

[Date of Assent: 30<sup>th</sup> September 1966]

[Date of coming into operation: See sections 1 and 34; also GN s 109119 and 19/1970]

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**Internal Security Arms and Ammunition Act No. 17 of 1966**

To make provision in the interests of public safety and public order for regulating and controlling firearms, imitation firearms and other weapons and ammunition, and for related purposes.

**Short title**

- 1. This act may be cited as the Internal Security (Arms and Ammunition) Act 1966 and shall come into operation on a Different dates may be fixed for the coming into operation of any of the provisions of this Act.

**commencement**

- 2. (1) in this Act except so far as the context otherwise requires-

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

Deleted by Order 52/1970 sec.2 (a)

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“ammunition” except where otherwise expressly provided, means ammunition for any firearm as hereinafter missiles, whether capable of use with such a firearm or not, and prohibited ammunition;

“Commissioner of Police” means the person for the time being exercising the powers or carrying out the duties of the Commissioner of the [Lesotho] Mounted Police;

“firearm” except where otherwise expressly provided, means any lethal barreled weapon of any description from which any from which any shot, bullet or other missile can be discharged and includes any prohibited weapon whether it is such a lethal weapon as foresaid or not, any component part of any such lethal or prohibited weapon, and “ any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon [and includes an air gun, air rifle or air pistol;]

“firearm certificate” means a certificate granted under business, manufactures, sells, transfers, repairs, tests or proves firearms or ammunition to which Part I applies;

“imitation firearm” means anything which has the appearance of being a firearm [other than such a prohibited weapon as is mentioned in Section 19 (1) (b)] whether it is capable of discharging any shot, or bullet or missile or not;

“judicial officer” has the meaning assigned to that expression in the Criminal Procedure and Evidence Proclamation;

“land” includes land covered with water;

Order 26/1971 Inserted by Order 8/1970 section 2 (a)

“member of the police office” includes a person appointed to act as special constable under the provision of section 35 of the Police [Order 1971]

[“Minister means minister for the time being responsible for the administration of this Act]

“offence under this Act” means any act, omission or other thing which is punishable under this Act;

“prohibited ammunition” means any ammunition referred to in paragraph © of subsection (1) of section 19;

“prohibited weapon” means any firearm or weapon referred to in paragraph (a) or paragraph (b) of subsection 1 of section 19;

“public place” means any place to which at the material time the public are permitted to have access whether by payment or otherwise

“registered” in relation to the arms dealer means registered under Section (10);

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

“transferring” means letting or hire, giving, handing or parting with possession, and the expressions: “transfer” “transferee” and “transferor” shall be construed accordingly

(2) For the purpose of this Act, a firearm and an air weapon shall be deemed to be loaded if there is ammunition in the chamber or barrel of any magazine or other device which is in such a position that the ammunition can be fed into the chamber by the manual or automatic operation of some part of the firearm or air weapon

(3) For the purposes of this Act the length of the barrel of a firearm shall be measured from the muzzle to the point where the charge is exploded on firing

Deleted by Order 8/1970

(4)

.....

**Purchase and Possession of certain firearms and ammunition**

**Offence to purchase, possess firearms or ammunition without certificate**

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

(2) If any person-

- a) Purchases, acquires or has in his possession any firearm or ammunition to which Part of this Act applies without holding a firearm certificate in force at the time, or otherwise than is authorized by such a certificate, or in the case of ammunition, in quantities in excess of those so unauthorized; or
- b) Fails to comply with any condition subject to which a firearm certificate is held by him; he shall, subject to the provisions of this Act, for each offence be liable on conviction to the penalty prescribed in section 43.

4. (1) An application for the grant of a certificate under this section shall be made in the prescribed form to the Commissioner of Police and shall state such particulars as may be required by the said form.

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

Provided that a certificate shall not be granted to a person whom the Commissioner of Police has reason to believe to be prohibited by this Act from possessing a firearm to which this Part applies, or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm.

(3) a certificate granted under this section shall be in the prescribed form and shall specify the conditions (if any) subject to which it is held, the nature and the number of the firearms to which it relates, and as respects ammunition, the quantities authorized to be purchased and to the held at any time thereunder.

(4) a firearm certificate shall, unless previously revoked or cancelled, continue in force for one year from the date when it was granted or last renewed, but shall be renewed for a further period of one year by the senior officer of police for the area in which the holder resides, and so from time to time, and the foregoing provisions of this section shall apply to a senior officer of

police and to the renewal of a certificate as they apply to the Commissioner of Police and to the grant of a certificate.

(5) A firearm certificate may also, on the application of the holder thereof, be varied from time to time by the Commissioner of Police.

(6) A firearm certificate may be revoked by the Commissioner of Police if –

- a) The Commissioner is satisfied that the holder is prohibited by this Act from possessing a firearm to which this Part applies, or is of intemperate habits or unsound mind, or is otherwise unfitted to be entrusted with such a firearm; or
- b) The holder fails to comply with a notice under subsection (5) of this section requiring him to deliver up the certificate.

[(7) Any person aggrieved by a refusal to grant him a certificate under this section or to vary or renew a firearm certificate or by the revocation of a firearm certificate under paragraph (a) of the last foregoing subsection may within a period of thirty days as from the date upon which he was notified by the Commissioner of Police, appeal in writing to the Minister whose decision shall be final.]

(9) In any case where a firearm certificate is revoked by the Commissioner of Police he shall by notice in writing require the holder to surrender the certificate, and if the holder fails to do so within twenty-one days from the date of the notice, he shall be guilty of an offence and liable on conviction to the penalty in section 43 .....

5. Subject to the provisions of section 7 there shall be payable-

- a) On the grant and on every renewal of a firearm certificate to possess any rifle, combination rifle, revolver or automatic pistol a fee of five rands for each such firearm;
- b) On the grant and on every renewal of a firearm certificate to possess a shotgun a fee of three rands for each such firearm;
- c) On the grant of a certificate relating solely to a firearm which is shown to the satisfaction of the Commissioner of Police to be kept by the applicant as a trophy of war or as an antique curiosity or ornament a fee of two rands for each such firearm. The certificate shall not be subject to renewal;
- d) On the variation or replacement of any firearm certificate a fee of two rands which shall be in addition to any fee due under paragraphs (a), (b), (c) or (d) of this subsection.

6. (1) the following provisions of this section shall have effect notwithstanding anything in section 3.

(2) a person carrying on the business of a firearms dealer and registered as such, or a servant of such a person, may, without holding a firearm certificate (in this section referred to as a certificate) purchase, acquire or have in his possession a firearm or ammunition in the ordinary course of that business.

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

(4) any person may, without holding a certificate –

- a) Have in his possession a signaling apparatus or ammunition therefore on board an aircraft or at aerodrome as part of the equipment of the aircraft or aerodrome; and
- b) Remove a signaling apparatus or ammunition therefore, being part of the equipment of an aircraft from one aircraft to another at an aerodrome, or from or to an aircraft at an aerodrome to or from a place appointed for the storage thereof in safe custody at that aerodrome, and keep any such apparatus or ammunition at such a place; and
- c) If he has obtained from an officer of police a permit for the purpose in the prescribed form, remove a signaling apparatus from or to an aircraft or aerodrome, to or from such place and for such purpose as may be specified in the permit.

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

(6) a person who has obtained from the senior officer of the police for the area in which he resides a permit for the purpose in the prescribed form may, without holding a certificate have in his possession a firearm and ammunition in accordance with the terms of the permit, and a person who voluntarily complies with the provision of such a firearm and ammunition for the purpose of so complying, be held to contravene any provision of this Act.

7. Notwithstanding any rule of law where under the provisions of this Act do not bind the Crown, so much of the foregoing provisions of this Act, as relates to the purchase and acquisition, but not so much as relates to the possession of firearms and ammunition, to which this Part of this Act applies shall apply to persons in the service of the Crown, in their capacity as such, subject however to the following modifications:

- a) A person in the service of the Crown duly authorized in that behalf, may purchase or acquire such firearms and ammunition for the public service without holding a firearm certificate;
- b) A person in the naval, military or air service of the Crown shall if he satisfies the Commissioner of Police on an application under section 4, that he is required to purchase such a firearm or ammunition for his own use in his capacity as such, be entitled without payment of any fee to the grant of a firearm certificate authorizing the purchase or acquisition

8. (1) any member of the police force may demand from any person, whom he believes to be in possession of a firearm or ammunition, to which this Part applies, the production of his firearm certificate.

(2) if any person whereupon a demand is so made fails to produce the certificate, or to permit a member of the police force to read the certificate, or to show that he is entitled by virtue of this

Act to have a firearm or ammunition in his possession, without holding a firearm certificate, the member of the police may seize and detain the firearm or ammunition, until that person produces a firearm certificate entitling him to have a firearm or ammunition in his possession, or shows that he is entitled to have the firearms and ammunition in his possession, without holding a firearm certificate, and may require that person to declare to him immediately his name and address.

(3) if any person refuses to declare his name and address, or fails to give his true name or address, he shall be guilty of an offence, and is liable on conviction to the penalty prescribed in section 43, and the member of the police force may apprehend without warrant any person who refuses to declare his name and address, or whom he suspects of giving a false name and address, or of intending to abscond.

9. (1) Subject to the provisions of this section, no persona shall, by way of trade or business –

- a) Manufacture, sell, transfer, repair, test or prove or
- b) Expose for sale or transfer or have in his possession for sale, transfer, repair, test or proof; any firearm or ammunition to which this Part applies, unless he is registered as a firearms dealer; provided that it shall be lawful for an auctioneer to sell by auction, expose for sale by auction, and have in his possession for sale by auction any such firearm or ammunition without being registered as aforesaid, if he has obtained from the senior officer of the police for the area in which the action is held a permit for that purpose in the prescribed form and complies with the terms of the permit.

(2) if any person makes nay statement, which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a permit under this section, he shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.

10. (1) for the purpose of this Act, the Commissioner of Police shall keep in the prescribed form, a register of firearms dealers, and subject as hereinafter provided, shall enter therein the name of any person who, having or proposing to have a place of business in this area, applies to be registered as a firearms dealer and furnishes him with the prescribed particulars:

Provided that the Commissioner of Police may refuse to register an applicant, if he is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the public order

(2) on the registration of a person as a firearms dealer there shall be payable a fee of ten rands.

(3) if the Commissioner of Police, after giving reasonable notice to any person whose name is on the register, is satisfied after giving that person an opportunity to be heard, that the person –

- a) Is no longer carrying business as a firearms dealer; or
- b) Has ceased to have a business in the area: or
- c) Cannot be permitted to carry on business as a firearms

(4) it is hereby declared that section 10 (5) and section 12 (4) apply to the removal of a person's name from the register under subsection (3) of this section as they apply to any such removal under any other provision of this Act, and section 13 (4) of this Act shall apply to the removal of a place of business from the register under the said subsection (3) as it applies to such a removal under section 13 (3) of this Act.

(5) without prejudice to subsection (3) of this section, if any person fails to comply to any of the condition imposed on him under this section he shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.

11. (1) The Commissioner of Police shall grant or cause to be granted to any person who is registered under section 10 a certificate of registration.

(2) on or before the first day of March each year, every person for the time being registered as a firearms dealer shall –

- a) Surrender to the Commissioner of Police his certificate of registration; and
- b) Apply in the prescribed for a new certificate of registration; and
- c) Pay a fee of two rands. And thereupon that officer shall, subject to the provisions of subsection (3) of the last foregoing section, grant him a new certificate of registration.

(3) if any such person as aforesaid fails to comply with any or all or the requirements of the last a foregoing subsection on or before the first day of March in any year, the Commissioner of Police shall by notice in writing require him to complete therewith, and, if he fails to do so within twenty-one days from the date of the notice, he shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43:

Provided that, where an appeal is brought against the removal, this subsection shall not apply to that removal unless the appeal is abandoned or dismissed and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

12. (1) every person registered as a firearms dealer (whether before or after the commencement of this Act) who proposes to carry on business as such at any place of business which is not entered in the register, shall notify the Commissioner of Police and furnish with such particulars as may be prescribed, and the Commissioner of Police shall, subject as herein after provided, enter that place of business in the register.

(2) The Commissioner of Police, if he is satisfied that any place of business notified to him by any person under the last two foregoing subsections, or any place entered as the place of business of any person in the register of firearms dealers, is a place at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to public order, may refuse to enter that place of business in the register or remove it from the register, as the case may be.



[(3) Any person aggrieved by such refusal or removal, may within a period of thirty days as from the date he was notified by the Commissioner of Police, appeal in writing to the Minister whose decision shall be final.]

(4) If –

- a) Any person registered as a firearms dealer, has a place of business which is not entered on the register or carries on business as a firearms dealer at that place; or
- b) Any person makes any statement, which he knows to be false, for the purpose of procuring whether for himself or any other person the entry of a place of business in the register of firearms dealers: provided that this subsection shall not prevent –
- c) The delivery of a firearm or ammunition by carrier or a warehouseman, or the servant of a carrier or a warehouseman, or the servant of a carrier or a warehouseman, in the ordinary course of this business or employment as such.

13. (1) every person who sells, lets on hire, gives or lends a firearm or ammunition to which this Part applies to any other person in [Lesotho] other than a registered firearms dealer, shall unless that other person shows that he is by virtue of this Act entitled to firearm purchase or acquire the firearm or ammunition without holding a firearm certificate produced, and in the case of a firearm, shall, within forty eight hours from the transaction, send by registered cost, notice of the transaction to the Commissioner of Police.

(2) no person shall undertake the repair, test or proof of a firearm or ammunition to which this Part applies for any other person in [Lesotho] other than a registered firearms dealer as such, unless that other person produces or causes to be produced a firearm certificate authorizing him to have possession of the firearm or ammunition, or shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding such a certificate.

(4) If any person –

- a) Contravenes or fails to comply with any of the provisions of this section; or
- b) With a view to purchasing or acquiring, or procuring the repair, test or proof of, a firearm or ammunition to which this Part applies, produces a false firearm certificate or a firearm certificate in which any false entry has been made, or personates a person to whom a firearm certificate has been granted, or makes any false statement. He shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.

14. (1) Every person who by way of trade or business Transactions manufactures, sells or transfers firearms or ammunition to which firearms shall provide and keep a register of transactions, and shall enter or cause to be entered therein the particulars set forth in the Second Schedule.

(2) at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification, and shall immediately enter the said particulars.

(3) Every such person as foresaid shall on demand allow any member of the police force duly authorized in writing ail stock in hand, and shall or request –

- a) By any member of the police force duly authorized in writing in that behalf by a senior officer of police; or
- b) By an officer of customs and excise, produce for inspection the register so required to be kept as aforesaid: Provided that, in each case where a written authority is required by this subsection, the authority shall be produced on demand.

(4) if any person –

- a) Fails to comply with any of the provisions of this section; or
- b) Knowingly makes any false entry in the register required to be kept under this section; He shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.

(5) Nothing in this section shall apply to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under the proviso to subsection (1) of section 9.

(6) The Minister may, by rules made under this Act, vary or add to the Second Schedule and references in this Act to that Schedule shall be construed as references to the Schedule as for the time being so varied or added to.

#### **Power of court in case of offence by registered firearms dealer**

15. Where a registered firearms dealer is convicted of an offence under this Act or of an offence against the enactments relating to Customs in respect of the import or export of firearms or ammunition to which this Part applies, the court may order –

- a) That the name of the registered firearms dealer be removed from the register; and
- b) That neither the dealer nor any person who took part in the management of the business and was knowingly a party to the offence, shall be registered as a firearms dealer; and
- c) That any person who, after the date of the order, was knowingly a party to the offence, shall not be registered as a firearm dealer or, if so registered, shall be liable to be removed from the register; and
- d) That any stock in hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order; Provided that a person aggrieved by an order made under this section may appeal against the order in the same manner as against the conviction, and the court may, if the court thinks fit, suspend the operation of the order pending the appeal.

#### **Savings and application**

16. (1) Nothing in this Part shall relieve any person using or carrying a firearm from the obligation to take out a license to kill game under the law with respect to such a license.

(2) The provisions of this Part shall be in addition to and not in derogation of any provisions of this or any other law, which prohibit or restrict the sale or transfer of firearms and ammunition.

17. Repealed by Order 52/1970 section 4

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**PART II – GENERAL PROVISIONS AS TO FIREARMS AND AMMUNITION**

18. (1) Subject to the provisions of subsection 3 it shall not be lawful for any person other than a person in on the service of the crown and duly authorize in that behalf to manufacture, sell, transfer, purchase, acquire or have in possession –

- a) Any firearm which is so designed or adapted that if so 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; or
- b) Any ammunition containing or designed or adapted to contain any such noxious thing.

(2) If any person contravenes the provisions of the last foregoing subsection, he shall be guilty of an offence and be liable on conviction to the penalty prescribed in subsection 43.

(3) Notwithstanding anything in subsection (1) a firearm certificate may in pursuance of other provisions of this Act, be granted, made subject to conditions, varied or revoked, in respect of a prohibited weapon specified in paragraph (b) of subsection (1), and in respect of prohibited ammunition specified in paragraph (c) of subsection (1), and the provisions of subsection (2) shall not apply in any case in which a firearm certificate has been granted and has not been revoked.

19. (1) The Minister may by order prohibit the removal of firearms or ammunition –

- a) From one place to another [in Lesotho]; or
- b) For export from [Lesotho]; or unless the removal is authorized by the Commissioner of Police and unless other conditions as may be specified in the order are complied with.

(2) Any such order may apply –

- a) Either generally to all such removals or to removals from and to any particulars localities specified in the order: and
- b) Either to all firearms and ammunition or to firearms and ammunition of such classes and descriptions as may be so specified; and
- c) To all modes of conveyance or to such modes of conveyance as may be so specified: Provided that no such order may prohibit the holder of a firearm certificate from carrying with him any firearm or ammunition authorized by the certificate to be so carried.

(3) Any member of the police force may search for and seize any firearms or ammunition, which he suspects on reasonable grounds are being removed or to have been removed in contravention of any order made under this section and any person having control or custody of any firearms in course of transit, shall on demand by a member of the police allow him all reasonable facilities for the examination and inspection thereof, and shall produce to him all documents in his possession relating thereto.

(4) if any person –

- a) Fails to comply to any of the provisions of this section; he shall be guilty of an offence in respect of each firearm or parcel of ammunition and liable on conviction to the penalty prescribed in section 43; and if the offender is the owner of the firearms and ammunition, the court before whom he is convicted may make such an order as to the forfeiture of the firearms and ammunitions as the court thinks fit.

(5) an order made under this section may be varied or revoked by a subsequent order made by the Minister.

#### **Restriction on purchase and possession of firearm by young**

20. (1) No person under the age of eighteen years shall purchase or hire any firearm, and no person shall let his sell or let on hire any firearm or ammunition to any other person whom he knows or has reasonable grounds for believing he is under the age of eighteen years.

(2) No person under the age of eighteen years shall accept as a gift or borrow any firearms or ammunition to which Part I apply, and no person shall give or lend any such firearm or ammunition to any other person whom he knows or has reasonable grounds for believing he is under the age of eighteen years.

(3) If any person contravenes any provision of this section he shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.

#### **Prohibition of sale etc. of firearm to drunk or insane person**

21. (1) No person shall sell or transfer any firearm or ammunition to, or repair, prove or test any firearm or ammunition for, any other person whom he knows or has reasonable grounds for believing he is drunk or of unsound mind.

(2) if any person contravenes any provision of this section he shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.

#### **Person convicted of crime not to purchase or possess firearms**

22. (1) Subject to the provision of this section, a person who has been sentenced to imprisonment for a term of six months or upwards for any crime which involves violence, shall

not at any time during a period of five from the date of his release have a firearm or ammunition in his possession.

(2) Subject to the provisions of this section, a person firearm, shall not, at any time during which he is so subject have a firearm or ammunition in his possession.

[(3) A person prohibited under the foregoing provisions of this section from having in his possession a firearm or ammunition may apply to the Minister for a removal of the prohibition]

(4) No person shall sell or transfer a firearm or ammunition to, or repair, test or prove a firearm or ammunition for, any person whom he knows, or has reasonable ground for believing, to be prohibited by this section from having a firearm or ammunition in his possession,

(5) If any person contravenes any provision of this section, he shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43,

23. (1) if a person makes or attempts to make any use whatsoever of a firearm or imitation firearm with intent to resist or prevent the lawful apprehension or detention of himself or any other person, he shall be guilty of an offence and liable on firearms a person commits an offence under this subsection in respect of the lawful apprehension or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by section 43 for an offence under this subsection in addition to any penalty to which he may be sentenced for that other offence.

(2) If a person, at the time of his committing, or at the time of his apprehension for, any offence specified in the Third Schedule, has in his possession a firearm of imitation firearm, he shall, unless he shows that he had it in his possession for a lawful object, be guilty of an offence and liable on conviction to the penalty prescribed in section 43, in addition to any penalty to which he may be sentenced for the first-mentioned offence.

(3) if on the trial of any person for an offence under subsection (1) of this section the court is not satisfied that person is guilty of that offence but is satisfied be punished accordingly.

(4) In this section –

(a) The expression “firearm” means any lethal 2barreled weapon of any description from which an shot, bullet or other missile can be discharged, and includes any prohibited weapon, whether it is such a lethal weapon as aforesaid or not: and

(b) The expression “Imitation firearm” means anything which has the appearance of being a firearm within the meaning of this section (other than such a prohibited weapon as is mentioned in paragraph (b) of subsection (1) of section 19 of this Act), whether it is capable of discharging any shot, bullet or other missile or not.

24. (1) Whoever uses or attempts to use any firearm or firearms or ammunition with intent unlawfully to endanger human life or cause injury to any person or property shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.

(2) in subsection (1) the word “use” with its grammatical variations means –

- a) in relation to a firearm, to cause a shot, bullet or other missile to be discharged or noxious fluid, smoke or fumes to be emitted;
- b) in relation to a grenade, bomb or like missile whether capable of use with a firearm or not, to propel or throw the same or to cause the same to explode or ignite.

25. If a person has in his possession a firearm or ammunition with intent by means thereof unlawfully to endanger human life, or cause injury to any person or property, or to enable any other person by means thereof unlawfully to endanger human life or cause injury to any person or property he shall, whether death or any injury to person or property has been caused or not, be guilty of an offence and liable on conviction to the penalty prescribed in section 43.

26. (1) Any person who has with him a firearm or imitation firearm with intent to commit an offence, or to resist arrest or to prevent the arrest of another, in either case while he has the firearm or imitation firearm with him, shall be guilty of an offence.

27. (1) Whoever manufactures or assists in the manufacture of any firearm or ammunition with intent unlawfully to endanger human life or cause injury to any person or property shall be guilty of an offence and liable on conviction to the penalty to endanger prescribed in section 43..

(2) if in any prosecution for an offence against subsection (1), a person is proved to have manufactured or assisted in the manufacture of any firearm or ammunition, the burden of proving that he had no intent unlawfully to endanger human life or cause injury to any person or property shall be on the person so prosecuted.

28. Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in a public place any loaded air weapon or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.

29. Any person who, while he has a firearm with him, enters trespassing or is in any building or part of a building as a trespasser and without reasonable excuse, the proof whereof shall lie on him, shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.

30. Any person who, while he has a firearm on him, enters or is on any land as a trespasser and without reasonable excuse, the proof whereof shall lie on him, shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.

31. Whoever consorts with or is found in the company of any person who is carrying a firearm or ammunition in contravention of this Act, in circumstance which raise a reasonable presumption that he intends or is about to act, or has recently acted with such a person in manner prejudicial to public safety or public order shall be guilty of an offence and liable on conviction to the penalty prescribed in section 4.

32. (1) No person shall shorten the barrel of a smooth bore gun to less than a length of twenty-four inches;

(2) No person other than the registered firearms dealer shall convert into a firearm anything, which through having the appearance of being firearm, is so constructed as to be incapable of discharging any missile through the barrel thereof.

(3) if any person commits an offence under section 3 by purchasing, acquiring or having in his possession a smooth bore gun which has been shortened or a firearm which has been converted, as a foresaid, without holding a firearm certificate authorizing him to purchase, acquire or possess it, he shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.

### **PART III - SUPPLEMENTARY PROVISIONS AS TO FIREARMS AND AMMUNITION**

33. (1) If it is necessary in a practical sense in a democratic society in particular circumstances causing danger or harm to public safety, public order, or fundamental human rights and freedoms, to prevent that danger or harm and if the provisions of the other parts of this Act, are not and will not be, sufficient for that purpose, the Minister may make an order applying this Part, which shall thereupon apply and have effect in addition to those other Parts for so long as the order remains in force.

(2) An order made under this section shall be published in the Gazette and shall be for a period not exceeding three months.

(3) During a period when an order is in force, under this section no officer authorised under the provisions of the Act to give permission to any person to purchase or receive any firearm shall do so if the result of the proposed transaction would be that such person would become possessed of more than one firearm:

Provided that the Minister or nay officer appointed by him for the purpose, may by order hand, of which notice shall be published in the Gazette authorize all persons to possess without limit as to number any class of firearm specified in the order:

Provided further that the Minister may grant special authority to any person to possess or carry the firearms described in that authority, which need not be published in the Gazette.

(4) Whoever during a period when an order is in force under this section-

(a) is in possession of more than one firearm; or

(b) becomes possessed of more than one firearm; shall unless such possession is authorised under the provisions up every such firearm except one at the nearest police station to the member of the police force in charge who shall give a receipt therefore.

Provided that a person shall not be deemed to be in possession of more than one firearm by reason that he is possession of component parts of a firearm if all such component parts when assembled form only one firearm.

(5) Whoever fails to comply with the provision of subsection (4) shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.

34. (1) During a period when an order is in force under the preceding section, the Minister may at any time, by order under his hand, direct every person in every area specified in such order to deposit "all firearms or ammunition in his possession or under his control in a place specified in such order in such manner as he thinks fit.

(2) Any such order may be revoked or cancelled by the Minister and a new order made

(3) A receipt shall be given for all firearms and ammunition so deposited.

(4) A person who, whether or not she/he holds a firearm certificate, fails to deposit any firearm or ammunition, in accordance with the directions contained in such order, shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.

(5) Firearms and ammunition deposited under this and the preceding section shall be kept in safe custody in a manner to be approved by the Commissioner of Police and shall on the revocation or cancellation of such order or on such earlier date as the Minister may prescribe be returned to the holder of the receipt therefore surrender of such receipt.

(6) The Minister shall cause prompt compensation to be made in respect of pecuniary loss proved by a person by whom a firearm or ammunition has been delivered up or deposited under this Part to have been sustained as a result of that deposit. If any question arises as to the right of a claimant to recover compensation, or as to the amount of compensation recoverable, that question shall in default of agreement be referred to and determined by an arbitrator to be appointed by the Chief Justice. The provisions of the Fourth Schedule shall apply to arbitration under this subsection.

any demand and person whom he has reasonable cause to suspect of having a with or without ammunition, with him in a public place, or to be committing or about to commit an offence under sections 27,29,30 and 31 of this Act elsewhere than in a public place, to hand over the firearm and any ammunition for examination by that member and any person "having a firearm or ammunition with him who fails to hand over the firearm or ammunition when required to do so under this subsection shall be liable on conviction to the penalty prescribed in section 43.

(2) If a member of the police force has reasonable cause to suspect any person of having a firearm with him in a public place or to be committing or about to commit an offence under sections 19, 23, 27, 23, 30, 31 and 33 of this Act elsewhere than in a public place, that member may search that person and may detain him for the purpose of searching him.

(3) If a member of the police force has reasonable cause to suspect that there is a firearm in a vehicle in a public place, or that a vehicle is being or is about to be used in connection with the commission of an offence under section 27, 29, 30 and 31 of this Act elsewhere than in a public place, he may search the vehicle and for that purpose require the person driving or in control of it stop it.

(4) A member of the police force may arrest without warrant any person whom he has reasonable cause to suspect to be committing: an offence under sections 27, 29, 30 and 31 of this Act.



(5) For the purpose of exercising the powers conferred by the foregoing provisions of this section a member of the police force may enter any place.

(6) A member of the police force may seize and detain any firearm or ammunition, which may be the subject of an order for forfeiture under section 39 of this Act.

(7) Subsection (S) of this section shall not be construed as prejudicing any power of entry exercisable by a member of the police force apart from the provisions of that subsection and sub-section (6) of this section shall not be construed as prejudicing the power of a member of the police force when arresting a person for an offence, to seize property found in his possession or any other power exercisable by a member of the police force apart from that subsection of seizing firearms, ammunition or other property.

36. (1) Where any person -

(a) is convicted of an offence under this Act or is convicted good behavior a condition of which is that the offender shall not possess, use or carry a firearm;

The court before whom he is convicted or by whom the order is made may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court may think fit, and may cancel any firearm certificate held by the person convicted.

(2) Where the court cancels a firearm certificate under this section -

(a) the court shall cause notice to be sent to the Commissioner of Police; and

(b) the Commissioner of Police shall by notice in writing require the holder of the certificate to surrender it; and

(c) if the holder fails to surrender the certificate within twenty-one days from the date of the last-mentioned notice, he shall be guilty of an offence and liable on conviction to the penalty prescribed in section 43.

A required or authorised by this Act to be given to any person may be sent by registered post in a letter addressed to him at his last or usual place of abode, or, in the case of a registered firearms dealer, at any place of business in respect of which he is registered, or may be delivered to the said person personally or to his duly authorised agent.

The Minister may make rules -

(a) prescribing the form of firearm certificates, and the register required to be kept under section 15 of this Act, and other documents;

(b) prescribing any other thing which under this Act is to be prescribed;

(c) regulating the manner in which members of the police force are to carry out their duties under this Act;

(d) enabling all or any of the functions of the Commissioner of Police or a senior office of police to be discharged by deputy in the event of the illness or absence, or a vacancy in the office, of the Commissioner of Police or a senior officer of police:

(e) generally for carrying this Act into effect.

36. (1) Nothing in this Act shall affect any permission given or thing done under the Arms and Ammunition Proclamation as amended by any subsequent enactment, and every such permission shall, if in force at the commencement of this Act continue in force and, so far as it .

(2) Any register kept in relation to the Arms and Ammunition Proclamation, shall be deemed to have been kept under the corresponding provision of this Act.

(3) Any document referring to the Arms and Ammunition Proclamation shall be construed as referring to the corresponding enactment of this Act.

(4) The provisions of this Act relating to ammunition shall be in addition to and not in derogation of any enactment relating to the keeping and sale of explosives.

(5) Nothing in this section shall be taken to prejudice the provisions of section 13 of the General Interpretation Proclamation.

37. - (1) Any person who is guilty of an offence under Penalties sections 3 (2), 4(10), 6(7), 9(2), 10(6),11(6), 13(5), 14(4), 15(4), 19, 21(3), 23(5), 29,30,33(3), 33(4), 34(5), 35(4), 38(2), 38(3) and 38(4) shall upon Conviction be- liable to a fine not exceeding four hundred rands or imprisonment not exceeding one year, or to both such fine and imprisonment.

(2) Any person who is guilty of an offence under sections 31, 32 and 36(1) shall upon conviction be liable to a fine not exceeding two hundred rands or imprisonment not exceeding six months, or to both such fine and imprisonment.

(3) Any person who is guilty of an offence under sections 4(9), 8(3), 12(4), 20,22 and 39 shall upon conviction be liable to a fine not exceeding fifty rands or imprisonment not exceeding three months, or to both such fine and imprisonment.

(4) A person who is guilty of an offence under sections 24(2), 25(1), 26, 27(i) and 28(1) shall upon conviction be liable to imprisonment for a period not exceeding five years.

(5) A person who is guilty of an offence under sections 24 (1), and 27(1) shall upon conviction be liable to imprisonment for a period not exceeding ten years.

(6) The provisions of section 2 of the Revision of Penalties Proclamation shall not apply in relation to imprisonment without providing for the imposition of a fine, in pursuance of the provisions of subsections (4) and (5) of this section, and shall not apply in relation to a sentence of both fine and imprisonment in pursuance of the provisions of subsections (1), (2) and (3) of this section.

38. (1) The Arms and Ammunition Proclamation is hereby repealed.

