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FIREARMS LAW

(2008 Revision)

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Law 17 of 2005-14th October, 2005
Law 3 of 2008-23rd January, 2008.

Consolidated and revised this 13th day of May, 2008.

Note (not forming part of the Law): This revision replaces the 2006 Revision which should now be discarded.

FIREARMS LAW

(2008 Revision)

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FIREARMS LAW

(2008 Revision)

PART I-Introductory

1. This Law may be cited as the Firearms Law (2008 Revision). Short title

2. (1) In this Law - Definitions and interpretation
 - “appropriate authority” means, in relation to the grant, amendment or revocation of any licence, the appropriate authority specified in section 30;
 - “artillery” means any cannon, howitzer, mortar or flame-thrower except of a type commonly in use before the year 1850;
 - “automatic rifle” means any rifle so designed or adapted that if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty;
 - “bullet-proof vest” means a vest that is capable of providing protection from the penetration of bullets;
 - “Commissioner” means the Commissioner of Police;
 - “firearm” means artillery, machine gun, sub-machine gun, rifle, shot gun, pistol, air gun, air pistol or any lethal barrelled weapon from which any shot, bullet or other missile can be discharged or noxious fumes can be emitted except any air rifle, air gun or air pistol of a type prescribed by the Governor and of a calibre so prescribed, and includes any component part of any such weapon and such accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon, and includes any ammunition capable of being used in any firearm and any reloader which is capable of or designed for the reloading of shotgun cartridges or any other type of ammunition;
 - “Firearm Export Permit” means any permit under paragraph (b) of section 19 to export any firearms from the Islands;
 - “Firearm Import Permit” means any permit under paragraph (a) of section 19 to import any firearms into the Islands;
 - “Firearm User’s (Restricted) Licence” means any Licence under paragraph (e) of section 19;
 - “Firearm User’s (Special) Permit” means any Permit under paragraph (f) of section 19;
 - “Firearm Disposal Permit” means any Permit under paragraph (d) of section 19;

“Governor” means the Governor in Cabinet;

“Gunsmith’s licence” means any licence under paragraph (c) of section 19;

“imitation firearm” means anything which has the appearance of being a firearm, whether or not it is capable of discharging any shot, bullet or other missile;

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

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

“restricted person” means any person who -

- (a) has served imprisonment for three months or upwards and has been released within five years; or
- (b) has, at any time within five years next before the event in relation to which the term is used, been convicted of an offence under this Law or of any offence involving fraud or violence; and

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

(2) For the purposes of this Law-

- (a) any artillery and any firearm shall be deemed to be of an obsolete type if of a type commonly in use before the year 1850; and
- (b) a firearm shall be deemed to be loaded if there is ammunition in the chamber or barrel or in any magazine or other device which is in such a position that the ammunition can be fed into the chamber or barrel by the manual or automatic operation of some part of the gun or weapon.

PART II- Importation or exportation of firearms

Restriction on
importation or
exportation of firearms
and bullet-proof vests

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

(2) No person shall import into or export from the Islands a bullet-proof vest except with the prior written approval of the Commissioner.

(3) Whoever contravenes subsection (1) is guilty of an offence and, subject to section 39, is liable on conviction to a fine of one hundred thousand dollars and to imprisonment for twenty years.

(4) Whoever contravenes subsection (2) commits is guilty of an offence and liable on conviction to a fine of one hundred thousand dollars and to imprisonment for twenty years.

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

Travellers to make
declaration of firearms
and bullet-proof vests

(2) Any traveller who disembarks in the Islands shall, on being required to do so by a customs officer, make an oral declaration stating whether the traveller has any bullet-proof vest in his possession or under his control.

(3) Whoever contravenes subsection (1) or (2) is guilty of an offence and liable on conviction to a fine of one hundred thousand dollars and to imprisonment for twenty years.

(4) Any customs officer having reasonable cause to believe that any traveller disembarking in the Islands has about his person or in his possession any firearm, bullet-proof vest or ammunition, notwithstanding such traveller having made a declaration to the contrary, may search such person and his baggage and any firearms, bullet-proof vests or ammunition so found shall be forfeited to the Crown:

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

(5) The powers conferred by this section shall be in addition to and not in derogation of the powers of search conferred by the Customs Law (2007 Revision).

2007 Revision

5. (1) Every traveller who declares under section 4 that he has any firearm or bullet-proof vest in his possession shall either -

Traveller's option

- (a) cause such firearm or bullet-proof vest to be retained upon the vessel or aircraft upon which he arrived into the Islands until after such vessel or aircraft departs from the Islands; or
- (b) deliver such firearm or bullet-proof vest to a customs officer in a sealed packet to be dealt with in accordance with section 6,

unless the traveller is the holder of a permit under section 19, or he has the written approval of the Commissioner under section 3(2), authorising the importation of such firearm or bullet-proof vest into the Islands.

(2) Whoever contravenes subsection (1) is guilty of an offence and liable on conviction to a fine of one hundred thousand dollars and to imprisonment for twenty years.

Custody of firearms and bullet-proof vests by customs officer

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

- (a) the traveller from whom it was received produces to a customs officer a permit, or the Commissioner's written approval, authorising the importation of such firearm or bullet-proof vest into the Islands and pays the appropriate duty on such firearm or bullet-proof vest, in which event it shall be delivered to the traveller; or
- (b) such traveller gives not less than seven days' notice in writing to the Collector of Customs specifying some port at which he intends to embark for some place outside the Islands and the date, time and vessel upon which he intends so to embark, in which event the sealed packet containing such firearm or bullet-proof vest shall be delivered to the traveller immediately before he so embarks

Firearms and bullet-proof vests not to be deemed to be imported into the Islands in certain circumstances

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

PART III - Sale, purchase and repair of firearms

Restrictions upon acquisition or disposal of firearms and bullet-proof vests

8. (1) No person shall purchase or accept the gift of any firearm from or give away any firearm to any other person if he has reasonable cause to believe such person to be under the age prescribed for that type of firearm by any regulations made hereunder.

- (2) No person shall purchase or accept the gift of any firearm unless-
 - (a) he is the holder of a Firearm User's (Restricted) Licence in relation to a firearm of the type so acquired by him; and
 - (b) the person from whom he purchases or accepts the gift of such firearm is the holder of a Firearm Disposal Permit in respect of the firearm so sold or given away by such person.
- (3) No person shall sell or give away any firearm unless-
 - (a) he is the holder of a Firearm Disposal Permit in respect of the firearm so sold or given away by him; and

(b) the person to whom he sells or gives away such firearm is the holder of a Firearm User's (Restricted) Licence in respect of a firearm of the type so sold or given away to such person.

(4) No person shall accept the delivery of any firearm pursuant to any sale or gift of such firearm except in accordance with section 9.

(5) No person shall deliver any firearm pursuant to any sale or gift of such firearm to any person except in accordance with section 9.

(6) No person shall sell, give away, purchase or accept the gift of a bullet-proof vest except with the prior written approval of the Commissioner.

(7) Whoever contravenes this section is guilty of an offence and liable on conviction to a fine of one hundred thousand dollars and to imprisonment for twenty years.

9. Where any person (in this section referred to as "the purchaser") purchases or accepts the gift of any firearm from any other person (in this section referred to as "the vendor")-

Restrictions on delivery of firearms

- (a) the purchaser shall give notice in writing to the vendor specifying his name and address and that he will be prepared to take delivery of the firearm to which the transaction relates;
- (b) the vendor shall cause the firearm to which the transaction relates to be delivered in a sealed packet together with a copy of the notice referred to in paragraph (a) to the Commissioner; and
- (c) the Commissioner shall notify the purchaser that he has received such firearm and will deliver such firearm to the purchaser upon his applying in person therefor and producing a Firearm User's (Restricted) Licence in respect of such firearm.

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

General restriction on repair of firearms

(2) Whoever contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for five years.

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

Restriction re gunsmith

- (a) elsewhere than at the premises in respect of which he is licensed as a gunsmith; and
- (b) unless the person who delivers it produces a valid Firearm User's (Restricted) Licence issued to him in relation to that firearm.

(2) Whoever contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of five thousand dollars and to imprisonment for five years.

Special restrictions on shortening firearms and converting imitation firearms into firearms

12. (1) No person other than the holder of a Gunsmith's Licence shall -
(a) shorten a barrel of any smooth bore gun to a length of less than twenty inches; or
(b) convert into a firearm anything which though having the appearance of being a firearm is so constructed as to be incapable of discharging a missile through the barrel thereof.

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

(3) Whoever contravenes this section is guilty of an offence and liable on conviction to a fine of one hundred thousand dollars and to imprisonment for twenty years.

Gunsmith to display notice board

13. (1) Every holder of a Gunsmith's Licence shall cause to be affixed and keep affixed over one of the principal entrances of the premises upon which he carries on business as a gunsmith a board on which shall be printed in legible letters at least two inches in length the name in full of such licensee and the words "Licensed as a gunsmith to repair and alter firearms" followed by the type of firearm that the licensee has been licensed to repair and alter.

(2) Whoever contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of two hundred dollars or to imprisonment for six months.

Records and returns

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

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

(3) Whoever contravenes this section is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and to imprisonment for six months.

PART IV- Possession and use of firearms

15. (1) Subject to subsection (2), no person shall be in possession of any firearm except under and in accordance with the terms of a Firearm User's (Restricted) Licence. Possession and use of firearms and bullet-proof vests

(2) Subsection (1) shall not apply to -

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

(3) Subject to subsection (4), no person shall be in possession of a bullet-proof vest except with the prior written approval of the Commissioner.

(4) Subsection (3) shall not apply to -

- (a) any person who comes into possession of a bullet-proof vest in the capacity of executor or administrator of the estate of any deceased person or Trustee in Bankruptcy or liquidator of any insolvent person or of any company in liquidation, during the period of thirty days after the day upon which he came into possession of such bullet-proof vest;

- (b) any servant or agent of any of the persons referred to in paragraph (a) in respect of a bullet-proof vest entrusted to him for delivery to the owner thereof in accordance with this Law; or
- (c) any constable or customs officer in respect of his possession of a bullet-proof vest which came into his possession under this Law during such period as such bullet-proof vest is so retained by him.

(5) Whoever contravenes this section is guilty of an offence and, subject to section 39, is liable on conviction to a fine of one hundred thousand dollars and to imprisonment for twenty years.

General restriction on carrying firearms and wearing bullet-proof vests in public

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

(2) No person shall carry or wear a bullet-proof vest in any public place except with the prior written approval of the Commissioner.

(3) Any person found carrying a firearm, or carrying or wearing a bullet-proof vest, in any public place in contravention of subsection (1) or (2) may be arrested without warrant by any constable and such firearm or bullet-proof vest may be impounded.

(4) Whoever contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of five hundred dollars and to imprisonment for twelve months.

Special restriction on carrying of firearms in public places

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

(2) Every Proclamation under subsection (1)-

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

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

(4) Whoever contravenes this section is guilty of an offence and liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for ten years.

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

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

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

Restriction relating to the discharge and carriage of firearms and the wearing of bullet-proof vests

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

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

(3) Whoever contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.

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

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

(6) Whoever has with him a firearm or imitation firearm with intent to commit an offence, to resist arrest or to prevent the arrest of another person, in either case while he has the firearm or imitation firearm with him, is guilty of an offence and, subject to section 39, is liable on conviction to a fine of one hundred thousand dollars and to imprisonment for twenty years.

(7) Whoever has with him a bullet-proof vest intended for use in the course of committing an offence, resisting arrest or preventing the arrest of another person, is guilty of an offence and liable on conviction to a fine of one hundred thousand dollars and to imprisonment for twenty years.

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

(9) Whoever, without lawful authority or reasonable excuse, the proof of which shall lie upon him, has with him in a public place a loaded firearm is guilty of an offence and liable upon conviction to a fine of fifty thousand dollars and to imprisonment for ten years.

(10) Whoever, while he has a firearm or bullet-proof vest with him, enters or is in any building or part of a building as a trespasser, without reasonable excuse, proof of which shall lie upon him, is guilty of an offence and liable on conviction to a fine of one hundred thousand dollars and to imprisonment for twenty years.

(11) A constable may require any person whom he has reasonable cause to suspect of having a bullet-proof vest or a firearm, with or without ammunition, with him in a public place, or to be committing or about to commit an offence under the foregoing provisions of this Part elsewhere than in a public place, to hand over the bullet-proof vest, the firearm and any ammunition for examination by the constable, and whoever, having a bullet-proof vest, a firearm or ammunition with him, fails to hand over the bullet-proof vest, the firearm or ammunition when required to do so under this subsection is guilty of an offence and liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for ten years.

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

(13) If a constable has reasonable cause to suspect that there is a firearm or bullet-proof vest in a vehicle in a public place, or that a vehicle is being or is about to be used in connection with the commission of an offence under the foregoing provisions of this Part elsewhere than in a public place, he may search the vehicle and for that purpose may require the person driving or in control of it to stop it. Whoever fails to stop the vehicle when so required or obstructing the search of such vehicle when stopped is guilty of an offence and liable on

summary conviction to a fine of fifty thousand dollars and to imprisonment for five years.

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

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

(16) A constable may seize and detain any firearm, bullet-proof vest or ammunition which may be the subject of an order for forfeiture under section 41.

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

PART V-Licences and permits

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

Types of licences and permits

- (a) a Firearm Import Permit authorising the holder thereof during such period, not exceeding six months, as may be specified in the Permit, to import into the Islands from such source as may be specified therein, such firearms as may be therein specified;
- (b) a Firearm Export Permit authorising the holder thereof, during such period not exceeding six months as may be specified in the Permit, to export from the Islands to such destination and in such manner such firearm of such type as may be specified in the permit;
- (c) a Gunsmith's Licence authorising the holder thereof to carry on the business of repairing firearms and altering such types of firearms as are specified therein at such premises as may be specified in the licence;
- (d) a Firearm Disposal Permit authorising the holder thereof to dispose of the firearm specified in such permit;
- (e) a Firearm User's (Restricted) Licence authorising the holder thereof, subject to the provisions of section 17 and of such restrictions as the appropriate authority may impose, to be in possession of the firearm specified in such licence; or

- (f) a Firearm User's (Special) Permit authorising the holder thereof to be in possession of the firearm specified in such permit within any area so specified to which section 17 applies upon such occasions as may be so specified.

Applications for licences and permits

20. Every application for any licence or permit shall-

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

General provisions as to grant and issue of licences and permits

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

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

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

(3) No licence or permit shall be granted-

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

except with the prior approval of the Governor:

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

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

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

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

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

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

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

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

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

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

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

Special provisions relating to Firearm Disposal Permit

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

General provisions as to licences and permits

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

(3) Every licence or permit-

(a) in respect of the grant of which the Governor is the appropriate authority;

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

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

Duration of licence or permit

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

(2) Subject to section 28, every permit, except a Firearm User's (Special) Permit, shall continue in force until the act authorised to be done by such permit has been done or the expiration of the period specified in such permit, whichever shall first happen.

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

Amendment of licences

27. (1) Subject to section 29, where-

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

then in any such case the holder of the licence or the owner of the firearm, as the case may be, shall notify the appropriate authority in writing of the details of any of the changes mentioned in paragraph (a), (b) or (c) not later than seven days after such change, and the appropriate authority -

- (i) in any case within the provisions of paragraph (a) or (b) shall; and
- (ii) in any case within the provisions of paragraph (c), may in his absolute discretion,

amend the licence in such manner as may be appropriate. A holder of any licence or permit or an owner of any firearm, as the case may be, who fails to comply with the requirements of this subsection within the specified period is guilty of an

offence and liable on summary conviction to a fine of one thousand dollars and to imprisonment for three months.

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

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

(3) Whoever, on being required so to do by notice under subsection (2), fails to cause any licence to be delivered to the appropriate authority on or before the day specified in such notice is guilty of an offence and liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.

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

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

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

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

(4) Whoever, on being required so to do under paragraph (b) of subsection (3), fails to deliver to the appropriate authority such licence or permit on or before the day specified in such notice or, on being required so to do under paragraph (c) of subsection (3) fails to deliver forthwith such firearm is guilty of an offence and liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.

(5) Every firearm received by the appropriate authority under paragraph (c) of subsection (3) shall-

- (a) on the production by any person of a Firearm User's (Restricted) Licence granted to him in relation to such firearm either before or after the date on which such firearm was received, be delivered to such person; or
- (b) if not so delivered within twelve months of the date on which it was received, be forfeited to the Crown.

Appeals

29. (1) Subject to subsections (2) to (6), any aggrieved party may appeal to the Governor against any decision of an appropriate authority-

- (a) refusing to grant any licence or permit;
- (b) refusing to grant approval in a matter relating to a bullet-proof vest;
- (c) revoking any approval granted in a matter relating to a bullet-proof vest; and
- (d) amending or refusing to amend any licence or permit; or
- (e) revoking or refusing to revoke any licence or permit .

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

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

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

(5) In this section-

“aggrieved party” means the applicant for or the holder of any licence or permit in respect of the refusal to grant, the amendment of or the revocation of which any appeal is taken and the owner of the firearm to which such application, licence or permit relates and, in a matter relating to a bullet-proof vest, “aggrieved party” means -

- (a) the person applying for the Commissioner's approval under this Law, in respect of an appeal against the Commissioner's refusal to grant the approval; and
- (b) the person to whom the Commissioner's approval has been granted under this Law, in respect of an appeal against the Commissioner's amendment or revocation of the approval.

(6) Subsections (1) to (5) shall not apply to any licence or permit-

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

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

(2) The appropriate authority for the grant, amendment or revocation of approval in a matter relating to a bullet-proof vest shall be the Commissioner.

(3) The appropriate authority in Grand Cayman for the grant, amendment or revocation of any Firearm Import Permit, Firearm Export Permit, Firearm Disposal Permit, Firearm User's (Restricted) Licence or Firearm User's (Special) Permit shall be the Commissioner and the appropriate authority in Cayman Brac and Little Cayman shall be the District Commissioner.

PART VI-Power of search and to obtain information

31. Any constable may, at any time during which any premises upon which any person carries on business as a gunsmith are open for business, enter such premises for the purpose of inspecting any records required to be kept by such person under this Law and of verifying the accuracy of such records by inspecting or taking an inventory of the stock of firearms possessed by such person or otherwise. Further powers of inspection

32. (1) Any constable who sees any person carrying any firearm in any public place may require such person to produce to him his Firearm User's (Restricted) Licence in relation to such firearm and, if such place is within any area to which section 17 applies, to produce his Firearm User's (Special) Permit in relation to such firearm. Power of constable to require production of Firearm User's (Restricted) Licence

(2) Whoever, on being required so to do, fails to produce either of the documents referred to in subsection (1) or to permit the constable to inspect such documents and to examine the firearm to which such documents relate for the purpose of verifying the particulars in such documents is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and to imprisonment for twelve months.

33. (1) Where any constable suspects that any person is carrying any firearm concealed about his person he may- Further provisions relating to production of Firearm User's (Restricted) Licence

- (a) ask such person if he is carrying a firearm; and
- (b) if such person admits that he is carrying a firearm, require such person to produce such firearm and his Firearm User's

(Restricted) Licence in respect thereof and, if the place in which such person is carrying such firearm is within any area to which section 17 applies, require him to produce his Firearm User's (Special) Permit in relation to such firearm.

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

(3) Whoever, on being required so to do under this section fails to produce any firearm which he admits he is carrying concealed about his person or to produce either of the documents referred to in this section in relation to such firearm or refuses to submit to being searched under this section is guilty of an offence and liable on summary conviction to a fine of two hundred dollars or to imprisonment for six months.

Further provisions relating to production of Commissioner's written approval

34. (1) Where any constable suspects that any person is carrying or wearing a bullet-proof vest he may -

- (a) ask such person if he is carrying or wearing a bullet-proof vest; and
- (b) if such person admits that he is carrying or wearing a bullet-proof vest, require such person to produce such bullet-proof vest and the Commissioner's written approval in respect thereof.

(2) If any person denies that he is carrying or wearing a bullet-proof vest and the constable continues to suspect that he is carrying or wearing a bullet-proof vest, the constable may search that person for the purpose of seizing the suspected bullet-proof vest and may detain him for the purpose of searching him.

(3) Whoever, on being required so to do under this section, fails to produce a bullet-proof vest which he admits he is carrying or wearing or to produce the Commissioner's written approval in relation to such bullet-proof vest or refuses to submit to being searched under this section is guilty of an offence and liable on summary conviction to a fine of two hundred dollars or to imprisonment for six months.

Search warrants

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

PART VII-Financial and miscellaneous

36. (1) Subject to subsections (2) and (3), the fees chargeable for licences and permits are as prescribed by regulations and are payable on the first grant of the licence or permit, or in the case of renewal of a licence, on or before the thirty-first day of January in the year of renewal. Appropriate fee

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

- (a) by a member of any rifle club recognised by the Governor in respect of a Firearm User's (Restricted) Licence in relation to any rifle, pistol, air gun, air rifle or air pistol; or
- (b) by the owner of any firearm in respect of which the Commissioner certifies that he is satisfied that such firearm is of an obsolete type and is not intended by the owner to be used by himself or by any other person.

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

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

- (a) to some person who is the holder of a Firearm User's (Restricted) Licence in respect of such firearm;
- (b) to the officer in charge of the Police Station nearest to the place at which he is ordinarily resident; or
- (c) with the written approval of the Commissioner, to some holder of a Firearm User's (Restricted) Licence in respect of a firearm of similar type to such firearm, such person being specified in such approval.

(3) Whoever comes into possession of any bullet-proof vest in the circumstances specified in paragraph (a) of section 15(4) shall, within thirty days of coming into possession of such bullet-proof vest, unless he has obtained the Commissioner's written approval in respect of such bullet-proof vest, within such period deliver such bullet-proof vest to the officer in charge of the Police Station nearest to the place at which he came into possession of such bullet-proof vest

together with a written statement as to the date on which and the circumstances in which he came into possession of such bullet-proof vest.

(4) Where a person to whom the Commissioner's written approval has been granted in respect of a bullet-proof vest is about to leave the Islands and does not desire to take with him the bullet-proof vest to which the approval relates, he shall, before leaving the Islands, deliver such bullet-proof vest to the officer in charge of the Police Station nearest to the place at which he is ordinarily resident.

(5) Whoever contravenes subsection (1), (2), (3) or (4) is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and to imprisonment for twelve months.

(6) Every firearm or bullet-proof vest received at any Police Station under this section shall -

- (a) on the production by any person of a Firearm User's (Restricted) Licence granted to him in relation to such firearm either before or after the date on which such firearm was received at such Police Station, be delivered to such person;
- (b) on the production by any person of the Commissioner's written approval granted to him in relation to such bullet-proof vest either before or after the date on which such bullet-proof vest was received at such Police Station, be delivered to such person; or
- (c) if not delivered to any person in accordance with paragraphs (a) or (b) within twelve months of the date on which it was received at such Police Station, be forfeited to the Crown.

Category B offence

38. (1) Any offence with which a person is charged under sections 3(2), 4(2), 5(2), 8, 12(3), 15(5), 18(6), 18(7), 18(9) and 18(10) is triable as a Category B offence.

(2) For the purposes of this section-

2006 Revision

"Category B offence" has the meaning assigned to it by section 5 of the Criminal Procedure Code (2006 Revision).

Minimum sentences for certain offences

39. (1) This section applies where-

- (a) an individual is convicted following a trial or a plea of guilty, by a court of summary jurisdiction or the Grand Court, of an offence under section 3(3), 15(5) or 18(6);
- (b) the offence was committed on or after 15th November, 2005; and

- (c) the offence is in respect of a machine gun, sub-machine gun, rifle, shot gun, pistol, or any lethal barrelled weapon from which any shot, bullet or other missile can be discharged.

(2) Notwithstanding sections 6(2) and 8 of the Criminal Procedure Code (2006 Revision), the court of summary jurisdiction or the Grand Court before which the individual pleads guilty or is convicted, shall-

- (a) in a case where the individual pleads guilty, impose a sentence of imprisonment for a term of at least seven years (with or without a fine); or
- (b) in any other case, impose a sentence of imprisonment for a term of at least ten years (with or without a fine),

unless the relevant court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so; and such exceptional circumstances shall be stated by the relevant court.

(3) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.

40. Notwithstanding any other law, a person-

- (a) convicted of an offence under section 3(1) and sentenced under section 3(3)(a);
- (b) convicted of an offence under section 15(1) and sentenced under section 15(5)(a); or
- (c) convicted of an offence under section 18(6) and sentenced under section 18(6)(a),

Restriction on eligibility for release on licence

shall not be eligible to be released on licence.

41. Where any person is convicted of any offence under this Law in relation to-

- (a) the importation, exportation, purchase, sale or alteration of any firearm or bullet-proof vest;
- (b) the possession or use of any bullet-proof vest in respect of which he has not obtained the Commissioner's written approval under this Law;
- (c) the possession or use of any firearm in respect of which he is not the holder of a Firearm User's (Restricted) Licence under this Law;
- (d) the possession in any area to which section 17 applies of any firearm otherwise than in accordance with the terms of a Firearm User's (Special) Permit; or
- (e) any offence under section 18(6), (8), (9) and (10),

Forfeiture of firearms

such firearm or bullet-proof vest shall be forfeited to the Crown unless the Court by whom such person is convicted-

- (i) is satisfied that such person was, at the time of the commission of such offence, not the owner and not acting with the authority of the owner of such firearm or bullet-proof vest ; and
- (ii) directs that such firearm or bullet-proof vest shall not be so forfeited.

Carrying firearms in parts

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

Regulations

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

When provisions shall not apply

44. This Law does not apply to-

- (a) any firearm or bullet-proof vest the property of Her Majesty or the Government, except at a time when such firearm or bullet-proof vest is in the possession of some person other than a person authorised by or on behalf of Her Majesty or the Government, as the case may be, to be in possession of such firearm or bullet-proof vest;
- (b) any firearm or bullet-proof vest forming part of the equipment of any ship or aircraft or of any aerodrome at any time when such firearm or bullet-proof vest is on board such ship or aircraft or at such aerodrome, as the case may be;
- (c) any humane killer the property of the Government or of any prescribed person;
- (d) any member of-
 - (i) the armed forces of Her Majesty;
 - (ii) the Royal Cayman Islands Police Force;
 - (iii) the Prison Service; or
 - (iv) the Customs Department,in respect of any firearm or bullet-proof vest in his possession in the course of his duties;
- (e) any officer or member of the crew of any ship or aircraft or any employee of any aerodrome in respect of his possession on board such ship or aircraft or at such aerodrome, and in his capacity as an officer or member of the crew of such ship or aircraft or an employee of such aerodrome, as the case may be, of any firearm or bullet-proof vest referred to in paragraph (b);

- (f) any employee of the Government of these Islands or any prescribed person in respect of his possession in his capacity as such employee of any humane killer;
- (g) any obsolete firearm or bullet-proof vest forming part of any collection owned for museum purposes; or
- (h) any spring gun or spring pistol, spear gun used for the purpose of fishing, bow and arrow, catapult or sling shot, pea-shooter or popgun.

45. (1) Where -

Savings and transitional provisions

- (a) prior to the 18th February, 2008, an accused person is convicted following a trial or a plea of guilty to an offence (irrespective of when the offence was committed); and
- (b) at the 18th February, 2008, no judgment or sentence has been passed upon him in respect of the offence,

the accused person shall, for the purpose of the judgment or sentence, be dealt with in all respects under the Law as contained in this Revision and the provisions of the Law as contained in this Revision are to apply accordingly.

(2) Where, at the 18th February, 2008, any trial or any proceedings in respect of an offence are pending before a court, the trial or proceedings shall, after that date, be dealt with in all respects under the Law as contained in this Revision (irrespective of when the offence was committed) and the provisions of the Law as contained in this Revision are to apply accordingly.

(3) Where, on or after the 18th February, 2008, an accused person is convicted following a trial or a plea of guilty to an offence (irrespective of when the offence was committed), the accused person shall, for the purpose of judgment or sentence in respect of the offence, be dealt with in all respects under the Law as contained in this Revision and the provisions of the Law as contained in this Revision are to apply accordingly.

Publication in consolidated and revised form authorised by the Governor in Cabinet this 13th day of May, 2008.

Carmena Watlter
Clerk of Cabinet

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