



# THE OFFICIAL GAZETTE

## OF THE COLONY AND PROTECTORATE OF KENYA

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## GOVERNMENT NOTICE No. 816

The Governor in Council has approved of the introduction of the following Bill into Legislative Council.

A. W. PURVIS,  
*Acting Clerk to the Legislative Council.*

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**A BILL ENTITLED  
AN ORDINANCE TO REPEAL THE ARMS AND  
AMMUNITION ORDINANCE AND TO MAKE  
PROVISION IN LIEU THEREOF FOR REGULAT-  
ING, LICENSING AND CONTROLLING THE  
MANUFACTURE, IMPORTATION, EXPORTA-  
TION, TRANSPORTATION, SALE, REPAIR,  
STORAGE AND POSSESSION OF FIREARMS AND  
AMMUNITION AND FOR MATTERS CONNECTED  
THEREWITH AND INCIDENTAL THERETO**

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

## INTRODUCTORY

1. This Ordinance may be cited as the Firearms Ordinance, 1953, and shall come into operation on such date as the Governor may by notice in the Gazette appoint.

Short title and commencement.

2. In this Ordinance, unless the context otherwise requires— Interpretation.

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

“ammunition” means ammunition for any firearm as hereinafter defined and includes grenades, bombs and other like missiles whether capable of use with such a firearm or not,

and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing;

"approved carrier" means a carrier approved by the Commissioner of Police;

"area" means a district or part of a district for which a licensing officer is appointed under section 3 of this Ordinance;

"arms of war" means artillery of all kinds, apparatus for the discharge of all kinds of projectiles explosive or gas-diffusing, flame-throwers, bombs, grenades, machine-guns and rifled small-bore breech-loading weapons, but does not include sporting rifles, or personal or other weapons or apparatus not intended for war-like purposes;

Cap. 89.

"cadet unit" means a cadet unit established under the provisions of the Kenya Regiment (Territorial Force) Ordinance;

"customs control" means the control of the East African Customs and Excise Department;

"customs officer" means an officer of the East African Customs and Excise Department;

"firearms" means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any such shot, bullet or other missile, and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, and includes any component part of any such weapon as aforesaid;

"firearm certificate" means a firearm certificate granted under section 5 of this Ordinance;

"firearms dealer" means a person who, by way of trade or business, sells, transfers, repairs, tests or proves firearms or ammunition;

Cap. 51.

"immigration officer" has the same meaning as in the Immigration (Control) Ordinance;

"licensing officer" means a police officer appointed under section 3 of this Ordinance to be a licensing officer for the purposes of this Ordinance;

"munitions of war" means ammunition for use with arms of war;

No. 79 of 1948.

"police officer" has the same meaning as in the Police Ordinance, 1948;

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

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

Appointment of  
licensing officers.

3. The Commissioner of Police shall appoint a police officer to be the licensing officer for the purposes of this Ordinance in and for each district or part of a district in the Colony.

#### PART I—REGULATION OF PURCHASE, POSSESSION, MANUFACTURE AND SALE OF FIREARMS AND AMMUNITION AND OTHER TRANSACTIONS

Penalty for  
purchasing, etc.,  
firearms or  
ammunition  
without firearm  
certificate.

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

(2) If any person—

(a) purchases, acquires or has in his possession any firearm or ammunition without holding a firearm 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 firearm certificate is held by him,

5 he shall, subject to the provisions of this Ordinance, for each offence be liable on conviction, if the offence was committed in the Northern Frontier District, to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand shillings or to both such imprisonment and fine, and, if the  
10 offence was committed elsewhere, to imprisonment for a term not exceeding twelve months or to a fine not exceeding four thousand shillings or to both such imprisonment and fine.

5. (1) An application for the grant of a firearm certificate shall be made in the prescribed form to the licensing officer for  
15 the area in which the applicant resides and shall state such particulars as may be required by the said form.

Grant, etc., of  
firearm  
certificates.

(2) The firearm certificate shall be granted by the licensing officer if he is satisfied that the applicant has a good reason for purchasing, acquiring or having in his possession the firearm  
20 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 firearm certificate shall not be granted to a person whom the licensing officer has reason to believe to be  
25 prohibited by this Ordinance from possessing a firearm, or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm.

(3) A firearm certificate granted under this section shall be in the prescribed form and shall specify the conditions (if  
30 any) subject to which it is held, the nature and number of 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 firearm certificate shall, unless previously revoked  
35 or annulled, continue in force for one year from the date when it was granted or last renewed, but shall be renewable for a further period of one year by the licensing officer for the area in which the holder resides, and so from time to time, and the foregoing provisions of this section shall apply to the renewal  
40 of a firearm certificate as they apply to the grant of a firearm certificate.

(5) The licensing officer for the area in which the holder of a firearm certificate resides may at any time by notice in writing vary the conditions subject to which the firearm certificate  
45 is held, except such of them as may be prescribed, and may by the notice require the holder to deliver up the firearm certificate to him within fourteen days from the date of the notice for the purpose of amending the conditions specified therein.

50 (6) A firearm certificate may also, on the application of the holder thereof, be varied from time to time by the licensing officer for the area in which the holder for the time being resides.

(7) A firearm certificate may be revoked by the licensing  
55 officer for the area in which the holder resides if—

(a) the licensing officer is satisfied that the holder is prohibited by this Ordinance from possessing a firearm to which the firearm certificate relates, or is of intemperate habits or unsound mind, or is otherwise unfitted to be entrusted with such a firearm; or  
60

(b) the holder fails to comply with a notice under subsection (5) of this section, requiring him to deliver up the firearm certificate.

(8) In any case where a firearm certificate is revoked by a licensing officer, he shall by notice in writing require the holder

to surrender the firearm certificate, and if the holder fails to do so within fourteen days from the date of the notice, he shall be liable on conviction to a fine not exceeding one thousand shillings:

Provided that, where an appeal is brought against the revocation, this sub-section 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.

(9) If any person 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 firearm certificate under this section, or the variation or renewal of a firearm certificate, he shall for each offence be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

Fees in respect  
of firearm  
certificates.

6. (1) Subject to the provisions of this section, there shall be payable on the grant of a firearm certificate, and on the renewal of a firearm certificate, and on any variation of a firearm certificate which increases the number of firearms to which such firearm certificate relates, and on the replacement of a firearm certificate which has been lost or destroyed, such fees as may be prescribed:

Provided that, where a firearm certificate is varied as aforesaid 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 unit approved for the purpose by the Chief Secretary, 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 unit, or on the variation or renewal of a firearm certificate so granted.

(3) No fee shall be payable on the grant, variation or renewal of a firearm certificate if the licensing officer is satisfied that the firearm 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; or
- (c) a slaughtering instrument or ammunition therefor, which the applicant requires for the purpose of the slaughter of animals.

(4) No fee shall be payable—

- (a) on the grant or renewal of a firearm certificate relating solely to a firearm which is shown to the satisfaction of the licensing officer to be kept by the applicant as a trophy of war; or
- (b) on any variation of a firearm certificate the sole effect of which is to add such a firearm as aforesaid to the firearms to which the firearm certificate relates,

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

Exemptions from  
holding a firearm  
certificate.

7. (1) The following provisions of this section shall have effect notwithstanding anything in section 4 of this Ordinance.

(2) A person carrying on the business of a firearms dealer and registered as such under this Ordinance, or a servant of such a person, may, without holding a firearm 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, an approved carrier or a warehouseman, or a servant of such a person, may, without holding a firearm certificate, have in his possession a firearm or ammunition in the ordinary course of that business.

(4) A person may, without holding a firearm certificate, have in his possession a slaughtering instrument and ammunition therefor in any abattoir the operation of which is licensed or permitted by or under section 7 of the Kenya Meat Commission Ordinance, 1950, if employed in such abattoir.

No. 13 of 1950.

(5) The proprietor of an abattoir such as is referred to in sub-section (4) of this section, or a person appointed by him to take charge of slaughtering instruments and ammunition therefor for the purpose of storing them in safe custody at that abattoir, may, without holding a firearm certificate, have in his possession a slaughtering instrument or ammunition therefor for that purpose.

(6) Any person may, without holding a firearm certificate—

20 (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 the equipment of the ship, aircraft or aerodrome; and

25 (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

30 (c) if he has obtained from a police officer of or above the rank of Assistant Superintendent 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.

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

(8) A member of a rifle club, miniature rifle club or cadet unit approved by the Chief Secretary under and for the purposes of sub-section (2) of section 6 of this Ordinance, may, without holding a firearm certificate, have in his possession a firearm and ammunition therefor when engaged as such a member in, or in connexion with, drill or target practice.

50 (9) A person conducting or carrying on a miniature rifle range (whether for a rifle club or other wise) or shooting gallery, at which no firearms are used other than miniature rifles not exceeding 0.23 calibre, may, without holding a firearm certificate, purchase, or acquire, or have in his possession such miniature rifles and ammunition suitable therefor; and any 55 person may, without holding a firearm certificate, use any such rifle and ammunition at such a range or gallery.

(10) Any person may, without holding a firearm certificate, have a firearm in his possession at an athletic or other sporting meeting for the purpose of starting races at that 60 meeting.

(11) A person who has obtained from the licensing officer for the area in which he resides a permit for the purpose in the prescribed form may, without holding a firearm certificate, have in his possession a firearm and ammunition therefor in accordance with the terms of the permit. No such permit shall



be issued in respect of, or be valid for, a period exceeding three months.

(12) If any person 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, he shall for each offence be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

Power to refuse firearm certificate or permit unless firearm or ammunition produced for inspection and marking.

8. (1) Notwithstanding anything contained in any of the foregoing sections of this Ordinance, a licensing officer may 10 refuse to grant, renew or vary a firearm certificate, or to grant a permit under sub-section (11) of section 7 of this Ordinance, unless and until any firearm to which such firearm certificate or permit will, if granted, renewed or varied, relate is produced to him for his inspection and for marking, if necessary, in 15 accordance with the requirements of sub-section (2) of this section.

(2) No firearm certificate, and no permit under sub-section (11) of section 7 of this Ordinance, shall be granted, or, as the case may be, varied or renewed, in respect of a firearm unless 20 such firearm bears a mark or number of identification or is first marked with such a mark or number by, or under and in accordance with the directions of, the licensing officer.

Prohibition of manufacture of firearms and ammunition.

9. (1) No person shall manufacture any firearm or ammunition in the Colony save on behalf of the Government and at 25 a place established or designated for the purpose by, and in accordance with instructions to be issued by, the Chief Secretary.

(2) In this section, the word "manufacture", in relation to firearms or ammunition, does not include the repair of fire- 30 arms or ammunition, the conversion into a firearm of anything which has the appearance of a firearm but is so constructed as to be incapable of discharging any missile through the barrel thereof, or the alteration, or substitution or replacement of any component part, of a firearm. 35

(3) If any person contravenes any of the provisions of sub-section (1) of this section, he shall be liable on conviction to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand shillings, or to both such imprisonment and fine. 40

Production of firearm certificate.

10. (1) Any police officer or customs officer may demand from any person, whom he believes to be in possession of a firearm or ammunition, the production of his firearm certificate.

(2) If any person upon whom a demand is so made fails to produce the certificate, or to permit the officer to read the 45 certificate, or to show that he is entitled by virtue of this Ordinance to have the firearm or ammunition in his possession without holding a firearm certificate, the officer may seize and detain the firearm and ammunition, and may require that person to declare to him immediately his name and address. 50

(3) If any person refuses so to declare his name and address, or fails to give his true name and address, he shall be liable on conviction to a fine not exceeding one thousand shillings.

Production of firearms and ammunition.

11. (1) Any police officer or customs officer may demand 55 from any person who holds a firearm certificate the production of any firearm or ammunition to which such certificate relates, at such time and place as such officer may specify, for his own inspection or for the inspection of such other police officer or customs officer as he may specify. 60

(2) If any person fails to comply with such a demand as aforesaid, he shall be liable on conviction to a fine not exceeding one thousand shillings.

**12.** (1) Subject to the provisions of this section, no person shall, by way of trade or business—

Penalty for dealing in firearms without being registered.

(a) 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, unless he is registered under this Ordinance as a firearms dealer:

Provided that it shall be lawful for an auctioneer to sell by auction, and have in his possession for sale by auction, a firearm or ammunition without being registered as aforesaid if he has obtained from the licensing officer for the area in which the auction is held a permit for that purpose in the prescribed form and complies with the terms of the permit.

(2) If any person contravenes any of 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, he shall, for each offence, be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

**13.** (1) For the purposes of this Ordinance, the licensing officer for every area 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 his area, applies to be registered as a firearms dealer and furnishes him with the prescribed particulars:

Registration of firearms dealers.

Provided that—

(i) the licensing officer shall not register an applicant who is prohibited to be registered by order of a court made under section 19 of this Ordinance; and

(ii) the licensing 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.

(2) On the registration of an applicant as a firearms dealer in any area there shall be payable such fee as may be prescribed:

Provided that no fee shall be payable if the licensing officer for the area in which the applicant has applied to be registered is satisfied that the only place of business in respect of which the application is made—

(i) has become situated in that area by reason of an alteration in the boundary of the area and was previously registered in the register for another area; or

(ii) is one to which the applicant proposes to transfer the business previously carried on by him at a place entered in the register for another area.

(3) If the licensing officer, 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) has ceased to have a place of business in the area; 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 cause the name of that person to be removed from the register.

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



Certificates of  
registration.

(5) If any person, 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, he shall, for each offence, be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

14. (1) The licensing officer shall grant or cause to be granted to any person who is registered as a firearms dealer under section 13 of this Ordinance a certificate of registration.

(2) On or before the first day of January in each year, every person for the time being registered as a firearms dealer in any area shall—

(a) surrender to the licensing officer for that area his certificate of registration; and

(b) apply in the prescribed form for a new certificate of registration; and

(c) pay such fee as may be prescribed,

and thereupon the licensing officer shall, subject to the provisions of sub-section (3) of section 13 of this Ordinance, grant him a new certificate of registration. 20

(3) If any such person as aforesaid fails to comply with all or any of the requirements of sub-section (2) of this section on or before the first day of January in any year, the licensing officer 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 licensing officer may in special circumstances allow, shall cause his name to be removed from the register.

(4) In any case where a licensing officer 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 shall be liable on conviction to a fine not exceeding one thousand shillings:

Provided that—

(i) where an appeal is brought against the removal, this sub-section 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; 35

(ii) until the dealer surrenders his certificate of registration in accordance with the provisions of this sub-section, or, if he fails so to surrender his said certificate, until the expiration of the aforesaid period of twenty-one days, the dealer shall be deemed to be registered as a firearms dealer for the purpose only of disposing of the stock in hand of his business. 40

Registration of  
places of business  
of firearms  
dealers.

15. (1) The prescribed particulars which a person applying to be registered in any area as a firearms dealer under section 13 of this Ordinance is required to furnish shall include particulars of every place of business at which he proposes to carry on business within the area as a firearms dealer, and the licensing officer for that area shall, subject as hereinafter provided, enter in the register every such place of business. 50 55

(2) Every person registered as a firearms dealer in any area who proposes to carry on business as such at any place of business in that area which is not entered in the register, shall notify the licensing officer for that area and furnish him with such particulars as may be prescribed, and the licensing officer shall, subject as hereinafter provided, enter that place of business in the register. 60

(3) A licensing officer, if he is satisfied that any place of business notified to him by any person under sub-section (1) or sub-section (2) of this section, 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.

10 (4) If—

(a) any person, being a registered firearms dealer, has a place of business which is not entered on the register for the area in which that place is situated, and carries on business as a firearms dealer at that place; or

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(b) any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the entry of any place of business in a register of firearms dealers,

20 he shall, for each offence, be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

25 **16.** (1) No person shall sell or transfer to any other person in the Colony, other than a registered firearms dealer, any firearm or ammunition unless that other person produces a firearm certificate authorizing him to purchase or acquire it or shows that he is by virtue of this Ordinance entitled to purchase or acquire it without holding such a certificate:

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

30 Provided that this sub-section shall not prevent—

(i) 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 Ordinance entitled to have possession of the firearm or ammunition without holding a firearm certificate; or

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

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(2) Every person who sells, lets on hire, gives or lends a firearm or ammunition to any other person in the Colony, other than a registered firearms dealer, shall, unless that other person shows that he is by virtue of this Ordinance 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 shall, within forty-eight hours from the transaction, send by registered post notice of the transaction to the licensing officer by whom the certificate was issued.

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(3) No person shall undertake the repair, test or proof of a firearm or ammunition for any other person in the Colony, other than a registered firearms dealer as such; unless that other person produces or causes to be produced a firearm certificate authorizing him to have possession of the firearm or ammunition, or shows that he is by virtue of this Ordinance entitled to have possession of the firearm or ammunition without holding such a certificate.

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(4) If any person—

60 (a) contravenes or fails to comply with any of the provisions of this section; or

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

he shall, for each offence, be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

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Register of transactions in firearms and ammunition.

17. (1) Every person who by way of trade or business deals in, sells or transfers firearms or ammunition shall provide and keep a register of transactions, and shall enter or cause to be entered therein such particulars as may be prescribed.

(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 as aforesaid shall at the time of the transaction require the purchaser or transferee to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the register.

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(3) Every such person as aforesaid shall on demand allow any police officer to enter and inspect all stock in hand, and shall on request by any such police officer produce for inspection the register so required to be kept as aforesaid.

(4) If any person—

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(a) fails to comply with any of the provisions of this section; or

(b) knowingly makes any false entry in a register required to be kept under this section; or

(c) knowingly furnishes any false particular of identification of himself or any other person,

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he shall for each offence be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

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(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 sub-section (1) of section 12 of this Ordinance.

Storage and safe custody of firearms and ammunition.

18. (1) Every registered firearms dealer shall maintain at each of his places of business a suitable enclosed store for the safe custody of firearms and ammunition in his possession.

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(2) Each such store as aforesaid shall be, and be maintained constantly, secure to the satisfaction of the licensing officer for the area in which it is situated, and shall have only one means of entry thereto which shall be provided with two locks of which master-keys shall be delivered to, and retained by, the licensing officer.

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(3) Every person having in his possession any firearm or ammunition shall keep the same at all times securely and in safe custody and in a safe condition, and shall take all reasonable precautions to ensure that such firearm or ammunition is not lost or stolen and is not at any time available to any person not lawfully entitled to possess the same.

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(4) If any person fails to comply with any of the provisions of this section, he shall for each offence be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

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**19.** Where a registered firearms dealer is convicted of an offence against this Ordinance, or against any law for the time being in force in the Colony relating to customs in respect of the import or export of firearms or ammunition, the court may order—

Powers of court  
in case of offences  
by registered  
firearms  
dealers

- (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 or conduct 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:

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.

**20.** (1) No pawnbroker shall take any firearm or ammunition in pawn from any person.

Penalty for  
taking in pawn  
firearms or  
ammunition.

(2) If any pawnbroker contravenes the provisions of this section, he shall for each offence be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

**21.** (1) 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.

Provisions as to  
converting  
imitation firearms  
into firearms.

(2) If any person contravenes any of the foregoing provisions of this section he shall for each offence be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

**22.** Any person having possession of a firearm or ammunition, whether or not he holds a firearm certificate therefor or is entitled to have possession thereof without holding a firearm certificate, shall, if such firearm or ammunition be lost, stolen or destroyed, report such loss, theft or destruction as soon as possible after its occurrence to the police officer in charge of the nearest police station, and if he fails to do so, shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

Loss of firearms  
or ammunition to  
be reported.

**23.** (1) Any person aggrieved by a refusal of a licensing officer to grant him a firearm certificate under section 5 of this Ordinance or to vary or renew a firearm certificate, or by the revocation of a firearm certificate, or by a refusal of a licensing officer to grant him a permit under sub-section (11) of section 7 of this Ordinance, or by the refusal of a licensing officer to register him as a firearms dealer, or by the removal of his

Appeals under  
Part I.

name from the register of firearms dealers by a licensing officer, or by the refusal of a licensing officer to enter a place of business in the register of firearms dealers under section 15 of this Ordinance or by the removal of any such place of business from the register, may appeal to the Governor in Council, whose decision shall be final.

(2) An appeal under this section shall be lodged within fourteen days after the date on which the appellant first received notice, whether written or oral, of the decision by which he is aggrieved. 10

(3) On an appeal under this section the Governor in Council may either dismiss the appeal or give such directions as he may think fit to the licensing officer from whose decision the appeal has been lodged, as respects the firearm certificate, permit or register which is the subject of the appeal. 15

Application of  
this Part.

**24.** (1) This Part of this Ordinance applies to all firearms as defined in section 2 of this Ordinance, except the following weapons and component parts thereof, namely—

an airgun, air-rifle or air-pistol not being of a type declared by the Chief Secretary by notice in the Gazette 20 to be specially dangerous.

(2) This Part of this Ordinance applies to all ammunition as defined in section 2 of this Ordinance, except the following articles, namely—

- (a) ammunition for an airgun or air-rifle or air-pistol; and 25
- (b) blank cartridges not exceeding one inch in diameter.

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

Saving.

**25.** Nothing in this Part of this Ordinance shall relieve 30 any person using or carrying a firearm from the obligation to take out a licence to kill game under any law for the time being in force relating to such licences.

## PART II—MISCELLANEOUS PROVISIONS AS TO FIREARMS AND AMMUNITION 35

Special  
provisions  
relating to  
certain types of  
weapons and  
ammunition.

**26.** (1) It shall not be lawful for any person, other than a person in the service of the Crown in his capacity as such or a person authorized in that behalf by the Chief Secretary, to sell, transfer, purchase, acquire, or have in his possession—

- (a) any firearm which is so designed or adapted that, if 40 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 45 adapted for the discharge of any noxious liquid, gas or similar thing;
- (c) any ammunition containing, or designed or adapted to contain, any such noxious thing; or
- (d) any firearm or ammunition specified, or any firearm or 50 ammunition of a class or type specified, by the Chief Secretary by notice in the Gazette.

(2) If any person contravenes the provisions of sub-section (1) of this section, he shall be liable on conviction to imprisonment for a term not exceeding three years or to a fine not 55 exceeding five thousand shillings, or to both such imprisonment and fine.

(3) 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, if that person fails to comply with any such condition, he shall for each offence be liable on 5 conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

(4) The Chief Secretary may at any time, if he thinks fit, revoke any authority given by him to any person under this 10 section, by notice in writing requiring that person to deliver up the authority to such person as may be specified in the notice within fourteen days from the date of the notice, and if that person fails to comply with that requirement, he shall be liable on conviction to imprisonment for a term not exceeding six 15 months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

(5) The foregoing provisions of this section shall be in addition to and not in derogation of any other provisions of this Ordinance or any other Ordinance relating to the sale, 20 transfer, purchase, acquisition or possession of firearms or ammunition, but a licensing officer—

(a) shall not refuse to grant or renew, and shall not revoke, a firearm certificate in respect of a firearm, weapon or ammunition such as is referred to in sub-section (1) 25 of this section if the applicant is for the time being authorized by the Chief Secretary to have possession of that firearm, 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 30 authorized as aforesaid to sell or transfer a firearm, weapon or ammunition such as aforesaid, 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 35 without danger to the public safety or to the peace,

and where any authority to purchase, acquire or have possession of a firearm, weapon or ammunition is revoked under this section, the firearm certificate relating to that firearm, weapon or ammunition shall be revoked or varied accordingly by the 40 licensing officer by whom it was granted.

27. (1) No person shall import or export any firearm or ammunition into or from the Colony save under and in accordance with the terms of an import or export permit, as the case may be, issued by an authorized officer:

Importation and exportation of firearms and ammunition.

45 Provided that where any firearm or ammunition, not being a firearm or ammunition the importation of which is for the time being prohibited under sub-section (2) of this section, is imported into the Colony for the personal use of the owner thereof but without an import permit under this section having 50 been previously obtained authorizing the importation thereof, such importation shall not be deemed to contravene the provisions of this section if such firearm or ammunition on importation is left in customs control until an import permit under this section is obtained in respect of the importation 55 thereof.

(2) No person shall import or export into or from the Colony any firearm or ammunition, or any firearm or ammunition of a class or type, of which the importation or exportation, as the case may be, is for the time being prohibited by the Chief Secretary by order published in the Gazette.



(3) If any person contravenes any of the provisions of sub-section (1) or (2) of this section, he shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine. 5

(4) An authorized officer may, at his discretion and without assigning any reason therefor, refuse to grant any import or export permit under this section, and shall refuse to grant any such permit authorizing—

(a) the importation or exportation of any arms or 10 munitions of war unless the Governor in Council shall have sanctioned such importation or exportation; or

(b) the importation or exportation of any firearm or ammunition of which the importation or exportation, as 15 the case may be, is for the time being prohibited under sub-section (2) of this section.

(5) Import and export permits under this section shall be in the prescribed forms and there shall be payable in respect thereof such fees as may be prescribed. 20

(6) An authorized officer may, without assigning any reason therefor, revoke any import or export permit granted under this section at any time before the firearms or ammunition to which it relates have been imported or exported, as the case may be, in pursuance thereof. 25

(7) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or for any other person, the issue of an import or export permit under this section, he shall for each offence be liable on conviction to imprisonment for a term not exceeding six months 30 or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

(8) For the purposes of this section, the expression "authorized officer" means a police officer or customs officer authorized by the Commissioner of Police in writing to grant 35 import and export permits under this section.

(9) In this section, "firearm" and "ammunition" mean respectively a firearm and ammunition to which Part I of this Ordinance applies.

Places of  
importation of  
firearms or  
ammunition and  
removal  
therefrom.

28. (1) No person shall import any firearm or ammuni- 40 tion into the Colony save at any one or more places designated for the purpose by the Chief Secretary, and all firearms and ammunition imported at any such place shall be detained in customs control pending removal in accordance with the provisions of this section. 45

(2) No person who imports into the Colony any firearm or ammunition by way of trade or business, or for the purposes of any trade or business, or for any purpose other than his own personal use, shall remove the same, or cause the same to be removed, from customs control, unless he shall have first ob- 50 tained a removal permit under section 29 of this Ordinance authorizing the removal thereof from the place at which the same is detained in customs control.

(3) No person who imports a firearm or ammunition into the Colony for his own personal use shall remove the same, or 55 cause the same to be removed, from customs control unless he shall have first obtained a firearm certificate, or a permit under sub-section (11) of section 7 of this Ordinance, in respect thereof, or unless he is entitled by virtue of this Ordinance to have the firearm or ammunition in his possession without holding a 60 firearm certificate.

(4) If any person contravenes any of the foregoing provisions of this section he shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

(5) In this section "firearm" and "ammunition" mean respectively a firearm and ammunition to which Part I of this Ordinance applies.

29. (1) Subject to the provisions of sub-section (4) of this section, no person shall remove or transport, or cause to be removed or transported, any firearm or ammunition from one place to another in the Colony, whether for the purpose of export from the Colony or otherwise, save under and in accordance with a removal permit issued by the licensing officer for the area from which such firearm or ammunition is to be removed or transported.

Removal and transportation of firearms and ammunition within the Colony.

(2) If any person contravenes any of the provisions of sub-section (1) of this section, or makes any statement which he knows to be false for the purpose of procuring for himself or any other person, the issue of a removal permit under this section, he shall for each offence be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

25 (3) No removal permit shall be issued under this section authorizing the removal or transport of firearms or ammunition by road from one area to another, save with the general or specific authority of the Commissioner of Police.

(4) Nothing in this section shall apply to—

30 (a) a person carrying on the business of an approved carrier, or a servant of such a person, in respect of the removal or transportation of any firearms or ammunition in the ordinary course of that business;

35 (b) the holder of a firearm certificate, or of a permit under sub-section (11) of section 7 of this Ordinance, in respect of the carriage with him and in accordance with the terms of the firearm certificate or permit of any firearm or ammunition to which the firearm certificate or permit relates;

40 (c) any person, not being a registered firearms dealer, in respect of the carriage with him of any firearm or ammunition which he is entitled by virtue of the provisions of this Ordinance so to carry without holding a firearm certificate; or

45 (d) the removal or transport by a registered firearms dealer of any firearm or ammunition in his possession in the ordinary course of his business as such from one of his places of business to another in the same area, or from or to his own place of business to or from the place of business of another registered firearms dealer in the same area.

55 (5) A permit issued under this section may at any time be revoked by the licensing officer who issued the same, and such licensing officer shall not be compelled to assign any reason for such revocation.

(6) In this section, "firearm" and "ammunition" mean respectively a firearm and ammunition to which Part I of this Ordinance applies.

Firearms and  
ammunition in  
transit through  
the Colony.

**30.** Notwithstanding anything in this Ordinance contained, a licensing officer may, at his discretion, grant with or without conditions, refuse, suspend or revoke transit permits for the importation to, removal within, transportation across, and exportation from, the Colony of any firearms or ammunition in transit through the Colony to any place outside the Colony, and the importation, exportation, removal, transportation and possession of any such arms or ammunition under and in accordance with the terms of any such transit permit shall be lawful and shall not constitute any offence under this Ordinance.

Restrictions on  
carriage by native  
vessels.

**31.** (1) Subject to the provisions of sub-section (2) of this section, no person shall ship or discharge any firearms or ammunition in or from a native vessel of less than five hundred tons burden.

(2) The provisions of this section shall not apply—

- (a) to lighters or barges lawfully engaged in loading or unloading ships;
- (b) to firearms or ammunition conveyed on behalf of the Government and accompanied by an officer of the Government;
- (c) to a firearm or ammunition in the possession of a person holding a firearm certificate in respect thereof or entitled by virtue of this Ordinance to have the same in his possession without holding a firearm certificate, where the firearm or ammunition is for the personal use of the person in possession thereof.

(3) For the purposes of this section, the expression "native vessel" means a vessel owned by a native, or fitted out by a native, or of which more than half of the crew are natives, of any country bordering on the Indian Ocean, the Red Sea, the Persian Gulf or the Gulf of Oman.

(4) In this section, "firearm" and "ammunition" mean respectively a firearm and ammunition to which Part I of this Ordinance applies.

Restrictions on  
possession of  
firearms and  
ammunition by  
young persons.

**32.** (1) No person under the age of fourteen years shall have in his possession any firearm or ammunition to which Part I of this Ordinance applies except in circumstances where he is entitled to have possession thereof without holding a firearm certificate by virtue of sub-section (7), (8), or (9) of section 7 of this Ordinance, 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 fourteen years, except in circumstances where that other person is entitled to have possession thereof as aforesaid.

(2) If any person contravenes any provision of this section, he shall for each offence be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

Prohibition on  
persons convicted  
of crime for  
purchasing or  
possessing  
firearms or  
ammunition.

**33.** (1) Subject to the provisions of this section, a person who has been sentenced by a court to imprisonment, or to detention of any description in an approved school or other place of detention, for a term of three months or upwards for any offence 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, no person who 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  
5 firearm, or is subject to a probation order, or other lawful order, containing a requirement that he shall not possess, use or carry a firearm, shall, at any time during which he is so subject as aforesaid, have a firearm or ammunition in his possession.

10 (3) Subject to the provisions of any other law for the time being in force under which a condition or requirement such as is referred to in sub-section (2) of this section is imposed or made, a person prohibited under the foregoing provisions of this section from having in his possession a firearm or ammunition  
15 may apply to the Governor in Council for exemption from such prohibition, and if the application is granted, the said provisions of this section shall not apply to that person.

(4) The Governor in Council may, in his absolute discretion, grant or refuse any such application for exemption as  
20 aforesaid, and shall not be required to assign any reason for the refusal of any such application.

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

(6) If any person contravenes any provision of this section, he shall for each offence be liable on conviction to imprisonment for a term not exceeding six months or to a fine  
30 not exceeding two thousand shillings, or to both such imprisonment and fine.

34. Any person who is drunk, or who behaves in a disorderly manner, while carrying a firearm to which Part I of this Ordinance applies shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine  
35 not exceeding two thousand shillings, or to both such imprisonment and fine.

Carrying firearm while drunk or disorderly.

35. (1) If any person makes or attempts to make any use whatsoever of a firearm or imitation firearm with intent to  
40 resist or prevent the lawful apprehension or detention of himself or any other person, he shall be liable on conviction to imprisonment for a term not exceeding fourteen years; and where any person commits any such offence in respect of the lawful apprehension or detention of himself for any other  
45 offence committed by him, he shall be liable to the penalty provided in this sub-section in addition to any penalty to which he may be sentenced for that other offence.

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

(2) A firearm or imitation firearm shall, notwithstanding that it is not loaded or is otherwise incapable of discharging  
50 any shot, bullet or other missile, be deemed to be a dangerous weapon or instrument for the purposes of the Penal Code.

Cap. 24.

(3) In this section, the expression "imitation firearm" means anything which has the appearance of being a firearm, whether it is capable of discharging any shot, bullet or other  
55 missile or not.

36. (1) Any person who is aggrieved by the refusal of an authorized officer to issue to him an import or export permit under section 27 of this Ordinance, or by the revocation of any such permit, or by the refusal of a licensing officer to issue to him a removal permit under section 29 of this Ordinance, or

Appeals under Part II.

by the revocation of any such permit, or by the refusal of a licensing officer to grant him a transit permit under section 30 of this Ordinance, or by the imposition of any condition attached to any such permit, or by the suspension or revocation of any such permit, may appeal to the Governor in Council, 5 whose decision shall be final.

(2) The provisions of sub-sections (2) and (3) of section 23 of this Ordinance shall apply *mutatis mutandis* to appeals under this section.

### PART III—GENERAL

10

Provisions as to forfeiture of firearms and ammunition and cancellation of firearm certificates.

37. (1) Where any person—

(a) is convicted of an offence under this Ordinance or is convicted of any offence for which he is sentenced to imprisonment; or

(b) has been ordered to be subject to police supervision, or 15 to enter into 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, or is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm, 20

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 which was found in his possession or in respect of which the offence of which he is convicted was committed or which was used in the commission of such 25 offence as the court thinks fit, and may cancel any firearm certificate or permit under sub-section (11) of section 7 of this Ordinance held by the person convicted.

(2) Where a court cancels a firearm certificate or permit under this section— 30

(a) the court shall cause notice to be sent to the licensing officer by whom the firearm certificate or permit was granted; and

(b) the licensing officer shall by notice in writing require the holder of the firearm certificate or permit to sur- 35 render it; and

(c) if the holder fails to surrender the firearm certificate or permit within fourteen days from the date of the last-mentioned notice, he shall be liable on conviction to a fine not exceeding one thousand shillings. 40

Search warrants and disposal of firearms and ammunition seized.

38. (1) A court, if satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Ordinance has been, is being, or is about to be committed, may grant a search warrant authorizing a police officer or other person therein named— 45

(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 50 person, in respect of which or in connexion with which he has reasonable ground for suspecting that an offence under this Ordinance has been, is being, or is about to be committed; and

(c) if the premises are those of a registered firearms dealer, 55 to examine any books relating to the business.

(2) A court shall have power, on the application of a police officer or customs officer, to order any firearm or ammunition seized and detained under this Ordinance to be destroyed or otherwise disposed of.

(3) Any firearm or ammunition in the hands of the Police or in customs control and unclaimed for a period in excess of six months may, if the owner thereof is unknown or cannot be traced or fails, when required, or is not entitled under this  
 5 Ordinance or any other law for the time being in force in the Colony, to take possession thereof, be disposed of at any time after the expiration of the period aforesaid in such manner as the Commissioner of Police may direct, and no compensation shall be payable to any person in respect of any firearm or  
 10 ammunition so disposed of as aforesaid.

39. Any police officer may at all reasonable times enter upon any premises with a view to ascertaining whether or not the provisions of this Ordinance or of any rules made thereunder are being complied with, and may inspect such premises  
 15 and any firearm or ammunition, book, account, register, document or thing found therein, and may require any person appearing to be in control thereof or employed therein to give such information as such police officer may require in order to ascertain whether or not the provisions of this Ordinance or of  
 20 any rules made thereunder are being complied with.

Power to inspect premises.

40. Any person who obstructs a police officer in the exercise of any of the powers conferred on him by or under section 38 or section 39 of this Ordinance, or who fails to give to such police officer any information which he is lawfully re-  
 25 quired by such police officer under the said section to give to him, shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and fine.

Penalty for obstructing a police officer

41. Any police officer may arrest without warrant any  
 30 person whom he suspects on reasonable grounds of having committed an offence against this Ordinance.

Arrest without warrant.

42. A magistrate holding a subordinate court of the first class shall have power to try any offence under this Ordinance, other than an offence under sub-section (1) of section 35 of this  
 35 Ordinance, and to award any punishment provided therefor.

Jurisdiction.

43. Any notice required or authorized by this Ordinance 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 busi-  
 40 ness in respect of which he is registered.

Service of notices.

44. The Governor in Council may, if he is satisfied that reciprocal provisions have been or will be made by the Governments of the Protectorate of Uganda, the Protectorate of Zanzibar, the Protectorate of Nyasaland, or the Trust Territory  
 45 of Tanganyika for the recognition by and under the law in force in such Protectorate or Trust Territory, as the case may be, of firearm certificates granted under this Ordinance, by order declare that an arms licence corresponding to a firearm certificate under this Ordinance and issued under such law  
 50 shall, on being endorsed by a licensing officer, have the same effect and validity in the Colony as if it were a firearm certificate granted under this Ordinance.

Reciprocal recognition of arms licences issued in neighbouring territories.

45. The Governor in Council may make rules—  
 (a) prescribing the form of a firearm certificate, and of  
 55 any register required to be kept under this Ordinance, and of any other permit or document under this Ordinance;

Power to make rules.

(b) prescribing the fees to be paid for anything done, or any permit, document or authorization issued or granted, under this Ordinance;



- (c) prescribing any other thing which under this Ordinance is to be prescribed;
- (d) providing for the establishment and maintenance of a central registry of firearms and ammunition;
- (e) regulating the manner in which licensing officers and 5 other officers are to carry out their duties under this Ordinance;
- (f) enabling all or any of the functions of a licensing officer to be discharged by deputy in the event of the illness or absence, or a vacancy in the office, of a licensing 10 officer;
- (g) generally for carrying this Ordinance into effect.

Savings.

**46.** (1) The provisions of each Part of this Ordinance shall be in addition to and not in derogation of the provisions of any other Part of this Ordinance or of any other law for the 15 time being in force in the Colony and relating to the manufacture, sale, transfer, purchase, acquisition, possession, use, storage, carriage, transportation, importation or exportation of firearms, ammunition or explosives.

(2) Nothing in this Ordinance relating to firearms shall 20 apply to an antique firearm which is sold, transferred, purchased, acquired, imported, exported, transported, or possessed as a curiosity or ornament.

(3) Notwithstanding any rule of law whereunder the provisions of this Ordinance do not bind the Crown, the provi- 25 sions of section 16, sub-sections (3) and (4) of section 18, section 34 and section 35, of this Ordinance shall apply to persons in the service of the Crown in their capacity and in the course of their duty as such.

Repeal.  
Cap. 302.

**47.** The Arms and Ammunition Ordinance is hereby re- 30 pealed, and all proclamations, rules and orders made, and licences, permits and authorizations issued or granted thereunder shall, on the commencement of this Ordinance, cease to be of effect:

Provided that the Governor may, by order published in 35 the Gazette, make provision for—

- (i) exempting, for such period from the commencement of this Ordinance as may be specified in the order, any person or class of persons from the provisions of this Ordinance or any of them or from the provisions 40 of any rule made under this Ordinance;
- (ii) refunding any fee or part thereof paid by any person for or in respect of any licence, permit or authorization issued or granted to him under the said Arms and Ammunition Ordinance and unexpired at the com- 45 mencement of this Ordinance;

and provided that any such order, if made after the commencement of this Ordinance, shall, if expressed to take effect retrospectively from the commencement of this Ordinance, take effect accordingly.

## MEMORANDUM OF OBJECTS AND REASONS

This Bill repeals the Arms and Ammunition Ordinance (Cap. 302) and provides in its place a new system of control of arms and ammunition. It is based in the main on the United Kingdom Firearms Act, 1937, with certain modifications appropriate to local circumstances. The whole structure of the existing Arms and Ammunition Ordinance, which has been found in several respects to be unsuitable for modern requirements, has been altered. The main provisions regarding possession of firearms or ammunition require a firearm certificate, valid for one year and renewable for like periods, to be obtained, though there is provision for temporary permits, valid up to three months, to be issued. Similar exemptions from the necessity to hold a firearm certificate are provided as in the United Kingdom Act. Dealing in firearms or ammunition is restricted to registered firearms dealers, who are subjected by the Bill to close control and supervision. The Bill also controls imports and exports of firearms and ammunition.

*Clause 2* contains definitions. The two most important definitions are those of "firearm" and "ammunition" which follow the definitions in the United Kingdom Act with slight modification.

*Clause 3* provides for the appointment of licensing officers by the Commissioner of Police. This represents a major departure from the existing law in which control and licensing are dispersed between the Administration, the Police and the Customs. This Bill places the responsibility for control and licensing in the hands of the Police, where, in modern conditions, it belongs, though Customs Officers will have certain functions to perform in regard to imports and exports.

*Clause 4* prohibits the purchase, acquisition or possession of firearms or ammunition without a firearm certificate, and *clause 5* regulates applications for, and grants, variations and revocations of, firearm certificates.

*Clause 6* relates to fees for firearm certificates and provides for certain exemptions from payment thereof. The quantum of such fees will be prescribed by rule.

*Clause 7* describes the various conditions under which firearms or ammunition may be held without a firearm certificate. The provisions of this clause follow the corresponding provisions of the United Kingdom Act and sub-clause (11) provides for the issue of temporary permits in lieu of firearm certificates for periods up to three months.

*Clause 8* gives power to require the production of arms or ammunition for inspection and/or distinctive marking, when application is made for a firearm certificate or temporary permit in lieu thereof. This measure is desirable in order to keep a close check on arms in the hands of the public.

*Clause 9* prohibits the manufacture of arms or ammunition save under the auspices of the Government.

*Clause 10* relates to the production on demand of firearm certificates.

*Clause 11* relates to the production of firearms or ammunition on demand.

*Clauses 12 to 18* relate to dealings in, and restrictions on, sale, repair, etc., of firearms and ammunition. Dealings are restricted to registered firearms dealers who have to register not only themselves but their places of business and have to provide secure storage for firearms and ammunition in their possession or custody. They have also to maintain a register of transactions in firearms and ammunition and are subjected to strict control and supervision. *Clause 18* also contains a provision requiring all persons having possession of firearms or ammunition to keep them securely and in safe custody and rendering them liable to penalties for non-compliance.

*Clause 19* confers on courts certain powers of disqualification in the case of offences committed by registered firearms dealers.

*Clause 20* makes it an offence to take any firearm or ammunition in pawn; and *Clause 21* regulates the conversion of imitation firearms into firearms.

*Clause 22* requires the loss of any firearm or ammunition to be reported to the Police. This clause follows the principle embodied in section 13 of the existing Ordinance (Cap. 302).

*Clause 23* provides for appeals from the decisions of licensing officers to the Governor in Council.

*Clause 24* excludes from the application of *clauses 4 to 23* air-guns and air-pistols unless the same are declared by the Chief Secretary to be dangerous. *Clause 25* contains a saving in regard to game licences.

Part II of the Bill (*clauses* 26 to 36) contains various provisions relating either to specified types of firearms and ammunition or to the importation, exportation and transportation of firearms and ammunition or to certain prohibitions relating to firearms and ammunition.

*Clause* 26 provides for special measures of control by the Chief Secretary of certain varieties of firearms and ammunition.

*Clause* 27 relates to the importation and exportation of firearms and ammunition, and requires permits for such imports and exports.

*Clause* 28 provides that the importation of firearms shall only be permitted at specified places and that the removal of firearms so imported from customs control shall be controlled by permit.

*Clause* 29 imposes certain restrictions on the removal and transportation of firearms and ammunition within the Colony; and *clause* 30 makes provision for the transportation of firearms and ammunition in transit through the Colony.

*Clause* 31 contains certain restrictions on the carriage of firearms and ammunition by native vessels and is based on section 23 of the existing Ordinance, but omits certain concessions in the latter section relating to the carriage of firearms and ammunition by coastal vessels.

*Clauses* 32 and 33 impose certain restrictions and prohibitions on the possession of firearms by young persons or persons convicted of crime.

*Clause* 34 makes it an offence to be drunk or disorderly while carrying a firearm.

*Clause* 35 provides a heavy penalty for the possession or use of firearms or ammunition with intent to resist or prevent arrest.

*Clause* 36 makes similar provision for appeals under Part II as is made by *clause* 23 for appeals under Part I.

Part III (*clauses* 37 to 47) contains certain general provisions.

*Clause* 37 relates to the forfeiture of firearms and ammunition and the cancellation of firearm certificates by a court before whom a person is convicted. *Clause* 38 relates to search warrants.

*Clause* 39 gives powers of inspection of premises without a warrant similar to those contained in section 27 of the existing Ordinance, and *clause* 40 provides a penalty for obstructing the Police in the exercise of their powers under the preceding two clauses. This latter clause also follows the provisions of section 27 of the existing Ordinance.

*Clause* 41 gives the Police powers of arrest without warrant of persons suspected of committing offences under the Bill. By this means offences under the Bill will become cognizable for the purposes of the Criminal Procedure Code, by virtue of the provisions of section 62 of which, therefore, the Police will have power to interpose for the purpose of preventing the commission of such offences.

*Clause* 42 confers enhanced jurisdiction under the Bill on Magistrates.

*Clause* 43 provides for the service of notices by registered post.

*Clause* 44 makes provision similar to that contained in section 12 (7) of the existing Ordinance for the reciprocal recognition in the Colony of arms licences issued in neighbouring territories.

*Clause* 45 confers rule-making powers on the Governor in Council and *clause* 46 contains certain necessary savings.

*Clause* 47 repeals the existing Ordinance and contains provisos for temporary exemptions by the Governor after the commencement of the new Ordinance and for the refund of fees paid under the existing Ordinance. These provisos are designed to give a measure of latitude in regard to the transition from the old to the new Ordinance and to relieve any injustice that may arise from the payment of double fees.

In general, the Bill provides for a system of control and regulation of the possession of, and dealings in, firearms and ammunition which is stricter and more comprehensive than that in force under the existing law; it imposes heavier responsibilities on persons in possession of firearms, and will, it is hoped, facilitate the task of preventing firearms from coming into the possession of unauthorized and ill-intentioned persons.

It is not expected that any appreciable additional expenditure of public moneys will be involved if this Bill is passed into law, while some accretion to revenue may result from the collection of fees for permits and certificates, of which a wider range is provided for in the Bill than in the existing law.

Nairobi,  
22nd May, 1953.

JOHN WHYATT,  
Attorney General.