet.

(Ditto) ① ③  
Article 10-4. The person who has obtained permission for possession of a pistol as mentioned in Article 4 paragraph 1 item (4) shall, excepting such case as provided for by Cabinet Order, entrust the custody of the pistol under said permission with the person as prescribed by Cabinet Order.

2. The person who has accepted the entrustment of custody in accordance with the provision of the preceding paragraph shall take custody of the pistol pursuant to Prime Minister's Office Ordinance.

3. The Prefectural Public Safety Commission may require the

person who takes custody of the pistol in accordance with the provision of the preceding paragraph to make the necessary report on the condition of the custody of the pistol under the provision of said paragraph.

(Restriction on possession of sound arrester, etc.) ③  
Article 10-5. The person who has obtained permission under the provisions of Article 4 or Article 6 shall not possess a sound arrester, a cartridge or a replaceable gun-barrel as prescribed by Cabinet Order, which can be used by fitting up the fire-arm under permission: Provided, That this shall not apply in case the person who has obtained permission under the provision of Article 4 paragraph 1 item (3) possesses it for the use relating to permission.

(Cancellation of permission and provisional detention) ① ④ ⑤  
Article 11. The Prefectural Public Safety Commission may, in the event that the person who has obtained permission under the provisions of Article 4 or Article 6 falls under any one of the following items, cancel permission therefor:

- (1) In case he has violated the provisions of this Law or Cabinet Order based on this Law or the disposition based on them;
- (2) In case he has come to fall under Article 5 paragraph 1 item (2), item (3), item (5) or item (6).

2. In the event that such condition as prescribed in Article 5 paragraph 3 has arisen with respect to the person who has obtained permission under the provisions of Article 4 or Article 6,

the Prefectural Public Safety Commission may cancel permission therefor.

3. In case any person engaged in construction works possesses said fire-arm without the direction of the person who has obtained the said permission, the Prefectural Public Safety Commission may cancel permission relating to said fire-arm: Provided, That this shall not apply in case it is certified that the person who has obtained permission has not failed to pay a considerable caution in order to prevent said act done by the person engaged in construction work.

4. In case the person who has obtained permission for possession of a pistol or a hunting gun under the provisions of Article 4 or Article 6 has, with respect to explosives subject to the application of the provision of Article 50-2 paragraph 1 of the Explosives Control Law (Law No. 149 of 1950), violated the provisions of said Law or the disposition based on said Law, the Prefectural Public Safety Commission may cancel permission therefor.

5. If, in the event that the reason under each item of paragraph 1 or the preceding three paragraphs has arisen, the Prefectural Public Safety Commission deems necessary to prevent the danger against life or property of other persons, it may, excluding such case where the provision of Article 27 paragraph 1 is applicable, order the production of said fire-arm or sword before or after cancellation and detain provisionally the fire-arm or sword so produced.

6. In the event ~~that~~ permission has been cancelled, the person who has obtained said permission shall, except for such case as a fire-arm or a sword is provisionally detained in accordance with the provision of the preceding paragraph, take measures so that he may not be to possess said fire-arm or sword by transferring or donating it to the third person who is eligible to legitimately possess the fire-arm or sword relating to said permission or by returning it to the owner or by destroying it himself.

7. If, in the event that permission is cancelled and a fire-arm or a sword is provisionally detained in accordance with the provision of paragraph 5, the person who has obtained permission for possession with regard to said fire-arm or sword upon transfer, donation, return, etc. from the person whose permission has been cancelled has applied for return in accordance with the procedure as prescribed by Prime Minister's Office Ordinance, the Prefectural Public Safety Commission shall return said fire-arm or sword to such person.

8. In the event that an application for return under the provision of the preceding paragraph is not made within six months reckoning from the day on which permission therefor has been cancelled, the fire-arm or sword that has been provisionally detained may be sold by the Prefectural Public Safety Commission in accordance with Cabinet Order: Provided, That the fire-arm or sword that can not be sold or is deemed there is no purchaser even if it is under sale may be destroyed.

9. The proceeds gained by the sale in accordance with the provision of the preceding paragraph shall be given to the person who has produced said fire-arm or sword in pursuance to the procedure as prescribed by Prime Minister's Office Ordinance: Provided, That the expenses required for custody or sale may be deducted from such proceeds.

10. In the event that permission has not been cancelled, the Prefectural Public Safety Commission shall return promptly the fire-arm or sword that has provisionally been detained in accordance with the provision of paragraph 5 to the person who has possessed said fire-arm or sword.

(Hearing) ① ④ ⑤

Article 12. The Prefectural Public Safety Commission shall, in the event that it intends to take the disposition under the provisions of paragraphs 1 to 4 inclusive of the preceding Article, beforehand hold a public hearing in order to give the opportunity for explanation and production of evidence by requesting the appearance of the person under said disposition or his agent.

2. In the case of the preceding paragraph the Prefectural Public Safety Commission shall notify the person under said disposition of the reason for intending to take disposition as well as the date and place of a hearing by a week prior to such date and shall make public notice of the date and place of the hearing.

3. If, in the event that the Prefectural Public Safety Commission has notified and made public notice under the provision of the



preceding paragraph, the person under said disposition or his agent does not appear on the date of a hearing without a justifiable reason, it may, notwithstanding the provision of paragraph 1, take the disposition under the provisions of paragraphs 1 to 3 inclusive of the preceding Article without resorting to a hearing.

4. If, in the case of paragraph 1, the Prefectural Public Safety Commission can not make the notification under paragraph 2 because the whereabouts of the person under said disposition is unknown and such person's location is still unknown although thirty days have elapsed reckoning from the day of the public notice under the provision of said paragraph, it may, notwithstanding the provision of paragraph 1, take the disposition under the provisions of paragraphs 1 to 3 inclusive of the preceding Article without resorting to a hearing.

(Inspection)

Article 13. The Prefectural Public Safety Commission may, in case it deems necessary to investigate whether or not the possession of the fire-arm or sword for which permission has been obtained is properly made, cause the person possessing said fire-arm or sword to show to a policeman said fire-arm or sword and its permit, or may cause a policeman to interrogate, or inspect said fire-arm or sword and its permit by beforehand designating the date and time and place.

CHAPTER III REGISTRATION OF OLD TYPE  
FIRE-ARMS SUCH AS MATCHLOCK  
TYPE FIRE-ARMS OR SWORD

(Registration) ④

Article 14. The Cultural Properties Protection Commission shall undertake a registration of an old type fire-arm such as matchlock type fire-arm worthy as an object of art or an antique or of a sword worthy as an object of art.

2. Any owner of a fire-arm or a sword (in the event that the owner is not clear, the person actually possessing; hereinafter the same), who intends to obtain the registration under the preceding paragraph shall make an application for registration in accordance with the Cultural Properties Protection Commission Regulations (hereinafter referred to as "Commission Regulations").

3. The registration under paragraph 1 shall be made on the basis of the judgment of the member of the Registration Examination Committee.

4. The Cultural Properties Protection Commission shall, in the event that it has made the registration under the provision of paragraph 1, notify promptly the Prefectural Public Safety Commission having jurisdiction over the address of the owner of the fire-arm or sword so registered to that effect.

5. The method of registration under paragraph 1, the appointment and duty of the member of the Registration Examination Committee under paragraph 3, the standards and procedure of judgment

under said paragraph and the other necessary details concerning registration shall be prescribed by Commission Regulations.

(Registration certificate)

Article 15. The Cultural Properties Protection Commission shall, in the event that it makes the registration under paragraph 1 of the preceding Article, deliver the registration certificate.

2. The person who possesses the fire-arm or sword so registered shall, in the event that the registration certificate has been lost or stolen or destroyed, file promptly that effect with the Cultural Properties Protection Commission in accordance with the procedure as prescribed by Commission Regulations and obtain the reissue thereof.

3. Form of the registration certificate and procedure of reissue shall be prescribed by Commission Regulations.

(Return of registration certificate) ④

Article 16. The person who possesses the fire-arm or sword so registered shall, in the event that he falls under any one of the following items, return promptly the registration certificate (in the case of item (3), the recovered registration certificate) to the Cultural Properties Protection Commission:

- (1) When he has lost, stolen or destroyed said fire-arm or sword;
- (2) When he has come not to possess said fire-arm or sword because he exported it from this country;

(3) When he has recovered the lost or stolen registration certificate.

2. The Cultural Properties Protection Commission shall, in case it has received the registration certificate that was returned in accordance with the provisions of item (1) or item (2) of the preceding paragraph, inform promptly the Prefectural Public Safety Commission having jurisdiction over the address of the person who has returned the registration certificate to that effect.

(Filing of report, etc. on take-over, succession, lending or entrustment of custody of fire-arm or sword so registered) ④

Article 17. Any person who has taken over or acquired the fire-arm or sword so registered, or who has entrusted its lending or custody shall file a report to that effect with the Cultural Properties Protection Commission within twenty days in accordance with the procedure as prescribed by Commission Regulations. The same shall apply also in the event that the return of said fire-arm or sword that has been in the entrustment of lending or custody has been made.

2. In the event that the fire-arm or sword so registered has been placed under the entrustment of custody for the purpose of test, study, polishing and sharpening or repair, or it has been lent for the purpose of display to public, the filing of report shall, notwithstanding the provision of the preceding paragraph, not be required.

3. The Cultural Properties Protection Commission shall, in the event that it has received the report under paragraph 1, inform

promptly the Prefectural Public Safety Commission having jurisdiction over the address of the owner of the fire-arm or sword relating to said report to that effect.

(Ditto) ④  
Article 18. Any person who transfers or lends the fire-arm or sword so registered or entrusts its custody or who causes others to transport it shall do so together with the registration certificate of said fire-arm or sword.

2. Any person who takes over or rents the fire-arm or sword so registered or who entrusts its custody shall do so together with the registration certificate of said fire-arm or sword.

3. No person shall transfer or take over the registration certificate except for such case as doing so together with said fire-arm or sword.

(Entrustment of affairs concerning registration to education board)  
Article 19. The affairs of the Cultural Properties Protection Commission as provided for in this Chapter shall be carried out by the Prefectural Education Board.

2. Expenses to be required for the affairs conducted by the Prefectural Education Board in accordance with the provision of the preceding paragraph shall be borne by said prefecture.

3. The Cultural Properties Protection Commission may, with respect to the affairs conducted by the Prefectural Education Board in accordance with the provision of paragraph 1, command and supervise said Education Board.

(Ditto) ④  
Article 20. In the event that the prefectural Education Board conducts the affairs of the Cultural Properties Protection Commission in accordance with the provision of paragraph 1 of the preceding Article, the application of Article 14 paragraph 2 shall be made to the prefectural Education Board to be located at the address of the owner, and the filing of report and the application for reissuance of Article 15 paragraph 2, the return of Article 16 paragraph 1 as well as the filing of report of Article 17 paragraph 1, to the Prefectural Education Board that has conducted the affairs of registration with regard to said fire-arm or sword.

(Restriction on manner of possession) ⑤  
Article 21. The provision of Article 10 (excluding each item of paragraph 2) shall apply mutatis mutandis to the person who possesses the fire-arm or sword registered. In this case "it is used for the purpose relating to said permission and there is a justifiable reason respectively" in Article 10 paragraph 1, "falling under any one of the following items" in paragraph 2 of said Article and "falling under any one of the items of the preceding paragraph" in paragraph 3 of said Article shall read as "a justifiable reason", "using on the basis of a justifiable reason" and "using" respectively.

CHAPTER IV MISCELLANEOUS PROVISIONS

(Restriction on transfer) ① ④

Article 21-2. Any manufacturer of weapon under the Weapon, Etc.

Manufacture Law, any manufacturer of hunting guns, etc. or any seller of hunting guns, etc. or any manufacturer of signal guns, etc. for whale fishing or any seller of signal guns, etc. for whale fishing shall, unless he has confirmed that a transferee falls under Article 3 paragraph 1 item (1), item (2), item (6) or item (9) or a transferee has presented the permit of Article 7 paragraph 1, not transfer a fire-arm or sword (excluding those as mentioned in Article 3 paragraph 1 item (4)).

2. The person who has obtained permission under the provisions of Article 4 or Article 6 shall, unless he has confirmed that a transferee or renter falls under Article 3 paragraph 1 item (1), item (2), item (6) or item (9) or a transferee or a renter has presented the permit of Article 7 paragraph 1, not transfer or rents said fire-arm or sword.

(Prohibition of carrying cutlery exceeding 6 centimeters in length of blade) ①

Article 22. No person shall carry any cutlery exceeding 6 centimeters in length of blade that was measured by Prime Minister's Office Ordinance except for such cases where he carries it for business and any other justifiable reasons: Provided, That this shall not apply to scissors or folded knives of not more than 8 centimeters in length of blade that was measured by Prime Minister's Office Ordinance or any cutlery other than these cutleries, the kind or shape of which is prescribed by Cabinet Order.

(Report on discovery and finding)

Article 23. Any person who discovered or found a fire-arm or a sword shall report promptly that effect to the nearest police station.

(Carrying, etc. of permit and registration certificate)

Article 24. Any person who carries or brings fire-arms or swords shall carry with him the permit or registration certificate relating to said fire-arms or sword.

2. A policeman may request the person who carries or brings fire-arms or swords to present the permit or registration certificate in order to ensure the fulfilment under the provision of the preceding paragraph.

3. In the event that a policeman requests the presentation of the permit or registration certificate in accordance with the provision of the preceding paragraph, he shall carry with him the identification card showing his status and present it.

(Temporary custody, etc. of fire-arms, swords, etc.) ① ④ ⑤

Article 24-2. In the event that it is deemed that any person who is sufficiently suspectable to carry or bring a fire-arm, a sword or a cutlery as provided for in Article 22 (hereinafter referred to as "a fire-arm or sword, etc." in this Article) is likely to endanger life or body of other persons by judging reasonably from his abnormal behavior or any other surrounding circumstance, a policeman may inquire by way of causing him to present things suspectable of being a fire-arm or sword, etc. or to open things suspectable of concealing it.

2. If, in the event that it is deemed that the person carrying or bringing a fire-arm or sword, etc. is likely to endanger life or body of other persons by judging reasonably from his abnormal behavior or any other surrounding circumstance, it is necessary to prevent such danger, a policeman may, by causing such person to submit it, keep it temporarily.
3. The provisions of paragraph 3 of the preceding Article shall apply mutatis mutandis to the case where a policeman executes his duty in accordance with the provisions of the preceding two paragraphs.
4. The power of a policeman as prescribed in paragraphs 1 and 2 shall be exercised to the minimum extent necessary to prevent danger caused by a fire-arm or sword, etc. and shall not be misused in any way.
5. In the event that a policeman has kept temporarily a fire-arm or sword, etc. in accordance with the provisions of paragraph 2, he shall transfer promptly the fire-arm or sword, etc. under the temporary custody to the chief of the police station having jurisdiction over the place (hereinafter referred to as "the chief of the competent police station" in this Article) where he has kept it temporarily. In this case the chief of the competent police station shall keep said fire-arm or sword, etc. temporarily.
6. The chief of the competent police station shall return the

- fire-arm or sword, etc. under the temporary custody to the owner (in the event that there is a person who apparently has the right to claim to the owner with respect to said fire-arm or sword, etc., such person) within five days (in the event that a temporary custody has become unnecessary even within said period, forthwith) reckoning from the day on which a policeman commenced a temporary custody in accordance with the provisions of paragraph 2: Provided, That in the event that it is deemed unsuitable to return it to the owner because of the prevention of danger, he may return it to the relatives of the owner or any person equivalent thereto.
7. In the event that the fire-arm or sword, etc. under the temporary custody has been produced by the person who is prohibited to possess said fire-arm or sword in accordance with the provisions of Article 3 paragraph 1 (excluding such case where said fire-arm or sword is under the ownership of a person other than said person and such a person falls under any one of the items of article 27 paragraph 2), the chief of the competent police station shall, notwithstanding the provision of the preceding paragraph, not return it.
8. The provisions of paragraphs 8 and 9 of Article 11 shall apply mutatis mutandis to the fire-arm or sword of the preceding paragraph. In this case "In the event that an application for return under the provision of the preceding paragraph is not made within six months reckoning from the day on which permission therefor has been cancelled, the fire-arm or sword that has been

provisionally detained" in paragraph 8 of said Article shall read as "the fire-arm or sword of the preceding paragraph".

9. The chief of the competent police station shall, in the event that he is unable to return said fire-arm or sword, etc. after lapse of five days reckoning from the day on which a policeman began to temporarily keep it in accordance with the provision of paragraph 2 because the whereabouts of the person as prescribed in the main part of paragraph 6 is unknown, make a public notice of the matters as provided for by Prime Minister's Office Ordinance.

10. In the event that said fire-arm or sword, etc. can not be returned even after lapse of six months reckoning from the day of the public notice under the provision of the preceding paragraph, the right of ownership of such fire-arm or sword, etc. shall belong to the State or the prefecture according to such division as stipulated by Cabinet Order.

11. In addition to those as prescribed in paragraph 6 to the preceding paragraph inclusive, the necessary matters relating to a temporary custody under paragraphs 2 and 5 shall be provided for by Prime Minister's Office Ordinance.

(Provisional detention of fire-arms or swords of persons intending to land at this country) ①  
Article 25. In the event that any person possessing a fire-arm or a sword intends to land at this country, the chief of the police station having jurisdiction over the landing place shall order him to produce said fire-arm or sword and detain provisionally the fire-arm or the sword so produced in accordance with

the procedure as prescribed by Prime Minister's Office Ordinance: Provided, That this shall not apply to the cases where such person can possess said fire-arm or sword by falling under any one of the items of Article 3 paragraph 1 and where it is deemed not dangerous under the provisions of Cabinet Order without provisionally detaining it.

2. If, in the event that an application for falling under item (3) or item (4) of the following paragraph has been received from the person who possessed said fire-arm or sword, the port of departure or shipment differs from the landing place of the person who possessed said fire-arm or sword, the chief of the police station who has provisionally detained such fire-arm or sword in accordance with the provision of the preceding paragraph shall transfer the fire-arm or sword provisionally detained to the chief of the police station having jurisdiction over the port of departure or shipment.

3. The chief of the police station who has provisionally detained in accordance with the provisions of the preceding two paragraphs shall, in the event that an application for falling under any one of the following item has been made from the person who has possessed said fire-arm or sword, return said fire-arm or sword provisionally detained:

- (1) In case he has obtained permission under the provisions of Article 4 or Article 6;
- (2) In case he intends to obtain registration under the

provision: of Article 14;

- (3) In case he intends to bring said fire-arm or sword out of this country due to his departure from this country;
- (4) In case he intends to ship said fire-arm or sword from this country in addition to such cases as mentioned in the preceding items.

4. If, in the event that a fire-arm or a sword is provisionally detained in accordance with the provision: of paragraph 1, the person who has obtained permission for possession with respect to said fire-arm or sword which is transferred, donated, returned or otherwise from the person who has possessed said fire-arm or sword, has applied for return in accordance with the procedure as prescribed by Prime Minister's Office Ordinance, the chief of the police station who has provisionally detained pursuant to the provisions of paragraph 1 or paragraph 2 shall return said fire-arm or sword to such person.

5. In the event that the person who has possessed a fire-arm or a sword or the person who has received said fire-arm or sword from such person by way of transfer, donation, return, etc. does not apply for return of said fire-arm or sword within six months (if, in the event that he can not take such disposition as provided for in the preceding two paragraphs within said period of time due to inevitable conditions such as delay of departure of vessels he has obtained approval from the chief of the police station who keeps said fire-arm or sword in accordance with the procedure as

prescribed by Prime Minister's Office Ordinance, the period until which said inevitable conditions cease to exist), the ownership thereof shall belong to the State.

6. In addition to those as provided for in the preceding each item, the necessary details relating to handling of the fire-arms or swords that have been provisionally detained in accordance with the provision: of paragraph 1 shall be prescribed by Prime Minister's Office Ordinance.

(Prohibition or restriction on transfer, transport and carrying)  
Article 26. In the event that at the time of disaster, violence or any other situation threatening to destroy local place it is deemed apparently that the transfer, transport or carrying of the fire-arm or sword that has been permitted under the provisions of Article 4 or Article 6 or registered under the provision: of Article 14 may disturb directly the maintenance of public order, the Prefectural Public Safety Commission may prohibit or restrict such act by specifying the district and period therefor with the notification in a given public notice.

2. The Prefectural Public Safety Commission may, in the event that it has made the notification in accordance with the provision: of the preceding paragraph, order the production of the fire-arms or swords as provided for in said paragraph under the possession of the person who possesses within district so notified of said paragraph and detain provisionally the fire-arms or swords so produced.

3. With respect to the notification made by the Prefectural Public Safety Commission in accordance with the provisions of paragraph 1, approval shall be obtained from said prefectural assembly within seven days reckoning from the day of such notification: Provided, That in the event that the assembly is dissolved, approval shall be obtained promptly at this first assembly to be convened thereafter.

4. When in the case of the preceding paragraph approval has not been obtained under the provision of said paragraph or disapproval resolution has been passed, the notification shall lose its effect for the future.

5. In the event that the period notified in accordance with the provision of paragraph 1 expired or the notification has lost its effect, the Prefectural Public Safety Commission shall promptly return the fire-arms or swords detained provisionally.

(Sale, etc. of fire-arms or swords ordered to produce) ① ④ ⑤  
Article 27. With respect to fire-arms or swords, which fall

under any one of the following items the Prefectural Public Safety Commission may, excepting such cases where confiscation is made by the court, order the production in accordance with the procedure as prescribed by Prime Minister's Office Ordinances:

- (1) Those relating to said violation that are possessed by the person who violated the provisions of Article 3 paragraph 1 or Article 10 paragraph 1 (including

such case as applied mutatis mutandis in Article 21; hereinafter the same);

- (2) Those relating to said permission that are possessed by the person who has obtained permission under the provisions of Article 4 or Article 6 through a false way;
- (3) Those relating to said registration that are possessed by the owner of the fire-arm or sword that has been registered under the provisions of Article 14 through a false way or by the person who has acquired knowingly it from the owner after said registration has been made.

2. The provisions of items (1) and (2) of the preceding paragraph shall not apply in the event that such fire-arms or swords as mentioned in said each item are owned by the person other than the person as indicated in said each item and such person falls under any one of the following items:

- (1) In case it is deemed that he does not know beforehand to violate the provisions of Article 3 paragraph 1 or Article 10 paragraph 1 or to obtain permission by a false way and continues to own said fire-arm or sword since such fact existed;
- (2) In case it is deemed that after the fact to violate the provisions of Article 3 paragraph 1 or Article 10 paragraph 1 or to obtain permission by a false way has arisen, he has acquired said fire-arm or sword without knowing such fact.



3. The provisions of Article 11 paragraphs 8 and 9 shall apply mutatis mutandis to fire-arms or swords produced in accordance with the provision of paragraph 1. In this case "In the event that an application for return under the provision of the preceding paragraph is not made within six months reckoning from the day on which permission therefor has been cancelled, the fire-arm or sword that has been provisionally detained" in paragraph 8 of said Article shall read as "the fire-arm or sword produced in accordance with the provision of paragraph 1".

(Making, etc. of record cards) ④  
Article 28. Any person responsible for administering (hereinafter referred to as "responsible administrator of fire-arms" in this Article) fire-arms (excluding old type fire-arms such as matchlock type fire-arms) that can be possessed in accordance with the provisions of Article 3 paragraph 1 item (1) or item(2) shall in accordance with the procedure as provided for by Prime Minister's Office Ordinance make record cards relating to the fire-arms which he administers and keep such cards.

2. The responsible administrator of fire-arms shall inform the National Public Safety Commission of the kind, name, type and numbers of the fire-arms which he administers in accordance with the procedure as prescribed by Prime Minister's Office Ordinance.

(Fee) ④ ⑤  
Article 29. The prefecture may collect fee for the holding of

training course under Article 5-3 paragraph 1 or the re-issuance of certificate under paragraph 2 of said Article or the issue or re-issuance of permit under Article 7 or the renewal of permission under Article 7-2 to be conducted by the Prefectural Public Safety Commission or the issue or re-issuance of registration certificate to be conducted by the Prefectural Education Board in accordance with the provisions of Article 19 paragraph 1. In this case the amount of the fee shall be prescribed by prefectural regulations within the scope not exceeding five hundred yen (being one hundred yen as for re-issuance of certificate and four hundred yen as for renewal of permission).

(Limitation of appeal) ②  
Article 29-2. With respect to such dispositions under the provision of Article 14 paragraph 1 as taken by the Prefectural Education Board on the basis of the provision of Article 19 paragraph 1 and as taken by the Prefectural Public Safety Commission under the provision of Article 26 paragraph 2, the complaint under the Administrative Complaint Investigation Law (Law No. 160 of 1962) shall not be made.

(Entrustment of power)  
Article 30. Affairs belonging to the power of the Prefectural Public Safety Commission in accordance with the provisions of this Law or Cabinet Order issued thereunder shall be performed by the District Public Safety Commission in accordance with Cabinet Order.

CHAPTER V PENAL PROVISIONS

(Penal Provisions) ㊤

Article 31. Any person who violated the provision of Article 3-2 shall be punished with penal servitude of not more than five years or with a fine of not more than three hundred thousand yen.

2. Any person who committed the violative act of the preceding paragraph for the purpose of gaining shall be punished with penal servitude of not more than seven years or with a fine of not more than five hundred thousand yen.

3. An attempted offence under the preceding two paragraphs shall be punished.

(Ditto) ㊤

Article 31-2. Any person falling under any one of the following items shall be punished with penal servitude of not more than five years or with a fine of not more than two hundred thousand yen:

- (1) Any person who possessed a pistol or a hunting gun in violation of the provision of Article 3 paragraph 1;
- (2) Any person who obtained permission under the provisions of Article 4 or Article 6 with regard to possession of a pistol or a hunting gun by a false way.

(Ditto) ㊤

Article 31-3. Any person falling under any one of the following

items shall be punished with penal servitude of not more than three years or with a fine of not more than one hundred thousand yen:

- (1) Any person who possessed fire-arms (excluding a pistol, etc. and a hunting gun; the same in the following item) or swords in violation of the provision of Article 3 paragraph 1;
- (2) Any person who obtained permission under the provisions of Article 4 or Article 6 with regard to possession of fire-arms or swords by a false way;
- (3) Any person who obtained registration under the provision of Article 14 by a false way.

(Ditto) ㊤

Article 31-4. Any person who violated the provisions of Article 10 paragraph 1 or paragraph 2 (including such case as applied mutatis mutandis in Article 21) shall be punished with penal servitude of not more than two years or with a fine of fifty thousand yen.

(Ditto) ㊤

Article 32. Any person falling under any one of the following items shall be punished with penal servitude of not more than one year or with a fine of not more than thirty thousand yen:

- (1) Any person who failed to file a report under the provision of Article 17 paragraph 1 or who filed a false report;

- (2) Any person who violated the provision of Article 22;
- (3) Any person who violated the prohibition or restriction under the provision of Article 26 paragraph 1.

(Ditto) ① ②

Article 33. Any person falling under any one of the following items shall be punished with penal servitude of not more than six months or with a fine of not more than ten thousand yen:

- (1) Any person who violated the provisions of Article 18 paragraph 1 or paragraph 2;
- (2) Any person who violated the provision of Article 21-2.

(Ditto)

Article 34. Any person who committed an offence under Article 31 to the preceding Article inclusive may be punished with both penal servitude and a fine under each Article according to circumstances.

(Ditto) ① ④ ⑤

Article 35. Any person falling under any one of the following items shall be punished with a fine of not more than ten thousand yen:

- (1) Any person who violated the provisions of Article 4 paragraph 2, Article 7 paragraph 2, Article 8 paragraphs 2 to 4 inclusive, Article 9 paragraph 2, Article 10 paragraph 3 (including such case as applied mutatis mutandis in Article 21), Article 15 paragraph 2, Article 16 para-

graph 1, Article 18 paragraph 3, Article 23 or Article 24 paragraph 1;

- (2) Any person who refused, disturbed or evaded inspection to be conducted by a policeman in accordance with the provision of Article 9-2 paragraph 2;
- (3) Any person who failed to comply with the submission of the report or material under the provision of Article 9-2 paragraph 2 or made a false report or submitted a false material;
- (4) Any person who did not comply with the production order of fire-arms or swords under the provisions of Article 11 paragraph 5, Article 26 paragraph 2 or Article 27 paragraph 1;
- (5) Any person who refused, disturbed or evaded the request or inspection of the permit and the presentation of fire-arms or swords to be conducted by a policeman in accordance with the provision of Article 13 or the request of the presentation of the permit or registration certificate to be conducted by a policeman in accordance with the provision of Article 24 paragraph 2.

(Ditto) ① ④

Article 36. A fire-arm or a sword relating to an offence as provided for in Article 32 item (1), which is possessed or owned by said offender may be confiscated: Provided, That this shall not apply to the case where it is deemed that any person other

than the offender has, after such offence, acquired said fire-arm or sword without knowing such fact.

(Ditto) ① ④

Article 37. In case a representative of a juridical person or an agent, employee or any other worker of a juridical person or a person has committed a violative act under Articles 31 to 31-3 inclusive, Article 32 item (1) or item (3), Article 33 or Article 35 item (1) with respect to the business of such juridical person or person, a fine under each Article shall be imposed on such juridical person or person in addition to the offender.

#### SUPPLEMENTARY PROVISIONS

(Enforcement date)

1. This Law shall come into force as from April 1, 1958.

(Abolition of Order Controlling Possession of Fire-arms and Swords, Etc.)

2. The Order Controlling Possession of Fire-arms and Swords, Etc. (Cabinet Order No. 334 of 1950) shall be abolished.

(Transitional Measures)

3. Any person who has obtained permission for possession of fire-arms or swords in accordance with the provisions of the Order Controlling Possession of Fire-arms and Swords, Etc. (hereinafter referred to as "old Order") at the time of the enforcement of this Law shall be deemed to have obtained permission

in accordance with this Law.

4. Fire-arms or swords that are registered in accordance with the old Order at the time of the enforcement of this Law shall be deemed to have been registered in accordance with the provisions of this Law.

5. An application for permission, a filing of reports or any other procedure that is made in accordance with the provisions of the old Order and the provisional detention or any other disposition that has been done by the Prefectural Public Safety Commission at the time of the enforcement of this Law shall be deemed to be an application for permission, a filing of reports or any other procedure and the provisional detention or any other disposition that have been done under each corresponding provision of this Law respectively.

6. Any member of the Swords Appraisal Committee who is appointed in accordance with the provisions of the old Order at the time of the enforcement of this Law shall be deemed to be a member of Registration Examination Committee who has been appointed in accordance with the provisions of this Law.

7. With respect to fire-arms or swords that are detained by the Customs in accordance with the provision of Article 86 of the Tariff Law (Law No. 61 of 1954) at the time of the enforcement of this Law, said Customs shall transfer them to the chief of the police station having jurisdiction over the location of said Customs within seven days reckoning from the day

of the enforcement of this Law. In this case said Customs shall promptly inform the passenger or the crew who had been detained said fire-arms or swords to that effect.

8. As for the fire-arms or swords that are transferred to the chief of the police station in accordance with the provision of the preceding paragraph, the provisions of Article 25 paragraphs 2 to 5 inclusive shall apply mutatis mutandis. In this case "the day on which the provisional detention under the provision of paragraph 1" in paragraph 5 of said Article shall read as "the day on which the chief of the police station received the fire-arms or swords from the Customs in accordance with the provision of paragraph 7 of the Supplementary Provisions".

9. The application of the penal provisions to the acts done before the enforcement of this Law shall be as heretofore.

#### SUPPLEMENTARY PROVISIONS (Law No. 72, Apr. 5, 1962): ①

(Enforcement date)

1. This Law shall come into force as from the day to be set forth by Cabinet Order within the scope not exceeding six months reckoning from the day of its promulgation.

(Enforced as from Oct. 1, 1962 by Cabinet Order No. 348 of 1962)

(Transitional measures)

2. The persons who has not reached the age of eighteen years old actually at the time of the enforcement of this Law and who have permission as for the possession of a fire-arm or a sword in accordance with the provision of Article 4 paragraph 1 of the Law Controlling Possession of Fire-arms and Swords, Etc. before the amendment by this Law shall be deemed to have obtained permission for said fire-arm or sword in accordance with the provision of Article 4 paragraph 1 of the Law Controlling Possession of Fire-arms and Swords, Etc. as amended by this Law (hereinafter referred to as "new Law") for the period until which such person reaches the age of eighteen years old.

3. The application of the provisions of the standards for permission relating to age to persons who are actually applying permission for possession of a fire-arm or a sword to the Prefectural Public Safety Commission at the time of the enforcement of this Law shall, notwithstanding the provision of Article 5 paragraph 1 item (1) of the new Law, be as heretofore.

4. The application of the penal provisions to the act done before the enforcement of this Law shall be as heretofore.

#### SUPPLEMENTARY PROVISIONS (Law No. 161, Sept. 15, 1962): ②

1. This Law shall come into force as from October 1, 1962.

2. The provisions as amended by this Law shall, excepting

such cases as otherwise prescribed in this Supplementary Provisions, apply to the dispositions of the administrative agency done before the amendment of this Law, the omission to act of the administrative agency relating to an application made before the amendment of this Law and any other matter brought about before the enforcement of this Law: Provided, That it shall not be precluded the effect given under the provisions before the amendment by this Law.

3. Petitions, demands of investigation, objections and any other complaints (hereinafter referred to as "petitions, etc.") instituted before the enforcement of this Law shall be as heretofore even after the enforcement of this Law. The same shall apply to the decision, ruling or any other disposition (hereinafter referred to as "decision, etc.") of the petitions, etc. instituted before the enforcement of this Law or to the petitions, etc. in case there is further a complaint to the decision, etc. rendered after the enforcement of this Law with respect to the petitions, etc. instituted before the enforcement of this Law.

4. Such petitions, etc. as provided for in the preceding paragraph and as related to the disposition that may be to institute a complaint under the Administrative Complaint Investigation Law after the enforcement of this Law shall be deemed to be complaint under the Administrative Complaint Investigation Law on the application of the Law other than said Law.

5. With respect to the decision, etc. on the demand of investigation, objection and any other complaint to be made after the

enforcement of this Law in accordance with the provisions of paragraph 3, a complaint under the Administrative Complaint Investigation Law shall not be made.

6. With respect to the disposition of the administrative agency rendered before the enforcement of this Law to which the petitions, etc. may be instituted in accordance with the provisions before the amendment by this Law and for which the institution period is not prescribed, the period during which a complaint under the Administrative Complaint Investigation Law may be made shall start as from the day of the enforcement of this Law.

8. The application of the penal provisions to the acts committed before the enforcement of this Law shall be as heretofore.

9. In addition to those as prescribed in the preceding eight paragraphs, the transitional measures necessary relating to the enforcement of this Law shall be prescribed by Cabinet Order.

#### SUPPLEMENTARY PROVISIONS (Law No. 23, Mar. 22, 1963): ③

(Enforcement date)

Article 1. This Law shall come into force as from the day to be set forth by Cabinet Order within the scope not exceeding ninety days from the day of its promulgation.

(Enforced as from June 15, 1963 by Cabinet Order No. 193 of 1963)

SUPPLEMENTARY PROVISIONS (Law No. 47, Apr. 15, 1965): ㊤

(Enforcement date)

1. This Law shall come into force as from the day on which three months have passed reckoning from the day of its promulgation.

(Transitional Measures)

2. A representative, an agent, an employee or any other worker of a juridical person, who actually obtains permission for possession because of the business of such juridical person in accordance with the provision of Article 4 of the Law Controlling Possession of Fire-arms and Swords, etc. before the amendments (hereinafter referred to as "old Law") at the time of the enforcement of this Law shall file his location with the Prefectural Public Safety Commission having jurisdiction over the location of said working place within thirty days as from the day of the enforcement of this Law.

3. Any person who failed to file a report under the provision of the preceding paragraph or who filed a false report shall be punished with a fine of not more than ten thousand yen.

4. With respect to a change of the address after the enforcement of this Law of a representative, an agent, an employee or any other worker of a juridical person, who actually obtains permission for possession because of the business of such juridical person under the provision of Article 4 of the old Law at the time of the enforcement of this Law, the provision of Article 7 paragraph 2 of the Law Controlling Possession, Etc. of Fire-Arms

and Swords after the amendment shall not apply.

5. The application of the penal provisions to the acts committed before the enforcement of this Law shall be as heretofore.

SUPPLEMENTARY PROVISIONS (Law No. 80, June 7, 1966): ㊤

(Enforcement date)

1. This Law shall come into force as from Jan. 1, 1967.

(Transitional measures)

2. Permission for possession of fire-arms or swords under the provisions of the Law Controlling Possession, Etc. of Fire-arms and Sword before the amendment (hereinafter referred to as "old Law"), which is indicated in the left column of the following table shall be deemed to be permission for possession of fire-arms or swords under the provisions of the Law Controlling Possession, Etc. of Fire-arms and Swords after the amendment (hereinafter referred to as "new Law"), which is indicated in the right column of said table.

Permission for possession of a hunting gun or air gun under the provision of Article 4 paragraph 1 item (1) of the old Law

Permission for possession of a hunting gun or air gun under the provision of Article 4 paragraph 1 item (1) of the new Law

Permission for possession of fire-arms other than a hunting gun or air gun under the provision of Article 4 paragraph 1 item (1) of the old Law.

Permission for possession of a rescue rope firing gun, signal gun for rescue, butchery gun, harpoon gun, harpoon rifle, signal gun for whaling, rivet discharging gun for construction, rope firing gun for construction or other fire-arms as prescribed by Cabinet Order



|   |   |
|---|---|
| Permission for possession of swords under the provision of Article 4 paragraph 1 item (1) of the old Law    | Permission for possession of swords under the provision of Article 4 paragraph 1 item (6) of the new Law                                    |
| Permission for possession of fire-arms under the provision of Article 4 paragraph 1 item (2) of the old Law | Permission for possession of fire-arms under the provision of Article 4 paragraph 1 item (6) of the new Law                                 |
| Permission for possession of fire-arms under the provision of Article 4 paragraph 1 item (3) of the old Law | Permission for possession of a pistol under provision of Article 4 paragraph 1 item (4) of the new Law                                      |
| Permission for possession of fire-arms under the provision of Article 4 paragraph 1 item (4) of the old Law | Permission for possession of a signal gun or pistol for athletic match under the provision of Article 4 paragraph 1 item (5) of the new Law |
| Permission for possession of swords under the provision of Article 4 paragraph 1 item (5) of the old Law    | Permission for possession of swords under the provision of Article 4 paragraph 1 item (7) of the new Law                                    |

3. An application being made actually in accordance with the provisions of the old Law to the Prefectural Public Safety Commission at the time of the enforcement of this Law, which relates to permission as mentioned in the left column of the table of the preceding paragraph shall be deemed to be an application relating to permission as mentioned in the right column of said table respectively.

4. The standards for permission to any person who actually applies for permission for possession of fire-arms under the provisions of the old Law to the Prefectural Public Safety Commission at the time of the enforcement of this Law shall, notwithstanding the provision of Article 5-2 of the new Law, be as heretofore.

5. Unless any person who obtains actually permission for possession of a hunting gun or an air gun under the provision of Article 4 paragraph 1 item (1) of the old Law at the time of the enforcement of this Law may, according to the division of the year to which the day of the issuance of permit as mentioned in the left column of the following table belongs in accordance with Prime Minister's Office Ordinance, obtain the renewal thereof on the day as indicated in the right column of said table, the permission shall lose its effect on the very day.

| Year to which the day of issuance of permit belongs | Day on which permit shall lose its effect |
|---|---|
| From 1946 to 1954                                   | April 30, 1967                            |
| From 1955 to 1956                                   | October 31, 1967                          |
| From 1957 to 1958                                   | April 30, 1968                            |
| From 1959 to 1960                                   | October 31, 1968                          |
| 1961  | April 30, 1969                            |
| 1962  | October 31, 1969                          |
| 1963  | April 30, 1970                            |
| 1964  | October 31, 1970                          |
| 1965  | April 30, 1971                            |
| 1966  | December 31, 1971                         |



6. Any person who obtains actually two or more permissions (limiting to those having the different day on which permission as mentioned in the right column of the table of the preceding paragraph relating to said permission shall lose its effect) for possession of hunting guns or air guns under the provision of Article 4 paragraph 1 item (1) of the old Law at the time of the enforcement of this Law may, at the time of applying for renewal of permission that is to be obtained first, apply for a simultaneous renewal together with the other permission.

7. With respect to the application of the provisions of Article 10 paragraphs 1 and 2 of the new Law to the person who actually obtains permission for possession of a hunting gun or an air gun to be used for hunting or destroying harmful birds and beasts in accordance with the provision of Article 4 paragraph 1 item (1) of the old Law at the time of the enforcement of this Law, the use relating to said permission shall include the use for target practices under Article 4 paragraph 1 item (1) of the new Law.

8. Any person who actually possesses a fire-arm relating to permission under the provision of Article 4 of the old Law, which does not conform to such standards as prescribed by Cabinet Order of Article 5 paragraph 2 of the new Law at the time of the enforcement of this Law shall, in accordance with Cabinet Order, take steps so that the fire-arm may conform to said standards within two months after the enforcement of this Law. In this case when the steps have been taken, the provision of

Article 10-2 of the new Law shall apply to said fire-arm.

12. The application of the penal provisions to the acts committed before the enforcement of this Law shall be as heretofore.

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JORDAN

FOR DEPARTMENT OF STATE; AID/W FOR OPS  
BEGIN UNCLASSIFIED:

1. Specific answers to questions posed refert follow:

- a. Does law require registration or licensing of firearms or prohibit possession?

The new amendments to the Firearms and Ammunition Law #34-1952, (attached), prohibit possession of all firearms in Jordan unless registered and licensed by the Public Security Forces (PSF). PSF estimates that 10,000 weapons permits have been issued to date. East Bank - 6,000; West Bank - 4,000.

- b. What types of firearms covered--handguns, rifles, shotguns?

As stated in paragraph a, above, the new amendments to the law cover all firearms and ammunition.

- c. What special exceptions from requirements are made in terms of persons or type of firearm?

Exception from requirement is made to officers and lesser ranks of the Jordan Arab Army (JAA), the Public Security Forces (PSF), the General Intelligence Directorate (GID), the Royal Security Battalion (RSB) and certain other governmental officials and/or personnel to whom arms are provided by virtue of his position. It should be understood, however, that weapons issuing agencies keep meticulous records on weapons issued to include manufacture, caliber and serial number. Privately-owned weapons of any type held by personnel entitled to bear arms officially must be registered and licensed under the new amendments.

d. Is special provision made for sporting guns?

Under the new amendments, no special provision is made for sporting guns.

e. Does law limit or prohibit importation or mail order purchase of firearms?

[See COMMENT, below.]

f. Who can sell firearms?

Licensed importers and dealers only. All importers and dealers must be cleared by the PSF (criminal and dossier records check.) Only then are they authorized to import and sell specific types and numbers of weapons and amounts of ammunition.

g. Accurate information re accidental deaths, homicides, suicides, personal injuries, assaults and robberies involving firearms is not readily available, but is being sought. The number of such shootings and other incidents has increased to some degree since the June War, however.

2. FYI, an individual desiring a permit to possess or carry a firearm in Jordan must make application to PSF authorities at City, District or Sub-District headquarters. He also must provide his fingerprints and a photograph and produce the weapon to be registered and licensed. The application is then checked against criminal files (fingerprints and dossiers) and can be approved only by the PSF Central Criminal Investigation Branch (CCIB), PSF Directorate Headquarters in Amman. After approval is granted, the headquarters to which application was made is notified and issuance of the license is effected after the payment of a two dinar fee (\$5.60). The license is good for one year, but can be renewed.

The license is in the form of a booklet, contains fourteen pages, and is approximately 3" x 4" in size. It is clothbound and green in color.

Page 1: Ministry of Interior, Public Security Forces, License to Carry Firearms.

Page 2: This page has a prenumbered serial and contains a space for a photograph of the licensee which is validated with a dated inked impression. The page also has spaces to record height, complexion, color of eyes, and any identifying marks.

Page 3: This page contains a City, District or Sub-District permit number and spaces for licensee's name, nationality,

Page 3 (continued)

occupation, work address, residence address and date of issue.

Page 4: This page contains spaces for description of weapon (revolver, automatic, rifle, etc.), weapon serial number, date of manufacture and place of manufacture. The revenue stamp is also affixed on this page.

Page 5: This page states (substantially): This license is given according to Law 41-1961 with amendments 1965 to Firearms Law number 34-1952/284-1965. There is space for the signature of the PSF City, District or Sub-District commander.

Page 6: This page has spaces for renewal dates and signatures of the PSF City, District or Sub-District commander.

Page 7: This page has spaces for receipt numbers and date.

Page 8 through 14: These pages contain quotes from various sections of the Firearms and Ammunition Law and amendments thereto which govern the possession and carrying of weapons.

END UNCLASSIFIED

Firearms and Ammunition Law  
Law No. 34 for the year  
1952

Article I : This law shall be called "The Firearms and Ammunition Law for the year 1952 and shall be effective as from the date of its publication in the Official Gazette.

Article II : The words and phrases mentioned in this law shall have the meanings assigned to them unless the context indicates otherwise.

"Kingdom" means The Hashemite Kingdom of Jordan.

"Arm" means firearms of any type excluding shotguns.

"Automatic Arm" means machine guns of any type and arms that eject more than one projectile at any one time but excludes rifles and pistols.

Article III: The people of the Kingdom may keep rifles and pistols in their houses and dwelling places for their own use only together with ammunition for that arm as necessary for self defence. Everyone may wander carrying an arm outside the Government centers without licence.

Article IV: Firearms may not be carried in the capital, districts and sub-districts except by persons who are legally authorized to carry it i.e.

1. Officers and members of the Jordan Arab Army, police and cavalry.
2. The Special Suite of H.M. The King during service provided that they are identified by special marks.
3. Watchmen and guards of Communities and villages provided that they have documents certified from the District Commander showing the type, number and quantity of ammunition they are authorized to carry.
4. Any Government official to whom any arm is delivered by virtue of his position.

Article V : 

1. It is absolutely forbidden to carry, sell, buy or hold any type of cannons.
2. Automatic arms may be carried by a licence from the Council of Ministers at the recommendation of the Minister of Defence.

.../2

AMMHN'S  
[ ATTACHMENT TO AID A-483 ]



Article VI: Licences for carrying arms are not issued to those condemned for a crime.

Article VII: It is forbidden for any person to manufacture firearms and ammunition in the Kingdom unless with a licence from the Council of Ministers.

Article VIII: Any person may not import, export and deal with firearms and ammunition inside the Kingdom unless he obtains a licence from the Minister of Defence or his designee.

Article IX: Exportation of arms outside the Kingdom is not allowed.

Article X: The Council of Ministers may, with the consent of H.M. The King, issue regulations to regulate the following:

- a. How to hold, carry and deal with arms and ammunition.
- b. Manufacturing of arms and ammunition and how to keep them.
- c. Fees for licences.
- d. To accomplish any of the objectives of this law.

Article XI: 1. Whoever:

- a. Manufactures firearms or ammunition without a licence or outside a licensed factory.
- b. Imports, exports, tries to export or takes part in exporting firearms and ammunition without a licence.
- c. Holds, moves, sells or buys any cannon or automatic arm without a licence.

shall be liable to an imprisonment of one month to one year or a fine of JD20 to 100 or both penalties and the arm will be confiscated.

2. Whoever violates any other provision of this law or any regulation issued according to it shall be liable to not more than 3 months imprisonment or a fine not exceeding JD50 or both penalties and the court may confiscate the arm.

Article XII: The following laws, regulations and decrees shall be cancelled:

1. The law prohibiting carrying of arms published in issue 79 of the Official Gazette on November 17, 1924.
2. The law prohibiting holding of machine guns for 1933 published in issue 285 of the Official Gazette on April 16, 1933.
3. The Decision prohibiting carrying of arms published in Issue 570 of the Official Gazette, on August 1, 1937.

4. The Decision prohibiting carrying of arms published in issue 553 of the Official Gazette on March 1, 1937.
5. Firearms Law, chapter 58 of The Palestine Laws.
6. Firearms law (amended) No. 33 for 1934 published in The special issue No. 660 of Palestine Gazette on January 22, 1937.
7. Firearms law (amended) No. 23 for 1938 published in issue 792 of the Palestine Gazette on June 30, 1938.
8. Firearms law (amended) No. 19 for 1941 published in issue 1111 of the Palestine Gazette on June 30, 1941.
9. Firearms regulation published in Volume 3 of The Palestine Laws.
10. Regulation of importing and exporting firearms published in volume 3 of the Palestine Laws (page 2038).
11. Firearms Decree (in Bedouin areas) for 1937 published in issue 673 of the Palestine Gazette on March 18, 1937.
12. Amended Firearms Decree (in Bedouin areas) for 1937 published in issue 728 of the Palestine Gazette on October 14, 1937.
13. Any other Jordanian or Palestinian legislation issued before this law came into effect to the extent that these legislations contradict with the provisions of this law.

Article XIII: The Prime Minister and the Ministers of Interior, Justice and Defence are charged with executing this law.

Date: May 20, 1952

FF/dh  
12/7/62





KENYA

Department of State

Gibson

TELEGRAM

LIMITED OFFICIAL USE

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FM AMEMBASSY NAIROBI  
TO SECSTATE WASHDC PRIORITY 5409

LEGAL ADVISER

LIMITED OFFICIAL USE NAIROBI 5113

JUN 17 1968

SUBJ: GUN CONTROL LAWS

DEPARTMENT OF STATE

REF: STATE 179593

1. KENYA HAS EXACTING GUN CONTROL LAW WHICH IS STRINGENTLY ENFORCED. GOK FEELS ITS GUN CONTROL LAW IS A MODEL TO BE FOLLOWED BY OTHER GOVERNMENTS, AND GOK CURRENTLY CONSIDERING LEGISLATION TO CLOSE TECHNICAL LOOPHOLES IN EXISTING LAW.
2. CHAPTER 114 LAWS OF KENYA REQUIRES ALL CIVILIANS TO REGISTER ALL TYPES OF FIREARMS. POLICE MAY ISSUE A FIREARM CERTIFICATE AFTER INVESTIGATION OF CHARACTER AND ESTABLISHING NEED FOR FIREARM (E.G., HUNTING, BANK GUARD, ETC.). LAW PERMITS ISSUANCE FIREARM CERTIFICATE FOR SELF-PROTECTION; HOWEVER, SENIOR KENYAN POLICE OFFICIAL ADVISED EMB OFFICER THAT IN REALITY NO PERMITS ARE ISSUED UNDER THIS CLAUSE, NOR WERE SUCH APPLICATIONS ENTERTAINED AT THE HEIGHT OF THE EMERGENCY PRIOR TO KENYAN INDEPENDENCE. POSSESSION OF FIREARM/AMMUNITION IS PROHIBITED WITHOUT VALID FIREARMS CERTIFICATE. MAXIMUM SENTENCE FOR VIOLATION IS 14 YEARS.
3. TYPES OF FIREARMS COVERED ARE: ANY BARRELED WEAPON CAPABLE OF DISCHARGING ANY MISSILE OR SHOT, INCLUDING NOXIOUS LIQUID OR GAS. POSSESSION OF MILITARY SEMI-AUTOMATIC OR FULLY AUTOMATIC (EXCEPT SEMI-AUTOMATIC HANDGUNS) CATEGORICALLY PROHIBITED.
4. ONLY SPECIAL EXEMPTION TO INDIVIDUAL REGISTRATION IS IN CASE OF GUN CLUB WHEREIN LICENSE IS ISSUED TO CLUB AND WEAPONS

LIMITED OFFICIAL USE



*Department of State*

**TELEGRAM**

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RETAINED IN CLUB ARMORY.

5. THERE ARE NO SPECIAL PROVISIONS FOR SPORTING GUNS, EXCEPT POLICE MUST BE SATISFIED THAT WEAPON IS, IN FACT, RETAINED FOR SPORTING PURPOSES. LIAISON WITH GAME DEPARTMENT INSURES THAT INDIVIDUAL HAS CURRENT GAME LICENSE. FAILURE TO RENEW GAME LICENSE OVER 12-MONTH PERIOD RESULTS IN REVOCATION OF WEAPON LICENSE. LICENSE WEAPONS RETAINED OUTSIDE OF APPROVED COMMERCIAL ARMORIES MUST BE KEPT IN SECURITY STORAGE CONTAINER APPROVED BY THE POLICE. FAILURE TO TAKE PROPER SAFEGUARDS OVER WEAPONS/AMMUNITION IS AN OFFENSE AS IS FAILURE TO REPORT LOST OR STOLEN WEAPON/AMMUNITION.

6. IMPORTATION OR MAIL ORDER PURCHASE OF A FIREARM UTILIZING POSTAL SERVICE TO, FROM OR WITHIN KENYA IS PROHIBITED. IMPORTATION OR MAIL ORDER PURCHASE BY SEA/AIR FREIGHT PERMITTED UPON PRODUCTION IMPORT LICENSE AND VALID FIREARM CERTIFICATE FROM POLICE. BULK IMPORTS PERMITTED ONLY BY AUTHORIZED FIREARMS DEALER.

7. FIREARMS AND AMMUNITION MAY BE SOLD COMMERCIALY ONLY BY AUTHORIZED FIREARMS DEALER. PRIVATE INDIVIDUALS MAY SELL OR EXCHANGE WEAPONS PROVIDING BOTH HAVE VALID CERTIFICATE FOR PARTICULAR TYPE WEAPON. NOTIFICATION OF SUCH TRANSACTION MUST BE MADE TO FIREARMS BUREAU BY REGISTERED MAIL WITHIN 48 HOURS OF TRANSACTION.

8. KENYA POLICE FIREARMS BUREAU CURRENTLY HAS RECORD OF 10,000 VALID FIREARM CERTIFICATES OUTSTANDING. WEAPON CONTROL ACT FIRST CAME INTO EFFECT IN 1954 DURING WHICH YEAR 108 WEAPONS WERE REPORTED LOST OR STOLEN. IN 1967 14 WEAPONS REPORTED LOST OR STOLEN. FIRST 6 MONTHS 1968 4 WEAPONS REPORTED LOST OR STOLEN. CERTIFICATES FOR POSSESSION OF HANDGUNS ISSUED ONLY IN EXCEPTIONAL CASES. TOYS AND REASONABLE COPIES OF WEAPONS PROHIBITED FROM SALE OR POSSESSION. FIREARMS BUREAU HOPES TO INCLUDE AIRGUNS UNDER NEW LEGISLATION AIMED AT TIGHTENING GUN CONTROL LAW.

9. STATISTICS REQUESTED IN REFTEL TO FOLLOW AS SOON AS OBTAINED. OTHER PERTINENT INFORMATION AND COPIES CHAPTER 114 LAWS OF KENYA FOLLOW BY POUCH.

DECONTROL JUNE 13, 1968. FERGUSON

LIMITED OFFICIAL USE

*Nairobi A 610 L*

LAWS OF KENYA



## The Firearms Ordinance

CHAPTER 114

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## CHAPTER 114

### THE FIREARMS ORDINANCE

#### ARRANGEMENT OF SECTIONS

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SCHEDULE



## CHAPTER 114

## THE FIREARMS ORDINANCE

*Commencement: 1st January, 1954*

40 of 1953,  
4 of 1960,  
15 of 1961,  
G.N. 1566/1955,  
G.N. 1602/1955,  
L.N. 172/1960,  
L.N. 173/1960.

**An Ordinance for regulating, licensing and controlling the manufacture, importation, exportation, transportation, sale, repair, storage and possession of firearms and ammunition and for matters connected therewith and incidental thereto**

## PART I—PRELIMINARY

Short title.

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

Interpretation,  
4 of 1960, s. 2.

2. In this Ordinance, except where the context otherwise requires—

“acquiring” means hiring, accepting as a gift and borrowing, and the expressions “acquire” and “acquisition” shall be construed accordingly;

“ammunition” means ammunition for any firearm as hereinafter defined and includes grenades, bombs and other like missiles whether capable of use with such a firearm or not, and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing;

“approved carrier” means a carrier approved by the Commissioner of Police;

“approved servant” means an employee approved by a licensing officer;

“area” means a district or part of a district for which a licensing officer is appointed under section 3 of this Ordinance;

“arms of war” means artillery of all kinds, apparatus for the discharge of all kinds of projectiles explosive or gas-diffusing, flame-throwers, bombs, grenades, machine-guns and rifled small-bore breech-loading weapons, but does not include sporting rifles or personal or other weapons or apparatus not intended for war-like purposes;

Cap. 200.

“cadet unit” means a cadet unit established under the provisions of the Kenya Regiment (Territorial Force) Ordinance;

“customs control” means the control of the East African Customs and Excise Department;

“customs officer” means an officer of the East African Customs and Excise Department;

"firearm" means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any such shot, bullet or other missile, and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, and includes the barrel, bolt and chamber, and any other essential component part, of any such weapon as aforesaid;

"firearm certificate" means a firearm certificate granted under section 5 of this Ordinance;

"firearms dealer" means a person who, by way of trade or business, sells, transfers, repairs, tests or proves firearms or ammunition;

"immigration officer" has the same meaning as in the Immigration Ordinance;

Cap. 172.

"licensing officer" means the chief licensing officer, and every licensing officer, appointed under section 3 of this Ordinance;

"munitions of war" means ammunition for use with arms of war;

"this Ordinance" includes any rules made thereunder;

"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;

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

3. The Commissioner of Police shall, by notice in the Gazette, appoint a chief licensing officer to perform the duties and exercise the powers imposed and conferred by this Ordinance, and may appoint any number of licensing officers, who shall be subject to the directions of the chief licensing officer.

Appointment  
of licensing  
officers.  
4 of 1960, s. 3.

## PART II—REGULATION OF PURCHASE, POSSESSION, MANUFACTURE AND SALE OF FIREARMS AND AMMUNITION AND OTHER TRANSACTIONS

4. (1) Subject to the provisions of this Ordinance, no person shall purchase, acquire or have in his possession any firearm or ammunition unless he holds a firearm certificate in force at the time.

Penalty for  
purchasing, etc.,  
firearms or  
ammunition  
without firearm  
certificate.  
G.N. 1566/1955,  
L.N. 172/1960.

(2) If any person—

- (a) purchases, acquires or has in his possession any firearm or ammunition without holding a firearm certificate in force at the time, or otherwise than as authorized by such a certificate, or, in the case of ammunition, in quantities in excess of those so authorized; or
- (b) fails to comply with any condition subject to which a firearm certificate is held by him,

he shall, subject to the provisions of this Ordinance, be guilty of an offence and liable, if the offence was committed in a scheduled area, to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand shillings, or to both such imprisonment and such fine, and, if the offence was committed elsewhere, to imprisonment for a term not exceeding twelve months or to a fine not exceeding four thousand shillings, or to both such imprisonment and such fine.

(3) In this section, "scheduled area" means any area for the time being specified in the Schedule to this Ordinance.

(4) The Minister may, by order published in the Gazette, add to, vary or amend the Schedule to this Ordinance.

Grant, etc., of  
firearm  
certificates.  
4 of 1960, s. 4.

5. (1) An application for the grant of a firearm certificate shall be made in the prescribed form to the licensing officer, and shall state such particulars as may be required by the said form.

(2) The firearm certificate shall be granted by the licensing officer if he is satisfied that the applicant has a good reason for purchasing, acquiring or having in his possession the firearm or ammunition in respect of which the application is made, and can be permitted to have in his possession that firearm or ammunition without danger to the public safety or to the peace:

Provided that a firearm certificate shall not be granted to a person whom the licensing officer has reason to believe to be prohibited by or under this Ordinance from possessing a firearm, or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm, or who has not satisfied a licensing officer that he will at all times keep the firearm securely and in safe custody and in a safe condition and take all reasonable precautions to ensure that the firearm is not lost or stolen and is not at any time available to any person not lawfully entitled to possess the same.



(3) A firearm certificate granted under this section shall be in the prescribed form, and shall specify the conditions (if any) subject to which it is held, the nature and number of firearms to which it relates and, as respects ammunition, the quantities authorized to be purchased and to be held at any one time thereunder.

(4) A firearm certificate shall, unless previously revoked or cancelled, continue in force for one year from the date when it was granted or last renewed, but shall be renewable for a further period of one year by a licensing officer, and so from time to time, and the foregoing provisions of this section shall apply to the renewal of a firearm certificate as they apply to the grant of a firearm certificate.

(5) A licensing officer may at any time by notice in writing vary the conditions subject to which a firearm certificate is held, except such of them as may be prescribed, and may by the notice require the holder to deliver up the firearm certificate to him within fourteen days from the date of the notice for the purpose of amending the conditions specified therein.

(6) A firearm certificate may also, on the application of the holder thereof, be varied from time to time by a licensing officer.

(7) A firearm certificate may be revoked by a licensing officer if—

(a) the licensing officer is satisfied that the holder is prohibited by or under this Ordinance from possessing a firearm to which the firearm certificate relates, or is of intemperate habits or unsound mind, or is otherwise unfitted to be entrusted with such a firearm; or

(b) the holder fails to comply with a notice under subsection (5) of this section requiring him to deliver up the firearm certificate.

(8) In any case where a firearm certificate is revoked by a licensing officer, he shall by notice in writing require the holder to surrender the firearm certificate, and if the holder fails to do so within fourteen days from the date of the notice he shall be guilty of an offence and liable to a fine not exceeding one thousand shillings:

Provided that, where an appeal is brought against the revocation, this subsection shall not apply to that revocation unless the appeal is abandoned or dismissed, and shall in that

case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

(9) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a firearm certificate under this section, or the variation or renewal of a firearm certificate, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

Fees in respect  
of firearm  
certificates.  
4 of 1960, s. 21.

6. (1) Subject to the provisions of this section, there shall be payable on the grant of a firearm certificate, and on the renewal of a firearm certificate, and on any variation of a firearm certificate which increases the number of firearms to which such firearm certificate relates, and on the replacement of a firearm certificate which has been lost or destroyed, such fees as may be prescribed:

Provided that, where a firearm certificate is varied as aforesaid and renewed or replaced at the same time, no fee shall be payable on the variation.

(2) No fee shall be payable on the grant, to any responsible officer of a rifle club, miniature rifle club or cadet unit approved for the purpose by the Minister, of a firearm certificate in respect of firearms or ammunition to be used solely for target practice or drill by the members of the club or unit, or on the variation or renewal of a firearm certificate so granted.

(3) No fee shall be payable on the grant, variation or renewal of a firearm certificate if the licensing officer is satisfied that the firearm certificate relates solely to, and, in the case of a variation, will continue when varied to relate solely to—

- (a) a firearm or ammunition which the applicant requires as part of the equipment of a ship; or
- (b) a signalling apparatus, or ammunition therefor, which the applicant requires as part of the equipment of an aircraft or aerodrome; or
- (c) a slaughtering instrument or ammunition therefor, which the applicant requires for the purpose of the slaughter of animals.

7. (1) The following provisions of this section shall have effect notwithstanding anything in section 4 of this Ordinance.

Exemptions from holding a firearm certificate.  
4 of 1960,  
ss. 5 and 21.

(2) A person carrying on the business of a firearms dealer and registered as such under this Ordinance, or an approved servant of such a person, may, without holding a firearm certificate, purchase, acquire or have in his possession a firearm or ammunition in the ordinary course of that business.

(3) A person carrying on the business of an auctioneer, an approved carrier or a bank licensed under section 4 of the Banking Ordinance, or an approved servant of such a person, may, without holding a firearm certificate, have in his possession a firearm or ammunition in the ordinary course of that business.

Cap. 488.

(4) A person may, without holding a firearm certificate, have in his possession a slaughtering instrument and ammunition therefor in any abattoir the operation of which is licensed or permitted by or under section 7 of the Kenya Meat Commission Ordinance, if employed in such abattoir.

Cap. 363.

(5) The proprietor of an abattoir such as is referred to in subsection (4) of this section, or a person appointed by him to take charge of slaughtering instruments and ammunition therefor for the purpose of storing them in safe custody at that abattoir, may, without holding a firearm certificate, have in his possession a slaughtering instrument or ammunition therefor for that purpose.

(6) Any person may, without holding a firearm certificate—

- (a) have in his possession a firearm or ammunition on board a ship, or a signalling apparatus or ammunition therefor on board an aircraft or at an aerodrome, as part of the equipment of the ship, aircraft or aerodrome; and
- (b) remove a signalling apparatus or ammunition therefor, being part of the equipment of an aircraft, from one aircraft to another at an aerodrome, or from or to an aircraft at an aerodrome to or from a place appointed for the storage thereof in safe custody at that aerodrome, and keep any such apparatus or ammunition at such a place; and
- (c) if he has obtained from a police officer of or above the rank of Assistant Superintendent or from a licensing officer a permit for the purpose in the prescribed form, remove a firearm from or to a ship,

or a signalling apparatus from or to an aircraft or aerodrome, to or from such place and for such purpose as may be specified in the permit.

(7) A person carrying a firearm or ammunition belonging to another person holding a firearm certificate relating thereto may, without himself holding a firearm certificate, have in his possession that firearm or ammunition under instructions from and for the use of that other person for sporting purposes only.

(8) A member of a rifle club, miniature rifle club or cadet unit approved by the Minister under and for the purposes of subsection (2) of section 6 of this Ordinance, may, without holding a firearm certificate, have in his possession a firearm and ammunition therefor when engaged as such a member in, or in connexion with, drill or target practice.

(9) Any person may, without holding a firearm certificate, use a miniature rifle not exceeding 0.22 calibre, and ammunition suitable therefor, at a miniature rifle range or shooting gallery.

(10) Any person may, without holding a firearm certificate, have a firearm in his possession at an athletic or other sporting meeting for the purpose of starting races at that meeting.

(11) (a) A person who has obtained from a licensing officer a permit for the purpose in the prescribed form may, without holding a firearm certificate, have in his possession a firearm and ammunition therefor in accordance with the terms of the permit; but no such permit shall be issued in respect of, or be valid for, a period exceeding three months.

(b) A permit under this subsection shall not be granted to any person in respect of any firearm or ammunition unless the licensing officer is satisfied that such person would, on application, be granted a firearm certificate in respect of such firearm or ammunition.

(c) A permit under this subsection may at any time be revoked by a licensing officer if the licensing officer is satisfied that the holder would not, on application, be granted a firearm certificate in respect of such firearm or ammunition.

(12) (a) A person who has obtained from a licensing officer a permit for the purpose in the prescribed form may, without himself holding a firearm certificate, acquire otherwise than by way of gift, and have in his possession, in

accordance with the terms of the permit, a firearm or ammunition which is of a class or description specified in the permit and which belongs to another person who holds a firearm certificate relating thereto.

(b) A permit under this subsection shall not be granted in respect of, or be valid for, a period exceeding one year, but shall be renewable by a licensing officer for a further period not exceeding one year, and so on from time to time.

(c) A permit under this subsection shall not be granted or renewed in respect of any class or description of firearms or ammunition unless the licensing officer is satisfied that the applicant or holder, as the case may be, can be permitted to have in his possession any firearm or ammunition of such class or description without danger to the public safety or to the peace, or if the licensing officer has reason to believe that the applicant or holder is prohibited by or under this Ordinance from possessing a firearm, or is of intemperate habits or unsound mind, or is for any reason unfitted to be entrusted with any firearm of such class or description as aforesaid.

(d) A permit under this subsection may be revoked by a licensing officer, either wholly or in respect of any class or description of firearms or ammunition to which it relates, if the licensing officer is satisfied that the holder would not, by reason of the provisions of paragraph (c) of this subsection, be granted, as at the date of such revocation, a renewal of the permit, or, as the case may be, a renewal thereof in respect of such class or description of firearms or ammunition as aforesaid.

(13) Where a licensing officer revokes a permit under subsection (11) or subsection (12) of this section, he shall by notice in writing require the holder of the permit to surrender it, and if the holder fails to surrender it within fourteen days from the date of the notice, he shall be guilty of an offence and liable to a fine not exceeding one thousand shillings:

Provided that, where an appeal is brought against the revocation, this subsection shall not apply to that revocation unless the appeal is abandoned or dismissed, and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

(14) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant or renewal of a permit under

this section, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

Power to refuse  
firearm certificate  
or permit unless  
firearm or  
ammunition  
produced.

8. (1) Notwithstanding anything contained in any of the foregoing sections of this Ordinance, a licensing officer may refuse to grant, renew or vary a firearm certificate, or to grant a permit under subsection (11) of section 7 of this Ordinance, unless and until any firearm to which such firearm certificate or permit will, if granted, renewed or varied, relate is produced to him for his inspection and for marking, if necessary, in accordance with the requirements of subsection (2) of this section.

(2) No firearm certificate, and no permit under subsection (11) of section 7 of this Ordinance, shall be granted, or, as the case may be, varied or renewed, in respect of a firearm unless such firearm bears a mark or number of identification or is first marked with such a mark or number by, or under and in accordance with the directions of, the licensing officer.

Prohibition of  
manufacture of  
firearms and  
ammunition.  
4 of 1960, s. 21.

9. (1) No person shall manufacture any firearm or ammunition save on behalf of the Government and at a place established or designated for the purpose by, and in accordance with instructions to be issued by, the Minister.

(2) In this section, "manufacture", in relation to firearms or ammunition, does not include the repair of firearms or ammunition, or the conversion into a firearm of anything which has the appearance of a firearm but is so constructed as to be incapable of discharging any missile through the barrel thereof, or the alteration, or substitution or replacement of any component part, of a firearm.

(3) If any person contravenes any of the provisions of subsection (1) of this section, he shall be guilty of an offence and liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand shillings, or to both such imprisonment and such fine.

Production  
of firearm  
certificate  
or permit.  
4 of 1960, s. 6.

10. (1) Any police officer, customs officer or licensing officer may demand from any person whom he believes to be in possession of a firearm or ammunition the production of any firearm certificate or of any permit granted under subsection (11) or subsection (12) of section 7 of this Ordinance at or before such time, at such place and to such police officer, customs officer or licensing officer as he may specify.



(2) Such demand may be made orally or in writing.

(3) If any person upon whom a demand is so made fails to produce any certificate or permit granted to him, or to allow the officer to read the same, or to show that he is entitled by virtue of this Ordinance to have the firearm or ammunition in his possession without holding a firearm certificate or permit, the officer may seize and detain the firearm or ammunition, and may require that person to declare to him immediately his name and address.

(4) If any person upon whom a demand is so made fails, without reasonable cause, to produce any certificate or permit granted to him, or to allow the officer to read the same, or refuses so to declare his name and address, or fails to give his true name and address, he shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

**11.** (1) Any police officer, customs officer or licensing officer may demand from any person who holds a firearm certificate or a permit under subsection (11) or subsection (12) of section 7 of this Ordinance the production of any firearm or ammunition to which it relates at or before such time, at such place and to such police officer, customs officer or licensing officer as he may specify.

Production  
of and  
accounting  
for firearms and  
ammunition.  
4 of 1960, s. 6.

(2) Any such officer may demand from any person who has within the last preceding five years held a firearm certificate or such a permit as aforesaid the production of any firearm or ammunition to which it relates, or an account of its whereabouts, at or before such time, at such place and to such police officer, customs officer or licensing officer as he may reasonably specify.

(3) A demand under this section may be made orally or in writing.

(4) If any person fails without reasonable cause to comply with such a demand as aforesaid, he shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

**12.** (1) Subject to the provisions of this section, no person shall, by way of trade or business—

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

(b) expose for sale or transfer, or have in his possession for sale, transfer, repair, test or proof,

any firearm or ammunition, unless he is registered under this Ordinance as a firearms dealer:

Penalty for  
dealing in  
firearms without  
being registered.  
4 of 1960, s. 7.

Provided that it shall be lawful for an auctioneer to sell by auction, and have in his possession for sale by auction, a firearm or ammunition without being registered as aforesaid if he has obtained from a licensing officer a permit for that purpose in the prescribed form, and complies with the terms of the permit.

(2) If any person contravenes any of the provisions of this section, or makes any statement which he knows to be false for the purpose of procuring, whether for himself or for any other person, the grant of a permit under this section, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

Registration of  
firearms dealers.  
4 of 1960, s. 8.

13. (1) For the purposes of this Ordinance, the chief licensing officer shall keep in the prescribed form a register of firearms dealers in which, subject as hereinafter provided, he shall cause to be entered the name of every person who applies to be registered as a firearms dealer and furnishes the prescribed particulars:

Provided that—

- (i) the licensing officer shall not register an applicant who is prohibited to be registered by order of a court made under section 19 of this Ordinance; and
- (ii) the licensing officer may refuse to register an applicant if he is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace.

(2) On the registration of an applicant as a firearms dealer there shall be payable such fee as may be prescribed.

(3) If the licensing officer, after giving reasonable notice to any person whose name is on the register, is satisfied that that person—

- (a) is no longer carrying on business as a firearms dealer;  
or
- (b) cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace,

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

(4) The licensing officer shall also cause the name of a person to be removed from the register if that person so desires.

(5) If any person, for the purpose of procuring the registration of himself or any other person as a firearms dealer, makes any statement which he knows to be false, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

14. (1) The licensing officer shall grant or cause to be granted to any person who is registered as a firearms dealer under section 13 of this Ordinance a certificate of registration.

Certificates of  
registration.  
4 of 1960, s. 9.

(2) On or before the first day of January in each year, every person for the time being registered as a firearms dealer shall—

- (a) surrender to the licensing officer his certificate of registration; and
- (b) apply in the prescribed form for a new certificate of registration; and
- (c) pay such fee as may be prescribed,

and thereupon the licensing officer shall, subject to the provisions of subsection (3) of section 13 of this Ordinance, grant him a new certificate of registration.

(3) If any such person as aforesaid fails to comply with all or any of the requirements of subsection (2) of this section on or before the first day of January in any year, the licensing officer shall by notice in writing require him to comply therewith, and, if he fails to do so within twenty-one days from the date of the notice, or within such further time as the licensing officer may in special circumstances allow, shall cause his name to be removed from the register.

(4) In any case where a licensing officer causes the name of a firearms dealer to be removed from the register, he shall by notice in writing require the dealer to surrender his certificate of registration, and if the dealer fails to do so within twenty-one days from the date of the notice he shall be guilty of an offence and liable to a fine not exceeding one thousand shillings:

Provided that—

- (i) where an appeal is brought against the removal, this subsection shall not apply to that removal unless the appeal is abandoned or dismissed, and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed;

- (ii) until the dealer surrenders his certificate of registration in accordance with the provisions of this subsection, or, if he fails so to surrender his said certificate, until the expiration of the aforesaid period of twenty-one days, the dealer shall be deemed to be registered as a firearms dealer for the purpose only of disposing of the stock in hand of his business.

Registration of  
places of business  
of firearms  
dealers.  
4 of 1960, s. 10.

**15. (1)** The prescribed particulars which a person applying to be registered as a firearms dealer under section 13 of this Ordinance is required to furnish shall include particulars of every place of business at which he proposes to carry on business as a firearms dealer, and the licensing officer shall, subject as hereinafter provided, enter in the register every such place of business.

(2) Every person registered as a firearms dealer who proposes to carry on business as such at any place of business which is not entered in the register shall notify the licensing officer and furnish him with such particulars as may be prescribed, and the licensing officer shall, subject as hereinafter provided, enter that place of business in the register.

(3) A licensing officer, if he is satisfied that any place of business notified to him by any person under subsection (1) or subsection (2) of this section, or any place entered as the place of business of any person in the register of firearms dealers, is a place at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, may refuse to enter that place of business in the register or remove it from the register, as the case may be.

(4) If—

- (a) any person, being a registered firearms dealer, has a place of business which is not entered on the register and carries on business as a firearms dealer at that place; or
- (b) any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the entry of any place of business in the register of firearms dealers,

he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

16. (1) No person shall sell or transfer to any other person in Kenya, other than a registered firearms dealer, any firearm or ammunition unless that other person produces a firearm certificate authorizing him to purchase or acquire it or shows that he is by virtue of this Ordinance entitled to purchase it, or, as the case may be, to acquire it by means of such transfer, without holding such a certificate:

Restrictions on sale, repair, etc., of firearms and ammunition.  
4 of 1960, s. 11.

Provided that this subsection shall not prevent a person parting with the possession of a firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a person who shows that he is by virtue of this Ordinance entitled to have possession of the firearm or ammunition without holding a firearm certificate.

(2) Every person who sells, lets on hire, gives or lends a firearm or ammunition to any other person in Kenya, other than a registered firearms dealer, shall, unless that other person shows that he is by virtue of this Ordinance entitled to purchase or, as the case may be, to hire, accept as a gift or borrow the firearm or ammunition without holding a firearm certificate, comply with any instructions contained in the certificate produced, and in the case of a firearm shall, within forty-eight hours from the transaction, send by registered post notice of the transaction to the licensing officer.

(3) No person shall undertake the repair, test or proof of a firearm or ammunition for any other person in Kenya, other than a registered firearms dealer as such, unless that other person produces or causes to be produced a firearm certificate authorizing him to have possession of the firearm or ammunition, or shows that he is by virtue of this Ordinance entitled to have possession of the firearm or ammunition without holding such a certificate.

(4) If any person—

- (a) contravenes any of the provisions of this section; or
- (b) with a view to purchasing or acquiring, or procuring the repair, test or proof of, a firearm or ammunition produces a false firearm certificate or a firearm certificate in which any false entry has been made, or personates a person to whom a firearm certificate has been granted, or makes any false statement,

he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

Register of transactions in firearms and ammunition  
4 of 1960, s. 12.

17. (1) Every person who by way of trade or business deals in, sells or transfers firearms or ammunition shall provide and keep a register of transactions, and shall enter or cause to be entered therein such particulars as may be prescribed.

(2) Every such entry shall be made within twenty-four hours after the transaction to which it relates took place, and, in the case of a sale or transfer, every such person as aforesaid shall at the time of the transaction require the purchaser or transferee to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the register.

(3) Every such person as aforesaid shall, on demand, allow any police officer or licensing officer to enter and inspect all stock in hand, and shall on request by any such police officer or licensing officer produce for inspection the register so required to be kept as aforesaid.

(4) If any person—

(a) fails to comply with any of the provisions of this section; or

(b) knowingly makes any false entry in a register required to be kept under this section; or

(c) knowingly furnishes any false particular of identification of himself or any other person,

he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

(5) Nothing in this section shall apply to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under the proviso to subsection (1) of section 12 of this Ordinance.

Storage and safe custody of firearms and ammunition.  
4 of 1960, s. 13,  
15 of 1961, Sch.

18. (1) Every registered firearms dealer shall maintain at each of his places of business a suitable enclosed store for the safe custody of firearms and ammunition in his possession.

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



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

(4) Any person who fails to comply with any of the provisions of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding five thousand shillings, or to both such imprisonment and such fine.

19. Where a registered firearms dealer is convicted of an offence under this Ordinance, or under any law for the time being in force in Kenya relating to customs in respect of the import or export of firearms or ammunition, the court may order—

Powers of court  
in case of offences  
by registered  
firearms dealers.

- (a) that the name of the registered firearms dealer be removed from the register; and
- (b) that neither the dealer nor any person who acquires the business of that dealer, nor any person who took part in the management of the business and was knowingly a party to the offence, shall be registered as a firearms dealer; and
- (c) that any person who, after the date of the order, knowingly employs in the management or conduct of his business the dealer convicted of the offence, or any person who was knowingly a party to the offence, shall not be registered as a firearms dealer or, if so registered, shall be liable to be removed from the register; and
- (d) that any stock in hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order:

Provided that a person aggrieved by an order made under this section may appeal against the order in the same manner as against the conviction, and the court may, if it thinks fit, suspend the operation of the order pending the appeal.

20. (1) No person shall take any firearm or ammunition in pawn from any other person.

Penalty for  
taking in pawn  
firearms or  
ammunition.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

Provisions as to  
converting  
imitation firearms  
into firearms.

**21.** (1) No person other than a registered firearms dealer shall convert into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through the barrel thereof.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

Loss of firearms  
or ammunition  
to be reported.

**22.** Any person having possession of a firearm or ammunition, whether or not he holds a firearm certificate therefor or is entitled to have possession thereof without holding a firearm certificate, shall, if such firearm or ammunition is lost, stolen or destroyed, report such loss, theft or destruction as soon as possible after its occurrence to the police officer in charge of the nearest police station, and if he fails to do so, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

Appeals under  
this Part.  
G.N. 1602/1955,  
L.N. 173/1960.

**23.** (1) Any person aggrieved by a refusal of a licensing officer to grant him a firearm certificate under section 5 of this Ordinance or to vary or renew a firearm certificate, or by the revocation of a firearm certificate, or by a refusal of a licensing officer to grant him a permit under subsection (11) of section 7 of this Ordinance, or by the revocation of such a permit, or by a refusal of a licensing officer to grant him a permit under subsection (12) of section 7 of this Ordinance or to renew such a permit, or by the revocation of such a permit, or by the refusal of a licensing officer to register him as a firearms dealer, or by the removal of his name from the register of firearms dealers by a licensing officer, or by the refusal of a licensing officer to enter a place of business in the register of firearms dealers under section 15 of this Ordinance or by the removal of any such place of business from the register, may appeal to the Minister, whose decision shall be final.

(2) An appeal under this section shall be lodged within fourteen days after the date on which the appellant first received notice, whether written or oral, of the decision by which he is aggrieved.

(3) On an appeal under this section, the Minister may either dismiss the appeal or give such directions as he may think fit to the licensing officer from whose decision the appeal has been lodged, as respects the firearm certificate, permit or register which is the subject of the appeal.

**24.** (1) This Part applies to all firearms as defined in section 2 of this Ordinance and to all safety, toy and alarm pistols and rifles which are capable of being converted into, or have the appearance of, lethal barrelled weapons, or which can be used or adapted for the discharge of any noxious liquid, gas or similar thing, except—

Application of  
this Part.  
4 of 1960, s. 14.

airguns, air-rifles, air-pistols and safety, toy and alarm pistols which are not of a type declared by the Minister, by notice in the Gazette, to be specially dangerous or potentially dangerous.

(2) This Part applies to all ammunition as defined in section 2 of this Ordinance, except ammunition for an airgun or air-rifle or air-pistol.

**25.** Nothing in this Part shall relieve any person using or carrying a firearm from the obligation to take out a licence to kill game under any law for the time being in force relating to such licences.

Saving for  
game laws.

#### PART III—MISCELLANEOUS PROVISIONS AS TO FIREARMS AND AMMUNITION

**26.** (1) It shall not be lawful for any person, other than a person in the service of the Crown acting in his capacity as such a person authorized in writing in that behalf by the Minister or a person of a class for the time being authorized in that behalf by the Minister by notice in the Gazette, to sell, transfer, purchase, acquire or have in his possession—

Special  
provisions  
relating to  
certain types of  
weapons and  
ammunition.  
4 of 1960,  
ss. 15 and 21.

- (a) any firearm which is so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until the pressure is removed or until the magazine containing the missiles is empty; or
- (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or similar thing; or
- (c) any ammunition containing, or designed or adapted to contain, any such noxious thing; or
- (d) any firearm or ammunition specified, or of a class or type specified, by the Minister by notice in the Gazette; or
- (e) any accessory or attachment, of a kind specified by the Minister by notice in the Gazette, which is designed or adapted for use with or as part of a firearm.

(2) Any person who does any of the things prohibited by subsection (1) of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding three years or to a fine not exceeding five thousand shillings, or to both such imprisonment and such fine.

(3) An authority given under this section shall be subject to such conditions as may be specified therein, and, if any person authorized thereby fails to comply with any such condition, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

(4) The Minister may at any time, if he thinks fit, revoke any individual authority given by him to any person under this section, by notice in writing requiring that person to deliver up the authority to such person as may be specified in the notice within fourteen days from the date of the notice, and if that person fails to comply with that requirement, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

(5) An authority given by the Minister under this section to any class of persons may at any time be revoked or varied by the Minister by notice in the Gazette.

(6) The foregoing provisions of this section shall be in addition to and not in derogation of any other provisions of this Ordinance or any other Ordinance relating to the sale, transfer, purchase, acquisition or possession of firearms or ammunition, but a licensing officer—

- (a) shall not refuse to grant or renew, and shall not revoke, a firearm certificate in respect of a firearm, weapon or ammunition such as is referred to in subsection (1) of this section if the applicant is for the time being authorized as aforesaid to have possession of that firearm, weapon or ammunition; and
- (b) shall not refuse to enter in the register of firearms dealers the name of a person for the time being authorized as aforesaid to sell or transfer a firearm, weapon or ammunition such as aforesaid, or remove the name of such a person from the register, on the ground that he cannot be permitted to carry on, or to continue to carry on, business as a firearms dealer without danger to the public safety or to the peace;

and, where any authority to purchase, acquire or have possession of a firearm, weapon or ammunition is revoked under this section, the firearm certificate relating to that firearm, weapon or ammunition shall be revoked or varied accordingly by the licensing officer by whom it was granted.

**27.** (1) No person shall import or export any firearm or ammunition save under and in accordance with the terms of an import or export permit, as the case may be, issued by an authorized officer:

Importation and  
exportation of  
firearms and  
ammunition.  
4 of 1960,  
ss. 16 and 21.

Provided that where any firearm or ammunition, not being a firearm or ammunition the importation of which is for the time being prohibited under subsection (2) of this section, is imported for the personal use of the owner thereof but without an import permit under this section having been previously obtained authorizing the importation thereof, such importation shall not be deemed to contravene the provisions of this section if such firearm or ammunition on importation is left in customs control until an import permit under this section is obtained in respect of the importation thereof.

(2) No person shall import or export any firearm or ammunition, or any firearm or ammunition of a class or type, of which the importation or exportation, as the case may be, is for the time being prohibited by the Minister by order published in the Gazette.

(3) Any person who contravenes any of the provisions of subsections (1) and (2) of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

(4) An authorized officer may, at his discretion and without assigning any reason therefor, refuse to grant any import or export permit under this section, and shall refuse to grant any such permit authorizing—

- (a) the importation or exportation of any arms or munitions of war unless the Governor in Council has sanctioned such importation or exportation; or
- (b) the importation or exportation of any firearm or ammunition of which the importation or exportation, as the case may be, is for the time being prohibited under subsection (2) of this section.

(5) Import and export permits under this section shall be in the prescribed forms, and there shall be payable in respect thereof such fees as may be prescribed.

(6) An authorized officer may, without assigning any reason therefor, revoke any import or export permit granted under this section at any time before the firearms or ammunition to which it relates have been imported or exported, as the case may be, in pursuance thereof.

(7) Any person who makes any statement which he knows to be false for the purpose of procuring, whether for himself or for any other person, the issue of an import or export permit under this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

(8) For the purposes of this section, "authorized officer" means a police officer or customs officer authorized by the Commissioner of Police in writing to grant import and export permits under this section.

(9) In this section, "firearm" includes safety, toy and alarm pistols and rifles which are capable of being converted into, or have the appearance of, lethal barrelled weapons, or which can be used or adapted for the discharge of any noxious liquid, gas or similar thing, and "ammunition" means ammunition to which Part II of this Ordinance applies.

Places of  
importation of  
firearms or  
ammunition and  
removal  
therefrom.  
4 of 1960,  
ss. 16 and 21.

**28. (1)** No person shall import any firearm or ammunition save at any one or more places designated for the purpose by the Minister, and all firearms and ammunition imported at any such place shall be detained in customs control pending removal in accordance with the provisions of this section.

(2) No person who imports any firearm or ammunition by way of trade or business, or for the purposes of any trade or business, or for any purpose other than his own personal use, shall remove the same, or cause the same to be removed, from customs control, unless he has first obtained a removal permit under section 29 of this Ordinance authorizing the removal thereof from the place at which the same is detained in customs control.

(3) No person who imports a firearm or ammunition for his own personal use shall remove the same, or cause the same to be removed, from customs control unless he has first obtained a firearm certificate, or a permit under subsection (11) of section 7 of this Ordinance, in respect thereof, or unless he is entitled by virtue of this Ordinance to have the firearm or ammunition in his possession without holding a firearm certificate.



(4) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

(5) In this section, "firearm" includes safety, toy and alarm pistols and rifles which are capable of being converted into, or have the appearance of, lethal barrelled weapons, or which can be used or adapted for the discharge of any noxious liquid, gas or similar thing, and "ammunition" means ammunition to which Part II of this Ordinance applies.

29. (1) Subject to the provisions of subsection (4) of this section, no person shall remove or transport, or cause to be removed or transported, any firearm or ammunition from one place to another in Kenya, whether for the purpose of export or otherwise, save under and in accordance with a removal permit issued by a licensing officer.

Removal and transportation of firearms and ammunition within Kenya. 4 of 1960, s. 17.

(2) Any person who contravenes any of the provisions of subsection (1) of this section, or who makes any statement which he knows to be false for the purpose of procuring for himself or any other person the issue of a removal permit under this section, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

(3) No removal permit shall be issued under this section authorizing the removal or transport of firearms or ammunition by road from one area to another, save with the general or specific authority of the Commissioner of Police.

(4) Nothing in this section shall apply to—

- (a) a person carrying on the business of an approved carrier, or an approved servant of such a person, in respect of the removal or transportation of any firearms or ammunition in the ordinary course of that business;
- (b) the holder of a firearm certificate, or of a permit under subsection (11) of section 7 of this Ordinance, in respect of the carriage with him and in accordance with the terms of the firearm certificate or permit of any firearm or ammunition to which the firearm certificate or permit relates;

(c) any person, not being a registered firearms dealer, in respect of the carriage with him of any firearm or ammunition which he is entitled by virtue of the provisions of this Ordinance to have in his possession without holding a firearm certificate; or

(d) the removal or transport by a registered firearms dealer of any firearm or ammunition in his possession in the ordinary course of his business as such from one of his places of business to another, or from or to his own place of business to or from the place of business of another registered firearms dealer.

(5) A permit issued under this section may at any time be revoked by the licensing officer who issued the same, and such licensing officer shall not be compelled to assign any reason for such revocation.

(6) In this section, "firearm" and "ammunition" mean respectively a firearm and ammunition to which Part II of this Ordinance applies.

Firearms and  
ammunition in  
transit through  
Kenya.

30. Notwithstanding anything in this Ordinance contained, a licensing officer may, at his discretion, grant with or without conditions, refuse, suspend or revoke transit permits for the importation or exportation, or the removal within or transportation across Kenya, of any firearms or ammunition in transit through Kenya to any place outside Kenya, and the importation, exportation, removal, transportation and possession of any such arms or ammunition under and in accordance with the terms of any such transit permit shall be lawful and shall not constitute any offence under this Ordinance.

Restrictions on  
carriage by  
native vessels.

31. (1) Subject to the provisions of subsection (2) of this section, no person shall ship or off-load any firearms or ammunition in or from a native vessel of less than five hundred tons burden.

(2) The provisions of this section shall not apply—

(a) to lighters or barges lawfully engaged in loading or unloading ships;

(b) to firearms or ammunition conveyed on behalf of the Government and accompanied by an officer of the Government;

(c) to a firearm or ammunition in the possession of a person holding a firearm certificate in respect thereof or entitled by virtue of this Ordinance to have the

same in his possession without holding a firearm certificate, where the firearm or ammunition is for the personal use of the person in possession thereof.

(3) For the purposes of this section, "native vessel" means a vessel owned by a native, or fitted out by a native, or of which more than half of the crew are natives, of any country bordering on the Indian Ocean, the Red Sea, the Persian Gulf or the Gulf of Oman.

(4) In this section, "firearm" and "ammunition" mean respectively a firearm and ammunition to which Part II of this Ordinance applies.

**32.** (1) No person under the age of twelve years shall have in his possession any firearm or ammunition to which Part II of this Ordinance applies, and no person under the age of fourteen years shall have in his possession any firearm or ammunition to which Part II of this Ordinance applies other than a miniature rifle not exceeding 0.22 calibre or a shotgun the bore of which is not larger than 20 gauge, and ammunition suitable therefor, except in circumstances where he is entitled to have possession thereof without holding a firearm certificate by virtue of subsection (7), subsection (8) or subsection (9) of section 7 of this Ordinance; and no person shall part with the possession of any such firearm or ammunition to any person whom he knows or has reason to believe to be under the age of twelve or fourteen years, as the case may be, except in circumstances where that other person is entitled to have possession thereof as aforesaid.

Restrictions on possession of firearms and ammunition by young persons.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

**33.** Any person who is drunk, or who behaves in a disorderly manner, while carrying a firearm to which Part II of this Ordinance applies shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

Carrying firearm while drunk or disorderly.

**34.** (1) If any person makes or attempts to make any use whatsoever of a firearm or imitation firearm with intent to resist or prevent the lawful apprehension or detention of himself or any other person, he shall be guilty of an offence

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

and liable to imprisonment for a term not exceeding fourteen years; and, where any person commits any such offence in respect of the lawful apprehension or detention of himself for any other offence committed by him, he shall be liable to the penalty provided in this subsection in addition to any penalty to which he may be sentenced for that other offence.

Cap. 63.

(2) A firearm or imitation firearm shall, notwithstanding that it is not loaded or is otherwise incapable of discharging any shot, bullet or other missile, be deemed to be a dangerous weapon or instrument for the purposes of the Penal Code.

(3) In this section, "imitation firearm" means anything which has the appearance of being a firearm, whether it is capable of discharging any shot, bullet or other missile or not.

Appeals under  
this Part.  
G.N. 1602/1955,  
L.N. 173/1960.

35. (1) Any person who is aggrieved by the refusal of an authorized officer to issue to him an import permit or export permit under section 27 of this Ordinance, or by the revocation of any such permit, or by the refusal of a licensing officer to issue to him a removal permit under section 29 of this Ordinance, or by the revocation of any such permit, or by the refusal of a licensing officer to grant him a transit permit under section 30 of this Ordinance, or by the imposition of any condition attached to any such permit, or by the suspension or revocation of any such permit, may appeal to the Minister, whose decision shall be final.

(2) The provisions of subsections (2) and (3) of section 23 of this Ordinance shall apply *mutatis mutandis* to appeals under this section.

#### PART IV—GENERAL

Convicted  
persons not to  
possess  
firearms or  
ammunition;  
forfeiture of  
firearms and  
ammunition;  
and cancellation  
of firearm  
certificates.  
4 of 1960, s. 18,  
G.N. 1602/1955,  
L.N. 173/1960.

36. (1) Where any person—

- (a) is convicted of an offence under this Ordinance or is convicted of an offence for which he is sentenced to imprisonment, or to detention of any description in an approved school or other place of detention; or
- (b) has been ordered to be subject to police supervision, or to enter into recognizance to keep the peace or to be of good behaviour a condition of which is that the offender shall not possess, use or carry a firearm, or is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm,

the following provisions shall apply—

- (i) the court before whom such person is convicted or by whom the order is made may make such order as to forfeiture or disposal of any firearm or ammunition

which was found in his possession or in respect of which the offence of which he is convicted was committed or which was used in the commission of such offence as the court thinks fit, and may cancel any firearm certificate or permit under subsection (11) or subsection (12) of section 7 of this Ordinance held by the person convicted;

- (ii) in the case of a person convicted, or convicted and sentenced, as mentioned in paragraph (a) of this subsection, the court before whom he is convicted may order that such person shall not, at any time during such period, not exceeding ten years from the date of his release, as may be specified in the order, have in his possession any firearm or ammunition or, as the case may be, any firearm or ammunition of a class or description specified in the order.

(2) Subject to the provisions of this section, no person who is subject to the supervision of the police, or is subject to a recognizance to keep the peace or to be of good behaviour a condition of which is that he shall not possess, use or carry a firearm, or is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm, shall, at any time during which he is so subject as aforesaid, have a firearm or ammunition in his possession.

(3) Subject to the provisions of any other law for the time being in force under which a condition or requirement such as is referred to in subsection (2) of this section is imposed or made, a person prohibited by the said subsection from having in his possession a firearm or ammunition may apply to the Minister for exemption from such prohibition, and, if the application is granted, the provisions of the said subsection shall not apply to that person.

(4) The Minister may, in his absolute discretion, grant or refuse any such application for exemption as aforesaid, and shall not be required to assign any reason for the refusal of any such application.

(5) No person shall sell or transfer a firearm or ammunition to, or repair, test or prove a firearm or ammunition for, any person whom he knows, or has reasonable ground for believing, to be prohibited by this section or by any order made thereunder from having a firearm or ammunition in his possession.

(6) Where a court cancels a firearm certificate or permit under this section—

- (a) the court shall cause notice to be sent to the chief licensing officer;
- (b) the licensing officer shall by notice in writing require the holder of the firearm certificate or permit to surrender it; and
- (c) if the holder fails to surrender the firearm certificate or permit within fourteen days from the date of the last-mentioned notice, he shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

(7) Subject to the provisions of paragraph (c) of subsection (6) of this section, any person who contravenes any provision of this section or of any order made thereunder shall be guilty of an offence and liable to imprisonment for a term not exceeding six months, or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

Search warrants  
and disposal of  
firearms and  
ammunition  
seized.  
4 of 1960, s. 19.

**37. (1)** A court, if satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Ordinance has been, is being or is about to be committed, may grant a search warrant authorizing a police officer or other person therein named—

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein; and
- (b) to seize and detain any firearm or ammunition which he may find on the premises or place, or on any such person, in respect of which or in connexion with which he has reasonable ground for suspecting that an offence under this Ordinance has been, is being or is about to be committed; and
- (c) if the premises are those of a registered firearms dealer, to examine any books relating to the business.

(2) A court shall have power, on the application of a police officer, customs officer or licensing officer, to order any firearm or ammunition seized and detained under this Ordinance to be destroyed or otherwise disposed of.

(3) Any firearm or ammunition in the hands of the police or in customs control and unclaimed for a period in excess of six months may, if the owner thereof is unknown, or cannot be traced, or fails, when required, or is not entitled under this



Ordinance or any other law for the time being in force, to take possession thereof, be disposed of at any time after the expiration of the period aforesaid in such manner as the Commissioner of Police may direct, and no compensation shall be payable to any person in respect of any firearm or ammunition so disposed of as aforesaid.

38. Any police officer may at all reasonable times enter upon any premises with a view to ascertaining whether or not the provisions of this Ordinance or of any rules made thereunder are being complied with, and may inspect such premises and any firearm or ammunition, book, account, register, document or thing found therein, and may require any person appearing to be in control thereof or employed therein to give such information as such police officer may require in order to ascertain whether or not the provisions of this Ordinance or of any rules made thereunder are being complied with.

Power to  
inspect premises.

39. Any person who obstructs a police officer in the exercise of any of the powers conferred on him by or under section 37 or section 38 of this Ordinance, or who fails to give to such police officer any information which he is lawfully required by such police officer under the said section to give to him, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

Penalty for  
obstructing a  
police officer.

40. Any police officer may arrest without warrant any person whom he suspects on reasonable grounds of having committed an offence under this Ordinance.

Arrest without  
warrant.

41. A magistrate holding a subordinate court of the first class shall have power to try any offence under this Ordinance, other than an offence under subsection (1) of section 34 of this Ordinance, and to award any punishment provided therefor.

Jurisdiction.

42. Save where otherwise expressly by this Ordinance provided, any demand or notice required or authorized by this Ordinance to be made of or given to any person shall be served either—

Service of  
documents,  
notices, etc.  
4 of 1960,  
s. 20.

- (a) by delivering it to the person to whom it is addressed;  
or
- (b) by sending it by registered post addressed to that person at his last known postal address; or
- (c) in the case of a registered firearms dealer, by delivering it to him at any place of business in respect of

which he is registered or by sending it by registered post addressed to him at his last known postal address.

Reciprocal  
recognition of  
arms licences  
issued in  
neighbouring  
territories.  
G.N. 1602/1955,  
L.N. 173/1960.

43. The Minister may, if he is satisfied that reciprocal provisions have been or will be made by the Government of Uganda, Zanzibar, Nyasaland or Tanganyika for the recognition by and under the law in force in such territory of firearm certificates granted under this Ordinance, by order declare that an arms licence corresponding to a firearm certificate under this Ordinance and issued under such law shall, on being endorsed by a licensing officer, have the same effect and validity in Kenya as if it were a firearm certificate granted under this Ordinance.

Power to make  
rules.  
G.N. 1602/1955,  
L.N. 173/1960.

44. The Minister may make rules—

- (a) prescribing the form of a firearm certificate, and of any register required to be kept under this Ordinance, and of any other permit or document under this Ordinance;
- (b) prescribing the fees to be paid for anything done, or any permit, document or authorization issued or granted, under this Ordinance;
- (c) prescribing any other thing which under this Ordinance is to be prescribed;
- (d) providing for the establishment and maintenance of a central registry of firearms and ammunition;
- (e) regulating the manner in which licensing officers and other officers are to carry out their duties under this Ordinance;
- (f) enabling all or any of the functions of a licensing officer to be discharged by deputy in the event of the illness or absence, or a vacancy in the office, of a licensing officer;
- (g) generally for carrying this Ordinance into effect.

Savings.

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

(2) Nothing in this Ordinance relating to firearms shall apply to an antique firearm which is sold, transferred, purchased, acquired, imported, exported, transported or possessed as a curiosity or ornament.

(3) Notwithstanding any rule of law whereunder the provisions of this Ordinance do not bind the Crown, the provisions of section 16, subsections (3) and (4) of section 18, section 33 and section 34 of this Ordinance shall apply to persons in the service of the Crown in their capacity and in the course of their duty as such.

SCHEDULE  
The Northern Province.

(s. 4)



**SUBSIDIARY LEGISLATION****Order under section 43****THE FIREARMS (RECIPROCAL PROVISIONS) ORDER**

L.N. 167/1958.

1. This Order may be cited as the Firearms (Reciprocal Provisions) Order.

2. A firearm certificate or arms licence corresponding to a firearm certificate issued under the provisions of the Ordinance, other than a firearm certificate or arms licence in respect of a revolver or pistol, issued under the law in force in Uganda, Nyasaland or Tanganyika, shall, on being endorsed by a licensing officer, have the same effect and validity in Kenya as if it were a firearm certificate granted under the Ordinance

**Rules under section 44****THE FIREARMS RULES**

G.N. 2062/1953.

1. These Rules may be cited as the Firearms Rules.

2. The fees set out in the First Schedule to these Rules shall be payable in regard to the respective matters therein contained.

3. The forms set out in the Second Schedule to these Rules shall be used for the purposes of the Ordinance and of these Rules.

4. (1) No firearms dealer shall sell, issue or return to any person, except to another firearms dealer, any firearm, or any barrel, bolt or chamber of a firearm, unless such firearm or part bears a mark or number of identification.

(2) Every firearms dealer shall maintain equipment for the purpose of stamping marks and numbers of identification on firearms and parts of firearms in accordance with this rule.

(3) Every firearms dealer shall comply with any directions given by the licensing officer of his area concerning the firearms or parts to be stamped, the manner in which such stamping is to be effected and the marks or numbers to be used.

(4) Every firearms dealer shall maintain securely under lock and key an accurate register of marks in the form prescribed, and shall record therein every mark or number of identification stamped by him, together with the make, type and calibre of the firearm or part stamped, the name and address of the person to whom it is issued and the mark or number of the firearm, if any, to which a part so stamped is affixed.

5. Every person required under the Ordinance and these Rules to keep a dealer's register of transactions shall comply with any directions which may be given to him by a licensing officer concerning the manner in which the register shall be kept and entries made therein.

## [Subsidiary]

6. Every person who contravenes any of the provisions of rules 4 and 5 of these Rules, or of any directions given thereunder, shall be guilty of an offence and liable, in addition to any action which may be taken under subsection (3) of section 13 of the Ordinance, to a fine not exceeding one thousand shillings.

7. The functions of a licensing officer under the Ordinance may, in the event of the illness or absence, or a vacancy in the office, of a licensing officer, be discharged by such officer as may be appointed by or under the authority of the Commissioner of Police.

## FIRST SCHEDULE (r. 2)

## FEES

| Section of Ordinance  | Sh. |
|---|-----|
| 6 (1) On grant, renewal or replacement of firearm certificate .. .. .   | 10  |
| On variation of firearm certificate <i>increasing</i> the number of firearms to which it relates—per additional firearm .. .. . | 5   |
| (This fee is not payable where the certificate is renewed or replaced at the same time as the variation is made)                |     |
| 13 (2) On registration as a firearms dealer .. .. .   | 100 |
| 14 (2) For new certificate of registration as a firearms dealer .. .. .   | 100 |
| 27 (5) For import permit (on import by registered firearms dealer only) .. .. .   | 40  |

## SECOND SCHEDULE (r. 3)

## FORMS

## FORM 1

## APPLICATION FOR FIREARM CERTIFICATE

## (s. 5 (1))

1. Name (in full) .....
2. (a) Postal address .....
- (b) If above address is temporary only, state address to which communications should be sent .....
- (c) Residential address .....
- (d) Length of period resident at address (c) .....
3. Age ..... 4. Nationality .....
5. Occupation .....
6. Reason for requiring the firearm(s) and ammunition specified at paragraph 7 .....
- .....
- .....
7. Firearms and ammunition for which certificate required—

[Subsidiary]

## FORM 1—(Contd.)

## (a) firearms—

(i) possessed at date of application\* .....

.....  
.....

(ii) desired to be purchased or acquired\* .....

.....  
.....

## (b) ammunition—

|  | <i>Quantity</i> | <i>Calibre<br/>and Type</i> |
|--|-----------------|-----------------------------|
|--|-----------------|-----------------------------|

(i) possessed at date of application .....

(ii) maximum amount desired to  
be purchased or acquired at  
any one time .. .. .(iii) total amount desired to be  
purchased or acquired in one  
year .. .. .(iv) maximum amount desired to  
be possessed at any one time .....8. (a) Whether a firearm certificate has previously been held, or  
applied for, by applicant .....(b) Date and place of issue of any firearm certificate previously  
held .....

## DECLARATION

9. I hereby apply for a firearm certificate in respect of the  
firearms and ammunition specified above, and I declare that the  
statements made above are true and complete in all respects.

Date ..... Signature .....

\* State quantity, type, calibre, maker's name and identification  
number or other distinguishing mark.

## FORM 2

## FIREARM CERTIFICATE

(s. 5 (3))

This certificate is granted to .....  
of .....  
and relates to the firearms and ammunition specified hereunder—

## (a) firearms—

(i) possessed at date of grant (quantity, type, calibre, makers'  
name and identification number or other distinguishing  
mark) ..........  
.....  
.....  
.....



[Subsidiary]

## FORM 2—(Contd.)

(ii) authorized to be purchased or acquired (quantity and type) .....

.....

.....

.....

.....

(b) ammunition—

authority to possess—

(i) possessed at date of grant\* .....

.....

.....

(ii) maximum amount authorized to be possessed at any one time† .....

.....

.....

.....

authority to purchase or acquire—

(iii) total amount authorized to be purchased or acquired in any one year† .....

.....

.....

(iv) maximum amount authorized to be purchased or acquired at any one time† .....

\* State quantity, type and calibre .....

.....

† State quantity and type .....

.....

The following conditions shall be observed by the holder of this certificate—

- (1) All firearms and ammunition shall at all times when not in actual use be kept in a secure place with a view to preventing access to them by unauthorized persons.
- (2) The loss or theft of any firearm or ammunition shall be reported, as soon as discovered, to the officer in charge of the nearest police station.
- (3) Any change in the permanent address of the holder of the certificate shall be reported within 21 days to the licensing officer by whom the certificate was granted.
- (4) Other conditions (if any) .....

.....

.....

.....

.....

.....

[Subsidiary]

## FORM 2—(Contd.)

The following instructions shall be complied with by every person from whom the holder of this certificate purchases or acquires firearms or ammunition—

1. Every person selling, letting on hire, giving or lending a firearm or ammunition to the holder of this certificate must give a certificate of the transaction in one of the forms marked "A" attached to this certificate.

2. If the holder of this certificate is unknown to the person from whom he purchases or acquires firearms, such person must obtain a receipt from the holder of this certificate and keep it for production if required.

3. The person from whom the holder of this certificate purchases or acquires any firearms or ammunition must, within 48 hours of the completion of the transaction in respect of which the certificate in form "A" was given, report in writing to the licensing officer who granted this certificate any circumstances attending that transaction which appear to require investigation.

4. Other instructions (if any) .....

.....  
.....  
.....

This certificate shall continue in force for one year from the date hereof, unless previously revoked or cancelled.

Date ..... Signature .....  
Licensing Officer.

Every firearm certificate shall include a supply of copies of the certificate of the transaction to be given in compliance with Instruction 1 in the firearm certificate, which shall be in the following form—

## Form A

I (Name) .....  
of (Address) .....  
certify that on the (date) .....  
I ..... (a) to .....  
of .....  
firearms as follows (b) .....  
.....  
and ammunition as follows (c) .....  
.....

I have inspected the firearm certificate and the records of previous transactions attached thereto, and I am satisfied that this transaction will not place him in possession of firearms or ammunition in excess of the amount authorized by the certificate or otherwise than in accordance therewith.

I am authorized to be in possession of firearms and ammunition by virtue of (d) .....

Date ..... Signature .....

## [Subsidiary]

## FORM 2—(Contd.)

- (a) Insert "sold", "let on hire", "gave" or "lent" as the case may be.
- (b) Insert quantity, type, calibre, maker's name and identification number or other distinguishing mark.
- (c) Insert quantity, type and calibre.
- (d) Insert particulars of firearm certificate, dealer's registration certificate, permit or other authority of the seller, etc., to possess firearms or ammunition.

## FORM 3

APPLICATION FOR RENEWAL OR VARIATION OF FIREARM CERTIFICATE  
(s. 5 (4) and (6))

1. Name (in full) .....
2. (a) Postal address .....
  - (b) If above address is temporary only, state address to which communications should be sent .....
  - (c) Residential address .....
  - (d) Length of period resident at address (c) .....
3. Nationality ..... 4. Occupation .....
5. Reason for requiring the firearm(s) and ammunition specified at paragraph 6 .....
6. Firearms and ammunition for which certificate required—
  - (a) *firearms*—
    - (i) possessed at date of application\* .....
    - (ii) desired to be purchased or acquired\* .....
  - (b) *ammunition*—
 

|   | <i>Quantity</i> | <i>Calibre<br/>and Type</i> |
|---|-----------------|-----------------------------|
| (i) possessed at date of application .....                                      |                 |                             |
| (ii) maximum amount desired to be purchased or acquired at any one time .. .. . |                 |                             |
| (iii) total amount desired to be purchased or acquired in one year .. .. .      |                 |                             |
| (iv) maximum amount desired to be possessed at any one time .....               |                 |                             |

\* State quantity, type, calibre, maker's name and identification number or other distinguishing mark.

[Subsidiary]

## FORM 3—(Contd.)

7. Details of firearm certificate to be renewed or varied—

Certificate No. .... Date of certificate .....

## DECLARATION

8. I hereby apply for the renewal/variation of the above certificate, and I declare that the statements made above are true and complete in all respects.

Date ..... Signature .....

## FORM 4

## NOTICE TO LICENSING OFFICER OF SALE, LETTING ON HIRE, GIFT OR LOAN OF FIREARM

(s. 16 (2))

(To be sent by registered post within 48 hours from any sale, letting on hire, gift or loan of a firearm to a person in Kenya other than a registered firearms dealer.)

I, .....  
of .....  
hereby give you notice that on (date) .....  
I sold, let on hire, gave, lent (*cross out words inapplicable*) the  
firearm(s) described below to—

(Name) .....

(Address) .....

Particulars of firearm certificate produced (a) .....

or Nature of evidence that the person acquiring the firearm(s)  
was entitled to do so without holding a firearm certificate (a) .....

Number and nature of firearm(s) (b) .....

Period of hiring or loan .....

I have obtained and have retained for production, if required, a  
receipt for the firearm(s) (c).

In compliance with the instruction on the firearm certificate  
produced I have to add (d) .....

Signature .....

Address .....

..... (e)

## [Subsidiary]

## FORM 4—(Contd.)

- (a) Ordinance, section 16 (1).—"No person shall sell or transfer to any other person in Kenya, other than a registered firearms dealer, any firearm or ammunition unless that other person produces a firearm certificate authorizing him to purchase or acquire it or shows that he is by virtue of this Ordinance entitled to purchase it, or, as the case may be, to acquire it by means of such transfer, without holding such a certificate".
- (b) Give quantity, type, calibre, maker's name and identification number or other distinguishing mark.
- (c) Registered dealers may strike this out in the case of sales, etc., to customers known to them.
- (d) See Instruction 3 in the certificate, and add here anything that may be necessary.
- (e) Give particulars of your own firearm certificate, or other authority for possession of firearms. If you are a registered dealer you are reminded of the provisions of the Ordinance applying specially to such dealers, e.g. section 17.

## FORM 5

## IMPORT/EXPORT PERMIT

(s. 27 (5))

Place of issue ..... Permit No. ....

Permission is hereby granted to (name in block letters) .....

.....  
of (postal address) .....

(residential address) .....

.....  
to import/export the following firearms and ammunition into/from Kenya:—

Firearms (quantity, type, calibre, maker's name and, if available, identification number or other distinguishing mark) .....

.....

.....

.....

Ammunition (quantity, type and calibre) .....

.....

.....  
The above permission is subject to the following special conditions:—

.....

.....

.....

Date ..... Signature .....

Rank or Office .....

[Subsidiary]

FORM 6  
REMOVAL PERMIT  
(s. 29)

Permission is hereby granted to (Name) .....  
of (Address) .....

to remove/transport or cause to be removed/transported the following  
firearms and ammunition:—

Firearms (type, calibre, maker's name and identification number  
or other distinguishing mark) .....

Ammunition (quantity, type and calibre) .....  
from .....  
to .....  
by the following means of transport (delete where inapplicable):—

Air.  
Road.  
Rail.

This permit is valid until (date) .....  
unless previously revoked.

Date ..... Signature .....  
Licensing Officer.

FORM 7

PERMIT TO REMOVE FIREARM FROM OR TO A SHIP, OR SIGNALLING  
APPARATUS FROM OR TO AN AIRCRAFT OR AERODROME  
(s. 7 (6))

Place of issue ..... Permit No. ....  
.....  
Permission is hereby granted to (name) .....  
of (address) .....

(Rank or other description)  
to remove the following firearm/signalling apparatus\*:—

from/to ..... } state particulars of the ship,  
..... } aircraft or aerodrome, and also  
..... } where situated.  
to/from ..... } state the other address to or  
..... } from which the firearm or  
..... } signalling apparatus is to be  
..... } removed.

\* Describe the firearm or signalling apparatus, stating type, calibre,  
maker's name and identification number or other distinguishing mark.



[Subsidiary]

## FORM 7—(Contd.)

This permit is valid until ..... (date)

Date of issue.

Signature of police officer or  
licensing officer.

Possession of a firearm or a signalling apparatus otherwise than in accordance with the terms of this permit renders the possessor subject to the provisions of the Firearms Ordinance, which imposes heavy penalties for breaches of its provisions.

## FORM 8

## TEMPORARY PERMIT TO POSSESS FIREARM OR AMMUNITION

(s. 7 (11) and (12))

*Note.—This is Not a Firearm Certificate.*

Permit No. .... Licensing Office .....

(name)

of .....  
(full residential address and P.O. Box No.)

is hereby permitted to have in his possession until ....., 19....  
or until the firearm(s)/ammunition has/have been disposed of (which-  
ever be earlier) the following firearms and ammunition:—

\*Firearms .....

†Ammunition .....

on the terms that the permit-holder shall—

- (1) inform a licensing officer forthwith of the name and address of any person purchasing or acquiring any of the above firearms or ammunition;
- (2) take all reasonable precautions to ensure the safe custody of the firearms and ammunition, and shall immediately report any loss or theft to the nearest police officer and to a licensing officer;
- (3) return this permit to a licensing officer as soon as its period of validity expires, or as soon as a firearm certificate has been issued in respect of the firearms and ammunition.

Date .....  
Signature of licensing officer.

\* Description, including type, calibre, maker's name and identification number or other distinguishing mark.

† Quantity, type and calibre.

[Subsidiary]

## FORM 9

APPLICATION FOR REGISTRATION OR RE-REGISTRATION AS FIREARMS  
DEALER, OR NOTIFICATION OF FRESH PLACE OF BUSINESS

(ss. 13, 14 (2) and 15 (2))

*Note.—It is an offence under the Ordinance for any person to make any statement which he knows to be false, for the purpose of procuring registration as a firearms dealer or of procuring the entry of any place of business in a register of firearms dealers.*

To the Chief Licensing Officer, Central Firearms Bureau, Private Bag, Nairobi.

A. To be completed by a person applying for registration or re-registration as a firearms dealer.

I, .....  
(name in full)

apply to be registered as a firearms dealer, and submit the following particulars:—

.....  
(full residential address and P.O. Box No.)

.....  
(nationality)

| Address of each place<br>of business | Name under which<br>business will be carried<br>on at each address | *Nature of firearms<br>business at each address |
|--------------------------------------|--|---|
|                                      |  |   |
|                                      |  |   |
|                                      |  |   |
|                                      |  |   |
|                                      |  |   |

(\* State whether manufacture, repair, test or proof, sale (wholesale or retail) or hire; and whether business will be confined to any particular type of firearm or ammunition.)

Other business (if any) to be carried on at the above address or addresses (i.e. by whom carried on, nature and name under which business will be carried on) .....

Facts (to be stated by applicant) indicating that he can be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace .....

## [Subsidiary]

## FORM 9—(Contd.)

Name and address of a responsible householder of British nationality who can testify concerning the applicant, if required .....

Address to which certificate of registration, if granted, is to be sent .....

Date ..... Signature .....

B. To be completed by a registered firearms dealer notifying a place of business not already entered in the Register.

I, ..... (name in full),  
being registered as a firearms dealer, apply to carry on business as such at a place of business which is not entered in the Register, and submit the following particulars—

Postal address .....

Residential address .....

Address of proposed place of business .....

Nature of firearms business at proposed address, whether manufacture, repair, test or proof, sale (wholesale or retail) or hire, and whether business will be confined to any particular type of firearm or ammunition .....

Other business (if any) to be carried on at proposed address (i.e. by whom carried on, nature and name under which business will be carried on) .....

Number and place of issue of certificate of registration .....

Date .....  
Signature of registered dealer.

A fee of Sh. 100 is payable on registration. A registered dealer is required also, on or before 1st January each year, to—

(a) surrender his certificate of registration to the Chief Licensing Officer;

(b) apply on this form for a new certificate;

(c) pay a fee of Sh. 100.

Failure to comply with these requirements may result in the removal of the dealer's name from the register.

For Licensing Office Use Only.

A. Fee of Sh. 100 received on (date) .....

Signature .....

Certificate of Registration No. .... Book No. ....

issued on (date) .....

B. Fresh place of business entered in register.

Date ..... Signature .....

[Subsidiary]

## FORM 10

## CERTIFICATE OF REGISTRATION AS A FIREARMS DEALER

(s. 14 (1))

Serial No. .... Dealer's Registration No. ....

This is to certify that .....  
carrying on business at ..........  
under the name of .....  
has been registered as a firearms dealer.Additional places of business (addresses, and name and nature  
of business at each address) ..........  
.....  
.....

This certificate is valid until 31st December, 19....

Date ..... Signature .....  
Licensing Officer.Unless a fresh certificate is applied for, and a fee of Sh. 100 paid,  
on or before 1st January in each year, or within such time thereafter  
as the Chief Licensing Officer may allow, the name of the dealer will  
be removed from the register.

## FORM 11

## REGISTER OF FIREARMS DEALERS

(s. 13 (1))

Name of dealer .....

Particulars of places of business at date of registration:—

| <i>Addresses</i> | <i>Name of business at<br/>each address</i> | <i>Nature of business at<br/>each address</i> |
|------------------|---|---|
|                  |   |   |

Date of registration .....

Particulars of places of business notified subsequently:—

| <i>Addresses</i> | <i>Name of<br/>business at<br/>each address</i> | <i>Nature of<br/>business at<br/>each address</i> | <i>Notified<br/>on</i> | <i>Entered in<br/>register by</i> |
|------------------|---|---|------------------------|-----------------------------------|
|                  |   |   |                        |                                   |

FORM 12  
DEALER'S REGISTER OF TRANSACTIONS  
(s. 17 (1))

**PART I**

**FIREARMS**

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

Type \_\_\_\_\_

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

**PART II**

FORM 12—(Contd.)

**AMMUNITION**

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

*Calibre* \_\_\_\_\_

| <i>Date</i> | <i>From whom acquired or to whom issued (full name and address)</i> | <i>Quantity</i> | <i>No. and date of import/export licence (if any)</i> | <i>Kenya firearm certificate no. (if any) of person with whom transaction made</i> | <i>Balance in stock</i> |
|-------------|---|-----------------|---|--|-------------------------|
|             |   |                 |   |  |                         |

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FORM 12—(Contd.)

PART III

COMPONENT PARTS

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

*Nature of Part*

| <i>Date</i> | <i>From whom acquired or to whom issued (full name and address)</i> | <i>Description (make, calibre, etc.)</i> | <i>Quantity</i> | <i>No. and date of import/export licence (if any)</i> | <i>Kenya firearm certificate no. (if any) of person with whom transactions made</i> | <i>Balance in stock</i> |
|-------------|---|--|-----------------|---|---|-------------------------|
|             |   |  |                 |   |   |                         |

FORM 12—(Contd.)

PART IV

REPAIRS, ALTERATIONS, STORAGE, TESTING, ETC.

| 1           | 2   | 3                            | 4  | 5   | 6                   | 7  | 8  | 9              |
|-------------|---|------------------------------|--|---|---------------------|--|--|----------------|
| <i>Date</i> | <i>Full name and address of depositor</i> | <i>Reason for depositing</i> | <i>Make, type, calibre and identification no. of firearm or component part deposited</i> | <i>Quantity and calibre of ammunition deposited</i> | <i>Date removed</i> | <i>By whom removed (full name and address)</i> | <i>Firearm certificate no. or other authority of person removing</i> | <i>Remarks</i> |
|             |   |                              |  |   |                     |  |  |                |

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## PART V

[illegible]

[Subsidiary]

## FORM 13

## DEALER'S REGISTER OF MARKS

(r. 4)

| <i>Date</i> | <i>Description of<br/>firearm or part,<br/>showing make,<br/>type, calibre, etc.</i> | <i>Mark or<br/>number<br/>stamped</i> | <i>Name and address of<br/>person to whom issued</i> | <i>Mark or no.<br/>of firearm to<br/>which part is<br/>affixed</i> |
|-------------|--|---------------------------------------|--|--|
|             |  |                                       |  |  |

[Subsidiary]

FORM 14  
AUCTIONEER'S PERMIT  
(s. 12 (1))

Permit No. ....

Permission is hereby granted to:—

(Name) .....

of (Address) .....

to have in his possession, for sale by auction, the following firearms and ammunition—

Firearms (*description, including type, calibre, maker's name and identification number or other distinguishing mark*) .....

.....

.....

Ammunition (*quantity, type and calibre*) .....

.....

.....

on the terms that the permit-holder shall—

- (1) inform the licensing officer forthwith of the name and address of any person purchasing or acquiring any of the above firearms or ammunition;
- (2) take all reasonable precautions to ensure the safe custody of the firearms and ammunition, and shall immediately report any loss or theft to the nearest police officer and to the licensing officer;
- (3) return this permit to the licensing officer as soon as the firearms and ammunition to which it relates have been disposed of.

Date ..... ..

Signature of licensing officer.





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ACTION L 03

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INFO NEA 13, GPM 4, H 02, SY 03, MC 01, INR 07, CIAE 00, NSA 02, DODE 00,

JUS 02, TRSY 08, AID 10, RSR 01, RSC 01, /057 W  
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R 171035Z JUN 68  
FM AMEMBASSY KUWAIT  
TO SECSTATE WASHDC 1627

UNCLAS KUWAIT 1196

SUBJECT: GUN CONTROL LAW OF KUWAIT

REF: STATE 179593

LEGAL ADVISER

1. KUWAITI LAW #16 OF 1961, AS YET UNAMENDED,  
PROVIDES, INTER ALIA:

JUN 17 1968

DEPARTMENT OF STATE

A. FIREARMS AND AMMUNITION MAY BE POSSESSED,  
MANUFACTURED, REPAIRED, BOUGHT, SOLD, OR IMPORTED  
ONLY AFTER OBTAINING PERMIT FROM CHIEF OF POLICE,  
CHIEF OF PUBLIC SECURITY, OR DEPUTY THEREOF.

B. VIOLATIONS OF ABOVE PUNISHABLE BY FIVE  
YEAR IMPRISONMENT AND/OR MAXIMUM FINE OF KD 400.  
(1 KD 0.280)

C. PERMITS MUST BE RENEWED ANNUALLY AND COST  
KD 0.400.

D. IF PERMIT HOLDER FAILS INFORM POLICE  
WHEN FIREARM LOST OR STOLEN, LIABLE FOR MAXIMUM  
SIX MONTH IMPRISONMENT AND/OR KD 40 FINE.

E. CHIEFS OF POLICE AND PUBLIC SECURITY OR  
DEPUTY MAY WITHDRAW PERMIT AT THEIR DISCRETION.

F. FOLLOWING NOT ELIGIBLE FOR PERMIT:

(1) PERSON CONVICTED OF CRIME IN

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WHICH WEAPON CARRIED.

(II) PERSON IMPRISONED FOR ASSAULT OR ROBBERY.

(III) PERSON WITHOUT HOME OR UNDER POLICE SURVEILLANCE.

(IV) PERSON ADMITTED TO INSANE ASYLUM.

(V) PERSON UNDER 21.

G. FOLLOWING EXEMPTED FROM PERMITS:

(I) MEMBERS OF RULING FAMILY.

(II) DIPLOMATIC AND CONSULAR CORPS IF RECIPROCITY EXISTS.

H. ONLY KUWAITIS MAY BE ISSUED PERMITS FOR DEALING IN, MANUFACTURING, OR IMPORTING FIREARMS.

I. THOSE PERMITTED TO DEAL IN, MANUFACTURE, OR IMPORT WEAPONS MUST MAINTAIN TWO LOG BOOKS, ONE DETAILING PRICES AND SOURCES OF IMPORTED WEAPONS, THE OTHER DETAILING WEAPONS SOLD, THEIR PRICES, NAME OF PURCHASER, OCCUPATION, PLACE OF RESIDENCE, NUMBER OF PERMIT OR CAUSE OF EXEMPTION. LOG BOOKS ARE STAMPED BY POLICE AND PUBLIC SECURITY AND MUST BE AVAILABLE FOR POLICE INSPECTION.

J. HOLDERS OF PERMITS TO REPAIR WEAPONS MUST MAINTAIN SIMILAR LOG BOOK.

K. VIOLATORS OF I AND J ABOVE LIABLE FOR MAXIMUM KD 75 FINE AND/OR ONE YEAR IMPRISONMENT.

2. COMMENT: MINISTER OF INTERIOR PERSONALLY EXAMINES EACH APPLICATION FOR PERMIT. EXERCISING HIS DISCRETION TO FULLEST EXTENT, VERY FEW NON-KUWAITIS PERMITTED POSSESS FIREARMS. SPECIAL EXEMPTIONS EXTREMELY RARE AND ALL APPLICANTS

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REQUIRED STATE PURPOSE FOR WHICH THEY PROPOSE  
USE GUN.

3. MINISTRY OF INTERIOR OFFICIAL ESTIMATES LESS  
THAN THREE DEATHS A YEAR DUE TO FIREARMS, AS MOST  
QUARRELS END HERE IN KNIFING.

4. NO STATISTICS AVAILABLE ON ROBBERY AND ASSAULT,  
BUT FIREARMS VERY RARELY INVOLVED.

COTTAM

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