

Annex 3
Draft of 2016

MODEL FIREARMS CONTROL BILL, 2016

ARRANGEMENT OF CLAUSES

ARRANGEMENT OF CLAUSES..... ii

PART I-PRELIMINARY..... 1

 1. Short Title and Commencement..... 1

 2. Application..... 1

 3. Interpretation..... 1

PART II - MANAGEMENT OF FIREARMS..... 7

 4. Firearms Management Commission..... 7

 5. Appointment and Qualification of Members of the Firearms Management Commission..... 7

 6. Removal of Members of the Firearms Management Commission..... 7

 7. Functions of the Firearms Management Commission..... 8

 8. Powers of the Firearms Management Commission..... 9

 9. Procedures of the Commission..... 9

 10. Reports of the Commission..... 10

 11. Secretariat of the Firearms Management Commission..... 10

 12. Central Firearms Registry..... 10

 13. Registrar..... 10

 14. Functions of the Registrar..... 10

 15. Deputy Registrars..... 11

 16. Staff of the Registry..... 11

 17. Information and data to be maintained in the Central Firearms Register..... 12

 18. National Focal Point on Small Arms and Light Weapons..... 12

 19. Designated Firearms Officer..... 13

 20. District Firearms Taskforce..... 13

PART III – TRACING OF FIREARMS AND ACCESS TO REGISTRY..... 14

 21. Access to Information of the Central Firearms Registry..... 14

 22. Requests for Tracing of Firearms in the Central Firearms Registry..... 14

 23. Restrictions of Tracing Information..... 14

 24. Tracing Requests outside Country x..... 14

 25. Certified copies of entry to the Central Firearms Registry..... 14

PART IV – POSSESSION OF FIREARMS, COMPETENCE CERTIFICATE, ACCREDITATION AND LICENCES..... 15

 26. Possession of Firearms and Ammunition..... 15

 27. Competence Certificate..... 15

 28. Ordinary competence certificate..... 16

29.	Qualification for a Competence Certificate	16
30.	Validity of a Competence Certificate	17
31.	Accreditations	17
32.	Classification of Licences	17
33.	Application for a licence	17
34.	Validity of a licence	18
35.	Variation of a licence	18
36.	Termination of Licence	18
37.	Renewal of a Licence	19
32.	Classification of Permits	19
33.	Renewal of Permit	19
34.	Revocation, Suspension or Withdrawal of a Licence or Permit	20
35.	Duty to Display Licence	20
36.	Lost, Defaced or Stolen Licence and Permit	21
38.	Accreditation to Provide Training in use of Firearms	21
37.	Change of Circumstance	21
38.	Prohibited Firearms	22
39.	Restricted Firearms	23
40.	Restriction on the type of Ammunition	24
41.	Small Arms not to be fitted with a Silencer	24
42.	Licence to Possess a Firearm for Self Defence	24
43.	Restriction on Quantities of Ammunition	25
44.	Licence to Possess a Firearm for Hunting and Sporting	25
45.	Licence to Possess Firearm in Collection	25
41.	Temporary Permit to Possess a Firearm	26
42.	Security Measures for Firearms Possessed Under Licence	26
43.	Declaration as Unfit to Possess a Firearm by the Registrar	27
44.	Declaration as Unfit to Possess a Firearm by a Court	28
47.	Effect of Declaration	28
45.	Duty to Carry a Licence or Permit	29
PART V - POSSESSION OF FIREARMS BY PRIVATE SECURITY ORGANISATION		30
46.	Licence to Possess Firearms by a Private Security Organization	30
47.	Use of Authorised Firearms	30
48.	Security Measures for Firearms Possessed by Private Security Organizations	31
49.	Record to be kept by a Private Security Organisation	31

50.	Cessation of Business.....	32
51.	Firearms in Possession of Security Agency.....	32
52.	Acquisition of Firearms by a Security Agency.....	33
53.	Register to be kept by Security Agency.....	33
PART VI - MARKING OF FIREARMS.....		34
54.	Marking.....	34
55.	Marking of all Firearms under the Jurisdiction of the State.....	34
56.	Marking of firearms in relation to their sale.....	35
PART VII - MANUFACTURING AND GUNSMITHS.....		36
57.	Licence to Manufacturer of Firearms and Ammunitions.....	36
58.	Manufacturer's Licence.....	36
59.	Marking of Firearms by Manufacturers.....	36
60.	Marking of Ammunition by Manufacturers.....	36
61.	Manufacturer's Database.....	37
62.	Licence for a Gunsmith.....	37
61.	Requirements for Gunsmiths.....	38
63.	Manufacturer's Gunsmith Licence.....	38
62.	Temporary Authorisation to Conduct Business as a Gunsmith in Premises other than those Specified in Gunsmith Licence.....	38
PART VIII - DEALERS AND BROKERS.....		39
63.	Licence for Firearms Dealer.....	39
64.	A Person who may be Licenced as a Dealer.....	39
65.	Particulars of a Dealer's Licence.....	39
66.	Temporary Authorisation to Conduct Business as a Dealer in Premises other than those Specified in Dealer's Licence.....	39
67.	Dealer's Database.....	40
68.	Broker's Licence.....	40
PART IX – IMPORT, EXPORT, TRANSIT, TRANSPORT AND FINANCING OF FIREARMS AND AMMUNITION BUSINESS.....		41
69.	Import, Export and Transit of Firearms and Ammunition.....	41
70.	Firearms transportation permit.....	41
71.	Requirements for Export, Import, Transit or Transport Permit.....	41
72.	Particulars of Export, Import or Transit Permit.....	41
73.	Removal of Imported Firearms and Ammunition.....	42
74.	Conditions of an Import, Export, Transit or Transport Permit.....	42
75.	Firearms Financing Activities Permit.....	42

76.	Inspection of Firearms and Ammunition	42
77.	Production of a Licence or Permit	43
78.	Power to Seize Firearms or Ammunition	43
PART X – STOCK MANAGEMENT, DISPOSAL AND DESTRUCTION OF FIREARMS		45
79.	Keeping of Stock, Inventory and Accounting for Firearms	45
80.	Collection Procedures	45
81.	Records of Collected Firearms	45
82.	Disposal of Firearms and Ammunitions	46
83.	Voluntary Disposal	46
64.	Firearms Disposal in case of Death of a Licencee	46
65.	Forfeiture of Firearms	46
84.	Destruction of Firearms and Ammunitions	47
PART XI – REGIONAL AND INTERNATIONAL COOPERATION		48
85.	Information Sharing and Mutual Legal Assistance	48
86.	Reciprocal Arrangements	48
PART XII OFFENCES AND PENALTIES		49
83.	Unlawful possession	49
84.	Giving or Lending of Firearms	49
85.	Giving or Lending of Firearms	50
86.	Holding a Firearm under the Influence	50
87.	Causing Bodily Harm, Injury or Damage to Property	50
88.	Falsification and Alteration of Documents	50
89.	Obstruction of Officers on Duty	51
90.	Pawning or Pledging of Small Arms and Light Weapons	51
91.	Attempts to Commit Offence	51
92.	General Penalty	51
PART XIII - GENERAL PROVISIONS		52
93.	Amnesty for surrender of firearms	52
94.	Forceful Disarmament	52
95.	Firearm Free Zones	52
96.	Power to prohibit selling of Firearms and Ammunition	52
97.	Premise Requirements	53
98.	Safe Storage Requirements	53
99.	Public Display of Firearms	53
100.	Designation of Officials	53

101.	Private Ranges.....	53
102.	Arrest without Warrant.....	53
103.	Jurisdiction of Magistrates' Courts.....	54
104.	Regulations.....	54
PART XIV - ADMINISTRATIVE REVIEW AND APPEALS.....		55
105.	Administrative Review.....	55
106.	Appeals.....	55
PART XV - TRANSITIONAL PROVISIONS.....		55
107.	Relicensing.....	55
108.	Firearms issued under the Repealed Firearms Act.....	55
109.	Repeal of laws.....	55

A Bill for an Act

ENTITLED

THE FIREARMS CONTROL AND MANAGEMENT ACT, 2016

An Act to consolidate and harmonise the laws relating to control and management of firearms; to establish a Firearms Management Commission, the National Focal Point on Small Arms and Light Weapons and Central Firearms Registry; to provide for a centralized registration and licencing of firearms; to make provisions for the possession, licencing, manufacture, transfer, tracing, brokering, dealing, transit, export, import of firearms and ammunition; coordinate stockpile management and international cooperation on firearms; to repeal the Firearms Act; and to provide for related matters.

BE IT ENACTED By Parliament of Country x as follows:

PART I-PRELIMINARY

1. Short Title and Commencement

- (1) This Act may be cited as the Firearms Control and Management Act.
- (2) This Act shall come into force upon enactment and assent by the President of Country x.

2. Application

- (1) This Act shall apply to all firearms.
- (2) The Minister may by notice published in the Gazette, exempt from the application of this Act of any category of firearms or ammunition.

3. Interpretation

In this Act, unless the context otherwise requires,

“accessories” means instrument or component used in connection with small arms and light weapons and includes bullet-proof vests and jackets, ballistic helmets, silencers, flash breakers, telescopic sights, re-loading equipment, cleaning kit, oil used for cleaning purposes and magazines additional to those issued with the firearm;

"airgun" means a device manufactured to discharge a bullet or any other projectile of a calibre of less than 5,6millimeter (.22 calibre), by means of compressed gas and not by means of a burning propellant;

"ammunition" means a primer or complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm;

"antique firearm" include a firearms manufactured before the 1st day of January 1900, that were not designed to discharge rim-fire or centre-fire ammunition, and which have not been redesigned to discharge such ammunition or any replica of such firearm;

“amnesty” means an indemnity against prosecution for the unlawful possession of a small arm or ammunition;

“armoury” a place where small arms and light weapons, ammunition and any other related materials are securely kept.

“arms marking” means;-

- (a) an operation consisting of printing a serial number, the name of the manufacturer as well as the place and country of production on the small arm;
- (b) any method adopted by the Country Police Force/Service and the Country x Defence Forces for purposes of identification, traceability and investigation, and may include radio frequency identification (RFID);

“authorized officer” means a police officer or any other officer designated as such by the Registrar to assist in the implementation of this Act;

"broker" means a person who acts for a commission, advantage or cause, whether pecuniary or otherwise to facilitate the transfer, documentation or payment in respect of any transaction relating to the buying or selling of firearms: or as an intermediary between any manufacturer, supplier or dealer in firearms and a buyer or recipient of firearms;

“civilian” includes a member of any disciplined forces, who, at the time of possessing a small arm is not on duty or in active service;

“Commission” means Firearms Management Commission/Committee established under section 4.

“competency certificate” means a document which certifies that the applicant is competent to handle or use, store, transport, carry, trade, or manufacture a small arm or light weapon as the case may be ;

"customs officer" includes any person other than a labourer, employed in the service of the Customs of Country x or for the time being performing the duties in relation to the Customs of Country x.

"dangerous airgun" means any airgun of a calibre of 5.6millimeter (22 calibre) or greater or any airgun that is self-loading manufactured to discharge a bullet or any other projectile with each depression of the trigger without requiring manual re-loading:

"dealer" means a person licenced to trade, but and sell small arms, ammunition and other related materials;

"embargo" means a partial or complete legal prohibition of transfer, transit and transportation or movement of firearms, their parts and components and any activity connected therewith with a particular country by the United Nations;

"end-user" means a person or institution identified by the competent authority as the designated user of transferred firearms, ammunition or other related materials;

"explosives" means –

- (a) any substance or a mixture of substances, in a solid or liquid form, which is capable of producing an explosion,
- (b) gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those herein mentioned or not, which is used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect,
- (c) any fuse, rocket, detonator or cartridge, and every adaptation or preparation of an explosive as herein defined,
- (d) any plastic explosive, or
- (e) any other substance which the Cabinet Secretary may, by notice in the Gazette, declare to be an explosive, but does not include ammunition as defined under this Act;

"export" means sending or transporting firearms, their components, ammunition and other related material outside country x, especially for trade, sale or use;

"Firearm" means –

- (a) a small arm;
- (b) a light weapon;
- (c) any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive and includes a dangerous airgun;
- (d) any other weapon or destructive device such as a explosive bomb, incendiary bomb or gas bomb, grenade, rocket launcher, missile, missile system or mine, but does not include a toy firearm, an imitation firearm or any antique firearm which has been rendered incapable of use as a firearm.

“firearm” includes small arms, light weapons, muzzle loading guns and antique firearms except armaments;

“firearm free zone” means a zone designated as such pursuant to section

"foreign applicant" means a person who is not a citizen of Country x or a legal entity where citizens of Country x; one or more of its directors or shareholders are not citizens of Country x.

“fully automatic” means capable of discharging more than one shot with a single depression of the trigger;

"gunsmith" means a person who repairs, refurbishes, customizes, custom builds, adapts, modifies, assembles or deactivates a firearm but does not include a manufacturer;

“handgun” means a pistol or revolver which can be held in and discharged with one hand;

"illicit manufacturing" means manufacturing or assembling firearms from parts and components illicitly trafficked; or without a licence or authorisation from the Central Firearms Registry; or

without marking the firearms at the time of manufacture, in accordance with this Act;

"immigration officer" has the same meaning as in the Country X Citizenship and Immigration Act;

"imitation explosive" means anything that has the appearance of an explosive, but which is not capable of operating as such and cannot by superficial examination be identified as an explosive;

"imitation small arm" means anything that has the appearance of a small arm but is not capable of operating as such and may not by superficial examination be identified as an imitation;

"import" means bringing or carrying firearms, their components, ammunition and other related material from-outside Country x for trade, sale or use in Country x;

"juristic person" includes a partnership and any other association of persons;

"licence" means a licence issued under this Act;

"light weapon" means a portable weapon designed for use by more than one person serving as a crew and includes heavy machine guns, automatic cannons, howitzers, mortars of less than 100 millimetre calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder-fired rockets, anti-aircraft weapons and launchers, and air defence weapons;

"marking" means the inscription of a permanent unique identifying alpha- numeric mark on the metal part of a firearm or ammunition;

"manufacturer" means a person who is licenced to manufacture firearms, ammunition and other related materials;

"Minister" means the Minister responsible for Internal Affairs/Interior;

"Mission" includes an embassy, High commission or a consular office;

"National Focal Point" means the National Focal Point designated as such under section

"permit" means operating authority granted under this Act;

"person" includes a company, association or other body of persons that are incorporated (also known as juristic persons);

"possession" -includes,

- (a) not only having in one's own personal possession, but also knowingly having anything in the actual possession or custody of any other person, or having anything in any place (whether belonging to or occupied by oneself or not) for the use or benefit of oneself or of any other person;
- (b) if there are two or more persons and any one or more of them with the knowledge and consent of the rest has anything in his or their custody or possession, it shall be deemed and taken to be in the custody and possession of each and all of them;

“prescribed” means prescribed by regulation;

“Private security” means security services provided to clients by non-state agencies.

"Private Security Organisation (PSO)" means a none state organisation that provides security services to clients. It includes any organisation that undertakes private investigation of facts or character of a person or one which performs services of watching, guarding or patrolling for the purpose of providing protection against crime, but does not include the national Police Force, Prison Service or Armed Forces.

“prohibited weapon” means:

- (a) a small arm which is so designed or adapted that when pressure is applied to the trigger, missiles continue to be discharged until such pressure is removed or the magazine or belt containing the missiles is empty, or for each pressure of the trigger more than one discharge of a missile can take place, unless such firearm has been modified to the satisfaction of the chief licensing officer so as to ensure that for each pressure of the trigger the discharge of only one missile can take place,
- (b) any automatic or semi-automatic self-loading military assault rifle of 7.62 mm or 5.56 millimeter caliber or of any other caliber from time to time specified by the Cabinet Secretary by notice in the Gazette,
- (c) a small arm fitted with or including any device, accessory or attachment which reduces or is designed or adapted to reduce the noise or flash caused by discharging such firearm and includes any such separate device, accessory or attachment,
- (d) any weapon which can be or is designed or adapted to discharge any noxious liquid, gas or other substance unless such weapon, noxious liquid, gas or other substance are of classes or types authorized by the Cabinet Secretary by notice in the Gazette, and
- (e) any small arm or ammunition prescribed or any class or type of small arm or ammunition or any such device, accessory or attachment as is referred to in paragraph (4) prescribed by the Cabinet Secretary by notice in the Gazette;

"proofing house" means the National Bureau of Standards;

“range” means a specialized facility designated for the training or practice in the use of small arms and licensed in accordance with this Act;

"region" means a Police Administrative Region;

"Registrar" means the person referred to in section 4 of this Act;

"replica firearm" means a firearm that is an exact and fully functioning copy of a model of firearm.

“Security Agency" means,

- (a) the Country x Defence Forces/Army,
- (b) the Country x Police Force,
- (c) the Country x Prisons Services,
- (d) the Country x Wildlife Authority,
- (e) the Country x Intelligence Services;
- (f) the Reserve Force of the Country x Defence Forces, and
- (g) any government institution accredited by the Registrar as an official institution;

"stockpile management" means the systematic planning, acquisition, possession, recordkeeping, safe storage, control, maintenance, refurbishment, production and disposal of accumulated stocks of firearms in state and non-state possession;

"tracing" means the systematic tracking of a firearm for the purpose of assisting the authorities in detecting, investigating and analyzing to determine the source of the firearm;

"transfer" includes re-allocation, selling, letting, donating, lending or otherwise parting with possession;

"transit" means the act of passage, or passing over, across, or through, or the movement of arms, their components, ammunition and other related material from one country to another country via a third country;

"transport" means to carry or convey from one place to another, firearms, their components, ammunition and other related materials;

"unloaded" means that any propellant, projectile or cartridge which can be discharged from the firearm is not contained in the breech-lock or firing chamber of the firearm, nor in the cartridge, magazine or cylinder attached to or inserted into the firearm.

PART II - MANAGEMENT OF FIREARMS

4. Firearms Management Commission

- (1) The Firearms Management Commission is established to regulate, manage and control firearms in country x.
- (2) The Commission shall be composed of a chairperson, deputy chairperson and thirteen members comprising the following;
 - (a) Inspector General of Police;
 - (b) Chief of Defence Forces;
 - (c) Commissioner of Prisons;
 - (d) Director of the National Intelligence Services;
 - (e) Director Wildlife Services/Authority;
 - (f) a representative from Office of the President;
 - (g) a representative from Ministry responsible for East African affairs
 - (h) a representative from Attorney General's Chambers;
 - (i) a representative from Ministry responsible for Foreign Affairs
 - (j) Representative of the Private Security Organisations;
 - (k) Representative of Civil Society Organizations;
 - (l) one member of the public; and
 - (m) Registrar of Firearms.
- (3) The Commission may co-opt any person as may be necessary to assist the Commission in the discharge of its functions.

5. Appointment and Qualification of Members of the Firearms Management Commission

- (1) The Members of the Commission shall be appointed by the Minister.
- (2) The persons qualified for appointment shall:
 - (a) have knowledge and experience in security, ballistics, international law or other related field;
 - (b) have at least ten years' work experience;
 - (c) not have been adjudged bankrupt;
 - (d) be of sound mind; or
 - (e) not have been convicted of an offence of moral turpitude or sentenced to imprisonment for more than six months.
- (3) Members of the Commission shall hold office for five years and they are eligible for reappointment for one further term.

6. Removal of Members of the Firearms Management Commission

- (1) The Minister may remove a member of the Commission from office, on the following

grounds:

- (a) incapacity;
 - (b) gross misconduct;
 - (c) abuse of office and corruption;
 - (d) if they have committed an offence under this Act; or
 - (e) if they have been convicted of any criminal offence except a traffic offence.
- (2) The Cabinet Secretary shall remove a member under subsection (1) upon written recommendation by the chair person, supported by a resolution of the Board.
- (3) A member shall not be removed under subsection (1) unless they have been accorded the right of fair hearing.
- (4) A member may vacate office by-
- (a) submitting a written resignation to the Minister; or
 - (b) if they are absent from three consecutive meetings of the Commission without any justifiable cause; or
 - (c) upon being removed from office in terms of this Act.
- (5) Where a member of the Commission is removed or vacates office under subsection 1 or 4, or dies or resigns before the expiry of their term, the Minister shall appoint a person to replace them from the corresponding institutions and such persons shall serve for the remainder of the term.

7. Functions of the Firearms Management Commission

- (1) The Firearms Management Commission shall –
- (a) oversee the implementation of this Act;
 - (b) receive, consider, vet, and approve applications for licenses and permits under this Act;
 - (c) suspend and revoke licences and permits issued under this Act;
 - (d) give guidance in relation to the management of firearms and disarmament;
 - (e) coordinate the implementation of international and regional agreement on the prevention, combating and eradication of illicit proliferation of small arms and light weapons;
 - (f) coordinate the development, implementation, resourcing and monitoring of the national action plans and evaluating the effective measures to address problems relating to small arms and light weapons;
 - (g) Coordinate development and harmonization of policies and legislation relating to small arms and light weapons;
 - (h) make recommendations on types of firearms and ammunition to be licensed;
 - (i) advise on firearms and ammunition to be destroyed;
 - (j) conduct research and gather relevant information, including requisition of reports, records, documents or any information from any source, including governmental authorities, and to compel the production of such information as and when necessary;
 - (k) ensure coordination and support of the activities of civil society organizations, private

- security organizations and dealers engaged in use, management and the control of firearms;
- (l) supervise, control and administer the assets of the Commission in such manner and for such purposes as would best promote the objects and functions for which the Commission is established; and
 - (m) advise the Minister on control of firearms and on any matters arising from the implementation of the Act.
- (2) The Commission shall be the National Focal Point on Small Arms and Light Weapons and shall coordinate national, regional and International action on control of firearms.
- (3) In the performance of its function, the Commission –
- (a) may receive on oath, written or oral statements; and
 - (b) may not be bound by strict rules of evidence

8. Powers of the Firearms Management Commission

- (1) The Commission has the powers necessary for the execution of its functions under this Act, and without prejudice to the generality of the foregoing, the Commission shall have the power to-
- (a) Receive, consider, vet, approve, suspend and revoke licences and permits issued under this Act;
 - (b) to sue and be sued;
 - (c) open and operate bank accounts;
 - (d) determine provisions to be made for the Commission capital and recurrent expenditure and for the reserves of the Commission;
 - (e) award contracts;.
 - (f) enter into association with other bodies or organizations within or outside Kenya as the Commission may consider desirable or appropriate and in furtherance of the purpose for which the Commission is established; and
 - (g) receive grants or donations and make legitimate disbursements there from for the furtherance of the objects and functions for which the Commission is established.

9. Procedures of the Commission

- (1) The Commission shall determine its own procedures and the conduct of its business by regulation.
- (2) Where the chairperson is absent from any meeting of the Commission, the members present shall select one of their own to chair the meeting.
- (3) For purposes of this Act, at least six members shall constitute a quorum.
- (4) The Board shall meet once every fortnight
- (5) Meetings of the Board shall be held at such times, and at such places as the chairperson may determine in writing.
- (6) The chairperson shall have the right to vote and in the case of equality of votes shall have a

casting vote; a decision of the majority of the members present at a meeting of the Board shall be deemed to be the decision of the Commission.

(7) All licenses, permits, orders or other communication from the Board shall be under the hand of the chairperson or of such member duly authorized by the chairperson.

10. Reports of the Commission

The Commission shall submit to through the Minister an annual report to the National Security Committee on the state of firearms management and control in Country x.

11. Secretariat of the Firearms Management Commission

- (1) The Commission shall have a secretariat to coordinate discharge its duties under this Act.
- (2) The Secretariat shall have such offices and appoint such officers as are necessary to executive its mandate.
- (3) The Secretariat shall compose of inter alia-
 - (a) a Central Firearms Registry; and
 - (b) National Focal Point on Small Arms and Light Weapons.

12. Central Firearms Registry

- (1) A Central Firearms Registry is established within the Firearms Management Commission;
- (2) The Central Firearms Registry shall consist of -
 - (a) The Civil Firearms Registry which shall contain all information relating to firearms which are not in the hands of the Military; and
 - (b) The Military Firearms Registry which shall contain all information relating to firearms used and managed by the military and intelligence services.
- (3) The Central Firearms Registry shall have registers in the manner and form to be prescribed in the regulations.
- (4) The Register shall contain-
 - (a) the names, address and other particulars of the owner;
 - (b) the details particulars and purposes of the firearms ;
 - (c) details and particulars of:
 - (i) dealers and brokers,
 - (ii) manufacturers and gunsmiths, and
 - (iii) transporters, importer, and exporters; and
 - (d) such other information as may be required for that purpose.

13. Registrar

There shall be a Registrar of Firearms who shall be appointed by the Minister.

14. Functions of the Registrar

- (1) The Registrar shall perform the following functions;
 - (a) implement the decision of the Commission;
 - (b) establish, maintain and have overall responsibility of the Central Firearms Registry;

- (c) grant, issue and administer all firearms licences and permits under this Act;
 - (d) renew, suspend or revoke any licence or permit issued under this Act
 - (e) recover the fees payable in terms of this Act;
 - (f) conduct public education programmes concerning the provision of this Act and all other matters relating to the safe possession and use of firearms;
 - (g) conduct and facilitate research on policy and other issues related to control of firearms;
 - (h) develop and supervise a training programme for competence testing in terms of this Act;
 - (i) advise the Minister on matters arising from this Act or its implementation;
 - (j) monitor the implementation of this Act; and
 - (k) any other function as may be assigned to him or her by the Minister.
- (2) The Registrar may;
- (a) conduct any investigation or inquiry which he or she deem necessary;
 - (b) coordinate with ministries, departments and agencies, civil society organisations, regional and international organizations and the international community in the performance of his or her duties.
- (3) In the performance of his or her duties under this Act, the Registrar shall take into account;
- (a) the creation of a link between the Central Firearms Registry and other relevant databases;
 - (b) measures for transfer of information to the Central Firearms Registry;
 - (c) measures for control and management of all licences and permits issued;
 - (d) measures for control of firearms of deceased persons or liquidated estates.
 - (e) the adequate filing of hard copies of applications and licences; and
- (4) The Registrar shall be accountable to and submit quarterly reports to the Minister.
- (5) The Registrar may, in writing delegate any of the functions to the deputy registrars, or authorized officer any of the powers or functions conferred under this Act.
- (6) The delegation made under subsection (5) shall not exclude or bar the Registrar from exercising or performing the same powers or functions.

15. Deputy Registrars

- (1) There shall be two Deputy Registrars appointed by the Minister from among the serving and non-serving members of the Armed Services -
- (a) Deputy Registrar for Civil Registry, and
 - (b) Deputy Registrar for Military Registry;
- (2) The Deputy Registrars shall-
- (a) assist the Registrar in the day to day administration and management of the Registry;
 - (b) assist the Registrar on implementing action for control of firearms; and
 - (c) perform such other functions as the Registrar may delegate.

16. **Staff of the Registry**

- (1) The staff of the Registry shall be seconded from the armed services and/or recruited and appointed by the Minister from qualified members of the general public.
- (2) The staff shall perform duties assigned to them by the Registrar.
- (3) The terms and conditions of service of the staff shall be determined by the Minister on advice of the Commission.

17. **Information and data to be maintained in the Central Firearms Register**

- (1) The Central Firearms Register shall contain;
 - (a) the central firearms database;
 - (b) the central dealers database;
 - (c) the central manufacturers database;
 - (d) the central gunsmith database;
 - (e) the central importers and exporters database;
 - (f) the central Official Institutions database;
 - (g) the central private security organisations database; and
 - (h) any other information required to be kept by the Registrar under this Act.
- (2) the central databases referred to in subsection (1) shall contain;
 - (a) such information concerning;
 - (i) competence certificates, licences, authorisations and permits as well as renewals and cancellations;
 - (ii) applications for licences, authorisations and permits and any renewal applications which have been refused under the terms of this Act;
 - (iii) transfers of firearms effected in terms of this Act;
 - (iv) imports and exports of firearms and ammunition in terms of this Act;
 - (v) the transport of firearms and ammunition in terms of this Act; and
 - (vi) the loss, recovery, theft or destruction of firearms.
 - (b) all original documentation submitted in support of all applications made in terms of this Act
 - (c) a record of all licenced dealers, brokers, manufacturers, gunsmiths, importers and exporters, transporter for reward, accredited institutions,;
 - (d) a record of transfer, loss, theft or destruction in respect of firearms in possession of Official Institutions;
 - (f) a record of all firearms recovered, seized, forfeited, surrendered to the State or destroyed;
 - (g) the finger prints which have been submitted for the purposes of an application in terms of this Act; and
 - (h) any other relevant information

18. **National Focal Point on Small Arms and Light Weapons**

- (1) A National Focal Point on Small Arms is established within the Firearms Management Commission;
- (2) The National Focal Point shall;
 - (a) coordinate national, regional and international action on firearms control;
 - (b) be the national point of contact and liaison office between the Country x and other states on all matters relating to the implementation of the national program of action on the control of firearms and ammunition; and
 - (c) implement Regional and International Protocols and Agreements on the control of firearms.

19. Designated Firearms Officer

- (1) There shall be a designated firearms officer at every Region.
- (2) The designated firearms officer shall receive, scrutinize and recommend to the registrar applicants for issuance and renewal of licences and permits originating from the region.
- (3) For the purposes of subsection (1) the designated firearms officer shall be the police officer in charge of the region.

20. District Firearms Taskforce

- (1) There shall be a District Firearms Taskforce in every District.
- (2) A District Firearms Taskforce shall constitute representatives In accordance with the regulations to this Act.
- (3) A District Firearms Taskforce shall be responsible for-
 - (a) co-ordinating action on firearms control at the district level.
 - (b) processing and renewal of the licences and permits;
 - (c) recommending and forwarding applications for licences and permits;
 - (d) recommending action on armament and disarmament in the District; and
 - (e) performing other functions as may be prescribed by the Registrar.
- (4) The Police Officer in charge of the district shall be the secretary to the District Firearms Task Force.

PART III – TRACING OF FIREARMS AND ACCESS TO REGISTRY

21. Access to Information of the Central Firearms Registry

- (1) A person may access information in the Central Firearms Registry upon fulfilling the terms set by the Registrar.
- (2) An application to access information shall be in the manner prescribed in the regulations to this Act and upon payment of a prescribed fee.
- (3) The Registrar may grant or refuse permission to access the Register with or without conditions.

22. Requests for Tracing of Firearms in the Central Firearms Registry

- (1) Any person or organization may make tracing request to the Registrar.
- (2) All tracing requests submitted to or by the Registrar shall contain the following minimum information:
 - (a) information describing the illicit nature of the firearms, to the extent possible, the circumstances under which the firearms were found or lost,
 - (b) markings, type, calibre and other relevant information to the extent possible;
 - (c) intended use of the information being sought, and
 - (d) any other information deemed necessary by the applicant.

23. Restrictions of Tracing Information

All information received from tracing request shall be treated as confidential and may only be-

- (a) released to competent authorities designated by the requesting agency or State;
- (b) used for purposes consistent with the United Nations Tracing Instrument; and
- (c) released to anyone else with prior consent of the State providing the information.

24. Tracing Requests outside Country x

All tracing requests outside Country x shall be by the Registrar through diplomatic channels.

25. Certified copies of entry to the Central Firearms Registry

- (1) Subject to sections 12 and 13, the Registrar may furnish to an applicant a certified copy of an entry in the register.
- (2) The copy of an entry in the register which is certified by the Registrar shall be conclusive evidence of the facts contained therein.

PART IV – POSSESSION OF FIREARMS, COMPETENCE CERTIFICATE, ACCREDITATION AND LICENCES

26. Possession of Firearms and Ammunition

- (1) A person shall not possess a firearm unless he or she has obtained a licence or permit under this Act.
- (2) The Registrar shall only issue a licence or a permit to a person who has a competent certificate.
- (3) An application for the possession of a firearm under this Part shall be made to the Registrar through the District Firearms Committee in a prescribed form.
- (4) The Registrar shall issue a licence or permit for non-automatic pistols or rifles and any other type of firearm as the Firearms Management Commission may specify.
- (5) The Registrar shall issue a separate licence for each firearm.
- (6) Where an applicant for a licence to possess a firearm is a company, the application shall be made by the chief executive officer in the manner to be prescribed in the regulations.
- (7) A company shall not use, for security or any other purposes, a firearms licence issued in the name of another person.

27. Competence Certificate

- (1) An applicant for a licence shall undergo a competence test by the Registrar.
- (2) Every applicant shall undergo
 - (a) competency training on the use and safe handling of firearms at an approved government institution or private institution; and
 - (b) shooting range classes at an approved government or private institution
- (3) The applicant shall be tested theoretically and practically in safe handling and use of the specific classes of firearms as may be directed by the Registrar.
- (4) Notwithstanding the requirements of this section, applicants for a firearms licence with military background are exempted from undergoing theoretical and practical training on the safe handling of firearms
- (5) Subject to subsections (1, 2, 3 and 5), the Registrar may issue the applicant with a competence certificate.
- (6) Every application for a competency certificate, licence, permit or authorization must be accompanied by such information as may be prescribed.
- (7) The competence certificate shall be classified in two categories;
 - (a) ordinary competence certificate; and
 - (b) advanced competence certificate.
- (8) A competence certificate shall specify whether it relates to competence to;
 - (a) possess a firearm;
 - (b) trade in firearms;
 - (c) manufacture firearms; or

conduct business as a dealer, broker, transporter or gunsmith;

28. **Ordinary competence certificate**

(1) An applicant for a firearm shall undergo a competency test to assess his or her;

- (a) knowledge of this Act and Regulations;
- (b) ability to use, carry and store firearms safely and responsibly; and
- (c) mental capacity.

(2) Where the applicant under subsection (1) is not a natural person, the individuals who are in charge of the firearms and human resource shall be required to obtain an advanced competence certificate after assessing his or her knowledge of;

- (a) this Act and Regulations;
- (b) the health and safety regulations pertaining to the handling and storage of firearms and explosive materials, and
- (c) the nature of the business.

29. **Qualification for a Competence Certificate**

1. A competent certificate shall only be issued to a fit and proper person.

2. A fit and proper person in subsection (1) is a person who -

- (a) submits a clearance certificate of good conduct from the Police;
- (b) submits a certificate from a medical officer or a qualified Medical practitioner certifying that they do not suffer from a mental illness;
- (c) is at least 25 years old on the day the application is received by the Registrar;
- (d) is a citizen or resident of Country x;
- (e) has successfully completed the prescribed training and practical tests regarding the safe and efficient handling of a small arm;
- (f) has, where applicable, successfully completed the prescribed training and practical tests for small arms dealers, manufacturers, or other persons who use small arms in the course of their business;
- (g) is of stable mental condition and is not inclined to violence or intemperate behaviour;
- (h) is not dependent on any substance which has an intoxicating or narcotic effect;
- (i) has not been investigated, charged or convicted or has a pending case, whether in or outside Country x, of an offence involving the unlawful or negligent use or handling of a firearm or explosives;
- (j) has not been investigated, charged or convicted or has a pending case, whether in or outside Country x, of an offence of domestic violence or sexual violence; or
- (k) has not been investigated, charged or convicted or has a pending case, whether in or outside Country x, of an offence of fraud, false statement, false pretence, abuse of alcohol

or drugs, sabotage, terrorism, poaching, robbery, trafficking, public violence, arson, intimidation, rape, kidnapping or child stealing.

30. **Validity of a Competence Certificate**

- (1) A competence certificate shall remain valid for a period of five years.
- (2) A competency certificate holder shall be required to undergo a firearms-testing after every five years or as the Registrar may specify and shall pay such fees as specified in the regulations.

31. **Accreditations**

- (1) An application for an accreditation in terms of this Act shall be made to the Registrar.
- (2) The Registrar may set out different sets of criteria in respect of different accreditations relating to;
 - (a) trustworthiness and integrity;
 - (b) suitability to perform the relevant functions in terms of this Act; (c) capacity to serve the purpose of accreditation; and
 - (c) capacity to advance the purposes of this Act.
- (3) The Registrar may cancel an accreditation if there IS no longer compliance with any criterion for accreditation

32. **Classification of Licences**

For the purposes of this Act, licences shall be issued in accordance with the following classifications –

- (a) Licence to possess firearm for self defence;
- (b) Licence to possess firearm for hunting;
- (c) Licence to possess firearm for theatrical, film or television productions;
- (d) Manufacturer's Licence;
- (e) Gunsmith's Licence;
- (f) Dealer's Licence;
- (g) Broker's Licence;
- (h) Licence for Shooting Instructor
- (i) Licence for Shooting Range Administration

33. **Application for a licence**

- (1) A person shall apply for a licence in the prescribed manner.
- (2) When the applicant is other than a natural person, it shall nominate a natural person to apply on its behalf.

- (3) The person so nominated shall be identified on the licence or permit as the authorised person.
- (4) An authorised person who holds any licence or permit issued in terms of this Act pursuant to an application contemplated in subsection (2)(a) on behalf of the juristic person shall for purposes of this Act be regarded as the holder of the licence in question.
- (5) If it becomes necessary to replace an authorized person for any reason, the juristic person shall nominate a new authorized person who shall be in possession of the relevant competence certificate.
- (6) The Registrar shall either:-
 - (a) grant a licence without conditions or subject to such conditions as may deem fit; or
 - (b) refuse to grant a licence.
- (7) Where the Registrar refuses to grant a licence or imposes conditions in a licence, the applicant shall be given reasons in writing.
 - (a) grant a licence without conditions or subject to such conditions as may deem fit; or
 - (b) refuse to grant a licence.
- (8) Where the Registrar refuses to grant a licence or imposes conditions in a licence, the applicant shall be given reasons in writing.
- (9) The fees to be paid for the issuance of a licence shall be as prescribed by the regulations.
- (10) The Registrar shall before granting a licence, carry out a detailed background check on each applicant for a licence.

34. **Validity of a licence**

- (1) All licences issued under this Act shall be valid for one year from the date of issue.
- (2) Provided that a licence to possess firearms in collection shall be valid for 5 years.
- (3) Licences shall be renewed as provided under this Act.

35. **Variation of a licence**

- (1) The Registrar may, at any time, by notice in writing vary the conditions set in the licence
- (2) The Registrar may by notice require the licence holder to deliver the licence to him or her for the purpose of varying such licence.
- (3) The variation of conditions in a licence will take effect upon giving of 14 days' notice of such variation to the holder of the licence.

36. **Termination of Licence**

- (1) A licence shall terminate;
 - (a) upon the expiry of the licence;
 - (b) if surrendered by the holder to the Registrar;

- (c) upon death of the holder;
 - (d) if the licensee is declared insolvent; or
 - (e) upon winding up of company;
- (2) A notice contemplated in subsection (2) may only be issued if the Registrar has;
- (a) given the holder of the licence 30 days' notice in writing to submit written representations as to why the licence should not be cancelled; and
 - (b) duly considered any representations received and all facts pertaining to the matter.
- (3) If a notice contemplated in subsection (2) is issued, the former holder of the licence must dispose of the firearm in question through the dealer or in such manner as the Registrar may determine.
- (4) The disposal must take place within 60 days after receipt of the notice.
- (5) If the firearm is not disposed of within 60 days, it must be forfeited to the State and the former holder of the licence must surrender it immediately at such place and in such manner as the Registrar may determine.
- (6) Any period contemplated in this section may be extended by the Registrar to good cause.

37. Renewal of a Licence

- (1) An application for renewal of a licence shall be lodged with the Registrar within thirty working days before the expiry of the licence.
- (2) An application for renewal of a licence shall be made in the prescribed form upon payment of the prescribed fee.
- (3) The Registrar may refuse to renew a licence unless any firearm or ammunition, to which the licence relates, is available for inspection in accordance with the requirements of this Act.

32. Classification of Permits

- (1) For purposes of this Act, permits shall be issued in accordance with the following classifications
 - (a) Dealer's permit;
 - (b) Broker's permit;
 - (c) Import permit;
 - (d) Export permit;
 - (e) Temporary import permit;
 - (f) Transit permit; and
 - (g) Removal permit.
- (2) An application for a permit shall be made in the prescribed form accompanied by the prescribed fee and particulars required in such form as set out in the regulations under the Act.

33. Renewal of Permit

- (1) An application for renewal of a permit shall be lodged with the Registrar within a reasonable

time.

- (2) For purposes of subsection (1) of this section, the request for renewal of a permit shall not exceed-
 - (a) the duration of the permit where the permit held is for a period of less than thirty working days; or
 - (b) fourteen days where the permit held is for a period exceeding thirty days.
- (3) An application for renewal of a permit shall be made in the prescribed form upon payment of the prescribed fee.
- (4) The Registrar may refuse to renew a permit unless any firearm or ammunition, to which the permit relates, is availed for his or her inspection in accordance with this Act.

34. Revocation, Suspension or Withdrawal of a Licence or Permit

- (1) A licence or permit may be revoked, suspended or withdrawn by the Registrar if:-
 - (a) false information has been provided in order to obtain the licence or permit;
 - (b) the details contained in the licence or permit have changed;
 - (c) the entry into force of an arms embargo;
 - (d) the applicant has become mentally or physically or otherwise unfit;
 - (e) by administrative or judicial sanction, a court orders a preventive measure against the licence or permit holder;
 - (c) the applicant has become mentally or physically or otherwise unfit;
 - (d) by administrative or judicial sanction, a court orders a preventive measure against the licence or permit holder;
 - (e) the licence or permit holder fails to comply with a notice under section 26(2) requiring delivery of the licence or permit;
 - (f) the licence or permit holder has been declared bankrupt or insolvent;
 - (g) If the licensee is convicted for an offence under this Act or any other offence related to violence.
 - (h) if the holder of the licence is declared unfit under this Act, or
 - (i) if the licence or permit is cancelled.
- (2) Where a licence or permit is revoked, suspended, withdrawn or is not renewed, the Registrar shall by notice in writing, require the holder to surrender to him or her licence.
- (3) Subject to subsection (2), where the licence or permit relates to an individual the firearm and ammunition shall be deposited at a police station as the Registrar may direct.

35. Duty to Display Licence

- (1) A person conducting the business of private security organisation, firearms training institution, shooting range, dealer, manufacturer, gunsmith or broker shall at all times have the relevant licence on the respective business premises.
- (2) A person who contravenes the provisions of this section commits an offence and is liable on

conviction to imprisonment for a term of 5 years or to a fine of two hundred currency points.

36. Lost, Defaced or Stolen Licence and Permit

- (1) Where a licence or permit issued in terms of this Act is lost, defaced or stolen, the holder of the licence or permit shall inform the Registrar of the loss or theft within 24 hours of the loss or theft;
- (2) Where the licence or permit issued in terms of this Act is lost, defaced or stolen, the holder of licence or permit shall within 7 days, apply for a substitute licence or permit;
- (3) An application for a substitute licence or permit shall be made to the Registrar in the prescribed manner and upon payment of a prescribed fee.
- (4) Where a licence which has been lost is subsequently found, the holder of the licence shall deliver to the Registrar the substitute licence issued under this section.
- (5) A substitute licence or permit shall contain the particulars on the original licence.

38. Accreditation to Provide Training in use of Firearms

- (1) An application for accreditation of an institution to provide training in use of firearms shall be as prescribed in the regulations.
- (2) The Registrar shall either-
 - (a) accredit with or without conditions; or
 - (b) refuse to accredit.
- (3) Where the Registrar refuses to accredit or Imposes conditions, the applicant shall be given reasons in writing.
- (4) The fees to be paid for accreditation shall be prescribed by the regulations.
- (5) The Registrar may cancel an accreditation if there is no longer compliance with the criteria for accreditation.
- (6) The Registrar shall approve the content of the respective training curriculum for accredited training institutions.
- (7) An accredited training institution in terms of subsection (2) shall keep a register in respect of every person successfully trained by it and submit the record to the Registrar.
- (8) The record referred to in subsection (7) shall be kept for a period of not less than 5 years.
- (9) Any person who operates a Firearms Training Institution under this Act without accreditation commits offence and on conviction shall be liable to imprisonment for a term of 25 years or a fine of one thousand currency points or both.

37. Change of Circumstance

- (1) The holder of a licence, permit or authorization issued under this Act shall notify the Registrar within 30 days;
 - (a) any change to the holder's physical or postal address; or
 - (b) any change to other information that was submitted in respect of the application for the

issue of that licence, permit or authorisation.

- (2) The Registrar shall within 30 days after receiving a notice referred to in subsection (1) acknowledge receipt of that notice in writing
- (3) A person who contravenes the provisions of Subsection (1) commits an offence and on conviction shall be liable to imprisonment for a term of 3 years or to a fine of one hundred currency points.

38. Prohibited Firearms

- (1) The following firearms and devices are prohibited firearms and shall not be possessed or licenced in terms of this Act, except as provided for in sections 42 and 43(2)(c).
 - (a) Firearms for military and law enforcement use:-
 - (i) Mortars; light mortars and launchers designed and manufactured to fire a projectile bomb or grenade;
 - (ii) Guns; cannons and launchers designed and manufactured to fire a projectile; bomb or grenade of a calibre of 15 millimetres and bigger;
 - (iii) Rocket launchers and other launchers designed and manufactured to launch rockets and self-propelled grenades;
 - (iv) Grenade launchers, be they automatic, semi-automatic or single shot weapons, or any other launcher designed or manufactured to fire grenades, explosive devices or devices that emit tear generating or any other chemical substance.
 - (v) Machineguns, light machineguns, sub-machineguns, machine-pistols and all other weapons designed to fire more than one shot with the single depression of the trigger of that weapon.
 - (vi) Automatic assault rifles;
 - (vii) Rifles designed and manufactured as sniper rifles;
 - (viii) Rifles fitted with a magazine of which the capacity exceeds ten rounds;
 - (ix) Firearms designed to fire ammunition for crowd control; applications in civil unrest, suppressing groups of people and firing tear generating or other chemical substances;
 - (x) Automatic pistols and pistols designed to fire more than one shot with a single depression of the trigger of that weapon;
 - (xi) Any firearm firing a cartridge with a cartridge case longer than 88.9 millimetres or 3.47 inches or of a calibre larger than 12.7 millimetres or 0.5 inches;
 - (xii) Pistols and revolvers with a calibre larger than 0.45 inches or 11.43 millimetres and a barrel length of more than 165.1 millimetres or 6.5 inches.
 - (xiii) Pistols fitted with a magazine of which the capacity exceeds fifteen rounds;
 - (xiv) chemical substance, perforated grenades, or grenades designed for the instruction of military and law enforcement agencies of the State;
 - (xv) Any firearm equipped with a silencer or device to suppress the noise of a shot fired from the firearm, except in the case of culling; or

- (xvi) any firearm declared by the Minister by notice in the Country x Gazette to be a prohibited firearm.
- (b) Any firearm;
 - (i) the mechanism of which has been altered so as to enable the discharging of more than one shot with a single depression of the trigger;
 - (ii) the calibre of which has been altered without the written permission of the Registrar;
 - (iii) the barrel length of which has been altered without the written permission of the Registrar;
 - (iv) the serial number or any other identifying mark of which has been changed or removed without the written permission of the Registrar;
- (c) No small arm for which a license or permit is grantable, under this part may be fitted with a silencer or a device that reduces noise or flash
- (d) A person who possesses uses or carries a prohibited firearm commits an offence and shall on conviction be liable to life imprisonment.

39. **Restricted Firearms**

- (1) The following firearms are restricted for use by civilians and may only be licenced under special circumstances;
 - (a) semi-automatic rifle or shot gun which cannot be readily converted into a fully automatic firearm;
 - (b) self-loading firearms; or
 - (c) any firearm declared by the Minister by notice in the Country x Gazette to be a restricted firearm.
- (2) The Registrar may licence restricted firearms under the following circumstances;
 - (a) where the applicant's life is in grave danger that in the opinion of the Registrar, a civilian firearm will not suffice;
 - (b) where the applicant is a private security organisation;
- (3) An application for possession of a restricted firearm shall be made to the Registrar accompanied by;
 - (a) an affidavit of the applicant explaining the circumstances and the need of the restricted firearm and show cause why the firearm approved for civilian use is not sufficient for the intended protection of the applicant or the service provided;
 - (b) an affidavit by the District Police Commander in whose area the applicant is resident stating the circumstances and situation warranting the possession of a restricted firearm.
- (4) The Registrar shall determine each application on a case by case basis;
- (5) No person shall hold more than one licence issued in terms of this section.
- (6) A firearm in respect of which a licence has been issued in terms of this section shall only be used where it is safe to use the firearm and only for self defence purposes.
- (7) A holder of a restricted firearm shall, within 7 days inform the Registrar of any change in circumstances that gave rise to the need or cause referred to in subsection (3)(i) of this

section.

- (8) Subject to subsection (4), the holder shall hand over the firearm and ammunition to nearest police station and either;
 - (a) submit to the Registrar a new application to possess a civilian firearm;
 - (b) dispose of the firearm through a dealer within 60 days of notification; or
 - (c) forfeit the ownership of the firearm to the State.
- (9) A person who possesses, uses, carries a restricted firearm without a licence commits an offence and shall on conviction be liable to imprisonment of 25 years.

40. Restriction on the type of Ammunition

(1) The following categories of ammunition shall be restricted to use by the Official Institutions only-

- (a) bullets designed for law enforcement purposes;
 - (b) exploding bullets, or bullets filled with explosives; and
 - (c) shotgun "slugs".
 - (d) ammunition with the capability to penetrate body armour.
- (2) The re-loading of ammunition is prohibited.

41. Small Arms not to be fitted with a Silencer

- (1) No small arm for which a license or permit is grantable, under this part may be fitted with a silencer or a device that reduces noise or flash.
- (2) No person shall be allowed to possess light weapons designed for use by security organs.

42. Licence to Possess a Firearm for Self Defence

- (1) An application for a licence or permit to possess, use and carry a firearm referred to in section 22 and 29 shall be in the manner prescribed in the Regulations to this Act.
- (2) An applicant for licence to possess, use or carry a firearm or ammunition shall be required to be in possession of an ordinary competency certificate issued in the terms of this Act;
- (3) An applicant to possess, use or carry a firearm or ammunition shall be required to have proper safe security and storage facilities.
- (4) A firearm in respect of which a licence may be issued in terms of this sections any-
 - (a) short gun which is not fully or semi-automatic;
 - (b) hand gun which is not fully automatic..
 - (c) restricted firearm issued in terms of section 31
- (5) No person may hold more than one firearm issued in terms of this section;
- (6) The Registrar may, under exceptional circumstances licence a person to possess a maximum of 2 firearms for self defence;
- (7) A person in possession of a valid licence for a firearm for self defence may be authorised to possess and carry the firearm to a public place;
- (8) A firearm in respect of which a licence has been issued in terms of this section shall only be

used where it is safe to use the firearm and only for lawful purposes.

- (9) A person who possesses, uses, carries a firearm without a licence in terms of this section commits an offence and shall on conviction be liable to imprisonment to a term of 25 years.

43. Restriction on Quantities of Ammunition

- (1) The holder of a licenced firearm for self defence, hunting and sporting shall not possess more than 15 rounds of ammunition for each firearm in respect of which he/she holds a licence.
- (2) The holder of a licence shall not purchase more than 30 rounds per calibre per twelve-month period, excluding ammunition bought and used at a shooting range during anyone shooting or practice session.
- (3) Ammunition shall be stored in a prescribed safe unless under *the* direct control of the licence holder.
- (4) Ammunition shall be carried while concealed.
- (5) Ammunition shall be stored separate from the firearm.
- (6) A licence holder that has more than four firearms licenced in his/her name shall not have more than 15 rounds of ammunition for each firearm in his/her possession.
- (7) Record and maintain a detailed register for use of the ammunition.
- (8) A person who contravenes any of the provisions of this section commits an offence and shall on conviction be liable to imprisonment to a term of 5 years.

44. Licence to Possess a Firearm for Hunting and Sporting

- (1) An application for a licence to possess, use and carry a firearm referred to in section for hunting and sporting purposes shall be in the manner prescribed in the Regulations to this Act;
- (2) An applicant to possess and use a firearm for hunting shall be required to have proper safe security and storage facilities;
- (3) No hand gun shall be licenced for purposes of this section;
- (4) A firearm which a licence may be issued in terms of this section is any;
- (a) shot gun prescribed in the regulations; and
- (b) rifle.
- (5) A firearm in respect of which a licence has been issued in terms of this section shall only be used where it is safe to use the firearm and only for hunting, sporting purposes and lawful purposes.
- (6) Hunting and sporting activities shall only take place on premises approved for such purposes and with the written consent of the owner of the premises;
- (7) A person who contravenes any of the provisions of this section commits an offence and shall on conviction be liable to imprisonment for a term not exceeding 5 years.

45. Licence to Possess Firearm in Collection

- (1) An application for a licence to possess firearms in collection shall be in the manner prescribed in the Regulations to this Act;
- (2) An applicant for a licence to possess firearms in collection shall be required to have proper safe security and storage facilities as prescribed in the regulations;
- (3) A person shall not collect firearms for purposes of public or private display unless he or she is in possession of a valid collector's licence.
- (4) A firearm that may be licenced for collection shall have an attribute of collectability regarding its historical, technological, scientific, heritage, educational, cultural and artistic value or any other aspect as may be deemed appropriate.
- (8) Private collections shall be displayed at the licensee's place of domicile and shall be limited to rifles, pistols and revolvers.
- (9) Public collections may include mortars, guns, cannons, rocket launchers, machine guns and grenades and shall only be displayed;
 - (a) in an accredited museum; and
 - (b) in accordance with such safety measures as may be prescribed.
- (10) A person in possession of, a collector's licence shall not buy or possess ammunition for any firearm under the licence.
- (11) A person in possession of a collector's licence shall have a valid special liability insurance for the firearms under the licence.
- (12) A collector for firearms shall ensure safe storage and security of firearms under the licence.
- (13) A collector shall not make a deliberate change in the circumstances regarding the display or storage of firearms under the licence without the approval of the Registrar.
- (14) A person who contravenes any of the provisions of this section commits an offence and shall on conviction be liable to a term of imprisonment of 10 years or a fine exceeding 1000 currency points.

41. Temporary Permit to Possess a Firearm

- (1) The Registrar, may in his or her discretion, issue a permit for a specified purpose for a period not exceeding six months.
- (2) For purposes of this section 'specified purpose' shall include firearms permits issued to;
 - (a) a foreign visitor for the purpose of hunting;
 - (b) a foreign visitor to display a firearm, parts and components or ammunition at a trade show or collectors' show, or to display firearms, parts and components or ammunition at a sporting or hunting trade show;
 - (c) a foreign visitor to participate in a sports competitive shooting event organized by recognized business, hunting, sports shooting or collectors' organisation or theatrical performance and related productions;
 - (d) an official of a foreign government or distinguished foreign visitor so designated by the Ministry for Foreign Affairs;
 - (e) a foreign law enforcement officer entering Country x on an officially approved policing

assignment; or

- (f) a person for the purpose of repairing firearms, parts and components that are in their legal possession.

42. Security Measures for Firearms Possessed Under Licence

- (1) A holder of a licence or permit to possess a firearm and ammunition shall ensure adequate security to prevent such firearm and ammunition from theft or loss.
- (2) A person who-
- (a) fails to lock away his or her firearm and ammunition in his or her possession in a prescribed safe, strong room or device for the safe keeping when such firearm is not carried on his or her person or is not under his or her direct control; or
 - (b) loses a firearm or is otherwise dispossessed of a firearm owing to that person's failure to-
 - (i) lock the firearm away in the prescribed safe, strong room or device for safe keeping of the firearm;
 - (ii) take reasonable steps to prevent the loss or theft of the firearm while the firearm was in his or her person or under his or her direct control; or
 - (iii) keep the keys to such safe, strong room or device in safe custody;
 - (c) fails to report the loss or theft to the nearest police station to the place where it occurred within 24 hours after having become aware of the loss or theft of the firearm, commits an offence and shall on conviction be liable to imprisonment to a term not less than two years and not exceeding five years.
- (3) A person who is convicted under sub section (2) shall be declared unfit to possess a firearm.

43. Declaration as Unfit to Possess a Firearm by the Registrar

- (1) The Registrar may declare a person unfit to possess, use or carry a firearm if, on the grounds of information contained in a statement under oath or affirmation it appears that;
- (a) final protection order has been issued against such person;
 - (b) that person has expressed the intention to kill or injure himself or herself or any other person by means of a firearm or any other dangerous weapon;
 - (c) that person's mental condition, inclination to violence or dependence on any substance which has an intoxicating or narcotic effect;
 - (d) that person has expressed the intention to kill or injure himself or herself or any other person by means of a firearm or any other dangerous weapon;
 - (e) that person's mental condition, inclination to violence or dependence on any substance which has an intoxicating or narcotic effect, the possession of a firearm by that person is not in the interests of that person or of any other person;
 - (f) that person has failed to take the prescribed steps for the safekeeping of any firearm; or
 - (g) that person has provided information required in terms of this Act which is false or misleading.
- (2) A declaration under subsection (1) may only be issued if the Registrar;

- (a) by a written notice served to the person, has called upon the person to appear before the Registrar at a time and place determined in the notice in order to advance reasons as to why that person should not be declared unfit to possess a firearm;
 - (b) has given that person a reasonable opportunity to submit reasons as to why the declaration should not be issued;
 - (c) has duly considered the matter and is satisfied that the person; (i) is unfit as contemplated in subsection (1); and
 - (d) does not rely solely on the same facts relating to a conviction in respect of which a court has made a determination in terms of this Act.
- (3) A person appearing in pursuance of a notice issued in terms of subsection (2) (a) is entitled to;
- (a) be heard and represented by a legal representative;
 - (b) request the Registrar to call, in the manner referred to in subsection (2) (a), any person that made a statement referred to in subsection (1), to appear before the Registrar; and
 - (c) examine the person that has been called in terms of subsection (1) or paragraph (b) to appear, or cause him or her to be so examined by such legal representative.

44. Declaration as Unfit to Possess a Firearm by a Court

A person is unfit to possess a firearm if he or she is convicted of-

- (a) an offence regarding the failure to store firearms or ammunition in accordance with the requirements of this Act;
- (b) an offence involving the negligent handling or loss of a firearm while
 - (a) the firearm was in his or her possession or under his or her control; or
 - (b) an offence involving the handling of a firearm while under the influence of any substance that has an intoxicating or narcotic effect.

47. Effect of Declaration

- (1) All competence certificates, licences, authorisations and permits issued in terms of this Act to any person who becomes or is declared unfit to possess a firearm in terms of section 44 or 45, cease to be valid from the date of conviction, or the declaration as the case may be.
- (2) Notwithstanding an appeal against the decision of a court or of the Registrar, the status of unfitness contemplated in subsection (1)(a) remains in effect pending the finalisation of the appeal.
- (3) A person who becomes or is declared unfit to possess a firearm in terms of section 44 and 45 shall within 24 hours, surrender to the nearest police station;
 - (a) all competence certificates, licences, authorisations and permits issued to him or her in terms of this Act;
 - (b) all firearms and ammunition in his or her possession.
- (4) A person who has surrendered his or her firearm contemplated in subsection (2) shall dispose of the firearm and ammunition through a dealer or in such manner as the Registrar may determine-

- (a) if an appeal is lodged and the appeal is successful, within 60 days of the finalisation of the appeal.
 - (b) if no appeal is not lodged, within 60 days of receipt written notice from the Registrar informing the person of his or her unfitness to possess a firearm.
- (5) If the firearm and ammunition is not disposed of within 60 days, they shall be forfeited to the state and destroyed as prescribed, if no appeal is not lodged, within 60 days of receipt of written notice from the Registrar informing the person of his or her unfitness to possess a firearm.
- (6) A period of 60 days referred to in this section may be extended by the Registrar for good cause shown.
- (7) For purposes of sub section (3)(a), the Registrar shall release the firearm and ammunition in question to a dealer identified by the relevant person, for disposal by that dealer on behalf of the person.
- (8) If the decision leading to the status of unfitness to possess a firearm of any person is set aside, any seized or surrendered firearm, ammunition, licence, permit or authorisation belonging to any such person, shall be returned.

45. Duty to Carry a Licence or Permit

- (1) Any person that is carrying a firearm or ammunition on or about his or her person or who has a firearm or ammunition in his or her physical control shall carry with him or her a firearm licence or permit authorising his or her possession of the firearm or ammunition.
- (2) A person who contravenes the provisions of this section commits an offence and is liable on conviction to imprisonment for a term of 5 years or to a fine of two hundred currency points.

PART V - POSSESSION OF FIREARMS BY PRIVATE SECURITY ORGANISATION

46. Licence to Possess Firearms by a Private Security Organization

- (1) A person conducting a business of a Private Security Organisation shall apply for a licence to possess firearms in the manner prescribed in the Regulations to this Act;
- (2) The Registrar shall on application issue a licence for each firearm possessed by the Private Security Organisation;
- (3) A Private Security Organisation shall only hold firearms as provided by the regulations made under this Act; .
- (4) A Private Security Organisation shall designate a person responsible for all firearms possessed by the Organisation and who shall ensure compliance with the relevant provisions of this Act;
- (5) The designated person shall be in possession of an advanced competence certificate;
- (6) The liability of the Directors, owners of, or any person with influence in the Private Security Organisation shall not be affected by the provisions of subsection (4);
- (7) A Private Security Organisation shall ensure that each of its personnel possessing a firearm holds a valid competence certificate;
- (8) An employee of a Private Security Organisation shall only be in possession of a firearm and ammunition while on duty;
- (9) The liability of the Directors, owners of, or any person with influence in the Private Security Organisation shall not be affected by the provisions of subsection (4);
- (10) A Private Security Organisation shall ensure that each of its personnel possessing a firearm holds a valid competence certificate;
- (11) An employee of a Private Security Organisation shall only be in possession of a firearm and ammunition while on duty; and
- (12) An employee of a Private Security Organisation in possession of a firearm and ammunition shall carry a firearm permit in the manner prescribed in the Regulations.

47. Use of Authorised Firearms

- (1) A Private Security Organisation Officer may use an authorised firearm in the following circumstances;
 - (a) in self defence against an armed attack or the defence of any other person who may be under the protection of the employee from the threat of death or grave injury arising from such an armed attack;
 - (b) to stop any serious threat to life or property if police assistance cannot be called in time to avert the threat.
- (2) A private security officer who misuses a firearm abandons his or her firearm or fails to secure the firearm or ammunition, commits an offence and shall be liable on conviction to a term of imprisonment of 10 years.
- (3) A private security officer who possesses uses or carries a firearm without a valid permit

issued in terms of this Act commits an offence and shall on conviction be liable to a term of imprisonment not exceeding 5 years.

- (4) The Registrar shall have routine inspections of the armoury, arms and ammunition in possession of a Private Security Organisation.
- (5) Destruction of firearms and ammunition possessed by a PSO shall be in accordance with the provisions of disposal of firearms in terms of this Act.
- (6) The Registrar may from time to time issue standard instructions to Private Security Organisations regarding firearms.

48. Security Measures for Firearms Possessed by Private Security Organizations

- (1) A Private Security Organisation shall establish and maintain such security measures for the premises referred to in the Private Security Organisation's licence in a manner prescribed by Regulations.
- (2) A designated officer of a private security organisation that possesses firearms and ammunition shall ensure adequate security to prevent such firearms and ammunition from theft or loss.
- (3) An employee of a private security organization who-
 - (a) fails to lock away his or her firearm and ammunition in his or her possession in a prescribed safe, strong room or device for the safe keeping when such firearm is not carried on his or her person or is not under his or her direct control; or
 - (b) loses a firearm or is otherwise dispossessed of a firearm owing to that person's failure to-
 - (i) lock the firearm away in the prescribed safe; strong room or device for safe keeping of the firearm;
 - (ii) take reasonable steps to prevent the loss or theft of the firearm while the firearm was in his or her person or under his or her direct control; or
 - (iii) keep the keys to such safe, strong room or device in safe custody;
 - (c) fails to report the loss or theft to the nearest police station to the place where it occurred within 24 hours after having become aware of the loss or theft of the firearm,

commits an offence and shall on conviction be liable to imprisonment to a term not exceeding five years,

- (4) A person who is convicted under sub section (4) shall be declared unfit to possess a firearm in terms of this Act.
- (5) A private security organization that contravenes the provisions of this section shall entitle the Registrar to-
 - (a) seize the firearms and ammunition in its possession;
 - (b) revoke or suspend the licence to possess firearms and ammunition.

49. Record to be kept by a Private Security Organisation

- (1) A private security organisation shall;
 - (a) keep an up to date stock register of all firearms and ammunition in its possession; and

- (b) maintain a daily register that reflects its employees that are in possession of firearms in accordance with the provisions of the regulations.
- (2) A PSO shall submit monthly returns of all firearms and ammunition in its possession in the manner prescribed in the Regulations to this Act.
- (3) A person who contravenes the provisions in this section commits an offence and shall be liable on conviction to imprisonment for a term of 1 year.

50. Cessation of Business.

- (1) If the private security organization ceases to do business for any reason, the Directors, administrator or liquidator, as the case may be, shall not later than seven days after a final administration or liquidation order has been granted by court, notify the Registrar.
- (2) Upon liquidation, the directors, administrator or liquidator shall ensure that the PSO's firearms are kept in safe custody pending disposal in accordance with this Act.
- (3) Upon receipt of the notification in subsection (1), the Registrar may take custody of the firearms where in his or her opinion the PSO is no longer in a position to secure the safety of the firearms.
- (4) A person who does not comply with the provisions in this section commits an offence and shall be liable on conviction to imprisonment for a term not exceeding 15 years.

51. Firearms in Possession of Security Agency

- (1) Members of the Country x Defence Forces, Police Force, Intelligence Services and Prisons Services are exempted from the obligation to have a permit in respect of firearms in their possession under their control for the purposes of performing their duties, if those firearms are mounted in or upon a weapons system.
- (2) A permit to a member of the security agency to possess and use a firearm under its control shall only be issued by the head of the security agency or someone delegated in writing by him or her.
- (3) A permit issued in terms of this section shall contain information as prescribed in the Regulations to this Act.
- (4) The head of a security agency may impose conditions on the possession and use of the firearms and ammunition under the control of that agency and may issue instructions to members of that agency prescribing conditions relating to acquisition, storage, transport, possession, use and disposal of such firearms and ammunition.
- (5) Unless the permit issued in subsection (2) indicates otherwise, the member shall;
 - (a) when on duty, carry any hand gun under his or her control on his or her person in a holster,
 - (b) at the end of each period of his or her duty, return the firearm in question to the place of storage designated for that purpose by the security agency; and
 - (c) when travelling with a firearm, carry the firearm on his or her person in a secure place under his or her direct control.
- (6) Notwithstanding subsection (5);

- (a) the head of the agency may authorise a member to;
 - (i) have the firearm in his or her possession after his or her working hours
 - (ii) carry the firearm on his or her person outside the premises of his or her work place, or
 - (iii) store the firearm at his or her place of residence.
- (b) The provisions of subsection (5)(a) of this section shall not apply to members of;
 - (i) the Reserve Force of the Country x Peoples Defence Forces; and
 - (ii) any government institution accredited by the Registrar as a security agency unless the Registrar determines in writing that it does so apply.
- (7) The holder of the permit contemplated in this section shall carry the permit on his or her person when in possession of the firearm.
- (8) The head of the security agency may only issue a permit in terms this section if the member;
 - (a) is a fit and proper person to possess a firearm in terms of this Act; and
 - (b) has successfully completed a prescribed training in safe use of a firearm.
- (9) The head of security agency shall report the loss or theft of any firearm immediately to the Registrar and to the nearest Police station to the place where the loss or theft occurred.

52. Acquisition of Firearms by a Security Agency

- (1) The acquisition of firearms for a security agency shall be subject to joint planning of the utilisation of the current stock and the forecasting of future firearms needs of Country x.
- (2) The process of acquiring firearms for the security agencies shall be undertaken within the parameters of acceptable practice and standards for trade in firearms.

53. Register to be kept by Security Agency

- (1) The Head of a security agency shall keep a register in the prescribed form;
- (2) The Register shall contain such particulars as may be prescribed, including;
 - (a) (i) in the case of the Country x Peoples Defence Forces the particulars of every firearm of a calibre of less than 100 millimeters, or
 - (ii) in the case of other security agencies, the particulars of every firearm under its control;
 - (b) the particulars of every member of the agency who is allowed to be in possession of a firearm and the particulars of each such firearm;
 - (c) the conditions specified in every permit issued in terms of section 47.
 - (d) the particulars regarding disposal, transfer, loss, theft or destruction of firearms under its control;
 - (e) where the firearm is lost or stolen, the particulars regarding the loss or theft to the Country x Police Force.
- (3) The head of the security agency shall;
 - (a) establish and maintain a workstation at a place which complies with such requirements as may be prescribed; and
 - (b) provide the Registrar with access to the workstation and to the Register referred to

section in this section.

PART VI - MARKING OF FIREARMS

54. Marking

- (1) Every small arms and light weapons in Country x shall be marked with a national identification code to be determined by the Commission.
- (2) All firearms owned or carried under a licence within the jurisdiction or control of the Government of Country x, shall bear a number and unique identification mark, and in particular must reflect the following:
 - (a) country of manufacture;
 - (b) the logo of the manufacturing industry;
 - (c) the year of manufacture;
 - (d) serial number placed at the appropriate position or at the position that cannot be erased; and
 - (e) the manufacturing company.
- (3) All firearms in the possession of any person resident, or travelling to or through, the republic of Kenya must be registered, bear a number and a unique identification mark.
- (4) The Commission shall keep a record of the numbers and unique identification firearms registered under this Act.
- (4) The Registrar shall engrave the national identification code on firearms.
- (5) For purposes of this section the mark on the gun or firearm and ammunition shall be a permanent and alpha-numeric mark on the metal part.
- (6) The specifications of the mark for civilian owned firearms shall be prescribed by the Registrar by notice in the Gazette.
- (7) The prescription or mark shall contain such measures to prevent the removal or alteration.
- (8) An owner of a firearm which was licenced before the coming into force of this Act shall submit the firearm to the Registrar for marking.
- (9) Subject to subsection (8), the Registrar shall, issue directives specifying the time within which an owner shall present his firearm for marking and may prescribe sanctions for failure to comply with the requirements of the direction.
- (10) A person shall not erase, alter or in any other manner tamper with the manufacturer's serial number or any other identification code mark on a firearm with the intention of changing its identity.
- (11) An owner of a firearm shall immediately report to the Registrar of any firearm that has been erased, altered or tampered with in any manner as to render it illegible.
- (12) The Registrar may, subject to sub section (11), direct in writing that such firearm be marked in accordance with this section.
- (13) A person who contravenes this section commits an offence and is liable upon conviction, to a fine of not less than 200 currency point but not exceeding 500 currency points or imprisonment for a term not less than two years and not exceeding five years or to both.

55. Marking of all Firearms under the Jurisdiction of the State

- (1) All the existing firearms for both the state and civilian use shall be marked in accordance with the provisions of this Act.
- (2) All firearms owned by the Defense Forces, Police Service, Prisons Service, Wildlife Services and any other state recognized institution shall bear a special mark uniquely designed by each institution and peculiar to them.
- (3) The Commission shall determine the type of mark to be used on civilian owned firearms including its features, its size and where it is to be affixed.
- (4) A person who is found in possession of unmarked firearm or ammunition commits an offence and on conviction shall be liable to imprisonment of a term of five years or to a fine of two hundred currency points or to both.

56. Marking of firearms in relation to their sale

- (1) All firearms sold in Country x, regardless of origin, shall comply with the provisions of sections 50 and 61 of this Act.
- (2) The stamping of the serial numbers for this purpose shall be in accordance with the prescription set by the Minister in the regulations made under this Act.
- (3) All firearms that are transferred from Government stocks to permanent civilian use shall be marked before such transfer takes place.
- (4) A person who sells, purchases or possesses a firearm that does not bear a prescribed mark under this section commits an offence and on conviction shall be liable to imprisonment of not less than 2 years and more than 5 years or to a fine of not less than 200 currency points and not more than 500 currency points or both with a destruction mark, and their records shall be kept with the Central Firearms Registry.
- (5) A person found in possession of a firearm or ammunition with a destruction mark commits an offence and on conviction shall be liable to imprisonment to a term of not less than 5 years and more than 10 years or to a fine of not less than 500 currency points and not more than 1000 currency points or both.
- (6) Firearms authorized for transit through the country under may not be marked specially.

PART VII - MANUFACTURING AND GUNSMITHS

57. Licence to Manufacturer of Firearms and Ammunitions

- (1) A manufacturer shall not produce or assemble firearms, their components, accessories or parts including ammunition without a valid manufacturer's licence.
- (2) An application for a manufacturer's licence shall be in a prescribed form.
- (3) A manufacturer shall produce or assemble such categories of firearms, their components, accessories or parts and/or ammunitions authorized in the manufacturer's licence.
- (4) A manufacturer shall only manufacture from the premises specified in the manufacturer's licence.
- (5) A manufacturer shall only sell or transfer firearms or ammunitions and their parts or components to persons duly authorised in accordance with this Act.
- (6) A person who contravenes any provisions of this section commits an offence and on conviction shall be liable to imprisonment for a term of not less than ten years and more than twenty five years.

58. Manufacturer's Licence

A manufacturer's license shall—

- (a) specify the physical location in respect of which the license is issued;
- (b) specify the conditions contemplated in this Act which are to apply; and
- (c) contain such other information as may be prescribed.

59. Marking of Firearms by Manufacturers

- (1) All firearms shall be marked at the time of manufacture with a mark showing the name of the manufacturer or the person licenced as manufacturer.
- (2) The manufacturer's mark shall be placed on the barrel and frame.
- (3) The mark in subsection (2) above, shall include -
 - (a) the name and or the registered logo of the manufacturer,
 - (b) the country and place of manufacture,
 - (c) the mark UC followed by the serial numbers and any other mark issued by the Registrar,
 - (d) the date of manufacture, type and model, and
 - (e) the caliber of the firearm.
- (4) Every manufacturer of parts and components shall mark each essential or main part and component, at the time of manufacture.
- (5) Subject to subsection (3) of this section, all arms manufactured or imported shall have a mark preceded with a star (" ★").



60. Marking of Ammunition by Manufacturers

- (1) Every person that manufactures ammunition shall mark all ammunition at the time of

manufacture.

- (2) The mark in subsection (1) shall include the lot number, the manufacturer's identity, as well as the country and year of manufacture.
- (3) Ammunition that do not comply with the provision of this section shall not be imported into Country x.
- (4) A person who permits the importation of unmarked ammunition commits an offence.
- (5) A person convicted of an offence under this section shall be liable to ten years imprisonment or to a fine of four hundred currency points or both.

61. Manufacturer's Database

- (1) A manufacturer's register shall be kept for a period of not less than 25 years after the date of the last entry.
- (2) Any manufacturer who contravenes the provisions of this section commits an offence and shall be liable on conviction to imprisonment for a term of not less than two years and more than 7 years or to a fine of not less than 300 currency points and not more than 500 currency points or both.

62. Licence for a Gunsmith

- (1) A person shall not carry on the business of a gunsmith or repair a firearm without a licence.
- (2) An application for a licence to carry on business of a gunsmith shall be in a prescribed form.
- (3) A gunsmith shall carry out gunsmith on those firearms that are possessed in accordance with this Act with authorisation from the Registrar;
- (4) A Gunsmith shall not carry out gunsmith on any firearm unless the holder of such firearm produces a valid licence.
- (5) A gunsmith shall not permit any person to carry out gunsmith of firearms on his or her behalf unless that person is in possession of the appropriate competence certificate;
- (6) A person licenced to carry on the business as a gunsmith may-
 - (a) Repair, refurbish, modify or customize;
 - (b) do custom building adaptations;
 - (c) assemble; or
 - (d) deactivate a firearm.
- (7) In carrying out the activities stated in sub section (6), the gunsmith shall not change the action, nature or tamper with the mark of the firearm without express written consent from the Registrar.
- (8) For the avoidance of doubt a licenced gunsmith shall not alter the mechanism of a firearm so as to enable the discharging of more than one shot with a single depression of the trigger, or alter the caliber or the barrel length of a firearm.
- (9) All firearms shall be repaired at Government arsenals or by a licenced gunsmith.
- (10) A person that carries on business as a gunsmith without a valid licence or contravenes the provisions of this section commits an offence and shall be liable on conviction to imprisonment for a term of not less than ten years and more than 25 years,

61. Requirements for Gunsmiths

- (1) A gunsmith shall only carry out gunsmith from the premises specified in the gunsmith's licence.
- (2) A gunsmith shall establish and maintain such security measures for the premises specified in the licence as prescribed in the regulations.
- (3) A gunsmith shall keep an updated register of stock and transactions at the premises and on monthly basis submit a report to the Registrar.
- (4) A gunsmith shall establish and maintain a workstation which links the Register referred to in subsection (3) to the Central Firearms Registry.
- (5) The gunsmith register shall be kept for a period of not less than 25 years after the date of the last entry.
- (6) A person who contravenes any provision of this section commits an offence and shall be liable on conviction to a term of not less than one year and more than five years imprisonment or to a fine of not less than 100 currency points and not more than 250 currency points.

63. Manufacturer's Gunsmith Licence

A gunsmith's license shall—

- (a) specify the physical location in respect of which the license is issued;
- (b) specify the conditions contemplated in this Act which are to apply; and
- (c) contain such other information as may be prescribed.

62. Temporary Authorisation to Conduct Business as a Gunsmith in Premises other than those Specified in Gunsmith Licence

- (1) The Registrar may issue a temporary permit to conduct business as a Gunsmith other than those specified in the Gunsmith's licence.
- (2) Application for a permit specified in (1) shall be made to the Registrar in a prescribed form.
- (3) The Registrar may impose conditions on a Gunsmith in respect of a permit issued in terms of this section.
- (4) The permit in terms of this section shall specify;
 - (a) premises in respect of which it is issued;
 - (b) period for which it is issued; and
 - (c) conditions subject to which it is issued.
- (5) The Registrar may at any time withdraw the permit issued in terms of this section.
- (6) The Registrar shall keep a record of permits issued in terms of this section.
- (7) A person who carries on business of a gunsmith on premises other than those specified in the licence or fails to comply with the provisions of subsection (4) of this section commits an offence and shall on conviction be liable for imprisonment to a term not exceeding 5 years
- (8) Where a person is convicted under this section, the Registrar shall revoke or suspend the licence issued under this Act.

PART VIII - DEALERS AND BROKERS

63. Licence for Firearms Dealer

- (1) A person shall not operate as a firearms dealer without a valid dealer's licence.
- (2) An application for a dealer's licence shall be in a prescribed form.
- (3) A dealer's licence shall be limited to firearms which civilians are licensed to possess.
- (4) A firearms dealer shall not sell a firearm to any person unless that person has a licence authorising him to purchase or possess such firearm or ammunition.
- (5) A person who contravenes any provision of this section commits an offence and shall be liable on conviction to imprisonment for a term of not less than 10 years and not more than 25 years.

64. A Person who may be Licenced as a Dealer

- (1) A dealer's license may be issued to a person who is a fit and proper person to trade in firearms.
- (2) Any natural person who is appointed or engages in the trading of small arms and light weapons on behalf of, or as an agent of a dealer who is a juristic person must qualify in terms of section under this Act to trade in small arms and ammunition.

65. Particulars of a Dealer's Licence

The dealer's license shall—

- (d) specify the conditions contemplated under this Act;
- (e) specify the premises in respect of which the license is issued;
- (f) specify the weapons that is authorised to deal in; and
- (g) contain such other information as may be prescribed.

66. Temporary Authorisation to Conduct Business as a Dealer in Premises other than those Specified in Dealer's Licence

- (1) The Registrar may issue a temporary permit to conduct business as a dealer other than those specified in the Dealer's licence.
- (2) An application for a temporary permit shall be made to the Registrar in a prescribed form.
- (3) The Registrar may impose conditions on a licenced dealer in respect of a permit issued in terms of this section.
- (4) The permit in terms of this section shall specify;
 - (a) premises in respect of which it is issued;
 - (b) period for which it is issued; and
 - (c) conditions subject to which it is issued.
- (5) The Registrar may at any time withdraw the permit issued in terms of this section.
- (6) The Registrar shall keep a record of permits issued in terms of this section.
- (7) A person who carries on business of a dealer on premises other than those specified in the licence or fails to comply with the provisions of subsection (4) of this section commits an

- offence and shall on conviction be liable for imprisonment to a term not exceeding 5 years
- (8) Where a person is convicted under subsection (7), the Registrar shall revoke or suspend the licence issued under this Act.

67. Dealer's Database

- (1) A dealer shall keep a register containing such information at the premises as may be prescribed in the licence.
- (2) The dealer's register shall be kept for a period of not less than 10 years after the date of the last entry.
- (3) A dealer shall submit monthly returns of their stock and transactions to the Registrar.
- (4) A dealer shall establish and maintain a workstation which links the register referred to in subsection (2) to the Central Firearms Registry.
- (5) Any person who contravenes any provision of this section commits an offence and shall be liable on conviction to imprisonment for a term of ten years or to a fine of two hundred currency points.

68. Broker's Licence

- (1) A person shall not operate as a broker of firearms without a valid broker's licence.

PART IX – IMPORT, EXPORT, TRANSIT, TRANSPORT AND FINANCING OF FIREARMS AND AMMUNITION BUSINESS

69. Import, Export and Transit of Firearms and Ammunition

- (1) No person shall import into or export from or carry on transit any firearms or ammunition through Country x without an import, export, transit or transport permit.
- (2) An import or export permit may only be issued to a person who qualifies to be a dealer or manufacturer according to this Act.
- (3) No authorized manufacturer is allowed to divert any materials for manufacture of small arms to another place other than the designated factory.
- (4) Such raw materials will be weighed and checked at the port and again at the entry of the factory for accountability purposes.

70. Firearms transportation permit

- (1) A person shall not transport any firearm or ammunition unless he obtains a transporter's permit.
- (2) A person engaged in the business of transportation associated with firearms, their parts and components and ammunition shall require a permit for each of the transactions which he or she will engage in.
- (3) An application for a transporter's permit shall be made to the Registrar in the prescribed form.
- (4) A transporter shall comply with security measures of transportation as prescribed by the regulations.
- (5) Any person that contravenes any of the provisions of this section commits an offence and shall be liable on conviction to imprisonment for a term of not less than 10 years and not more than 25 years.

71. Requirements for Export, Import, Transit or Transport Permit

- (1) An import, export, transit or transport permit may be issued to a person who is fit and proper person to hold such a permit.
- (2) Unless the Registrar directs otherwise in writing, no import, export or transit permit may be issued in respect of any small arm or light weapon which does not bear the prescribed identification marks.

72. Particulars of Export, Import or Transit Permit

The export, Import, Transit or Transport Permit license shall—

- (a) Specify the conditions contemplated under this Act;
- (b) specify the premises or vessel in respect of which the license is issued;
- (c) specify the weapons that is authorised to deal in; and
- (d) contain such other information as may be prescribed.

73. Removal of Imported Firearms and Ammunition

- (1) A person who imports or transports firearms or ammunition shall not remove them from the Customs clearing points without authorization from the Registrar.
- (2) An application for removal shall be made in the manner prescribed in the regulations.
- (3) Any person who contravenes any of the provisions of this section commits an offence and on conviction shall be liable to imprisonment for a term of not less than 7 years and not more than 15 years.

74. Conditions of an Import, Export, Transit or Transport Permit

- (1) A permit for the import, export or carriage in-transit of firearm also constitutes a license to possess such firearm for such person and period as the Registrar may specify on the permit.
- (2) The Registrar may impose such conditions in respect of the possession of the relevant small arms or light weapons as may be prescribed, and must, on the permit in question, specify any conditions imposed.
- (3) The holder of a permit issued in terms of this Act must comply with the conditions specified in the permit.

75. Firearms Financing Activities Permit

- (1) A person engaged in financing activities associated with firearms, their parts and components and ammunition shall require a permit for each of the transactions which he or she will engage in.
- (2) An application for a firearms financing activities permit shall be made in the manner prescribed by the regulations.
- (3) Any person that contravenes any of the provisions of this section commits an offence and shall be liable on conviction to imprisonment for a term of not less than ten years and more than 25 years.

76. Inspection of Firearms and Ammunition

- (1) A police officer of a rank of Inspector of Police or above or Customs Officer may at any time, inspect the firearms, ammunition, storage conditions and storage facilities to which a licence or permit has been issued under this Act.
- (2) The Police officer-
 - (a) may require the owner of a firearm to answer questions relating to the whereabouts of the firearm or relating to the person or persons who have, or had, possession of the firearm;
 - (b) may require that person to produce such evidence as may be stipulated by a police officer to verify information given in response to a requirement under this section; and
 - (c) shall produce his or her warrant card if requested by the person mentioned in subsection (1), (2) or (3) before that person is required to comply with the request of the police

officer

77. Production of a Licence or Permit

- (1) A person in possession of a firearm or ammunition shall, at the request of a police officer produce a firearm and licence/permit for inspection.
- (2) The person referred to in Subsection (1) of this section may request the police officer to produce his or her official identity card, before complying with the said request.
- (3) Any person who refuses or fails to produce a firearm or licence or permit on demand without reasonable excuse commits an offence and on conviction shall be liable to imprisonment for 5 years or fine of two hundred currency points.

78. Power to Seize Firearms or Ammunition

- (1) A police officer may seize a firearm or ammunition if he or she suspects upon reasonable grounds that:
 - (a) A firearm is not licenced or unauthorised;
 - (b) an offence in terms of the provision of this Act has been committed, or is about to be committed, with respect to the firearm or ammunition;
 - (c) a person who has possession of a firearm is not a fit or proper person to have possession of that firearm or ammunition;
 - (d) continued possession of a firearm by a person would be likely to result in undue danger to life or property;
 - (e) a person has possession of a firearm or ammunition in contravention of an order of a court or domestic violence restraint order of a court;
 - (f) a firearm is mechanically unsafe in which case a police officer shall seize the firearm and promptly take it for inspection by a designated expert to confirm whether it is mechanically unsafe and, if it is found to be mechanically safe it should be returned to the licenced owner;
 - (g) a firearm has been converted to an automatic firearm after approval of the licence to possess that firearm;
 - (h) a person who has possession of that firearm is apparently under the influence of an intoxicating liquor or drug;
 - (i) a person has ammunition that has been acquired or is held in contravention of the Act; and
 - (j) a person has possession of a firearm whose serial number or mark has been removed or altered.
- (2) If a police officer suspects on reasonable grounds that a person has possession of a licence-
 - (a) that has been cancelled or suspended;

- (b) for an illegal purpose; and.
 - (c) is not a fit and proper person to have possession of the licence,
- (3) Any police officer that seizes a firearm, licence or ammunition under this section, shall hand it over to the nearest police station.
- (4) A firearm, licence or ammunition held under this subsection shall be held until;
- (a) proceedings are instituted for an order under this section or for an offence in relation to any section of this Act, or any other Act;
 - (b) a decision is made not to institute such proceedings; and
 - (c) the expiration of 3 months after the firearm or ammunition was seized, whichever occurs first.
- (5) A Police Officer who seizes a firearm, licence or ammunition under this section shall provide proof of identification on request.

PART X – STOCK MANAGEMENT, DISPOSAL AND DESTRUCTION OF FIREARMS

79. Keeping of Stock, Inventory and Accounting for Firearms

- (1) The Police, Defense Forces, Prisons Service, Wildlife Service, Intelligence Service and other security agencies shall keep stock of all their firearms and shall be accountable for them.
- (2) The Police shall take inventory of all small arms and ammunition in their possession and control including those owned by civilians, once every year or at any other time it may be expedient to do so.
- (3) The Defense Forces, Prisons Service, Wildlife Service, Intelligence Service and other security agencies shall take inventory of their firearms and ammunition, once every year or at any other time it may be expedient to do so.
- (4) A report of the inventories referred to in subsection 1 and 2 shall be forwarded to the Commission and the National Security Council by each security organ as soon as is practicable or at any time that the council may require.

80. Collection Procedures

- (1) The procedures for the collection of firearms and ammunition shall be as prescribed in the Regulations.
- (2) All firearms that become the responsibility of the Government of Country x through legal acquisition, seizure, forfeiture, voluntary surrender and disarmament, demobilization and reintegration programmes shall remain eligible for collection by the Registrar.
- (3) The Minister shall determine the criteria of identifying obsolete, surplus and redundant firearms for collection.
- (4) The collected firearms and ammunition shall be stored separately using a three-lock system.
- (5) The institution responsible for firearms collection shall use the destruction marks to identify arms and ammunitions for disposal or destruction.

81. Records of Collected Firearms

- (1) The Central Firearms Registry shall keep the details of collected firearms and ammunition for disposal or destruction.
- (2) The Central Firearms Registry shall maintain records of:-
 - (a) all firearms seized during military operations;
 - (b) all firearms peacefully surrendered under weapons collection programmes;
 - (c) all lost and recovered firearms; and
 - (d) all illicit, obsolete, defective or redundant stocks declared for destruction.

82. Disposal of Firearms and Ammunitions

- (1) All firearms and ammunitions that are rendered surplus, redundant or obsolete shall be disposed off in a way that prevents them from entering the illicit market.
- (2) The disposal stated in (1) above may include destruction, transfer or sale of the firearm.
- (3) Where a firearm that previously belonged to a deceased person has been sold, the proceeds of the firearm shall be given to the estate of the deceased.
- (4) If a person who holds a licence, permit or authorisation issued under this Act, ceases to carry on business for any reason, the small arms and ammunition in possession of that person must be kept in safe custody by the person and at the place designated by the Commission, until they are disposed of as prescribed.

83. Voluntary Disposal

- (1) A holder of a licence issued in terms of the previous Act that does not wish to renew his or her licence shall:
 - (a) dispose of the firearm through a licensed dealer within 30 days of this Act coming into operation; or
 - (b) surrender the firearm to the Registrar, designated officer or a Police officer in charge of a district.
- (2) A shall surrender any ammunition he or she is in possession without having been in lawful possession of a firearm.
- (3) The registrar shall dispose of any firearm or ammunition surrendered in compliance with subsection (1) in accordance with the provisions of this Act.

64. Firearms Disposal in case of Death of a Licencee

- (1) Upon the death of a licensee, the executor, administrator, or any other person dealing with the estate of such licensee, who comes into possession of firearms and ammunition initially issued to the licensee, shall deposit the same, within seven days, at the nearest police station.
- (2) Subject to subsection (1), the executor, administrator, or any other person dealing with the estate may apply for a licence to possess the firearm in accordance with the provisions of this Act. Registrar shall cause the institution of proceedings for forfeiture before a court of law.
- (3) The firearm or ammunitions subject to forfeiture proceedings shall be surrendered to the police station for safe custody pending the decision of court.
- (4) The forfeited firearm and ammunition by order of court shall become the property of the Government of Country x and shall be registered as such and its licence shall be cancelled.
- (5) The registrar shall have an up to date register of all forfeited firearms.

65. Forfeiture of Firearms

- (1) Any firearm or ammunition which is connected with an offence shall, where the court thinks fit, be forfeited to the Government.
- (2) Any firearm or ammunition found in any building, vessel, aircraft or place without any apparent owner may, be ordered by the court to be forfeited to the Government.
- (3) Where a firearm or ammunition has been forfeited by the Government, by a court order, it shall be disposed of in the manner and within the time specified in the destruction order of the court.
- (4) A disposal order shall not be executed by the Government where an appeal is pending against the order or until such time the statutory appeal period elapses without an appeal being instituted against the order.

84. Destruction of Firearms and Ammunitions

- (1) All firearms and ammunition that have been impounded, surrendered, forfeited, abandoned or cannot be safely stored and illicit firearms seized by national authorities shall be registered and destroyed.
- (2) Before any firearm or ammunition is destroyed, the officer in charge of the destruction shall be required to obtain permission from the Registrar.
- (3) The Officer responsible for the destruction shall issue a certificate containing the details of the firearms destroyed and confirming the destruction.
- (4) Any firearms forfeited to the State in terms of this Act shall be destroyed by the State within six months of the date of the forfeiture.
- (5) A person found in possession of a firearm that has been earmarked for destruction commits an offence and shall be liable on conviction to a term of imprisonment for not less than seven years and not more than fifteen years.

PART XI – REGIONAL AND INTERNATIONAL COOPERATION

85. Information Sharing and Mutual Legal Assistance

- (1) The Commission may, for the purposes of combating illicit proliferation of firearms and ammunition-
 - (a) upon request made by the appropriate authority of a foreign state, disclose to that authority any information in its possession; and
 - (b) receive and act upon any information , obtained in the course of investigations, relating to a firearm or ammunition unlawfully possessed
- (2) For purposes of enhancing the implementation of this Act, the Government of the Republic of Country x may establish mutual legal assistance systems with any other State in an effort to eradicate the illicit manufacturing and trafficking of and control, possession and use of firearms, their components or ammunition.
- (3) Mutual legal assistance may include;
 - (a) investigation and detection of offences; (b) obtaining evidence and statements;
 - (b) execution of searches and seizures;
 - (c) communication of information and transfer of exhibits;
 - (d) inspection of sites or examination of objects or documents;
 - (e) request for judicial documents;
 - (f) service of judicial documents;
 - (g) communication of relevant documents and records;
 - (h) identification or tracing of suspects or proceeds of crime;
 - (i) application of special investigative techniques, such as forensics, ballistics and finger printing; and
 - (j) any other form of mutual assistance consistent with this Act.

86. Reciprocal Arrangements

Licences and other documents which are issued by an authority of another country other than Country x shall be recognised if Country x has reciprocal arrangements with that country.

PART XII OFFENCES AND PENALTIES

83. Unlawful possession

- (1) A person who;
- (a) possesses, uses or carries a firearm without holding a valid firearms licence or permit;
 - (b) purchases, uses, has in his or her possession or carries ammunition without a licence or permit;
 - (c) holds or carries quantities of firearms or ammunition in excess of those authorised by such licence or permit; or
 - (d) fails to comply with any condition subject to which a firearm licence or permit was granted to him or her;

commits an offence and on conviction is liable to a fine not less than 250 currency points and not exceeding 1000 currency points or to imprisonment for a term not less than five years and not exceeding ten years or to both.

- (2) This section shall not apply to any of the following cases and such cases are accordingly exempted from this section;
- (a) possession, use or carriage of a firearm or ammunition by a member of an official institution;
 - (b) possession, use or carriage of a firearm or ammunition by a licenced firearms dealer in the ordinary course of his or her business as such a dealer;
 - (c) possession or carriage of a firearm or ammunition or ordinary course of business by a person engaged in the business of carrying or warehousing goods for reward;
 - (d) possession of a firearm or ammunition on board of a vessel as part of the equipment of that vessel;
 - (e) carriage for sporting purposes only of a firearm or ammunition under instructions from and for the use of the holder of the firearms licence or permit for such firearm or ammunition;
 - (f) possession, carriage, or humane killer in the ordinary course of business by a butcher, slaughter man or other person engaged in the business of human slaughter of animals.

84. Giving or Lending of Firearms

A person who -

- (a) sells, supplies or in any manner gives possession of a firearm or ammunition to a person who is not allowed in terms of this Act to possess that firearm or ammunition; or
- (b) being in possession of any firearm, imitation firearm or ammunition, with intent to commit an offence or to use the firearm or imitation firearm with intent to resist arrest or to prevent the arrest of another person, commits an offence and shall on conviction be liable to

imprisonment to a term not less than seven years and not exceeding 15 years.

85. Giving or Lending of Firearms

- (1) A person who is aware of the existence of a firearm or ammunition that is not in the lawful possession of any person and fails to report the location of the firearm or ammunition to a police officer without delay commits an offence and shall on conviction be liable to imprisonment not exceeding twelve months.
- (2) A police officer to whom a person has made the report contemplated in subsection (1) shall immediately provide the person with written proof that the report has been made or, in case of telephone or similar report, with official reference number of the report.

86. Holding a Firearm under the Influence

- (1) A person who handles a firearm while under the influence of a substance which has an intoxicating or narcotic effect commits an offence and shall on conviction be liable to imprisonment not exceeding three years.
- (2) A person who gives control of a firearm to a person whom he or she knows or ought to reasonably know to-
 - (a) be mentally ill, or
 - (b) be under the influence of a substance that has an intoxicating or narcotic effect, commits an offence and shall on conviction be liable to a term of imprisonment not less than eight months and not exceeding four years.

87. Causing Bodily Harm, Injury or Damage to Property

A person who -

- (a) causes bodily injury to any person or causes damage to the property of any person by negligently using a firearm;
- (b) discharges a firearm in a built up area or any public place, without good reason to do so;
- (c) displays any firearm or imitation firearm in a public place in such a manner as to cause alarm to any member of the public;

commits an offence and shall on conviction be liable to imprisonment to a term not less than twelve months and not exceeding five years.

88. Falsification and Alteration of Documents

- (1) A person who-
 - (a) adds or alters any word, figure or letter to a competence certificate, licence or permit as issued, without the Registrar's permission;
 - (b) uses or possesses any competence certificate, licence or permit to which any words, figures

or letters have been unlawfully added, erased or altered;

- (c) parts with a competence certificate, licence or permit in order that it may be used by a person other than the person to whom it was issued or granted;
- (d) uses a competence certificate, licence or permit issued in the name of another person in order to procure possession of a firearm or ammunition;
- (e) supplies particulars, information or answers in an application for a competence certificate, licence or permit in terms of this Act knowing them to be false, incorrect or misleading or not believing them to be correct;
makes a false entry into, a Register which is required to be kept in terms of this Act; or
- (f) furnishes any false information in any returns or tampers with any records maintained or required to be submitted in terms of this Act,

commits an offence and shall on conviction be liable to imprisonment to a term not less than twelve months and not exceeding five years.

- (2) A person who falsifies or illicitly obliterates, removes or alters the calibre, barrel and marking(s) on a firearm, and ammunition commits an offence and shall on conviction be liable to imprisonment to a term not less than twelve months and not exceeding five years.

89. **Obstruction of Officers on Duty**

A person who obstructs or hinders any person in the exercise of any power or the performance of any duty in terms of this Act commits an offence and shall on conviction be liable to imprisonment to a term not less than twelve months and not exceeding five years.

90. **Pawning or Pledging of Small Arms and Light Weapons**

A person who pawns or pledges firearm or ammunition commits an offence and shall on conviction be liable to imprisonment to a term not less than two years and not exceeding 10 years.

91. **Attempts to Commit Offence**

A person who -

- (a) attempts to commit or participate as an accomplice in any of the offences mentioned in this section; or
- (b) organizes, directs, aids and abets, facilitates or counsels the participation in any of the offences mentioned in this section;

commits an offence and shall on conviction be sentenced to a similar term of imprisonment.

92. **General Penalty**

- (1) Any person who commits an offence under this act for which no specific penalty is given shall be liable to a fine not less than 100 currency points and not exceeding 500 currency points or to imprisonment for a term not less than two years and not exceeding five years or to both.
- (2) Where a person who is convicted under subsection (1) holds a permit for the possession of a firearm or ammunition, such permit shall be cancelled or suspended and the firearms or ammunition be forfeited for a period which the court deems fit.

PART XIII - GENERAL PROVISIONS

93. Amnesty for surrender of firearms

- (1) The Minister may, in consultation with the relevant authority in Country x, and by notice published in the Gazette -
 - (a) for the purpose of surrendering illegally possessed firearms; and
 - (b) to maintain law and order, declare an amnesty to any person found in unlawful possession of a firearm or ammunition.
- (2) The notice in subsection (1) shall specify the person to whom amnesty is granted, the period, area and conditions of amnesty.
- (3) A person who surrenders a firearm or ammunition under this section shall not be prosecuted.

94. Forceful Disarmament

- (1) The Minister may in consultation with the Commission and the Inspector General of Police by notice in the Gazette declare forceful disarmament in any part of the country that the Minister considers to be insecure or unsafe by virtue of small arms proliferation.
- (2) The conduct of disarmament mentioned in subsection (1) shall involve the community concerned and have regard to international Law and effected in a manner that does not violate or infringe on the human rights and fundamental freedoms of any person or community affected by the order.

95. Firearm Free Zones

- (1) The Minister may on his or her own motion or on application by a person in the prescribed manner, declare any premises or category of premises to be firearm free zones, by notice in the Country x Gazette.
- (2) Unless authorised to do so; in terms of a notice issued under subsection (1), no person shall;
 - (a) allow any firearm or ammunition into a firearm free zone;
 - (b) carry a firearm or ammunition in a firearm free zone; or
 - (c) store any firearm or ammunition in a firearm free zone.
- (3) A security officer on official duty is exempted from the provisions of subsection (2).
- (4) Any person that allows or carries a firearm in a firearm free zone commits an offence and shall be liable on conviction to imprisonment for a term of five years or to a fine of one hundred currency points.

96. Power to prohibit selling of Firearms and Ammunition

- (1) The Minister may, from time to time, by statutory order (or notice in the Gazette) prohibit the importation, exportation, re-export, sale, and transfer

- (2) Any person that allows or carries a firearm in a firearm free zone commits an offence and shall be liable on conviction to imprisonment for a term of five years or to a fine of not less than 100 currency points or liable to imprisonment for a term of not less than four years and not exceeding 10 years.

97. **Premise Requirements**

- (1) The premises for manufacturing, dealing, gun smithing, and PSO shall fulfill the security requirements as prescribed in the Regulations.
- (2) Licences issued to manufacturers, dealers, gunsmiths and PSOs shall conform to the specific premises in which they operate, and approved by the Registrar.
- (3) Manufacturers, dealers, gunsmiths and private security companies shall have their premises regularly inspected.

98. **Safe Storage Requirements**

A person in possession of a firearm licence shall have safe storage facilities at the residence or place of business as prescribed in the regulations.

99. **Public Display of Firearms**

The public display of firearms or replica firearms in public for retail or sales or interest purposes is prohibited unless:

- (a) inside the approved premises of a licenced dealer; and
- (b) the necessary permit is obtained for each transaction outside the approved premises.

100. **Designation of Officials**

The Minister may in writing designate any person or category of persons employed by the State to implement any of the provisions of this Act.

101. **Private Ranges**

- (1) A person who wishes to establish a private range must apply in the prescribed form to the Registrar for a license to operate a private range.
- (2) The application must be accompanied by the prescribed fee and contain such information as may be required by the Registrar putting in to account among others public safety and security.
- (3) The Commission shall conduct inspection of grounds or premises upon which a private range is proposed to be established.
- (4) If the Commission is satisfied as to the suitability of the ground or premises, the range Commission shall prepare a report to that effect and shall direct the Registrar to issue a private range certificate.

102. **Arrest without Warrant**

- (1) A police officer may arrest without warrant any person whom the officer suspects on reasonable grounds of having committed an offence under this Act.
- (2) The police may impound any small arm or light weapon that the officer reasonably believes to be an illegal weapon or has been used to commit an offence or is in a person's possession without the relevant authorization.

103. **Jurisdiction of Magistrates' Courts**

A Magistrates' Court shall have jurisdiction under this Act.

104. **Regulations**

- (1) The Minister may, by statutory instrument, make regulations generally for the better carrying out of any of the provisions or purposes of this Act.
- (2) Without prejudice to the general effect of subsection (1), regulations made under that subsection may provide for all or any of the following matters;
 - (a) the determination and payment of fees payable in respect of the issue or renewal of a competency certificate, licence, permit or authorization or in respect of anything else for which a fee may be charged in terms of this Act;
 - (b) the fees or remuneration which may be charged by dealers in respect of any firearm, or other device, required to be disposed of through a dealer in terms of this Act;
 - (c) the security at any premises at which dealers, manufacturers, gunsmiths, importers and exporters of firearms and ammunition;
 - (d) precautions to be taken in respect of carriage, use, safe custody or destruction of firearms and ammunition;
 - (e) the surrender and disposal of competency certificates, licences, permits or authorisations issued in terms of this Act;
 - (f) the notification of change of address;
 - (g) the taking of fingerprints;
 - (h) the training and testing and such other measures as may be necessary to ensure the competency of employees of an official institution that may possess and use firearms under the control of the official institution; and
 - (i) generally with regard to any other matter which it is necessary or expedient to prescribe in order to achieve or promote the objects of this Act.

PART XIV - ADMINISTRATIVE REVIEW AND APPEALS

105. Administrative Review

- (1) A person;
 - (a) whose application for a, licence, permit or authorization in terms of this Act has been refused, cancelled, suspended or issued subject to conditions; or
 - (b) who has received a notice of an administrative decision in terms of this Act which may detrimentally affect his or her rights, may apply to the Minister for review within one month from the date of receipt of the communication.
- (2) The Minister may with reasons confirm, vary or reverse any decision of the Registrar.
- (3) The Minister may admit evidence of facts not before the Registrar when he or she made the decision which is the subject of review only if;
 - (a) there is a reasonable explanation for the failure to inform the Registrar of the facts; and
 - (b) the Registrar has had sufficient opportunity to verify the facts and to present any evidence to the Minister in this regard.
- (4) The procedure for handling administrative review shall be in a manner prescribed by the Regulations.

106. Appeals

A person aggrieved by the decision of the Minister may appeal to the High Court within thirty days from the date of receipt of the decision.

PART XV - TRANSITIONAL PROVISIONS

107. Relicensing

Upon the coming into force of this Act, every licence issued under any enactment repealed by this Act, shall stand revoked and all persons shall be required to reapply for licences in accordance with the provisions of this Act, within such period and in such manner as may be prescribed.

108. Firearms issued under the Repealed Firearms Act

A person in possession of a firearm prohibited in terms of this Act, but which was lawfully obtained under the repealed Act, shall surrender apply for renewal of his or her licence within 30 days of the coming into force of this Act.

109. Repeal of laws

The Act, is hereby repealed and replaced.