

ORDER IN COUNCIL

III
1983

ratifying a Projet de Loi

ENTITLED

The Firearms (Guernsey) Law, 1983

(Registered on the Records of the Island of Guernsey
on the 17th day of May, 1983.)



1983

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 17th day of May, 1983 before Charles Keith Frossard, Esquire, Bailiff; present:—Stanley Walter Gavey, Esquire, O.B.E., Albert Richard McCartney Straw, Esquire, Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy, Esquire, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode and Geoffrey Ernest Le Page, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 20th day of April, 1983 ratifying a *Projet de Loi* entitled "The Firearms (Guernsey) Law, 1983", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council be sent by Her Majesty's Greffier to the Seneschal of Sark for registration on the records of that Island.

At the Court at Windsor Castle

The 20th day of April, 1983

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 13th day of April 1983 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee—(a) an humble Petition of the States of the Island of Guernsey setting forth:—

1. That, in pursuance of their Resolution of the 1st day of December 1977, the States of Deliberation at a meeting held on the 25th day of March 1981 approved a Bill or “Projet de Loi” entitled “The Firearms (Guernsey) Law, 1983”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto.

2. That the Chief Pleas of the Island of Sark at a meeting held on the 30th day of September 1981 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark.

3. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or

"Projet de Loi" of the States of Guernsey entitled "The Firearms (Guernsey) Law, 1983", and to order that the same shall have force of law in the Islands of Guernsey, Sark, Herm and Jethou, and

(b) the humble Petition of Mr W. K. Neal, relating to the said Projet de Loi:

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petitions and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition of the States of the Island of Guernsey and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of law within the Islands of Guernsey, Sark, Herm and Jethou.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. E. Leigh.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Firearms (Guernsey) Law, 1983

ARRANGEMENT OF SECTIONS

PART I

PROVISIONS AS TO POSSESSION, HANDLING
AND DISTRIBUTION OF WEAPONS AND
AMMUNITION; PREVENTION OF CRIME
AND MEASURES TO PROTECT PUBLIC
SAFETY

*General restrictions on possession and handling of
firearms and ammunition*

Section

1. Requirement of firearm certificate.
2. Requirement of certificate for possession of shot guns.
3. Business and other transactions with firearms and ammunition.
4. Conversion of weapons.

*Prohibition of certain weapons and control of arms
traffic*

5. Weapons subject to general prohibition.
6. Power to prohibit movement of arms and ammunition.

Special exemptions from sections 1 to 5

7. Police permit.
8. Authorised dealing with firearms.

Section

9. Carriers, auctioneers, etc.
10. Slaughter of animals.
11. Sports, athletics and other approved activities.
12. Equipment for ships and aircraft.
13. Possession of firearms or shot guns by visitors.

*Prevention of crime and preservation of public
safety*

14. Possession of firearm or air weapon with intent to injure.
15. Use of firearm or air weapon to resist arrest.
16. Carrying firearm or air weapon with criminal intent.
17. Carrying firearm or air weapon in a public place.
18. Trespassing with firearm or air weapon.
19. Firearms to be used only on approved range.
20. Firing firearm in road, street, etc. or during hours of darkness.
21. Possession of firearms by persons previously convicted of crime.
22. Acquisition and possession of firearms by minors.
23. Supplying firearms to minors.
24. Supplying firearm to person drunk or insane.

Insurance

25. Use of uninsured firearm or shot gun.

PART II

FIREARM AND SHOT GUN CERTIFICATES;
REGISTRATION OF FIREARMS DEALERS

*Grant, renewal, variation and revocation of firearm
and shot gun certificates*

26. Application for, and grant of, certificates.
27. Special provisions about firearm certificates.

Section

28. Special provisions about shot gun certificates.
29. Variation of firearm and shot gun certificates.
30. Revocation of certificates.
31. Fee for certificate and exemption from paying it in certain cases.

Registration of firearms dealers

32. Register of firearms dealers.
33. Grounds for refusal of registration.
34. Fee for registration and renewal thereof.
35. Conditions of registration.
36. Registration of new place of business.
37. Removal from register of dealer's name or place of business.
38. Offences in connection with registration.

Supplementary

39. Compulsory register of transactions in firearms.
40. Transactions with persons not registered as firearms dealers.
41. Appeals from decisions of the Chief Officer.
42. Consequences where registered dealer convicted of offence.

PART III

LAW ENFORCEMENT AND PUNISHMENT
OF OFFENCES

43. Power of search with warrant.
44. Powers of police officers to stop and search.
45. Production of certificates.
46. Police powers in relation to arms traffic.
47. Special powers of arrest.
48. Prosecution and punishment of offences.
49. Forfeiture and disposal of firearms; cancellation of certificate by convicting court.

Section

PART IV

MISCELLANEOUS AND GENERAL

50. Ordinances.
51. Application of Parts I and II to Crown and police officers.
52. Service of notices.
53. Interpretation.
54. Particular savings.
55. Repeals and general savings.
56. Extent.
57. Citation and commencement.

SCHEDULES

1. Offences to which section 15 (2) applies.
2. Prosecution and Punishment of Offences.
3. Repeals.

PROJET DE LOI

ENTITLED

The Firearms (Guernsey) Law, 1983

THE STATES, in pursuance of their Resolution of the first day of December, nineteen hundred and seventy-seven, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Sark, Herm and Jethou.

PART I

PROVISIONS AS TO POSSESSION, HANDLING AND DISTRIBUTION OF WEAPONS AND AMMUNITION; PREVENTION OF CRIME AND MEASURES TO PROTECT PUBLIC SAFETY

General restrictions on possession and handling of firearms and ammunition

1. (1) Subject to any exemption under this Law, it is an offence for a person—
- Require-
ment of
firearm
certificate.
- (a) to have in his possession, use, purchase or acquire, a firearm to which this section applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate;
- (b) to have in his possession, use, purchase or acquire, any ammunition to which this section applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate, or in quantities in excess of those so authorised.

(2) It is an offence for a person to fail to comply with a condition subject to which a firearm certificate is held by him.

(3) This section applies to every firearm except a shot gun (that is to say a smooth-bore gun with a barrel not less than twenty-four inches in length, not being an air gun).

(4) This section applies to any ammunition for a firearm, except the following articles, namely:—

- (a) cartridges containing five or more shot, none of which exceeds .36 inch in diameter; and
- (b) blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannellure of the base of the cartridge.

Require-
ment of
certificate
for
possession of
shot guns.

2. (1) Subject to any exemption under this Law, it is an offence for a person—

- (a) to have in his possession, use, purchase or acquire, a shot gun without holding a shot gun certificate in force at the time, or otherwise than as authorised by such a certificate;
- (b) to have in his possession, use, purchase or acquire, any ammunition for a shot gun without holding a shot gun certificate in force at the time, or otherwise than as authorised by such a certificate, or in quantities in excess of those so authorised.

(2) It is an offence for a person to fail to comply with a condition subject to which a shot gun certificate is held by him.

3. (1) A person commits an offence if, by way of trade or business, he—

- (a) manufactures, sells, transfers, repairs, tests or proves any firearm or ammunition to which section one of this Law applies, or a shot gun; or
- (b) exposes for sale or transfer, or has in his possession for sale, transfer, repair, test or proof any such firearm or ammunition, or a shot gun,

Business and other transactions with firearms and ammunition.

without being registered under this Law as a firearms dealer.

(2) It is an offence for a person to sell or transfer to any other person, other than a registered firearms dealer, any firearm or ammunition to which section one of this Law applies, or a shotgun, unless that other produces a firearm certificate authorising him to purchase or acquire it or, as the case may be, his shot gun certificate, or shows that he is by virtue of this Law entitled to purchase or acquire it without holding a certificate.

(3) It is an offence for a person to undertake the repair, test or proof of a firearm or ammunition to which section one of this Law applies, or of a shot gun, for any other person other than a registered firearms dealer as such, unless that other produces or causes to be produced a firearm certificate authorising him to have possession of the firearm or ammunition or, as the case may be, his shot gun certificate, or shows that he is by virtue of this Law entitled to have possession of it without holding a certificate.

(4) Subsections (1) to (3) of this section have effect subject to any exemption under subsequent provisions of this Part of this Law.

(5) A person commits an offence if, with a view to purchasing or acquiring, or procuring the repair, test or proof of, any firearm or ammunition to which section one of this Law applies, or a shot gun, he 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.

Conversion
of weapons.

4. (1) It is an offence to shorten the barrel of a shot gun to a length less than twenty-four inches without the written authority of the Chief Officer.

(2) It is an offence for a person to 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 its barrel.

(3) A person who commits an offence under section one of this Law by having in his possession, or purchasing or acquiring, a shot gun which has been shortened contrary to subsection (1) of this section or a firearm which has been converted contrary to subsection (2) of this section, without holding a firearm certificate authorising him to have it in his possession, or to purchase or acquire it, shall be treated for the purposes of the provisions of this Law relating to the punishment of offences as committing that offence in an aggravated form.

Prohibition of certain weapons and control of arms traffic

Weapons
subject to
general
prohibition.

5. (1) A person commits an offence if, without the authority of the Committee, he has in his possession, or uses or purchases or acquires, or manufactures, sells or transfers—

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

(2) The weapons and ammunition specified in subsection (1) of this section are referred to in this Law as “prohibited weapons” and “prohibited ammunition” respectively.

(3) An authority given to a person by the Committee under this section shall be in writing signed by the President of the Committee and be subject to conditions specified therein.

(4) The conditions of the authority shall include such as the Committee, having regard to the circumstances of each particular case, thinks fit to impose for the purpose of securing that the prohibited weapon or ammunition to which the authority relates will not endanger the public safety or the peace.

(5) It is an offence for a person to whom an authority is given under this section to fail to comply with any condition of the authority.

(6) The Committee may at any time, if it thinks fit, revoke an authority given to a person (hereinafter in this subsection referred to as “the authorised person”) under this section by notice in writing requiring the authorised person to deliver up the authority to such person as may be specified

in the notice within such period as may be specified in the notice; and it is an offence for the authorised person to fail to comply with that requirement.

(7) In this section the expression "the Committee" means the Island Police Committee.

Power to prohibit movement of arms and ammunition,

6. (1) The States may, from time to time, by Ordinance make such provisions as they may deem necessary or expedient to prohibit or control the importation of firearms or ammunition into the Islands of Guernsey, Sark, Herm and Jethou, the exportation of firearms or ammunition from the said Islands to any place outside the said Islands, or the removal of firearms or ammunition between the said Islands or between places in any of the said Islands:

Provided that no such Ordinance shall prohibit the holder of a firearm certificate or a shot gun certificate from carrying with him any firearm, shot gun or ammunition authorised by such certificate to be so carried.

(2) Without prejudice to the generality of the foregoing subsection, an Ordinance made under this section may make different provisions for different classes of firearms or ammunition, for different modes of importation, exportation or removal of firearms or ammunition from, or the exportation of firearms or ammunition to, different countries.

(3) It is an offence to contravene any provision of an Ordinance made under this section.

Special exemptions from sections 1 to 5

Police permit.

7. (1) A person who has obtained from the Chief Officer a permit for the purpose in the prescribed form may, without holding a certificate under this Law, have in his possession a firearm and ammunition in accordance with the terms of the permit.

(2) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, whether for himself or for another person, the grant of a permit under this section.

8. (1) A person carrying on the business of a fire arms dealer and registered as such under this Law, or a servant of such a person may, without holding a certificate, have in his possession, or purchase or acquire, a firearm or ammunition in the ordinary course of that business. **Authorised dealing with firearms.**

(2) It is not an offence under subsection (2) of section three of this Law for a person—

- (a) to part with the possession of any 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 Law entitled to have possession of the firearm or ammunition without holding a certificate, or
- (b) to return to another person a shot gun which he has lawfully undertaken to repair, test or prove for the other.

9. (1) 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. **Carriers, auctioneers, etc.**

(2) It is not an offence under subsection (1) of section three of this Law for an auctioneer to sell by auction, expose for sale by auction or have in his possession for sale by auction a firearm or ammunition without being registered as a firearms dealer, if he has obtained from the Chief Officer

a permit for that purpose in the prescribed form and complies with the terms of the permit.

(3) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, either for himself or for another person, the grant of a permit under subsection (2) of this section.

(4) It is not an offence under subsection (2) of section three of this Law for a carrier or warehouseman, or a servant of a carrier or warehouseman, to deliver any firearm or ammunition in the ordinary course of his business or employment as such.

Slaughter of animals.

10. (1) A veterinary surgeon may, without holding a certificate, have in his possession a slaughtering instrument and ammunition therefor.

(2) A licensed slaughterer may, without holding a certificate, have in his possession a slaughtering instrument and ammunition therefor.

(3) In this section the following expressions have the meanings hereby respectively assigned to them, that is to say—

“licensed slaughterer” means—

(a) in relation to the Islands of Guernsey, Herm and Jethou, a person licensed under the provisions of the Slaughter of Animals (Use of Humane Killers) Ordinance, 1948(a);

(b) in relation to the Island of Sark, a person authorised in writing by the Sark Agricultural Committee to slaughter animals;

“slaughtering instrument” means a firearm which is specially designed or adapted for the

(a) Recueil d'Ordonnances Tome VIII, p. 21.

instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them;

“veterinary surgeon” means a person authorised to practise as such under the provisions of the Doctors, Dentists, Veterinary Surgeons (Authorisation) Ordinance, 1951(b).

11. (1) A person who has attained the age of eighteen years may, without holding a certificate, have a firearm and ammunition in his possession at an athletic meeting for the purpose of starting races at that meeting. Sports, athletics and other approved activities.

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

(3) A person may, without holding a shot gun certificate, borrow a shot gun from the occupier of private premises and use it on those premises in the occupier's presence.

(4) A person may, without holding a shot gun certificate, use a shot gun at a time and place approved by the Chief Officer for shooting at artificial targets.

12. (1) A person may, without holding a certificate— Equipment for ships and aircraft.

(a) have in his possession a firearm or ammunition on board a ship, or a signalling apparatus or ammunition therefor on board an aircraft or at an aerodrome, as part of

(b) Recueil d'Ordonnances Tome X, p. 171.

the equipment of the ship, aircraft or aerodrome;

- (b) remove a signalling apparatus or ammunition therefor, being part of the equipment of an aircraft, from one aircraft to another at an aerodrome, or from or to an aircraft at an aerodrome to or from a place appointed for the storage thereof in safe custody at that aerodrome, and keep any such apparatus or ammunition at such a place; and
- (c) if he has obtained from the Chief Officer a permit for the purpose in the prescribed form remove a firearm from or to a ship, or a signalling apparatus from or to an aircraft or aerodrome, to or from such place and for such purpose as may be specified in the permit.

(2) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, either for himself or for another person, the grant of a permit under paragraph (c) of subsection (1) of this section.

Possession of
firearms or
shotguns by
visitors.

13. (1) A person not ordinarily resident in the controlled area who is the holder of a current permit (by whatever name called) issued by the appropriate authority in his country of residence authorising him to possess a firearm or a shot gun in that country and who has been in the controlled area for not more than thirty days in all in the preceding twelve months may have in his possession such firearm or shot gun and ammunition therefor without holding a firearm certificate or a shot gun certificate, as the case may be, subject to the following conditions, that is to say—

- (a) such permit is in his possession in the controlled area; and

- (b) the firearm or shot gun and the ammunition are to be used at a shoot organised by an established shooting club in the controlled area.

(2) For the purposes of section forty-five of this Law (which relates to the production of certificates) a permit to which subsection (1) of this section relates shall be deemed to be a firearm certificate or shot gun certificate, as the case may be, valid during the thirty days to which the said subsection (1) relates.

(3) In this section—

- (a) the expression “the controlled area” means the Islands of Guernsey, Sark, Herm and Jethou;
- (b) the expression “firearm” does not include a prohibited weapon.

Prevention of crime and preservation of public safety

14. It is an offence for a person to have in his possession any firearm, ammunition or air weapon with intent by means thereof to endanger life or cause serious injury to property, or to enable another person by means thereof to endanger life or cause serious injury to property, whether any injury to person or property has been caused or not.

Possession of firearm or air weapon with intent to injure.

15. (1) It is an offence for a person to make or attempt to make any use whatsoever of a firearm, imitation firearm, air weapon or imitation air weapon, with intent to resist or prevent the lawful arrest or detention of himself or another person.

Use of firearm or air weapon to resist arrest.

(2) If a person, at the time of his committing or being arrested for an offence specified in Schedule 1

to this Law, has in his possession a firearm, imitation firearm, air weapon or imitation air weapon, he shall be guilty of an offence under this subsection unless he shows that he had it in his possession for a lawful object.

(3) For purposes of this section, the definition of “firearm” in subsection (1) of section fifty-three of this Law shall apply without paragraphs (b) and (c) of that subsection, and “imitation firearm” shall be construed accordingly.

Carrying
firearm or
air weapon
with
criminal
intent.

16. (1) It is an offence for a person to have with him a firearm, imitation firearm, air weapon or imitation air weapon, with intent to commit an offence punishable by a fine exceeding five hundred pounds or by imprisonment for a term exceeding six months or by both such fine and such imprisonment, or to resist arrest or prevent the arrest of another, in either case while he has the firearm, imitation firearm, air weapon or imitation air weapon with him.

(2) In proceedings for an offence under this section proof that the accused had a firearm, imitation firearm, air weapon or imitation air weapon with him and intended to commit an offence, or to resist or prevent arrest, is evidence that he intended to have it with him while doing so.

Carrying
firearm or
air weapon
in a public
place.

17. A person commits an offence if, without lawful authority or reasonable excuse (the proof whereof lies on him) he has with him in a public place a loaded shot gun or loaded air weapon or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm.

Trespassing
with firearm
or air
weapon.

18. (1) A person commits an offence if, while he has a firearm or air weapon with him, he enters or is in any building or part of a building as a trespasser

and without reasonable excuse (the proof whereof lies on him).

(2) A person commits an offence if, while he has a firearm or air weapon with him, he enters or is on any land as a trespasser and without reasonable excuse (the proof whereof lies on him).

(3) In subsection (2) of this section the expression "land" includes land covered with water.

19. (1) A person commits an offence if, without the written authority of the Chief Officer, he fires a firearm of any class in any place other than on a range approved, in accordance with the provisions of this section, for the firing of firearms of such class. Firearms to be used only on approved range.

(2) The States may from time to time by Ordinance provide—

- (a) for regulating or prohibiting the use of a place as a range for the firing of firearms;
- (b) for the entry into and inspection of any premises used or intended to be used as a range for the firing of firearms;
- (c) limiting the class or classes of firearms and ammunition which may be used on a range; and
- (d) for any incidental and supplementary matters for which the States deem it necessary to provide.

(3) A person commits an offence if he contravenes, or attempts to contravene or fails to comply with any of the provisions of an Ordinance made under this section.

(4) In this section the expression "firearm" means a firearm to which section one of this Law applies.

Firing
firearm in
road, street,
etc. or
during hours
of darkness.

20. A person commits an offence if he fires a firearm—

- (a) in or across any road, street or public path;
or
- (b) in or across any place to which members of the public have access during the period commencing half an hour after sunset and ending half an hour before sunrise.

Possession of
firearms by
persons
previously
convicted of
crime.

21. (1) A person who has been sentenced to imprisonment for a term of three years or more shall not at any time have a firearm or ammunition in his possession.

(2) A person who has been sentenced to borstal training, or to imprisonment for a term of three months or more but less than three years shall not at any time before the expiration of the period of five years from the date of his release have a firearm or ammunition in his possession.

(3) A person who is subject to a recognisance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm, or is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm shall not, at any time during which he is so subject, have a firearm or ammunition in his possession.

(4) It is an offence for a person to contravene any of the foregoing provisions of this section.

(5) It is an offence for a person to sell or transfer a firearm or ammunition to, or to repair, test or prove a firearm or ammunition for, a 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.

(6) A person prohibited under subsection (1), (2) or (3) of this section from having in his possession a firearm or ammunition may apply to the Royal Court, sitting as an Ordinary Court, for the removal of the prohibition; and if the application is granted that prohibition shall not then apply to him.

22. (1) It is an offence for a person under the age of eighteen years to purchase or hire any firearm or ammunition. Acquisition and possession of firearms by minors.

(2) It is an offence for a person under the age of eighteen years to have in his possession any firearm or ammunition to which section one of this Law applies, except in circumstances where under the provisions of subsection (2) of section eleven of this Law he is entitled to have possession of it without holding a firearm certificate.

23. (1) It is an offence to sell or let on hire any firearm or ammunition to a person under the age of eighteen years. Supplying firearms to minors.

(2) It is an offence—

(a) to make a gift of or lend any firearm or ammunition to which section one of this Law applies to a person under the age of eighteen years; or

(b) to part with the possession of any such firearm or ammunition to a person under that age, except in circumstances where that person is entitled under the provisions of subsection (2) of section eleven of this Law to have possession thereof without holding a firearm certificate.

(3) It is an offence to make a gift of a shot gun or ammunition for a shot gun to a person under the age of sixteen years.

(4) In proceedings for an offence under any provision of this section it is a defence to prove that the person charged with the offence believed the other person to be of or over the age mentioned in that provision and had reasonable ground for the belief.

Supplying
firearm to
person drunk
or insane.

24. It is an offence for a person to sell or transfer any firearm or ammunition to, or to repair, prove or test any firearm or ammunition for, another person whom he knows or has reasonable cause for believing to be drunk or of unsound mind.

Insurance

Use of
uninsured
firearm or
shot gun.

25. (1) It is an offence for a person to use or cause or permit any other person to use any firearm or shot gun unless there is in force in relation to the use of that firearm or shot gun by that person or that other person, as the case may be, a policy of insurance issued by an authorised insurer, the policy being one which, subject to any restrictions or conditions specified therein, insures such persons or classes of persons as may be specified in the policy in an amount of not less than one hundred thousand pounds (or such other sum as the States may, from time to time, by Ordinance prescribe) in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person or for loss of or any damage to property in any one occurrence or series of occurrences arising out of any one event caused by or arising out of the use of that firearm or shot gun.

(2) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, whether for himself or another person, a policy of insurance.

(3) A person commits an offence if, with a view to obtaining the grant or renewal of a certificate for a firearm or a shot gun he produces a false policy of insurance or a policy of insurance in which any false entry has been made, or personates a person to whom a policy of insurance has been issued, or makes any false statement in relation to a policy of insurance.

(4) Section forty-five of this Law (which relates to the production of certificates on demand by a police officer) shall apply in relation to a policy of insurance, or to such other written evidence of the existence of such policy as may be acceptable to the Chief Officer, as it applies in relation to a firearm certificate or a shot gun certificate.

(5) In this section the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ authorised insurer ” means an insurance company for the time being approved for the purposes of this section by the States Advisory and Finance Committee;

“ insurance company ” includes an underwriter or association of underwriters.

PART II

FIREARM AND SHOT GUN CERTIFICATES; REGISTRATION OF FIREARMS DEALERS

Grant, renewal, variation and revocation of firearm and shot gun certificates

26. (1) An application for the grant of a firearm or shot gun certificate shall be made in the prescribed form to the Chief Officer, shall state such particulars as may be required by the form and shall be

Application
for, and
grant of,
certificates.

accompanied by a policy of insurance in relation to the use by the applicant of any firearm or shot gun specified in the application or by such other written evidence of the existence of such policy as may be acceptable to the Chief Officer.

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

(3) A person aggrieved by the refusal of the Chief Officer to grant or to renew a certificate under this Law may in accordance with section forty-one of this Law appeal against the refusal.

(4) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant or renewal of a certificate under this Law.

Special
provisions
about
firearm
certificates.

27. (1) A firearm certificate shall be granted by the Chief Officer if he is satisfied that the applicant is over eighteen years of age and has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition in respect of which the application is made, and can be permitted to have it in his possession without danger to the public safety or to the peace:

Provided that a firearm certificate shall not be granted—

(a) to a person whom the Chief Officer has reason to believe to be prohibited by this

Law from possessing a firearm to which section one of this Law applies, or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm; or

- (b) to a person in respect of a firearm which is not the subject of a policy of insurance.

(2) A firearm certificate 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 authorised to be purchased and to be held at any one time thereunder.

(3) This section applies to the renewal of a firearm certificate as it applies to a grant.

28. (1) A shot gun certificate shall be granted or, as the case may be, renewed by the Chief Officer unless he has reason to believe that the applicant:—

Special provisions about shot gun certificates.

- (a) is prohibited by this Law from possessing a shot gun; or
- (b) cannot be permitted to possess a shot gun without danger to the public safety or to the peace; or
- (c) has not attained the age of eighteen years; or
- (d) is not covered in respect of the use of a shot gun to which the application relates by a policy of insurance.

(2) Notwithstanding the provisions of paragraph (c) of subsection (1) of this section, the Chief Officer may, on receipt of an application accompanied by the written consent of the parent or guardian of the applicant, issue to a person who has not attained the age of eighteen years—

- (a) a shot gun certificate (hereinafter referred to as "a restricted shot gun certificate") authorising the holder to use a shot gun only at a meeting organised by a shooting club named in the certificate and while the holder is under the personal supervision of an adult who is himself the holder of a shot gun certificate for the time being in force; or
- (b) where the applicant has attained the age of sixteen years, a shot gun certificate (hereinafter referred to as "a shot gun training certificate") authorising the holder to use a shot gun only while under the personal supervision of any adult named in the shot gun training certificate who is the holder of a shot gun certificate in force at the time when he exercises such supervision; or
- (c) where the applicant has attained the age of sixteen years, both a restricted shot gun certificate and a shot gun training certificate.

(3) A shot gun certificate 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 shot guns to which it relates and, as respects shot gun ammunition, the quantities to be purchased and to be held at any one time thereunder.

(4) This section applies to the renewal of a shot gun certificate as it applies to a grant.

Variation of
firearm and
shot gun
certificates.

29. (1) The Chief Officer may at any time by notice in writing vary the conditions subject to which a firearm certificate or a shot gun 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 such period as may be

specified in the notice for the purpose of amending the conditions specified therein.

(2) A firearm certificate or a shot gun certificate may also, on the application of the holder, be varied from time to time by the Chief Officer; and a person aggrieved by the refusal of the Chief Officer to vary a firearm certificate may in accordance with section forty-one of this Law appeal against the refusal.

(3) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, whether for himself or another person, the variation of a firearm certificate or a shot gun certificate.

30. (1) A firearm certificate may be revoked by the Chief Officer if—

Revocation
of
certificates.

- (a) the Chief Officer is satisfied that the holder is prohibited by this Law from possessing a firearm to which section one of this Law 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 the provisions of subsection (1) of section twenty-nine of this Law requiring him to deliver up the certificate; or
- (c) a firearm to which the certificate relates is not the subject of a policy of insurance.

(2) A shot gun certificate may be revoked by the Chief Officer if he is satisfied that the holder is prohibited by this Law from possessing a shot gun or cannot be permitted to possess a shot gun without danger to the public safety or to the peace or that a shot gun to which the certificate relates is not the subject of a policy of insurance.

(3) A person aggrieved by the revocation of a certificate under paragraph (a) of subsection (1) or subsection (2) of this section may in accordance with section forty-one of this Law appeal against the revocation.

(4) Where a certificate is revoked by the Chief Officer under this section, he shall by notice in writing require the holder to surrender the certificate within such period from the date of the notice as may be specified therein; and it is an offence for the holder to fail to do so within the period so specified:

Provided that, if an appeal is brought against the revocation, this subsection shall not apply to that revocation unless the appeal is abandoned or dismissed, and shall then apply with the substitution, for the reference to the date of the notice, of a reference to the date on which the appeal was abandoned or dismissed.

Fee for certificate and exemption from paying it in certain cases.

31. (1) Subject to the provisions of this Law, there shall be payable—

- (a) on the grant of a firearm or shot gun certificate;
- (b) on the renewal of any such certificate or on the replacement of any certificate which has been lost or destroyed; and
- (c) on any variation of a firearm certificate or shot gun certificate (otherwise than when it is renewed or replaced at the same time) so as to increase the number of firearms to which the certificate relates,

the prescribed fee.

(2) No fee shall be payable on the grant to a responsible officer of a rifle club, miniature rifle club, or cadet corps approved for the purpose by the

Chief Officer, of a firearm certificate in respect of firearms or ammunition to be used solely for target practice or drill by the members of the club or 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 firearm certificate if the Chief Officer 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 aerodrome.

(4) One half of the fee paid by any person in respect of the grant, variation or renewal of a shot gun certificate shall accrue to the Parish in which such person resides and shall be credited to the account of the Fonds d'Amélioration Publique of such Parish.

Registration of firearms dealers

32. (1) For purposes of this Law, the Chief Officer shall keep in the prescribed form a register of firearms dealers. Register of
firearms
dealers.

(2) Except as provided by section thirty-three of this Law, the Chief Officer shall enter in the register the name of any person who, having or proposing to have a place of business in the Islands of Guernsey, Sark, Herm or Jethou, applies to be registered as a firearms dealer.

(3) In order to be registered, the applicant must furnish the Chief Officer with the prescribed

particulars, which shall include particulars of every place of business at which he proposes to carry on business in the said Islands as a firearms dealer and, except as provided by this Law, the Chief Officer shall enter every such place of business in the register.

(4) When a person is registered, the Chief Officer shall grant or cause to be granted to him a certificate of registration.

(5) A person for the time being registered shall, on or before the thirty-first day of December in each year—

- (a) surrender his certificate to the Chief Officer; and
- (b) apply in the prescribed form for a new certificate;

and thereupon the Chief Officer shall, subject to the provisions of subsection (2) of section thirty-four and of subsection (1) of section thirty-seven of this Law, grant him a new certificate of registration.

Grounds for
refusal of
registration.

33. (1) The Chief Officer shall not register an applicant as a firearms dealer if he is prohibited to be so registered by order of a court made under section forty-two of this Law.

(2) The Chief Officer may refuse to register an applicant, if he is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace.

(3) The Chief Officer, if he is satisfied that a place of business notified to him under subsection (3) of section thirty-two of this Law by an applicant for registration is a place at which the 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.

(4) A person aggrieved by the refusal of the Chief Officer to register him as a firearms dealer, or to enter in the register a place of business of his, may in accordance with section forty-one of this Law appeal against the refusal.

34. (1) Subject to the provisions of this Law, on the registration of a person as a firearms dealer there shall be payable by him the prescribed fee. Fee for registration and renewal thereof.

(2) Before a person for the time being registered as a firearms dealer can be granted a new certificate of registration under subsection (5) of section thirty-two of this Law, he shall pay the prescribed fee.

35. (1) The Chief Officer may at any time impose conditions subject to which the registration of a person as a firearms dealer is to have effect and may at any time, of his own motion or on the application of the dealer, vary or revoke any such condition. Conditions of registration.

(2) The Chief Officer shall specify the conditions for the time being in force under this section in the certificate of registration granted to the firearms dealer and, where any such condition is imposed, varied or revoked during the currency of the certificate of registration, the Chief Officer—

- (a) shall give to the dealer notice in writing of the condition or variation (giving particulars) or of the revocation, as the case may be; and
- (b) may by that notice require the dealer to deliver up to him his certificate of registration within such period as may be specified in the notice, for the purpose of amending the certificate.

(3) A person aggrieved by the imposition or variation of, or refusal to vary or revoke, any condition of a firearms dealer's registration may in accordance with section forty-one of this Law appeal against the imposition, variation or refusal.

Registration
of new place
of business.

36. (1) A person registered as a firearms dealer and proposing to carry on business as such at a place of business which is not entered in the register, shall notify the Chief Officer and furnish him with such particulars as may be prescribed; and the Chief Officer shall, subject to the provisions of this section, enter that place of business in the register.

(2) The Chief Officer, if he is satisfied that a place of business notified to him by a person under subsection (1) of this section 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 it in the register.

(3) A person aggrieved by the refusal by the Chief Officer to enter in the register a place of business of his may in accordance with section forty-one of this Law appeal against the refusal.

Removal
from register
of dealer's
name or
place of
business.

37. (1) If the Chief Officer, after giving reasonable notice to a person whose name is on the register, is satisfied that the person—

- (a) is no longer carrying on business as a firearms dealer; or
- (b) has ceased to have a place of business; or
- (c) 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 (subject to this section) cause the name of that person to be removed from the register.

(2) If the Chief Officer is satisfied that a person registered as a firearms dealer has failed to comply with any of the conditions of registration in force under section thirty-five of this Law, he may remove from the register either that person's name or any place of business of his to which the condition relates.

(3) If the Chief Officer is satisfied that a place entered in the register as a person's place of business is one 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, he may remove that place from the register.

(4) The Chief Officer shall cause the name of a person to be removed from the register if the person so desires.

(5) If a person for the time being registered fails to comply with any requirement of subsection (5) of section thirty-two of this Law, the Chief Officer shall by notice in writing require him to comply with that requirement and, if the person fails to do so within such period as may be specified in the notice or within such further time as the Chief Officer may in special circumstances allow, shall cause his name to be removed from the register.

(6) A person aggrieved by the removal of his name from the register, or by the removal from the register of a place of business of his, may in accordance with section forty-one of this Law appeal against the removal.

(7) Where the Chief Officer causes the name of a firearms dealer to be removed from the register, he shall by notice in writing require the dealer to surrender his certificate of registration; and it is an offence for the dealer to fail to do so within such

period from the date of the notice as may be specified therein :

Provided that, if an appeal is brought against the removal, this subsection shall not apply to that removal unless the appeal is abandoned or dismissed and shall then apply with the substitution, for the reference to the date of the notice, of a reference to the date on which the appeal was abandoned or dismissed.

Offences in connection with registration.

38. (1) A person commits an offence if, for the purpose—

- (a) of procuring the registration of himself or another person as a firearms dealer; or
- (b) of procuring, whether for himself or another person, the entry of any place of business in a register of firearms dealers,

he makes any statement which he knows to be false.

(2) A person commits an offence if, being a registered firearms dealer, he has a place of business which is not entered in the register and carries on business as a firearms dealer at that place.

(3) Without prejudice to subsection (2) of section thirty-seven of this Law, a person commits an offence if he fails to comply with any of the conditions of registration imposed on him by the Chief Officer under section thirty-five of this Law.

Supplementary

Compulsory register of transactions in firearms.

39. (1) Every person who by way of trade or business manufactures, sells or transfers firearms or ammunition shall provide and keep a register of transactions and shall enter or cause to be entered therein the particulars prescribed.

(2) Every entry required by subsection (1) of this section to be made in the register 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 person to whom that subsection applies shall at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification and shall immediately enter the said particulars in the register.

(3) Every person keeping a register in accordance with this section shall on demand allow an officer of police, duly authorised in writing in that behalf by the Chief Officer, to enter and inspect all stock in hand and shall on request by an officer of police so authorised produce the register for inspection:

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

(4) If a person who is required by the provisions of subsection (1) of this section to provide and keep a register of transactions:—

- (a) ceases by way of trade or business to manufacture, sell or transfer firearms or ammunition, he shall, before the expiration of the twenty-eight days next following the date upon which he so ceases, surrender that register to the Chief Officer; or
- (b) dies, his legal personal representative shall, at the request of the Chief Officer, surrender that register to the Chief Officer within the twenty-eight days of such request.

(5) It is an offence for a person to fail to comply with any provision of this section or knowingly to make any false entry in the register required to be kept thereunder.

(6) Nothing in this section applies to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under subsection (2) of section nine of this Law.

Trans-
actions with
persons not
registered
as firearms
dealers.

40. (1) A person who sells, lets on hire, gives or lends a firearm or ammunition to which section one of this Law applies to another person in the Islands of Guernsey, Sark, Herm or Jethou, not being a registered firearms dealer shall, unless the other person shows that he is by virtue of this Law entitled to purchase or acquire the firearm or ammunition without holding a firearm certificate, comply with any instructions contained in the certificate produced; and in the case of a firearm he shall, within forty-eight hours from the transaction, deliver or send by registered post or the recorded delivery service notice of the transaction to the Chief Officer.

(2) It is an offence for a person to fail to comply with this section.

Appeals
from
decisions of
the Chief
Officer.

41. (1) Any person aggrieved by a decision of the Chief Officer made under section twenty-six, twenty-nine, thirty, thirty-three, thirty-five, thirty-six or thirty-seven of this Law may appeal therefrom to the Royal Court sitting as an Ordinary Court on the grounds that such decision was ultra vires or was an unreasonable exercise of the powers of the Chief Officer.

(2) Any decision of the said Ordinary Court on an appeal under this section shall be final.

42. (1) Where a registered firearms dealer is convicted of an offence relevant for the purposes of this section the court may order—

Consequences where registered dealer convicted of offence.

- (a) that the name of the dealer be removed from the register; and
- (b) that neither the dealer nor any person who acquires his business, 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 the offence shall not be registered as a firearms dealer or, if so registered, shall be liable to be removed from the register; and
- (d) that any stock-in-hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order.

(2) The offences relevant for the purposes of this section are:—

- (a) all offences under this Law; and
- (b) offences against the enactments relating to customs in respect of the import or export of firearms or ammunition to which section one of this Law applies, or of shot guns.

(3) 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.

PART III

LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

Power of search with warrant.

43. If, as respects the Islands of Guernsey, Herm and Jethou, the Bailiff or, as respects the Island of Sark, the Seneschal, is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Law has been, is being, or is about to be committed, the Bailiff or the Seneschal, as the case may be, may grant a search warrant authorising a 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 there;
- (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 ground for suspecting that an offence under this Law 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.

Powers of police officers to stop and search.

44. (1) A police officer may require any person whom he has reasonable cause to suspect—

- (a) of having a firearm, with or without ammunition, with him in a public place; or
- (b) to be committing or about to commit, elsewhere than in a public place, an offence relevant for the purposes of this section,

to hand over the firearm or any ammunition for examination by the police officer.

(2) It is an offence for a person having a firearm or ammunition with him to fail to hand it over when required to do so by a police officer under subsection (1) of this section.

(3) If a police officer has reasonable cause to suspect a person of having a firearm with him in a public place, or to be committing or about to commit, elsewhere than in a public place, an offence relevant for the purposes of this section, the police officer may search that person and may detain him for the purpose of doing so.

(4) If a police officer 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 relevant for the purposes of this section elsewhere than in a public place, he may search the vehicle and for that purpose require the person driving or in control of it to stop it.

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

(6) The offences relevant for the purpose of this section are those under subsection (1) of section sixteen and subsections (1) or (2) of section eighteen of this Law.

45. (1) A police officer may demand, from any person whom he believes to be in possession of a firearm or ammunition to which section one of this Law applies, or of a shot gun, the production of his firearm certificate or, as the case may be, his shot gun certificate. Production
of certifi-
cates.

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

(3) If under this section a person is required to declare to a police officer his name and address, it is an offence for him to refuse to declare it or to fail to give his true name and address.

Police powers
in relation
to arms
traffic.

46. (1) A 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 an Ordinance made under section six of this Law.

(2) A person having the control or custody of any firearms or ammunition in course of transit shall, on demand by a police officer, allow that officer all reasonable facilities for the examination and inspection thereof and shall produce any documents in his possession relating thereto.

(3) It is an offence for a person to fail to comply with subsection (2) of this section.

Special
powers of
arrest.

47. (1) A police officer making a search of premises under the authority of a warrant under section forty-three of this Law may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence relevant for the purposes of that section.

(2) A police officer may arrest without warrant any person whom he has reasonable cause to suspect

to be committing an offence under section seventeen, eighteen, twenty-one or subsection (2) of section forty-four of this Law and, for the purpose of exercising the power conferred by this subsection, may enter any place.

(3) A police officer may arrest without warrant a person who refuses to declare his name and address when required to do so under subsection (2) of section forty-five of this Law, or whom he in such a case suspects of giving a false name and address or of intending to abscond.

48. (1) Part I of Schedule 2 to this Law shall have effect with respect to the way in which offences under this Law are punishable on conviction. **Prosecution and punishment of offences.**

(2) In relation to an offence under a provision of this Law specified in the first column of that Schedule (the general nature of the offence being described in the second column)—

- (a) the third column shows whether the offence is punishable on summary conviction or on indictment; and
- (b) the fourth column shows the maximum punishment by way of fine or imprisonment under this Law which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to say, summarily or on indictment), any reference in the fourth column to a period of years or months being construed as a reference to a term of imprisonment of that duration.

(3) The provisions contained in Part II of Schedule 2 to this Law (being provisions as to the punishments which may be imposed when a person is convicted of more than one offence arising out

of the same set of circumstances, alternative verdicts and the orders which, in certain cases, a court may make when a person is convicted by or before it) shall have effect in relation to such of the offences specified in Part I of that Schedule as are indicated by entries against those offences in the fifth column of that Part.

Forfeiture and disposal of firearms; cancellation of certificate by convicting court.

49. (1) Where a person—

- (a) is convicted of an offence under this Law or is convicted of a crime for which he is sentenced to imprisonment, borstal training or detention in a detention centre; or
- (b) has been ordered to enter into a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm; or
- (c) is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm,

the court by or before which he is convicted, or by which the order is made, may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court thinks fit and may cancel any firearm certificate or shot gun certificate held by him.

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

- (a) the court shall cause notice to be sent to the Chief Officer; and
- (b) the Chief Officer shall by notice in writing require the holder of the certificate to surrender it within such period as may be specified in the notice; and
- (c) it is an offence for the holder to fail to surrender the certificate within the period

specified in the notice given him by the Chief Officer.

(3) A police officer may seize and detain any fire-arm or ammunition which may be the subject of an order for forfeiture under this section.

(4) The Magistrate's Court or the Court of the Seneschal may, on the application of the Chief Officer, order any firearm or ammunition seized and detained by a police officer under this Law to be destroyed or otherwise disposed of.

PART IV

MISCELLANEOUS AND GENERAL

50. (1) The States may, from time to time, by **Ordinances.** Ordinance provide for all or any of the following matters—

- (a) prescribing the form of certificates under this Law and the register required to be kept under section thirty-nine of this Law and other documents;
- (b) prescribing any fee payable under this Law;
- (c) prescribing any other thing which under this Law is to be prescribed;
- (d) such incidental and supplementary matters for which the States deem it necessary or expedient for the purposes of any such Ordinance to provide;
- (e) generally for carrying this Law into effect;

and an Ordinance made under this section may make different provision for different cases.

(2) The Chief Pleas of Sark may, from time to time, by Ordinance provide for all or any of the following matters—

- (a) the registration and licensing of shot guns and shot gun ammunition;
- (b) the charging of fees in respect of the registration and licensing of shot guns;
- (c) such incidental and supplementary matters for which the Chief Pleas deem it necessary or expedient for the purposes of any such Ordinance to provide.

(3) Save as expressly provided by that Ordinance, any person who contravenes or attempts to contravene or fails to comply with any of the provisions of any Ordinance made under this section or any direction given or requirement imposed under or by virtue of that Ordinance shall be guilty of an offence.

Application
of Parts I
and II to
Crown and
police
officers.

51. (1) Sections one, two, seven to twelve and twenty-six to thirty-one of this Law apply, subject to the modifications specified in subsection (2) of this section, to persons in the service of Her Majesty or to police officers in their capacity as such so far as those provisions relate to the purchase and acquisition, but not so far as they relate to the possession or use, of firearms.

(2) The modifications referred to above are the following:—

- (a) a person in the service of Her Majesty or a police officer duly authorised in writing in that behalf may purchase or acquire firearms and ammunition for the public service without holding a certificate under this Law;
- (b) a person in the naval, military or air service of Her Majesty shall, if he satisfies the Chief Officer on an application under section twenty-six of this Law that he is required

to purchase 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 authorising the purchase or acquisition or, as the case may be, to the grant of a shot gun certificate.

52. Any notice required or authorised by this Law to be given to a person shall be validly served or given if delivered to him, left or sent by registered post or by recorded delivery service to him at his usual or last known place of abode or, in the case of a registered firearms dealer, at any place of business in respect of which he is registered.

Service of notices.

53. (1) In this Law, except where the context otherwise requires, the expression "firearm" means a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes—

Interpretation.

- (a) any prohibited weapon, whether it is such a lethal weapon as aforesaid or not; and
- (b) any component part of such a lethal or prohibited weapon; and
- (c) any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;

but does not include an air weapon other than an air weapon prescribed as being specially dangerous; and so much of section one of this Law as excludes any description of firearm from the category of firearms to which that section applies shall be construed as also excluding component parts of, and accessories to, firearms of that description.

(2) In this Law, except where the context otherwise requires, the expression "ammunition" means

ammunition for any firearm and includes grenades, bombs and other like missiles, whether capable of use with a firearm or not, and also includes prohibited ammunition.

(3) In this Law, except where the context otherwise requires—

“acquire” includes hire, accept as a gift or borrow and “acquisition” shall be construed accordingly;

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

“Chief Officer” means the Chief Officer of the salaried police force of the Island of Guernsey;

“firearm certificate” means a certificate granted by the Chief Officer under this Law in respect of any firearm or ammunition to which section one of this Law applies;

“firearms dealer” means a person who, by way of trade or business, manufactures, sells, transfers, repairs, tests or proves firearms or ammunition to which section one of this Law applies, or shot guns;

“imitation air weapon” means any thing which has the appearance of being an air weapon (other than an air weapon of a type prescribed as being specially dangerous) whether or not it is capable of discharging any shot, bullet or other missile;

“imitation firearm” means any thing which has the appearance of being a firearm (other than such a weapon as is mentioned in paragraph (b) of subsection (1) of section five of this Law) whether or not it is capable of discharging any shot, bullet or other missile;

“ police officer ” means—

- (a) in relation to the Islands of Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey; and
- (b) in relation to the Island of Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey;

“ policy of insurance ” means, in relation to a firearm or a shot gun, a current policy of insurance which complies with the requirements of subsection (1) of section twenty-five of this Law;

“ premises ” includes any land;

“ prescribed ” means prescribed by an Ordinance made by the States under section fifty of this Law;

“ prohibited weapon ” and “ prohibited ammunition ” have the meanings assigned to them by subsection (2) of section five of this Law;

“ public place ” includes any road, street, lane and any other premises or place 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 under section thirty-two of this Law; and references to “ the register ”, “ registration ” and a “ certificate of registration ” shall be construed accordingly;

“ shot gun ” has the meaning assigned to it by subsection (3) of section one of this Law and,

in subsection (1) of section three and subsection (2) of section forty-two of this Law and in the definition of "firearms dealer", includes any component part of a shot gun and any accessory to a shot gun designed or adapted to diminish the noise or flash caused by firing the gun;

"shot gun certificate" means a certificate granted by the Chief Officer under this Law in respect of a shot gun or ammunition for a shot gun; and

"transfer" includes let on hire, give, lend and part with possession, and "transferee" and "transferor" shall be construed accordingly.

(4) For purposes of this Law—

(a) the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing; and

(b) a shot gun (or an air weapon) shall be deemed to be loaded if there is ammunition in the chamber or barrel or in any magazine or other device which is in such a position that the ammunition can be fed into the chamber or barrel by the manual or automatic operation of some part of the gun or weapon.

(5) Except so far as the context otherwise requires, any reference in this Law to any other enactment shall be construed as a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment including this Law.

(6) The Interpretation (Guernsey) Law, 1948(c), shall apply to the interpretation of this Law in the Island of Sark.

54. (1) The provisions of this Law relating to ammunition shall be in addition to and not in derogation of any enactment relating to the keeping and sale of explosives. Particular savings.

(2) The powers of arrest and entry conferred by Part III of this Law shall be without prejudice to any power of arrest or entry which may exist apart from this Law; and subsection (3) of section forty-nine of this Law is not to be taken as prejudicing the power of a police officer, when arresting a person for an offence, to seize property found in his possession or any other power of a police officer to seize firearms, ammunition or other property, being a power exercisable apart from that subsection.

(3) Nothing in this Law relieves any person using or carrying a firearm from his obligation to take out a licence to kill birds or animals under any enactment for the time being in force requiring such a licence.

55. (1) The enactments set out in the first column of Schedule 3 to this Law are hereby repealed to the extent shown in the second column of that Schedule. Repeals and general savings.

(2) Any certificate issued under the Law of 1921 in respect of a firearm and any permit issued under the Law of 1922 in respect of a shot gun and valid immediately before the coming into force of this Law shall, if, within one month of the date of the coming into force of this Law, the holder thereof satisfies the Chief Officer that he holds a policy of insurance in respect of each firearm or each shot gun to which such certificate or permit relates—

- (a) be deemed to have effect as though it were a firearm certificate or a shot gun certificate, as the case may be, granted under this Law and as though any conditions attached to the grant thereof were conditions attached under this Law to the grant of such a certificate; and
 - (b) unless previously revoked or cancelled under this Law, remain in force until the date upon which it would have expired if the said Laws had not been repealed.
- (3) The registration of a person under Article two of the Law of 1921 as a dealer in firearms (in the French language "armurier") in force immediately before the coming into force of this Law shall be deemed to have effect as the registration of such person as a firearms dealer under section thirty-two of this Law and as though any conditions attached to the registration of that person under the Law of 1921 were conditions imposed upon the registration of that person under this Law.
- (4) Any document referring to an enactment repealed by this Law shall, so far as may be necessary for preserving its effect, be construed as referring, or as including a reference, to the corresponding provision of this Law.
- (5) The mention of particular matters in this section shall not be taken to affect the general application of section nineteen of the Interpretation (Guernsey) Law, 1948(d), with regard to the effect of repeals.
- (6) In this section, the expression "the Law of 1921" means the Law entitled "Loi relative aux

(d) Ordres en Conseil Vol. XIII, p. 355.

Armes à Feu” registered on the tenth day of December, nineteen hundred and twenty-one, as amended(e), and the expression “the Law of 1922” means the Law entitled “Loi relative aux Permis de Port d’Armes de Chasse” registered on the thirteenth day of August, nineteen hundred and twenty-two (f).

56. (1) Subject to the provisions of subsection (2) **Extent.** of this section, the provisions of this Law shall have effect in the Islands of Guernsey, Sark, Herm and Jethou.

(2) The provisions of sections two, three, seven, eleven, thirteen, twenty-three, twenty-five, twenty-six, twenty-eight, twenty-nine and thirty-one of this Law in so far as those provisions relate to shot guns and ammunition for shot guns shall not have effect in the Island of Sark.

57. (1) This Law may be cited as the Firearms **Citation and commencement.** (Guernsey) Law, 1983.

(2) This Law shall come into force on such day as the States may by Ordinance appoint in that behalf:

Provided that any powers conferred by this Law on the States or the Chief Pleas of Sark to make any Ordinance may be exercised at any time after the registration of this Law and before the day appointed or to be appointed as aforesaid, subject to the restriction that any such Ordinance shall not come into force until this Law comes into force.

(e) Ordres en Conseil Vol. VI, p. 322; Vol. XV, p. 53.

(f) Ordres en Conseil Vol. VI, p. 451.

SCHEDULES

SCHEDULE 1 Section 15

OFFENCES TO WHICH SECTION 15 (2)
APPLIES

1. Arson;
2. Unlawful wounding;
3. Causing grievous bodily harm;
4. Rape;
5. Offences under any of the following provisions of the Law entitled "Loi relative à la Protection des Femmes et des Filles Mineures" registered on the first day of August, nineteen hundred and fourteen, as amended(g):—
 - the first and third sub-paragraphs of paragraph (2) of Article 1 (Procuring defilement of woman by threats or administering drugs);
 - Article 5 (Abduction of girl under eighteen for immoral purpose);
 - Article 6 (Unlawful detention of woman for immoral purpose);
6. Larceny, burglary, housebreaking, demanding with menaces, theft or blackmail;
7. Offences under section 1 of the Offences against Police Officers (Bailiwick of Guernsey) Law, 1963(h);

(g) Ordres en Conseil Vol. V, p. 74; Vol. VIII, p. 457; Vol. XII, p. 25; Vol. XV, p. 250;

(h) Ordres en Conseil Vol. XIX, p. 123.

8. Aiding or abetting the commission of any offence specified in paragraphs 1 to 7 of this Schedule;
9. Attempting to commit any offence so specified.

SCHEDULE 2

Section 48

PROSECUTION AND PUNISHMENT OF OFFENCES

PART I

TABLE OF PUNISHMENTS

Section of this Law creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 1(1) ...	Possessing etc. firearm or ammunition without firearm certificate.	(a) Summary ... (b) On indictment ...	6 months or a fine of £500; or both. (i) where the offence is committed in an aggravated form within the meaning of section 4(3) of this Law, 5 years, or a fine; or both. (ii) in any other case, 3 years or a fine; or both.	
Section 1(2) ...	Non-compliance with condition of firearm certificate.	Summary or on indictment ...	3 months or a fine of £400; or both.	

Section of this Law creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 2(1) ...	Possessing etc. shot gun or shot gun ammunition without shot gun certificate.	Summary or on indictment ...	3 months or a fine of £400; or both.	
Section 2(2) ...	Non-compliance with condition of shot gun certificate.	Summary or on indictment ...	3 months or a fine of £400; or both.	
Section 3(1) ...	Trading in firearms without being registered as firearms dealer.	(a) Summary ... (b) On indictment ...	6 months or a fine of £500; or both. 3 years or a fine; or both.	
Section 3(2) ...	Selling firearm to person without a certificate.	(a) Summary ... (b) On indictment ...	6 months or a fine of £500; or both. 3 years or a fine; or both.	
Section 3(3) ...	Repairing, testing etc. firearm for person without a certificate.	(a) Summary ... (b) On indictment ...	6 months or a fine of £500; or both. 3 years or a fine; or both.	
Section 3(5) ...	Falsifying certificate, etc. with view to acquisition of firearm.	(a) Summary ... (b) On indictment ...	6 months or a fine of £500; or both. 3 years or a fine; or both.	

Section of this Law creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 4(1) } Section 4(2) }	Shortening a shot gun; conversion of firearms.	(a) Summary ... (b) On indictment ...	6 months or a fine of £500; or both. 5 years or a fine; or both.	
Section 5(1) ...	Possessing or distributing prohibited weapons or ammunition.	(a) Summary ... (b) On indictment ...	6 months or a fine of £500; or both. 5 years or a fine; or both.	
Section 5(5) ...	Non-compliance with condition of authority.	Summary or on indictment ...	3 months or a fine of £400; or both.	
Section 5(6) ...	Non-compliance with requirement to surrender authority to possess, etc. prohibited weapon or ammunition.	Summary or on indictment ...	A fine of £100.	
Section 6(3) ...	Contravention of Ordinance under s.6 restricting removal of arms.	Summary or on indictment ...	3 months or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine of £100; or both.	Paragraph 1 of Part II of this Schedule applies.
Section 7(2) ...	Making false statement in order to obtain police permit.	Summary or on indictment ...	3 months or a fine of £400; or both.	

Section of this Law creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 9(3) ...	Making false statement in order to obtain permit for auction of firearms etc.	(a) Summary ... (b) On indictment	6 months or a fine of £500; or both. 3 years or a fine; or both.	
Section 12(2) ...	Making false statement in order to obtain permit for removal of signalling apparatus.	Summary or on indictment	3 months or a fine of £400; or both.	
Section 14	Possession of firearm or air weapon with intent to endanger life or injure property.	On indictment	Life imprisonment or a fine; or both.	
Section 15(1) ...	Use of firearms or air weapons to resist arrest.	On indictment	Life imprisonment or a fine; or both.	Paragraphs 2 and 3 of Part II of this Schedule apply.
Section 15(2) ...	Possessing firearm or air weapon while committing an offence specified in Schedule 1.	On indictment	14 years or a fine; or both.	Paragraph 4 of Part II of this Schedule applies.

Section of this Law creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 16(1) ...	Carrying firearms, imitation firearms, air weapons or imitation air weapons with intent to commit indictable offence or to resist arrest.	On indictment	14 years or a fine; or both.	
Section 17 ...	Carrying loaded firearm or air weapon in public place.	(a) Summary ...	6 months or a fine of £500; or both.	
Section 18(1) ...	Trespassing with firearm or air weapon in a building.	(b) On indictment ...	5 years or a fine; or both.	
Section 18(1) ...	Trespassing with firearm or air weapon in a building.	(a) Summary ...	6 months or a fine of £500; or both.	
Section 18(2) ...	Trespassing with firearm or air weapon on land.	(b) On indictment ...	5 years or a fine; or both.	
Section 18(2) ...	Trespassing with firearm or air weapon on land.	Summary or on indictment ...	3 months or a fine of £400; or both.	
Section 19(1) ...	Firing firearm in a place other than an approved range.	(a) Summary ...	3 months or a fine of £400; or both.	
Section 19(1) ...	Firing firearm in a place other than an approved range.	(b) On indictment ...	3 years or a fine; or both.	
Section 19(3) ...	Contravention of Ordinance regulating or prohibiting the use of a place as a range.	(a) Summary ...	3 months or a fine of £400; or both.	
Section 19(3) ...	Contravention of Ordinance regulating or prohibiting the use of a place as a range.	(b) On indictment ...	3 years or a fine; or both.	

Section of this Law creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 20	Firing firearm in or across road, street etc. or firing firearm in or across place to which public has access during hours of darkness	(a) Summary ... (b) On indictment	3 months or a fine of £400; or both. 3 years or a fine; or both.	
Section 21(4)	Contravention of provisions denying firearms to ex-prisoners and the like.	(a) Summary ... (b) On indictment	6 months or a fine of £500; or both. 3 years or a fine; or both.	
Section 21(5)	Supplying firearms to person denied them under section 21.	(a) Summary ... (b) On indictment	6 months or a fine of £500; or both. 3 years or a fine; or both.	
Section 22(1)	Person under 18 acquiring firearm.	Summary or on indictment	3 months or a fine of £400; or both.	
Section 22(2)	Person under 18 having firearm in his possession without lawful authority.	Summary or on indictment	3 months or a fine of £400; or both.	
Section 23(1)	Selling or letting on hire a firearm to person under 18.	Summary or on indictment	3 months or a fine of £400; or both.	

Section of this Law creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 23(2) ...	Supplying firearm or ammunition (being of a kind to which section 1 of this Law applies) to person under 18.	Summary or on indictment ...	3 months or a fine of £400; or both.	Paragraph 5 of Part II of this Schedule applies.
Section 23(3) ...	Making gift of shot gun to person under 16.	Summary or on indictment ...	A fine of £100.	
Section 24 ...	Supplying firearm to person drunk or insane.	Summary or on indictment ...	3 months or a fine of £400; or both.	
Section 25(1) ...	Use of uninsured firearm or shot gun.	(a) Summary ...	6 months or a fine of £500; or both.	
Section 25(2) ...	Making false statement in order to procure policy of insurance.	(a) Summary ...	6 months or a fine of £500; or both.	
Section 25(3) ...	Producing false policy of insurance, etc. in order to obtain a firearm certificate or shot gun certificate.	(a) Summary ...	6 months or a fine of £500; or both.	
		(b) On indictment ...	3 years or a fine; or both.	

Section of this Law creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 26(4) ...	Making false statement in order to procure grant or renewal of a firearm or shot gun certificate.	Summary or on indictment ...	3 months or a fine of £400; or both.	
Section 29(3) ...	Making false statement in order to procure variation of a firearm certificate.	Summary or on indictment ...	3 months or a fine of £400; or both.	
Section 30(4) ...	Failing to surrender certificate on revocation.	Summary or on indictment ...	A fine of £100.	
Section 37(7) ...	Failure to surrender certificate of registration on removal of firearms dealer's name from register.	Summary or on indictment ...	A fine of £100.	
Section 38(1) ...	Making false statement in order to secure registration or entry in register of a place of business.	Summary or on indictment ...	3 months or a fine of £400; or both.	
Section 38(2) ...	Registered firearms dealer having place of business not entered in the register.	Summary or on indictment ..	3 months or a fine of £400; or both.	
Section 38(3) ...	Non-compliance with condition of registration.	Summary or on indictment ...	3 months or a fine of £400; or both.	

Section of this Law creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 39(5) ...	Non-compliance by firearms dealer with provisions as to register of transactions; making false entry in register.	Summary or on indictment ...	3 months or a fine of £400; or both.	
Section 40(2) ...	Failure to comply with instructions in firearms certificate when transferring firearm to person other than registered dealer, failure to report transaction to police.	(a) Summary ... (b) On indictment ...	6 months or a fine of £500; or both. 3 years or a fine; or both.	
Section 44(2) ...	Failure to hand over firearm or ammunition on demand by police officer.	Summary or on indictment ...	3 months or a fine of £400; or both.	
Section 45(3) ...	Failure to comply with requirement of a police officer that a person shall declare his name and address.	Summary or on indictment ...	A fine of £100.	

Section of this Law creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 46(3) ...	Failure to give police officer facilities for examination of firearms in transit, or to produce papers.	Summary or on indictment ...	3 months or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine of £50; or both.	Paragraph 1 of Part II of this Schedule applies.
Section 49(2)(c)	Failure to surrender firearm or shot gun certificate cancelled by court on conviction.	Summary or on indictment ...	A fine of £100.	
Section 50(3) ...	Contravention of an Ordinance under s.50(1) prescribing forms, fees, etc. or an Ordinance under s.50(2) providing for registration etc. of shot guns in Sark.	Summary or on indictment ...	3 months or a fine of £400; or both.	

PART II

SUPPLEMENTARY PROVISIONS AS TO TRIAL
AND PUNISHMENT OF OFFENCES

1. In the case of an offence against section 6 (3) or 46 (3) of this Law, the Court before which the offender is convicted may, if the offender is the owner of the firearms or ammunition, make such order as to the forfeiture of the firearms or ammunition as the court thinks fit.
2. Where a person commits an offence under section 15 (1) of this Law in respect of the lawful arrest or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by Part I of this Schedule in addition to any penalty to which he may be sentenced for the other offence.
3. If on the trial of a person for an offence under section 15 (1) of this Law the court is not satisfied that he is guilty of that offence but is satisfied that he is guilty of an offence under section 15 (2), the court may find him guilty of the offence under section 15 (2) and he shall then be punishable accordingly.
4. The punishment to which a person is liable for an offence under section 15 (2) of this Law shall be in addition to any punishment to which he may be liable for the offence first referred to in section 15 (2).
5. The court by which a person is convicted of an offence under section 23 (3) of this Law may make such order as it thinks fit as to the forfeiture or disposal of the shot gun or ammunition in respect of which the offence was committed.

REPEALS

<i>Enactment</i>	<i>Extent of Repeal</i>
1. The Law entitled “Loi ayant rapport aux Armes à Feu” registered on the tenth day of December, nineteen hundred and twenty-one (i).	The whole Law so far as it remains unrepealed.
2. The Law entitled “Loi relative aux Permis de Port d’Armes de Chasse” registered on the thirtieth day of August, nineteen hun- dred and twenty- two (j).	The whole Law.
3. The Firearms (Amend- ment) Law, 1951 (k).	The whole Law.
4. The Larceny (Guern- sey) Law, 1958 (l).	Subsection (1) of sec- tion thirty-four and the First Schedule.

K. H. TOUGH,
Her Majesty’s Greffier.

(i) Ordres en Conseil Vol. VI, p. 322.
(j) Ordres en Conseil Vol. VI, p. 451.
(k) Ordres en Conseil Vol. XV, p. 53.
(l) Ordres en Conseil Vol. XVII, p. 308.