

Firearms Act

Principal Act

Act. No. 1958-10 *Commencement* 8.8.1958
Assent 31.7.1958

Amending enactments	Relevant current provisions	Commencement date
Act. 1961-23	s. 24(4)	
1963-06	ss. 2, 27-28	
1966-05	ss. 5(4), 6(7), 17, 25(4)	
1969-10	ss. 2, 20	
1971-19	Sch.3	
1972-05	ss. 3(2), 20(4), 21(2), 22(5)	
1972-15	Sch.3	
1981-12	ss. 5(1), 10(2), 11(2)	
1987-19	ss. 5(1), 10(2)	16.7.1987
1990-27	ss. 3(2)(b), 4(9)-(10), 5(1)(a)-(c), 6(4)(a), (12), 8(3), 9(2), 10(2), (6), 11(2)(c), (4), 12(5), 13(4), 14(4), 16(2), 18(2), (6), 19(4), 20(4), 21(2), 22(5), 25(3), (4)(a), 28(1), 29(2)(c), 31(3)	14.6.1990
2010-03*	ss. 5(2), 6(6), 14(6), 18(1), (3), (5)-(6), (7)(a), 19(1), (5), 31(1)-(3), 35	18.3.2010

English source:

Firearms Act 1937 (1Edw.8 & 1 Geo. 6 c.12)

* Transitional provisions as follows:

For the purposes of the Firearms Act—

- (a) *any authority or approval granted or regulation or order made by the Governor under that Act; or*
- (b) *permission granted by the Deputy Governor under that Act,*

prior to the coming into operation of this Act and which is in operation on the coming into force of this Act shall be deemed to have been duly made or granted by the Minister with responsibility for justice

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AN ACT TO CONSOLIDATE THE LAW RELATING TO THE PURCHASE, POSSESSION, MANUFACTURE AND SALE OF FIREARMS AND AMMUNITION AND OTHER TRANSACTIONS.

PART I.
PRELIMINARY.

Short title.

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

Interpretation.

2. In this Act, unless the context otherwise requires—

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

“aerodrome” means the aerodrome at North Front, Gibraltar;

“air weapon” includes an air gun, air rifle or air pistol;

“ammunition” means ammunition for any firearm and includes grenades, bombs and other missiles whether capable of use with a firearm or not and prohibited ammunition;

“certificate” (except when used in the expression “certificate of registration”) means a firearms certificate granted under section 4;

“firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes any air weapon and prohibited weapon, whether it is such a lethal air weapon 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;

“firearm certificate” means a certificate granted under section 4;

“firearms dealer” means a person who, by way of trade or business, manufactures, sells, transfers, repairs, tests or proves firearms, or ammunition to which Part II applies;

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

“premises” includes any land;

“prohibited ammunition” means any ammunition referred to in paragraph (c) of section 18(1);

“prohibited weapon” means any firearm or weapon referred to in paragraph (a) or paragraph (b) of section 18(1);

“public place” includes any highway and any other premises to which at the material time the public have or are permitted to have access, whether on payment or otherwise;

“registered”, in relation to a firearms dealer, means registered in accordance with the provisions of this Act;

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

PART II.

REGULATION OF PURCHASE, POSSESSION, MANUFACTURE AND SALE OF CERTAIN FIREARMS AND AMMUNITION AND OTHER TRANSACTIONS.

Purchase and Possession of Certain Firearms and Ammunition.

Penalty for purchasing or possessing 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 applies unless he holds a certificate in force at the time.

(2) A person who—

(a) purchases, acquires or has in his possession any firearm or ammunition to which this Part applies without holding a certificate in force at the time, or otherwise than as authorized by such a certificate, or, in the case of ammunition, in quantities in excess of those so authorized; or

(b) fails to comply with any condition subject to which a certificate is held by him,

is, subject to the provisions of this Act, guilty of an offence and is liable, on summary conviction, to imprisonment for three months and to a fine of £1000 .

Grant, renewal, variation, and revocation of certificates.

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 that form.

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

Provided that a 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 suffering from mental disorder, 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 number of the firearms to which it relates, and as respects ammunition, the quantities authorized to be purchased and to be held at any one time thereunder.

(4) A certificate shall, unless previously revoked or cancelled, continue in force for three years from the date when it was granted or last renewed, but shall be renewable for a further period of three years by the Commissioner of Police, and so from time to time, and the foregoing provisions of this section shall apply to the renewal of a certificate as they apply to the grant of a certificate.

(5) The Commissioner of Police may at any time by notice in writing vary the conditions subject to which the certificate is held, except such of them as may be prescribed, and may by the notice require the holder to deliver up the certificate to him within twenty-one days from the date of the notice for the purpose of amending the conditions specified therein.

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

(7) A certificate may be revoked by the Commissioner of Police if—

- (a) the Commissioner of Police 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 is suffering from mental disorder, or is otherwise unfitted to be entrusted with such a firearm; or
- (b) the holder fails to comply with a notice under subsection (5) requiring him to deliver up the certificate.

(8) A person aggrieved by a refusal of the Commissioner of Police to grant him a certificate under this section or to vary or renew a certificate, or by the revocation of a certificate under paragraph (a) of subsection (7) may appeal, in accordance with so much of the provisions of Schedule 1 as relates to appeals, to the magistrates' court.

(9) In any case where a 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 is guilty of an offence and is liable, on summary conviction, to a fine of £100 :

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

(10) A person who makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a certificate under this section, or the variation, or renewal of a certificate, is guilty of an offence and is liable, on summary conviction, to imprisonment for three months and to a fine of £1000.

Fees in respect of certificates.

5.(1) Subject to the provisions of this section and of section 7, there shall be payable—

- (a) on the grant of a certificate a fee of £20; and
- (b) on the renewal of a certificate, or on the replacement of a certificate which has been lost or destroyed, a fee of £15; and
- (c) on any variation of a certificate which increases the number of firearms to which the certificate relates a fee of £10:

Provided that, where a certificate is varied and renewed or replaced at the same time, no fee shall be payable on the variation.

(2) No fee shall be payable on the grant, to any responsible officer of a rifle club, miniature rifle club or cadet corps approved for the purpose by the Minister with responsibility for justice, of a certificate in respect of firearms or ammunition to be used solely for target practice or drill by the members of the club or corps, or on the variation or renewal of a certificate so granted.

(3) No fee shall be payable on the grant, variation or renewal of a certificate if the Commissioner of Police is satisfied that the certificate relates solely to and, in the case of a variation, will continue when varied to relate solely to—

- (a) a firearm or ammunition which the applicant requires as part of the equipment of a ship; or
 - (b) a signalling apparatus, or ammunition therefor, which the applicant requires as part of the equipment of an aircraft or of the aerodrome.
- (4) No fee shall be payable—
- (a) on the grant or renewal 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 a war; or
 - (b) on any variation of a certificate the sole effect of which is to add such a firearm as aforesaid to the firearms to which the certificate relates,

if the certificate is granted, renewed or varied subject to the condition that the applicant shall not use the firearm.

Exemptions from holding a certificate.

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 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 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 firearm or ammunition on board a ship, or a signalling apparatus or ammunition therefor on board an aircraft or at the aerodrome, as part of the equipment reasonably necessary for the protection of the ship, aircraft or aerodrome; and
 - (b) remove a signalling apparatus or ammunition therefor, being part of the equipment of an aircraft, from one aircraft to another at the aerodrome, or from or to an aircraft at the aerodrome to or from a place appointed for the storage thereof in safe custody at the aerodrome, and keep any such apparatus or ammunition at such a place; and
 - (c) if he has obtained from a police officer a permit for the purpose in the prescribed form, remove a firearm from or to a ship, or a signalling apparatus from or to an

aircraft or the aerodrome, to or from such place and for such purpose as may be specified in the permit.

(5) A person carrying a firearm or ammunition belonging to another person holding a certificate may, without himself holding a certificate, have in his possession that firearm or ammunition under instructions from and for the use of that other person for sporting purposes only.

(6) A member of a rifle club or miniature rifle club or cadet corps approved by the Minister with responsibility for justice may, without holding a certificate, have in his possession a firearm and ammunition when engaged as such a member in, or in connection with, drill or target practice.

(7) A person conducting or carrying on a miniature rifle range, (whether for a rifle club or otherwise) or shooting gallery at which no firearms are used other than air weapons or miniature rifles not exceeding .23 calibre may, without holding a certificate, purchase, acquire, or have in his possession such air weapons or miniature rifles and ammunition suitable therefor; and any person may without holding a certificate, use any such air weapons, rifles and ammunition at such a range or gallery.

(8) A person taking part in a theatrical performance or any rehearsal thereof, or in the production of a cinematograph film, may, without holding a certificate, have a firearm in his possession during and for the purpose of the performance, rehearsal or production.

(9) 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.

(10) A person who has obtained from the Commissioner of Police 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.

(11) A person who is about to leave Gibraltar may, without holding a certificate, purchase a firearm from a registered dealer but, unless otherwise thereunto authorized under the provisions of this Act, may not take delivery of the firearm except at the revenue station at the point of his departure from Gibraltar and may not have the firearm in his actual possession save only for the purpose of removing the firearm from such revenue station out of Gibraltar.

(12) A person who makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a permit under this section, is guilty of an offence and is liable, on summary conviction, to imprisonment for three months and to a fine of £500.

Application of foregoing provisions to Crown servants.

7. Notwithstanding any rule of law whereunder 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 thereof as relates to the possession of firearms and ammunition to which this Part applies shall apply to persons in the service of Her Majesty in their capacity as such, subject however, to the following modifications—

- (a) a person in the service of Her Majesty duly authorized in writing in that behalf may purchase or acquire such firearms and ammunition for the public service without holding a certificate;
- (b) a person in the naval, military or air service of Her Majesty shall, if he satisfies the Commissioner of Police on an application under section 4 that he is required to purchase or acquire 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 certificate authorizing the purchase or acquisition.

Production of certificates.

8.(1) Any police officer 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 certificate.

(2) If any person upon whom a demand is so made fails to produce the certificate, or to permit the police officer to read the certificate, or to show that he is entitled by virtue of this Act to have the firearm or ammunition in his possession without holding a certificate, the police officer may seize and detain the firearm or ammunition, and may require that person to declare to him immediately his name and address.

(3) A person who refuses so to declare his name and address or fails to give his true name and address, is guilty of an offence and is liable, on summary conviction, to a fine of £1,000, and the police officer may apprehend without warrant any person who refuses so to declare his name or address, or whom he suspects of giving a false name or address, or of intending to abscond.

*Manufacture and Sale of Certain Firearms and
Ammunition and other Transactions.*

Penalty for manufacturing or dealing in firearms or ammunition without being registered.

9.(1) Subject to the provisions of this section, no person 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, if he has obtained from the Commissioner of Police a permit for that purpose in the prescribed form and complies with the terms of the permit.

(2) A person who contravenes the provisions of this section, or makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a permit under this section, is guilty of an offence and is liable, on summary conviction, to imprisonment for three months and to a fine of £1000.

Registration of firearms dealers.

10. (1) For the purposes 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 Gibraltar, applies to be registered as a firearms dealer and furnishes him with the prescribed particulars:

Provided that—

- (a) the Commissioner of Police shall not register an applicant who is prohibited to be registered by order of a court; and
 - (b) 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 peace.
- (2) On the registration of an applicant as a firearms dealer there shall be payable a fee of £50 .
- (3) If the Commissioner of Police, after giving reasonable notice to any person whose name is on the register, is satisfied that that person—
- (a) is no longer carrying on business as a firearms dealer; or
 - (b) cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace,

he shall cause the name of that person to be removed from the register.

(4) The Commissioner of Police shall also cause the name of any person to be removed from the register if that person so desires.

(5) Any person aggrieved by a refusal of the Commissioner of Police to register him as a firearms dealer or by the removal of his name from the register by the Commissioner of Police, may appeal in accordance with so much of the provisions of Schedule 1 as relates to appeals, to the magistrates' court.

(6) A person who, for the purpose of procuring the registration of himself or any other person as a firearms dealer, makes any statement, which he knows to be false, is guilty of an offence and is liable, on summary conviction, to imprisonment for three months and to a fine of £1000.

Certificates of registration.

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 June in 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 form for a new certificate of registration; and
- (c) pay a fee of £50,

and thereupon the Commissioner of Police, shall, subject to the provisions of section 10(3), grant him a new certificate of registration.

(3) If any such person fails to comply with all or any of the requirements of subsection (2) on or before the first day of June in any year, the Commissioner of Police shall by notice in writing require him to comply therewith, and, if he fails to do so within twenty-one days from the date of the notice, or within such further time as the Commissioner of Police may in special circumstances allow, shall cause his name to be removed from the register.

(4) In any case where the Commissioner of Police causes the name of any firearms dealer to be removed from the register, he shall by notice in writing require the dealer to surrender his certificate of registration, and if the dealer fails to do so within twenty-one days from the date of the notice he is guilty of an offence and is liable, on summary conviction, to a fine of £500:

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 on which the appeal was abandoned or dismissed.

Registration of places of business of firearms dealers.

12. (1) The prescribed particulars which a person applying to be registered as a firearms dealer under section 10 is required to furnish shall include particulars of every place of business at which he proposes to carry on business as a firearms dealer, and the Commissioner of Police shall, subject as hereinafter provided, enter in the register every such place of business.

(2) Every person registered as a firearms dealer who proposes to carry on business as such at any place of business which is not entered in the register, shall notify the Commissioner of Police and furnish him with such particulars as may be prescribed, and the Commissioner shall, subject as hereinafter provided, enter that place of business in the register.

(3) The Commissioner of Police, if he is satisfied that any place of business notified to him by any person under either subsection (1) or (2), or any place entered as the place of business of any person in the register of firearms dealers, is a place at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, may refuse to enter that place of business in the register or remove it from the register, as the case may be.

(4) A person aggrieved by any such refusal or removal may appeal in accordance with so much of the provisions of Schedule 1 as relates to appeals, to the magistrates' court.

(5) A person who—

- (a) being a registered firearms dealer, has a place of business which is not entered on the register and carries on business as a firearms dealer at that place; or
- (b) makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the entry of any place of business in a register of firearms dealers,

is guilty of an offence and is liable, on summary conviction, to imprisonment for three months and to a fine of £100 .

Restrictions on sale, repair, etc., of firearms and ammunition.

13. (1) No person shall sell or transfer to any other person in Gibraltar, other than a registered firearms dealer, any firearm or ammunition to which this Part applies, unless that other person produces a certificate authorizing him to purchase or acquire it or shows that he is by virtue of this Act entitled to purchase or acquire it without holding such a certificate:

Provided that this subsection shall not prevent—

- (a) a person parting with the possession of a firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a person who

shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding such a certificate; or

- (b) the delivery of a firearm or ammunition by a carrier or warehouseman, or a servant of a carrier or warehouseman, in the ordinary course of his business or employment as such.

(2) Every person who sells, lets on hire, gives or lends a firearm or ammunition to which this Part applies to any other person in Gibraltar, other than a registered firearms dealer, shall, unless that other person shows that he is by virtue of this Act entitled to purchase or acquire the firearm or ammunition without holding a certificate, comply with any instructions contained in the certificate produced, and in the case of a firearm shall, within forty-eight hours from the transaction, send by registered post notice of the transaction to the Commissioner of Police.

(3) No person shall undertake the repair, test or proof of a firearm or ammunition to which this Part applies for any other person in Gibraltar, other than a registered firearms dealer as such, unless that other person produces or causes to be produced a 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) A person who—

- (a) contravenes any of the provisions of this section; or
- (b) with a view to purchasing or acquiring, or procuring the repair, test or proof of, a firearm or ammunition to which this Part applies, produces a false certificate or a certificate in which any false entry has been made, or personates a person to whom a certificate has been granted, or makes any false statement,

is guilty of an offence and is liable, on summary conviction, to imprisonment for three months and to a fine of £1000.

Register of transactions in firearms.

14. (1) Every person who by way of trade or business manufactures, sells or transfers firearms or ammunition to which this Part applies shall provide and keep a register of transactions, and shall enter or cause to be entered therein the particulars set forth in Schedule 2.

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

(3) Every such person shall on demand allow any police officer, duly authorized in writing in that behalf by the Commissioner of Police, to enter and inspect all stock in hand, and shall on request by any police officer so duly authorized in writing in that behalf by the Commissioner of Police produce for inspection the register so required to be kept:

Provided that, in each case where a written authority is required by this subsection, the authority shall be produced on demand.

(4) A person who—

- (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,

is guilty of an offence and is liable, on summary conviction, to imprisonment for three months and to a fine of £1000.

(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 section 9(1).

(6) The Minister with responsibility for justice may, by regulations made under this Act, vary or add to Schedule 2 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.

Powers of court in case of offences by registered firearms dealers.

15. Where a registered firearms dealer is convicted of an offence under this Act 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 acquires the business of that dealer, nor any person who took part in the management of the business and was knowingly a party to the offence, shall be registered as a firearms dealer; and
- (c) that any person who, after the date of the order, knowingly employs in the management of his business the dealer convicted of the offence, or any person who was knowingly a party to that offence, shall not be registered as a firearms dealer or, if so registered, shall be liable to be removed from the register; and
- (d) that any stock in hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order:

Provided that a person aggrieved by an order made under this section may appeal against the order in the same manner as against the conviction, and the court may, if it thinks fit, suspend the operation of the order pending the appeal.

Penalty for taking in pawn firearms or ammunition.

16. (1) No pawnbroker shall take in pawn from any person any firearm or ammunition to which this Part applies.

(2) A pawnbroker who contravenes the provisions of this section is guilty of an offence and liable, on summary conviction, to imprisonment for three months and to a fine of £500.

*Application***Firearms and ammunition to which Part II applies.**

17. (1) This Part applies to all firearms as defined in section 2, except spear guns specially designed or adapted for underwater fishing.

(2) This Part applies to all ammunition as defined in section 2, except blank cartridges not exceeding one inch in diameter.

(3) For the purpose of this section the diameter of a cartridge shall be measured immediately in front of the rim or cannelure of the base of the cartridge.

PART III.**MISCELLANEOUS PROVISIONS AS TO
FIREARMS AND AMMUNITION.****Prohibited weapons and ammunition.**

18. (1) It shall not be lawful for any person without the authority of the Minister with responsibility for justice to manufacture, sell, transfer, purchase, acquire or have in his possession—

- (a) any firearm which is 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; or
- (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; or
- (c) any ammunition containing, or designed or adapted to contain, any such noxious thing.

(2) A person who contravenes the provisions of subsection (1) is guilty of an offence and is liable, on conviction on indictment, to imprisonment for two years, or, on summary conviction, to imprisonment for three months and to a fine of £1000 .

(3) Where the Minister with responsibility for justice is satisfied, on the application of a person in charge of a theatrical performance, that such a firearm as is mentioned in paragraph (a) of subsection (1) is required for the purpose of the performance, he may, if he thinks fit, not only authorize that person to have possession of the firearm but also authorize such other persons as he may select to have possession thereof while taking part in the performance.

In this subsection the expression “theatrical performance” includes a rehearsal of such a performance and the production of a cinematograph film.

(4) Any authority given to any person under this section shall be given in writing and shall be subject to such conditions as may be specified therein, and a person who fails to comply with any such condition is guilty of an offence and is liable, on summary conviction, to imprisonment for three months and to a fine of £20.

(5) The conditions specified in such an authority shall include such conditions as the Minister with responsibility for justice having regard to the circumstances of each particular case, thinks fit to impose for the purpose of securing that the prohibited weapon or prohibited ammunition to which the authority relates will not endanger the public safety or the peace.

(6) The Minister with responsibility for justice may at any time, if he thinks fit, revoke any authority given by him to any person under this section, by notice in writing requiring that person to deliver up the authority to such person as may be specified in the notice within twenty-one days from the date of the notice, and a person who fails to comply with such a requirement is guilty of an offence and is liable, on summary conviction, to a fine of £100 .

(7) The foregoing provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or any other Act relating to the manufacture, sale, transfer, purchase, acquisition or possession of firearms, but the Commissioner of Police—

- (a) shall not refuse to grant or renew, and shall not revoke, a certificate in respect of a prohibited weapon or prohibited ammunition if the applicant is for the time being authorized by the Minister with responsibility for justice to have possession of that weapon or ammunition; and
- (b) shall not refuse to enter in the register of firearms dealers the name of a person for the time being authorized to manufacture, sell or transfer a prohibited weapon or prohibited ammunition, or remove the name of such a person from the register, on the ground that he cannot be permitted to carry on, or to continue to carry on, business as a firearms dealer without danger to the public safety or to the peace, and where any authority to purchase, acquire or have possession of a prohibited weapon or prohibited ammunition is revoked under this section, the certificate

relating to that weapon or ammunition shall be revoked or varied accordingly by the Commissioner of Police.

Power to prohibit removal of firearms and ammunition.

19. (1) The Minister with responsibility for justice may by order prohibit the removal of any firearms or ammunition—

- (a) from one place to another in Gibraltar; or
- (b) for export from Gibraltar,

unless the removal is authorized by the Commissioner of Police and unless such 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 particular 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) either to all modes of conveyance or to such modes of conveyance as may be so specified:

Provided that no such order shall prohibit the holder of a certificate from carrying with him any firearms or ammunition authorized by the certificate to be so carried.

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

(4) A person who—

- (a) contravenes any of the provisions of any order made under this section; or
- (b) fails to comply with any of the provisions of this section,

is guilty of an offence and is liable, on summary conviction, to imprisonment for three months and to a fine of £1000 for each firearm, or parcel of ammunition in respect of which the offence is committed, and if the offender is the owner of the firearms or ammunition, the court

before whom he is convicted may make such an order as to the forfeiture of the firearms or ammunition as the court thinks fit.

(5) Any order made under this section may be varied or revoked by a subsequent order made by the Minister with responsibility for justice.

Restriction on purchase and possession of firearms by young persons.

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

(2) No person under the age of seventeen years shall accept as a gift or borrow any firearm or ammunition to which Part II applies, and no person shall give or lend any such firearm or ammunition to any other person whom he knows or has reasonable ground for believing to be under the age of seventeen years.

(3) No person under the age of seventeen years shall have in his possession any firearm or ammunition to which Part II applies except in circumstances where he is entitled to have possession thereof without holding a certificate by virtue of subsection (7), (8) or (9) of section 6, and no person shall part with the possession of any such firearm or ammunition to any other person whom he knows or has reasonable ground for believing to be under the age of seventeen years, except in circumstances where that other person is entitled to have possession thereof.

(4) A person who contravenes any provision of this section, is guilty of an offence and is liable, on summary conviction, to imprisonment for three months and to a fine of £1000 .

Prohibition of sale, etc., of firearms to persons who are drunk or suffering from mental disorder.

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 ground for believing to be drunk or suffering from mental disorder.

(2) A person who contravenes any provision of this section, is guilty of an offence and is liable, on summary conviction, to imprisonment for three months or to a fine of £1000.

Prohibition on persons convicted of crime purchasing or possessing firearms.

22. (1) Subject to the provisions of this section, a person who has been sentenced to imprisonment for a term of six months or upwards for any crime shall not, at any time during a period of five years from the date of his release, have a firearm or ammunition in his possession.

- (2) Subject to the provisions of this section, a person who—
- (a) is the holder of a licence under the Prison Act¹; or
 - (b) is subject to the supervision of the police, or is subject to a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm,

shall not, at any time during which he holds the licence or is so subject or has been so ordained, 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 for a removal of the prohibition, in accordance with so much of the provisions of Schedule 1 as relates to applications, to the magistrates' court and if the application is granted, the provisions of this section shall not apply to that person.

(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 grounds for believing, to be prohibited by this section from having a firearm or ammunition in his possession.

(5) A person who contravenes any provision of this section, is guilty of an offence and is liable, on summary conviction, to imprisonment for three months or to a fine of £1000.

Penalty for possessing firearms with intent to injure.

23. A person who has in his possession any firearm or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property, is, whether any injury to person or property has been caused or not, guilty of an offence and, on conviction thereof on indictment, is liable to imprisonment for fourteen years.

Penalty for use and possession of firearms or imitation firearms in certain cases.

24. (1) A person who 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, is guilty of an offence, and on conviction on indictment is liable to imprisonment for fourteen years.

A person who commits an offence against this subsection in respect of the lawful apprehension or detention of himself for any other offence committed by him, is liable to the penalty

¹ 1949-03

provided by this subsection in addition to any penalty to which he may be sentenced for that other offence.

(2) A person who has at the time of his committing, or at the time of his apprehension for, any offence specified in Schedule 3, has in his possession any firearm or imitation firearm, is unless he shows that he had it in his possession for a lawful object, guilty of an offence and on conviction on indictment is liable to imprisonment for seven years 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 against subsection (1), the jury are not satisfied that that person is guilty of that offence but are satisfied that he is guilty of an offence against subsection (2), the jury may find him guilty of the offence against subsection (2), and thereupon he shall be liable to be punished accordingly.

(4) Where a person who has attained the age of seventeen is charged before the magistrates' court with an offence specified in Schedule 1 to the Magistrates' Court Act² and is also charged before that court with an offence against subsection (1) or subsection (2) of this section, then, notwithstanding anything in section 37 of that Act, the court shall not proceed to the summary trial of the first-mentioned offence if the accused is committed for trial in respect of the offence under this section.

(5) *Repealed.*

(6) In this section—

- (a) the expression “firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and includes any prohibited weapon, whether it is such a lethal weapon 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 section 18(1), whether it is capable of discharging any shot, bullet or other missile or not.

Provisions as to shortening guns and converting imitation firearms into firearms.

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

Provided that a registered firearms dealer may shorten the barrel of a smooth-bore gun for the sole purpose of replacing the defective part of the barrel so as to produce a barrel of not less than twenty-four inches in length.

² 1961-23

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

(3) A person who contravenes any of the foregoing provisions of this section is guilty of an offence and is liable, on conviction on indictment, to imprisonment for one year and to a fine of £1000, or, on summary conviction, to imprisonment for three months and to a fine of £500.

(4) A person who commits an offence against 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 aforesaid (whether by a registered firearms dealer or not) without holding a certificate authorizing him to purchase, acquire or possess it, is liable, either—

- (a) on conviction on indictment, to imprisonment for one year and to a fine of £1000 ; or
- (b) on summary conviction, to the penalty provided in section 3.

PART IV. SHOT GUNS.

26. *Repealed.*

Shot guns.

27. No person under the age of fifteen shall have an assembled shot gun in his possession except while under the supervision of a person of or over the age of twenty-one or while the shot gun is so covered with a securely fastened gun cover that it cannot be fired.

Offences.

28.(1) A person who contravenes any of the provisions of this Part is guilty of an offence and is liable, on summary conviction, to imprisonment for three months and to a fine of £1000, or, as the case may be, to be dealt with as for an offence which, if committed by an adult, is punishable, on summary conviction, with such imprisonment and fine; and the court by whom he is convicted may make such order as to the forfeiture or disposal of the air weapon or ammunition in respect of which the offence was committed or any firearm or ammunition found in his possession as the court thinks fit.

(2) In any proceedings for an offence against this Part committed by giving or parting with the possession of an air weapon or ammunition for an air weapon to a person under the age of fifteen it shall be a defence to prove that the person charged with the offence believed the other person to be of or over that age and had reasonable ground for the belief.

**PART V.
GENERAL.**

Provisions as to forfeiture of firearms and cancellation of certificates.

29.(1) Where any person—

- (a) is convicted of an offence against this Act or is convicted of any crime for which he is sentenced to imprisonment; or
- (b) has been ordered to be subject to police supervision or to enter into a recognizance to keep the peace or to be of good behaviour, a condition of which is that the offender shall not possess, use or carry a firearm,

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 thinks fit, and may cancel any certificate held by the person convicted.

(2) Where the court cancels a 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 is guilty of an offence and is liable, on summary conviction, to a fine of £100 .

Power to search for and dispose of firearms and ammunition.

30.(1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Act has been, is being, or is about to be committed, he may grant a search warrant authorizing any police officer named therein—

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein; and
- (b) to seize and detain any firearm or ammunition which he may find on the premises or place, or on any such person, in respect of which or in connection with which he has reasonable grounds for suspecting that an offence under this Act has been, is being, or is about to be committed; and

- (c) if the premises are those of a registered firearms dealer, to examine any books relating to the business.
- (2) The police officer making the search may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence against this Act.
- (3) The magistrates' court may, on the application of the Commissioner of Police, order any firearm or ammunition seized and detained by a police officer under this Act to be destroyed or otherwise disposed of.

Restriction on importing or exporting firearms, etc.

31. (1) No person shall without first obtaining the permission in writing of the Minister* with responsibility for justice import into or export from Gibraltar any firearm or ammunition.

(2) The Minister with responsibility for justice may make any permission granted by him under the provisions of this section subject to any such conditions as he may deem fit.

(3) A person who contravenes the provisions of this section or fails to comply with any conditions prescribed by the Minister with responsibility for justice in accordance with the provisions of subsection (2), is guilty of an offence and is liable, on summary conviction, to imprisonment for twelve months or to a fine of £1000 .

Time for commencing summary proceedings under Act.

32. Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be instituted, summary proceedings for an offence against this Act may be instituted at any time within the period of four years after the commission of the offence:

Provided that no such proceedings shall be instituted after the expiration of the period of six months after the commission of the offence, unless they are instituted by, or by the direction of, the Attorney-General.

Application of Act to police.

33. For the purpose of the application to this Act of any rule of law whereunder the provisions of this Act do not bind the Crown, and for the purpose of section 7, a member of the Police Force shall be deemed to be a person in the service of Her Majesty.

Service of notices.

* See LN. 2010s133 for delegation of powers.

34. Any notice required or authorized 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.

Regulations.

35. The Minister with responsibility for justice may make regulations—

- (a) prescribing the form of certificates, and the register required to be kept under section 14, and other documents;
- (b) prescribing any other thing which under this Act is to be prescribed;
- (c) regulating the manner in which the Commissioner of Police is to carry out his duties under this Act;
- (d) generally for carrying this Act into effect.

Saving.

36.(1) Nothing in this Act shall affect any licence granted under the provisions of any enactment repealed by this Act and in force at the date of commencement of this Act and any such licence shall continue in force as if it had been granted under this Act and may be cancelled or varied accordingly.

(2) Nothing in this Act relating to firearms shall apply to an antique firearm which is sold, transferred, purchased, acquired or possessed as a curiosity or ornament.

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

SCHEDULE 1

Sections 4, 10, 12 and 22

**PROVISIONS AS TO APPEALS FROM THE COMMISSIONER
OF POLICE AND APPLICATIONS UNDER SECTION 22.**

1. Notice of an appeal or application signed by the appellant or applicant or by his agent on his behalf and stating the general grounds of the appeal or application, shall be given by him to the clerk to the justices and also to the Commissioner of Police.

2. A notice of an appeal shall be given within twenty-one days after the date on which the appellant has received notice of the decision of the Commissioner of Police by which he is aggrieved.

3. On receiving notice of an appeal or application the clerk to the justices shall enter the appeal or application and give notice to the appellant or applicant, and to the Commissioner of Police of the date, time, and place fixed for the hearing:

Provided that, in the case of an application, the date fixed for the hearing shall not be less than twenty-one clear days after the date when the clerk to the justices received the notice of the application.

4. An appellant or applicant may at any time, not less than two clear days before the date fixed for the hearing, abandon his appeal or application by giving notice in writing to the clerk to the justices and to the Commissioner of Police, and in the event of any such abandonment the court may order the appellant or applicant to pay to the Commissioner of Police such costs as appears to the court to be just and reasonable in respect of expenses properly incurred by him in connection with the appeal or application before notice of the abandonment was given to him.

5. The Commissioner of Police may appear and be heard on the hearing of an appeal or application.

6. The court may, from time to time, adjourn the hearing of an appeal or application.

7. On the hearing of an appeal the court may either dismiss the appeal or give the Commissioner of Police such directions as the court thinks fit as respects the certificate or register which is the subject of the appeal.

8. On the determination of an appeal or application, the court may make such order as to payment of costs as the court thinks fit, and may fix a sum to be paid by way of costs in lieu of directing a taxation thereof, and any costs ordered to be paid by the court may be recovered summarily as a civil debt and shall not be recoverable in any other manner:

Provided that the court shall not order the Commissioner of Police to pay the costs of an applicant.

SCHEDULE 2

Section 14

**PARTICULARS TO BE ENTERED BY FIREARMS DEALERS
IN REGISTER OF TRANSACTIONS.**

1. The quantities and description of firearms and ammunition manufactured and the dates thereof.
2. The quantities and description of firearms and ammunition purchased or acquired, with the names and addresses of the sellers or transferors and the dates of the several transactions.
3. The quantities and description of firearms and ammunition accepted for sale, repair, test, proof, cleaning, storage, destruction or other purpose, with the names and addresses of the transferors and the dates of the several transactions.
4. The quantities and description of firearms and ammunition sold or manufactured with the names and addresses of the purchasers or transferees and, except in cases where the purchaser or transferee is a registered dealer, the areas in which the firearm certificates were issued, and the dates of the several transactions.
5. The quantities and description of firearms and ammunition in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register.
6. In this Schedule references to firearms and ammunition shall be construed as references to firearms and ammunition to which Part II of the Act applies.

SCHEDULE 3

OFFENCES TO WHICH SUBSECTION (2) OF SECTION 24 APPLIES.

Theft, burglary, blackmail and any offence under section 192(1) of the Criminal Offences Act (taking a motor vehicle or other conveyance without authority).

Sections 76, 77, 78, 85, 92, 96, 103, 117, 138, 139, 140, 141 and 142 of the Criminal Offences Act.

Aiding or abetting the commission of any offence herebefore specified in this Schedule; and attempting to commit any such offence.