



ST. HELENA

CHAPTER 138

FIREARMS ORDINANCE and Subsidiary Legislation

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

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¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

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CHAPTER 138

FIREARMS ORDINANCE

(Ordinance 14 of 1997)

AN ORDINANCE TO REGULATE THE IMPORTATION INTO, EXPORTATION FROM, AND THE POSSESSION AND USE OF FIREARMS AND OTHER WEAPONS IN ST. HELENA, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Commencement

[22 December 1997]

PART 1 PRELIMINARY

Short title

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

Interpretation

2. (1) In this Ordinance—

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“**acquire**” means to hire, accept as a gift, purchase or borrow, and “**acquisition**” shall be construed accordingly;

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

“**ammunition**” means any missile capable of being used in any firearm, and includes bombs, grenades and other missiles whether capable of use with a firearm or not;

“**certificate**” (except in the context of registration of firearms dealers) means a firearm certificate or a shot gun certificate; and—

(a) “**firearm certificate**” means a certificate granted by the Chief of Police² pursuant to section 23; and

(b) “**shot gun certificate**” means a certificate granted by the Chief of Police pursuant to section 25 authorising a person to possess a shot gun or guns;

“**firearm**” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and includes ammunition for use with any such weapon, and also includes an air weapon;

“**firearms dealer**” means any person who, by way of trade or business, imports, makes, sells, transfers, repairs or tests firearms;

“**imitation firearm**” means any article which has the appearance of being a firearm, whether or not it is capable of discharging any shot, bullet or other missile, but shall not include a water pistol or any other article specifically manufactured for use as a toy;

“**land**” includes land covered with water;

“**premises**” includes land with or without a building or buildings erected on such land;

“**prescribed**” means anything prescribed by regulations made by the Governor pursuant to section 45;

“**prohibited weapon**” means any weapon of a kind specified in section 8;

“**public place**” includes any highway 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 in accordance with section 28;

“**shot gun**” means any weapon of a kind referred to in sections 5 and 25;

“**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;

“**transfer**” includes letting on hire, giving, lending, or otherwise parting with possession, and “**transferor**” and “**transferee**” shall be construed accordingly.

(2) For the purposes of this Ordinance—

(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.

Application

3. This Ordinance shall not apply to any member of the St. Helena Police force, or to any member of Her Majesty’s armed forces, when respectively acting in the lawful discharge of their duties as such.

² Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

This e-version of the text is not authoritative for use in court.

PART 2
POSSESSION, HANDLING AND DISTRIBUTION OF WEAPONS
AND AMMUNITION, AND PUBLIC SAFETY

Requirement of firearm certificate

- 4. (1)** Subject to any exemption under this Ordinance, it shall be an offence for a person—
- (a) to import, or have in his possession, 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 import, or have in his possession, 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 shall be 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 shall apply 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;
 - (b) ammunition for an air gun, air rifle or air pistol; and
 - (c) blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannellure of the base of the cartridge.

Requirement of certificate for possession of shot gun

- 5. (1)** Subject to any exemption under this Ordinance, it shall be an offence for a person to import or have in his possession, or to acquire a shot gun, without holding a certificate issued under section 23 of this Ordinance.
- (2)** Any person who fails to comply with any condition attached to a shot gun certificate issued to him shall be guilty of an offence.

Business and other transactions with firearms and ammunition

- 6. (1)** Any person who is not registered as a firearms dealer pursuant to section 28 of this Ordinance shall be guilty of an offence if he—
- (a) manufactures, sells, transfers, repairs or tests any firearm or ammunition to which section 4 of this Ordinance applies, or a shot gun; or
 - (b) exposes for sale or transfer, or has in his possession for sale, transfer, repair or test any such firearm or ammunition, or a shot gun.
- (2)** Subject as hereinafter provided, it shall be an offence for a person to sell, or transfer to any other person in St. Helena, other than a registered firearms dealer, any firearm or ammunition to which section 4 applies, or of a shot gun, unless the purchaser or transferee produces a firearm certificate authorising him to acquire it or, as the case may be, his shot gun certificate, or shows that he is by virtue of this Ordinance, entitled to acquire it without the necessity to hold such certificate.
- (3)** It shall be an offence for a person to undertake the repair or testing of a firearm or ammunition to which section 4 applies, or of a shot gun, for any other person in St. Helena

other than a registered firearms dealer as such, unless that other person 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 Ordinance entitled to have possession of it without holding a certificate.

(4) Subsections (1), (2) and (3) shall have effect subject to any exemption under subsequent provisions of this Part of this Ordinance.

(5) A person shall be guilty of an offence if, in any case with a view to acquiring, or procuring the repair or testing of any firearm or ammunition to which section 4 applies, or a shot gun, he produces a false certificate or a certificate in which any false entry has been made, or represents himself to be another person to whom a certificate has been granted, or makes any false statement.

(6) A pawnbroker who takes in pawn any firearm or ammunition to which section 4 applies, or a shot gun, shall be guilty of an offence.

Conversion of weapons

7. (1) Subject to the following subsections, any person who shortens the barrel of a shot gun to a length of less than 24 inches shall be guilty of an offence:

Provided that it shall not be an offence for a registered firearms dealer to shorten the barrel of a shot gun for the sole purpose of replacing a defective part of the barrel so as to produce a barrel not less than 24 inches in length.

(2) It shall be an offence for a person other than a registered firearms dealer to convert into a firearm anything which, although appearing to be 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 4 by importing, or having in his possession, or by acquiring a shot gun which has been shortened, contrary to subsection (1), or a firearm which has been converted contrary to subsection (2), without holding a firearm certificate authorising him to import it, or have it in his possession, or to acquire it, shall be treated for the purposes of the provisions of this Ordinance relating to the punishment of offences, as having committed that offence in an aggravated form.

Weapons subject to general prohibition

8. (1) Subject to the provisions of section 4, a person shall be guilty of an offence if, without the permission in writing of the Chief of Police³ he has in his possession, or acquires, manufactures, sells or transfers—

- (a) any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger;
- (b) any self-loading or pump-action rifle other than one which is chambered for .22 rim-fire cartridges;
- (c) any self-loading or pump-action smooth-bore gun which is not chambered for .22 rim-fire cartridges and either has a barrel less than 24 inches in length or (excluding any detachable, folding, retractable or other movable butt-stock) is less than 40 inches in length overall;
- (d) any smooth-bore revolver gun other than one which is chambered for 9 mm rim-fire cartridges or loaded at the muzzle end of each chamber;

³ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

- (e) any rocket launcher, or any mortar, for projecting a stabilised missile, other than a launcher or mortar designed for line-throwing or pyrotechnic purposes or as a signalling apparatus;
- (f) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing; and
- (g) any cartridge with a bullet designed to explode on or immediately before such noxious thing as is mentioned in paragraph (f) and, if capable of being used with a firearm of any description, any grenade, bomb (or other like missile), or rocket or shell designed to explode as aforesaid.

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

(3) Any authority given pursuant to subsection (1) shall be subject to such conditions as the Chief of Police may specify therein for the purpose of securing or ensuring that the prohibited weapon or prohibited ammunition to which the authority relates will not endanger the public safety or peace.

(4) It shall be an offence for a person to whom an authority is given pursuant to subsection (1) to fail to comply with any condition specified therein.

(5) The Chief of Police, in his discretion, may at any time revoke an authority given to a person pursuant to subsection (1) by notice in writing requiring him to deliver up the authority by not later than the date specified in such notice.

(6) A person who fails to comply with the requirements of a notice given pursuant to subsection (5) shall be guilty of an offence.

Power to prohibit movement of arms and ammunition

9. (1) The Governor, by Order published in the *Gazette*, may prohibit the importation into or the removal of firearms or ammunition from one place to another in St. Helena, or their export therefrom.

(2) An Order made pursuant to subsection (1) may apply—

- (a) either generally to all such removals, or to removals from and to particular localities specified in the Order; and
- (b) either to all firearms and ammunition, or to firearms and ammunition of such classes and descriptions as may be so specified; and
- (c) either to all modes of conveyance, or to such modes of conveyance as may be so specified:

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

(3) Any person who contravenes any of the provisions specified in an Order made pursuant to subsection (1) shall be guilty of an offence.

Authorised dealing with firearms

10. (1) A person who carries on the business of a firearms dealer and is registered as such, pursuant to section 28 of this Ordinance, or an employee of such person may, without holding a certificate, import, have in his possession, or acquire, a firearm or ammunition in the ordinary course of business.

(2) It shall not be an offence under section 6(2) 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 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 certificate; or
- (b) to return to another person a shot gun which he has lawfully undertaken to repair or test for the other.

Exemption for certain businesses

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

(2) It shall not be an offence under section 6(2) for an auctioneer, carrier or warehouseman, or a servant of any of them, to deliver any firearm or ammunition in the ordinary course of his business or employment as such.

Weapons for slaughtering or humanely destroying animals

12. (1) A person may, without holding a certificate, have in his possession the following—

- (a) a slaughtering instrument and ammunition therefor for the purpose of slaughtering any animal intended to be used for human consumption; or
- (b) a humane killer for the purpose of humanely destroying any animal that is not intended to be used for human consumption.

(2) The burden of proving that a weapon has been specifically manufactured or adapted for use as a slaughtering instrument or a humane killer shall lie with the person in possession of it.

Weapons used in sporting activities

13. (1) A person carrying a firearm or ammunition belonging to another person holding a certificate under this Ordinance may, without himself holding such a certificate, have in his possession that firearm or ammunition under instructions from, and for the use of, that other person for the purpose of a sporting activity.

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

(3) A member of the St. Helena Rifle Association or any other rifle, pistol or shooting club approved in writing by the Chief of Police⁴ may, without holding a certificate, have in his possession a firearm and ammunition when participating as a member in competitions held by such clubs, or in connection with instruction or target practice.

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

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

⁴ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

Entertainment activities

14. (1) The Chief of Police⁵ may authorise a person who is not the holder of a certificate to have a firearm, with or without ammunition, in his possession for the purpose of the performance, rehearsal or production of any concert, play or other activity of entertainment:

Provided that authorisation shall not be given unless the Chief of Police is satisfied that no person likely to attend the performance, rehearsal or production will be at risk of physical injury or other harm.

(2) Where the Chief of Police is satisfied, on the application of a person in charge of a performance, rehearsal or production of any concert, play or other activity of entertainment that a prohibited weapon is required for any of those purposes he may, pursuant to section 8(1), additionally authorise such other person or persons as he may specify to have possession of it while participating in such performance, rehearsal or production.

(3) An authority granted pursuant to this section shall be in writing, and may be unconditional or subject to such conditions as the Chief of Police may specify therein.

(4) A person who fails to comply with any condition specified in an authority granted pursuant to this section shall be guilty of an offence.

Equipment for ships and other vessels

15. A person may, without holding a certificate—

- (a)** have in his possession a firearm or ammunition on board a ship, boat or other sea vessel, as part of the safety equipment thereof; or
- (b)** remove a firearm or ammunition from or to a ship, boat or other sea vessel for the purpose of repair or inspection, or after the completion thereof.

Possession of firearm for specific purposes

16. (1) Any person (whether or not the holder of a certificate) who has in his possession any firearm or ammunition with intent by means thereof to endanger life, or to cause damage to property, or to enable another person to do so, shall be guilty of an offence.

(2) For the purposes of subsection (1) it shall be immaterial whether or not any life has been endangered or damage caused to any property.

Use of firearm in circumstances of arrest

17. (1) A person who makes or attempts to make any use whatsoever of a firearm or imitation firearm with intent to prevent, obstruct or resist the lawful arrest or detention of himself or another person shall be guilty of an offence.

(2) A person who has with him a firearm or imitation firearm with intent to commit any offence punishable by imprisonment, or to resist arrest, or prevent the arrest of another person, in any case while he has the firearm or imitation firearm in his possession, shall be guilty of an offence.

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

⁵ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

Possession of firearm when a trespasser or in a public place

18. (1) Any person in possession of a firearm who enters upon or is on premises as a trespasser and without reasonable excuse (the proof whereof shall lie with him) shall be guilty of an offence.

(2) Any person who, without lawful authority or reasonable excuse (the proof whereof shall lie with him), 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 therewith, shall be guilty of an offence.

Possession of firearm by convicted person

19. (1) A person who has, on conviction for any offence, 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 imprisonment for a term of three months or more but less than three years shall not, before the expiration of five years from the date of his release, have any firearm or ammunition in his possession.

(3) A person who is subject to a recognizance to keep the peace or be of good behaviour shall not, at any time while subject to such recognizance as aforesaid, use or possess any firearm or ammunition.

(4) Any person who contravenes any of the provisions of the previous subsections shall be guilty of an offence.

(5) Any person who sells or transfers a firearm or ammunition to another person for the purpose of testing or repairing the same, when he knows or has reasonable grounds to believe that such other person is prohibited by any of the provisions of this section from lawfully possessing such firearms or ammunition, shall be guilty of an offence.

Acquisition and possession of firearms by minors

20. (1) It shall be an offence for a person under the age of seventeen years to purchase or hire any firearm or ammunition.

(2) It shall be an offence for a person under the age of fourteen years to have in his possession any firearm or ammunition to which section 4 applies, except in circumstances where under section 13(1), (3) or (4) he is entitled to have possession of it without holding a firearm certificate.

(3) It shall be an offence for a person under the age of fifteen years to have with him an assembled shot gun, except while under the supervision of another person of not less than twenty-one years, or while the shot gun is so covered with a securely fastened gun cover that it cannot be fired.

(4) Subject to subsections (5) and (6), it shall be an offence—

(a) for a person under the age of fourteen years to have with him an air weapon or ammunition for an air weapon; or

(b) for a person under the age of seventeen years to have an air weapon with him in a public place, except an air gun or air rifle which is so covered with a securely fastened gun cover that it cannot be fired.

(5) It shall not be an offence under subsection (4)(a) for a person to have with him an air weapon or ammunition while he is under the supervision of another person of not less than twenty-one years:

Provided that where a person has with him an air weapon on any premises in circumstances where he would be prohibited from having it with him save for the provisions of this subsection; it shall be an offence—

- (a) for him to use it for firing any missile beyond those premises; or
- (b) for the person under whose supervision he is to allow him so to use it.

(6) It shall not be an offence under subsection (4)(a) or (b) for a person to have with him an air weapon or ammunition at a time when—

- (a) being a member of the St. Helena Rifle Association or any other rifle, pistol or shooting club approved pursuant to section 13, he is engaged as such a member in or in connection with target practice; or
- (b) he is using the weapon or ammunition at a shooting gallery where the only firearms used are either air weapons or miniature rifles not exceeding .23 inch calibre.

Supplying firearms to minors

21. (1) It shall be an offence to sell or let on hire any firearm or ammunition to any person who is under the age of seventeen years.

(2) It shall be an offence—

- (a) to transfer any firearm or ammunition to which section 4 applies to any person under the age of fourteen 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 to have possession thereof, without holding a firearm certificate, pursuant to section 13(1), (3) or (4).

(3) It shall be an offence to transfer a shot gun or ammunition therefor to any person who is under the age of fifteen years.

(4) It shall be an offence—

- (a) to transfer an air weapon or ammunition therefor to any person who is under the age of fourteen years; or
- (b) to part with the possession of an air weapon or ammunition therefor to any person under that age, except where by virtue of section 20(5) or (6) that person is not prohibited from having it with him.

(5) In proceedings for an offence under any provision of the preceding subsections, it shall be a defence to prove that the person charged with the offence believed the other person to be of or more than the age specified in that provision, and that reasonable grounds existed for such belief.

Supplying firearms to persons drunk or of unsound mind

22. Any person who sells or otherwise transfers any firearm or ammunition to any other person whom he knows or has reasonable cause to believe is drunk, or is of unsound mind, or delivers or causes to be delivered to such person any firearm or ammunition for the purpose of testing or repair, shall be guilty of an offence.

PART 3

FIREARM AND SHOT GUN CERTIFICATES AND REGISTRATION OF FIREARMS DEALERS

Applications for certificates

23. (1) An application for the grant of a firearm or shot gun certificate shall be made in the prescribed form to the Chief of Police⁶, and shall contain all particulars required by such form.

(2) A certificate granted shall, unless earlier revoked or cancelled, continue in force for a period of three years, or such shorter period as the Chief of Police may in his discretion determine, from the date when it was granted or last renewed.

(3) The Chief of Police may renew a certificate for a further period not exceeding three years, as he shall deem appropriate, and may grant as many subsequent renewals, as he shall think fit. The provisions of this section shall apply to all applications for and the grant of such renewal or renewals.

(4) On the grant of a certificate, or upon the first or any subsequent renewal thereof, the Chief of Police may, in his discretion, attach any conditions which he shall consider appropriate.

(5) Any person aggrieved by the refusal of an application for the grant of a certificate, or the renewal thereof, or the attachment of any condition, may appeal to the Governor whose decision shall be final. Subject to any provisions prescribed by regulations made under section 45, an appeal under this subsection shall be in writing and shall be made within 14 days of the date of the decision complained of:

Provided that the Governor may, in his discretion extend in any case the time for making such an appeal.

(6) The Chief of Police shall not grant a firearm certificate—

(a) to any person who he has reason to believe is prohibited by this Ordinance from possessing a firearm to which section 4 applies, or to be of intemperate habits or unsound mind, or who is, in his opinion, not fit to be entrusted with such a firearm; or

(b) to any person in respect of whom he is not satisfied has a good reason for having in his possession or acquiring the firearm or ammunition to which the application relates, and who can be permitted to possess or acquire the same without apprehension of danger to the public safety or peace.

(7) Any person who makes any statement, which he knows to be false for the purpose of procuring the grant or renewal of a certificate under this section, whether for himself or for another person, shall be guilty of an offence.

Form of firearm certificate

24. (1) 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, including any specific identification numbers known, and in the case of ammunition the quantities authorised to be possessed or acquired and to be held at any one time thereunder.

(2) The provisions of subsection (1) shall apply to both the grant and any renewal or renewals of a firearm certificate.

Special provisions for shot gun certificates

25. (1) Subject to subsection (2), a shot gun certificate may be granted or, as the case may be, renewed by the Chief of Police⁷ for such period as he may think fit, if he is satisfied that the applicant can be permitted to possess a shot gun without danger to the public safety or peace:

⁶ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

⁷ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

Provided that no such certificate shall be granted or renewed if the Chief of Police—

- (a) is satisfied that the applicant does not have a good reason for possessing or acquiring a shot gun; or
- (b) has reason to believe that the applicant is prohibited by this Ordinance from possessing a shot gun.

(2) For the purpose of the proviso to subsection (1)(a), an applicant shall, in particular, be regarded as having a good reason if the shot gun is intended to be used for sporting or competition purposes.

Variation of firearms and shot gun certificates

26. (1) The Chief of Police⁸ may at any time, by notice in writing, amend the conditions subject to which a firearm or shot gun certificate is held, and may by such notice require the holder to deliver up the certificate to him within seven days from the date of the notice, for the purpose of amending the conditions specified therein. A firearm or shot gun certificate may also, on the application of the holder thereof, be amended from time to time by the Chief of Police.

(2) Any person aggrieved by the amendment of a certificate, or the refusal of an application therefor, may appeal to the Governor, and the provisions of section 23(5) shall apply to such appeal.

(3) Any person who makes any statement which he knows to be false for the purpose of procuring the amendment of a firearm or shot gun certificate under this section, whether for himself or for another person, shall be guilty of an offence.

Revocation of certificates

27. (1) The Chief of Police⁹ may revoke a firearm or shot gun certificate if—

- (a) he is satisfied that the holder is prohibited by this Ordinance from possessing any firearm or shot gun, or is of intemperate habits, or of unsound mind, or is otherwise not fit to be entrusted with such a firearm or shot gun; or
- (b) the holder fails to comply with a notice issued under section 26(1) requiring him to deliver up the certificate.

(2) Any person aggrieved by the revocation of a certificate under subsection (1) may appeal to the Governor, and the provisions of section 23(5) shall apply to such appeal.

(3) Where a certificate is revoked under subsection (1), the Chief of Police shall, by notice in writing, require the holder to surrender the certificate within seven days. Failure to do so shall be an offence:

Provided that if an appeal is made pursuant to subsection (2), this subsection shall not apply to that revocation, unless the appeal is withdrawn or dismissed, and shall then apply with the substitution for the reference to the date on which the appeal was withdrawn or dismissed.

Registration of firearms dealers

28. (1) The Chief of Police¹⁰ shall compile and maintain a register, in the prescribed form, of all firearms dealers in St. Helena duly authorised to carry on business as such.

⁸ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

⁹ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

¹⁰ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

(2) Subject to the provisions of section 29, the Chief of Police shall enter in the register the name of any person who, having or proposing to have a place of business in St. Helena, applies to be registered as a firearms dealer.

(3) An applicant for registration shall furnish all particulars prescribed, and shall specify every place of business at which he proposes to operate as a firearms dealer.

(4) The Chief of Police shall cause a certificate to be completed in the prescribed form and delivered to every applicant who successfully applies for registration pursuant to subsection (3). Registration may be granted for such period not exceeding three years as he may consider appropriate.

(5) A person who is registered as a firearms dealer shall surrender his certificate to the Chief of Police not later than fourteen days before the date of its expiry, and may apply in the prescribed form for a new certificate. The provisions of this section shall apply to all such applications.

Refusal of registration

29. (1) The Chief of Police¹¹ shall refuse to register as a firearms dealer any person who has been prohibited to be so registered by order of a Court, whether in St. Helena or elsewhere.

(2) The Chief of Police, if he is satisfied that a place of business notified to him under section 28(3) by an applicant for registration is a place at which the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or peace, shall refuse to enter that place of business in the register.

(3) Any person aggrieved by the refusal of his application for registration as a firearms dealer, or for a new certificate of registration, or to enter in the register a place of business of his, may appeal to the Governor and the provisions of section 23(5) shall apply to such appeal.

Conditions of registration

30. (1) The Chief of Police¹² 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.

(2) All conditions imposed pursuant to subsection (1) shall be specified in the certificate of registration granted to the firearms dealer, and where any such condition imposed is varied or revoked during the currency of the certificate, the Chief of Police shall—

(a) give to the dealer notice in writing containing particulars of the condition or conditions imposed, varied or revoked, as the case requires; and

(b) by such notice require the dealer to deliver his certificate of registration within seven days of the date of the notice, for the purpose of amending the same.

(3) Any person aggrieved by the imposition or variation of, or refusal to vary or revoke any condition attached to a firearm dealers registration certificate may appeal to the Governor, and the provisions of section 23(5) shall apply to such appeal.

Registration of new place of business

31. (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 of Police¹³

¹¹ *Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police*

¹² *Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police*

¹³ *Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police*

and furnish him with such particulars as may be prescribed; and the Chief of Police shall, subject to the provisions of this section, enter that place of business in the register.

(2) The Chief of Police, if he is satisfied that a place of business notified to him by a person under subsection (1) 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) Any person aggrieved by the refusal of his application under subsection (1) may appeal to the Governor, and the provisions of section 23(5) shall apply to such appeal.

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

32. (1) If the Chief of Police¹⁴, 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 in St. Helena; 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 of Police is satisfied that a person who is registered as a firearms dealer has failed to comply with any condition imposed pursuant to section 30, 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 of Police 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 of Police shall cause the name of a person to be removed from the register if that person so desires, and gives such notification in writing to the Chief of Police.

(5) If a registered firearms dealer fails to comply with the provisions of section 28(5), the Chief of Police shall, by notice in writing, require him to comply. If the dealer fails to comply with the requirements of any such notice, the Chief of Police shall forthwith cause his name to be removed from the register.

(6) Any person aggrieved by the removal of his name, or from a place of business from the register, may appeal to the Governor, and the provisions of section 23(5) shall apply to such appeal.

(7) Where the Chief of Police 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 the register of transactions maintained by him in accordance with section 34. Failure to do so within seven days of the date of service of such notice shall constitute an offence:

Provided that where an appeal is made against such removal, this subsection shall not apply to that removal unless the appeal is withdrawn or dismissed, and shall then apply with the substitution for the reference to the date on which the appeal was withdrawn or dismissed.

Offences in connection with registration

33. (1) Any person who makes a false statement for the purpose of—

¹⁴ *Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police*

This e-version of the text is not authoritative for use in court.

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

shall be guilty of an offence.

(2) Any person who, being a registered firearms dealer, carries on business as such at a place not entered in the register of firearms dealers, shall be guilty of an offence.

(3) Without prejudice to section 32(2), any person who fails to comply with any condition contained in a firearms dealers registration certificate granted to him, and imposed pursuant to section 30, shall be guilty of an offence.

Compulsory register of transactions in firearms

34. (1) A person who is registered as a firearms dealer shall compile and maintain a register of transactions, and shall enter or cause to be entered therein the following particulars—

- (a) the quantities and description of firearms and ammunition manufactured and the dates thereof;
- (b) the quantities and description of firearms and ammunition acquired with the names and addresses of the sellers or transferors and the dates of the several transactions;
- (c) the quantities and descriptions of firearms and ammunition accepted for sale, repair, cleaning, storage, destruction or other purpose, the names and addresses of the transferors, and the dates of the several transactions;
- (d) the quantities and descriptions of firearms and ammunition sold or transferred, the names and addresses of the purchasers or transferees, and the dates of the several transactions;
- (e) the quantities and description of firearms and ammunition in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register.

(2) Every person who maintains a register in accordance with this section shall (unless required to surrender the register pursuant to section 32(7)) keep it for such a period that each entry made will be available for inspection for not less than three years from the date on which it was made.

(3) Every person maintaining a register in accordance with this section shall on demand allow a police officer to enter and inspect all stock in hand, and if so requested shall produce the register for inspection.

(4) Any person who makes an entry in the register which he knows to be false, or who otherwise fails to comply with any of the provisions of this section, shall be guilty of an offence.

(5) Nothing in this section shall apply to the delivery of firearms and ammunition under the provisions of section 11(2).

Transactions with persons not registered dealers

35. (1) A person who sells or transfers any firearm or ammunition to which section 4 applies to another person in St. Helena who is not a registered firearms dealer shall, unless that other person shows that he is by virtue of this Ordinance entitled to acquire the firearm or ammunition without holding a certificate, comply with any conditions contained in the

certificate produced, and shall within seven days of the transaction cause notice in writing to be given to the Chief of Police¹⁵.

(2) A notice given pursuant to subsection (1) shall contain a description of the firearm (with the identification number where appropriate), and shall state the nature of the transaction and the name and address of the purchaser or transferee.

(3) Any person to whom the provisions of this section apply who fails to comply therewith shall be guilty of an offence.

Consequences where registered firearms dealer convicted of offence

36. (1) Where a registered firearms dealer is convicted of an offence which is contrary to any of the provisions of this Ordinance, and in addition to any penalty that may be imposed, the Court may order that—

- (a) the name of the dealer be removed from the register maintained under the provisions of section 28; 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) Any person aggrieved by an order made under subsection (1) 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 4

LAW ENFORCEMENT AND PUNISHMENT FOR OFFENCES

General powers of search, seizure and examination

37. Where there are reasonable grounds for suspecting that any offence under this Ordinance has been, is being, or is about to be committed on any premises, a police officer may—

- (a) enter such premises at any time, if necessary by force, and search the same and every person found there;
- (b) seize and detain any firearm or ammunition which he may find on such premises, or on any such person found there, which he has reasonable grounds for suspecting has been, is being, or is about to be used contrary to any provision of this Ordinance; and
- (c) if the premises so entered are those of a registered firearms dealer, examine any books relating to the business.

Powers of stop and search

¹⁵ *Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police*

This e-version of the text is not authoritative for use in court.

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

- (a) of possessing a firearm, with or without ammunition, in a public place; or
- (b) to be committing or about to commit, elsewhere than in a public place, any offence under this Ordinance,

to hand over the firearm or any ammunition for examination.

(2) Any person who is in possession of a firearm or ammunition, and fails to hand it over when required to do so pursuant to subsection (1), shall be guilty of an offence.

(3) For the purposes of the discharge of his powers under subsection (1), a police officer may search any person so suspected, and may detain him for so long as is reasonably necessary for the purpose of so doing:

Provided that no female person shall be searched other than by a female police officer, and no male person shall be searched other than by a male police officer.

(4) If a police officer has reasonable cause to suspect that there is a firearm in any vehicle which is in a public place, or that a vehicle is being or is about to be used in the commission of an offence under this Ordinance, 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 any of the powers conferred by this section, a police officer may enter any premises, including any private premises, without giving prior notice to the owner or occupier thereof.

(6) Any person who fails to comply with any request, instruction or direction lawfully given by a police officer pursuant to the provisions of this section shall be guilty of an offence.

Production of certificates

39. (1) A police officer may demand from any person whom he believes to be in possession of a firearm or ammunition to which this Ordinance applies the production of his certificate therefor.

(2) If a person upon whom a demand is made under subsection (1) fails to produce a valid certificate, or to permit the police officer to examine any certificate produced, or to show that he is entitled by virtue of this Ordinance to have a firearm or ammunition in his possession without holding a certificate, the police officer may seize and detain any firearm or ammunition in the possession of that person and may require that person to declare to him immediately his name and address.

(3) Any person who is required to declare his name and address pursuant to subsection (2) who refuses to declare it, or who declares a false name or a false address, shall be guilty of an offence.

Firearms about to be exported

40. (1) A police officer or a customs officer may search for and seize any firearm or ammunition which he has reason to believe is about to be unlawfully exported from St. Helena, and may board any ship, vessel or other conveyance for that purpose.

(2) The Master of a ship and any other person who has the control or custody of any firearm or ammunition in course of transit for exportation shall, on demand by a police officer or a customs officer, allow him all reasonable facilities for the examination and inspection thereof, and shall produce all documents in his possession relating thereto.

(3) Any person who fails to comply with the provisions of subsection (2), or who otherwise obstructs a police officer or a customs officer lawfully acting in the execution of his duty under this section, shall be guilty of an offence.

Prosecution and punishment of offences

41. (1) The Schedule to this Ordinance shall have effect to the manner in which offences under this Ordinance may be tried and, on conviction, are punishable; such Schedule being comprised as follows—

- (a) the first column specifies the section of the Ordinance in which the offence is contained;
- (b) the second column describes the general nature of the offence;
- (c) the third column shows whether the offence is triable only summarily, or only on indictment, or either way; and
- (d) the fourth column shows the maximum punishment by way of fine or imprisonment or other detention under this Ordinance 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 or detention of that duration.

(2) Where the Magistrates' Court or a Judge or a Jury is not satisfied that a defendant charged with an offence under this Ordinance is guilty of that offence, but is guilty of another offence under this Ordinance which has not been charged, the defendant may be convicted of that other offence and punished accordingly.

Court's powers to order forfeiture and disposal, and cancellation of certificates

42. (1) Where any person—

- (a) is convicted of an offence under this Ordinance; 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 any firearm or ammunition; or
- (c) is subject to a probation order containing a requirement that he shall not possess, use or carry any firearm or ammunition,

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 firearm dealer's registration certificate held by him.

(2) Where the Court cancels any firearm certificate or firearm dealer's registration certificate under subsection (1)—

- (a) it shall cause notice to be sent to the Chief of Police¹⁶; and
- (b) the Chief of Police shall by notice in writing require the holder of any such certificate to surrender it forthwith.

(3) Any person who fails without reasonable cause (the proof whereof shall lie with him) to comply with any notice given pursuant to subsection (2)(b) within seven days of the date of such notice shall be guilty of an offence.

(4) A police officer may seize and detain any firearm or ammunition which may be the subject of an order under subsection (1).

PART 5

MISCELLANEOUS PROVISION

¹⁶ *Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police*

Service of notices

43. Any notice required or authorised by this Ordinance to be given to a person may either be delivered personally or sent by post to him at his last known or usual place of abode or, in the case of a registered firearms dealer, at any place of business in respect of which he is registered.

Power of Chief of Police to delegate

44. Without prejudice to the provisions of section 7 of the Police Force Ordinance, or to the powers and duties conferred specifically by this Ordinance upon police officers and customs officers, the Chief of Police¹⁷ may informally delegate to a police officer or officers any of his powers and duties under this Ordinance:

Provided that the powers and duties conferred upon the Chief of Police under the provisions of sections 23, 25, 27, 29, 30, 31 and 32 of this Ordinance shall at all times be exercised and performed by him personally.

Governor's power to make regulations

45. The Governor in Council, may make regulations for the further and better execution of this Ordinance, and without prejudice to the generality of this power such regulations may provide for—

- (a) anything which by this Ordinance is required or permitted to be prescribed;
- (b) the amount and nature of any security considered necessary, by way of cash deposit or otherwise before a certificate, registration or other permission is given, for the due performance of any conditions attached thereto;
- (c) the enforcement of any security given and the forfeiture or repayment of any cash deposit;
- (d) the forms of certificates, registrations and other permissions provided for by this Ordinance, the nature of any conditions which may be attached thereto, and the variation of such conditions;
- (e) the information to be supplied and documents to be produced in connection with any application which may be made under this Ordinance for a certificate, registration or other permission, or the variation thereof;
- (f) the fees to be charged in respect of anything required or permitted to be done under this Ordinance;
- (g) the documents necessary and the procedure to be followed in the pursuance of any right of appeal provided for by this Ordinance, including the determination and notification thereof;
- (h) the inspection by police officers or customs officers of the business premises of registered firearms dealers, and the arrangements for storage and security of the firearms and ammunition kept on such premises;
- (i) the marking or other means of identification of firearms and ammunition authorised by this Ordinance to be acquired, possessed or transferred;
- (j) conditions which may be imposed by the Chief of Police¹⁸ upon the holding of any sporting or entertainment activity at which a firearm or ammunition will be used, for the purpose of protecting the public safety or peace;

¹⁷ *Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police*

¹⁸ *Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police*

- (k) without prejudice to the provisions of section 3, the exemption by such authority as may be specified from all or any of the requirements of this Ordinance for such period and in such circumstances as may be deemed appropriate.

SCHEDULE

PROSECUTION AND PUNISHMENT OF OFFENCES

TABLE OF PUNISHMENTS

Section of this Ordinance creating offence	General nature of offence	Mode of prosecution	Punishment
Section 4(1)	Possessing etc firearm or ammunition without certificate.	(a) Summary.	6 months and/or £500.
		(b) On indictment	(i) where offence is committed in an aggravated form within the meaning of section 7(3), 5 years and/or a fine. (ii) in any other case, 3 years and/or a fine.
Section 4(2)	Noncompliance with condition of firearm certificate.	Summary	6 months and/or £500.
Section 5(1)	Possessing, etc, shot gun without shot gun certificate.	(a) Summary	6 months and/or £500.
		(b) On indictment	3 years and/or a fine.
Section 5(2)	Noncompliance with condition of shot gun certificate.	Summary	6 months and/or £500
Section 6(1)	Trading in firearms without being registered as firearms dealer.	(a) Summary	6 months and/or £500.
		(b) On indictment	3 years and/or a fine.
Section 6(2)	Selling firearm to person without a certificate.	(a) Summary	6 months and/or £500.
		(b) On indictment	3 years and/or a fine.
Section 6(3)	Repairing or testing firearm for person without a certificate.	(a) Summary	6 months and/or £500.
		(b) On indictment	3 years and/or a fine.
Section 6(5)	Falsifying certificate etc, with view to acquiring firearm.	(a) Summary	6 months and/or £500.
		(b) On indictment	3 years and/or a fine.
Section 6(6)	Pawnbroker taking firearm in pawn.	Summary	3 months and/or £300.
Section 7(1) and	Shortening a shot gun and conversion of	(a) Summary	6 months and/or £500.

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(2)	firearms.	
		(b) On indictment..... (i) Where offence is committed in an aggravated form within the meaning of section 7(3), 5 years and/or a fine; (ii) in any other case 3 years and/or a fine.
Section 8(1)	Possessing or distributing prohibited weapons or ammunition.	(a) Summary 6 months and/or £500. (b) On indictment..... 5 years and/or a fine.
Section 8(4)	Noncompliance with condition of authority.	Summary 3 months and/or £300.
Section 8(6)	Noncompliance with requirement to surrender authority to possess etc prohibited weapon or ammunition.	Summary £100.
Section 9(3)	Contravention of order restricting importation or removal of firearms and ammunition.	Summary 3 months and/or £300 for each firearm or parcel of ammunition in respect of which the offence is committed.
Section 14(4)	Failing to comply with condition of authority for entertainment activity.	Summary 3 months and/or £300.
Section 16(1)	Possession of firearm with intent to endanger life or injure property.	On indictment..... Life imprisonment and/or a fine.
Section 17(1)	Use of firearm to resist arrest.	On indictment..... Life imprisonment and/or a fine.
Section 17(2)	Possessing firearm while committing an offence.	On indictment..... Life imprisonment and/or a fine.
Section 18(1)	Possessing firearm when a trespasser on land.	Summary 3 months and/or £300.
Section 18(2)	Carrying loaded firearm in a public place.	(a) Summary 6 months and/or £500. (b) On indictment..... 5 years and/or a fine.
Section 19(4)	Contravention of provisions denying firearms to ex prisoners and others.	(a) Summary 6 months and/or £500. (b) On indictment..... 3 years and/or a fine.
Section 19(5)	Supplying firearms to persons denied them.	(a) Summary 6 months and/or £500. (b) On indictment..... 3 years and/or a fine.
Section 20(1)	Person under 17 years acquiring firearm.	Summary 3 months and/or £300.
Section 20(2)	Person under 14 years having unlawful	Summary 3 months and/or £300.

	possession of firearm.	
Section 20(3)	Person under 15 years having shot gun without adult supervision.	Summary £200.
Section 20(4)(a)	Person under 14 years having air weapon or ammunition.	Summary £200.
Section 20(4)(b)	Person under 17 years having air weapon in a public place.	Summary £200.
Section 20(5)	Person under 14 years making improper use of air weapon when under supervision; person supervising him permitting such use.	Summary £200.
Section 21(1)	Transferring firearm or ammunition to person under 17 years.	Summary 6 months and/or £500.
Section 21(2)	Supplying firearm or ammunition of a kind to which section 4 applies to person under 14 years.	Summary 6 months and/or £500.
Section 21(3)	Transfer of shot gun or ammunition to person under 15 years.	Summary £200.
Section 21(4)	Supplying air weapon to person under 14 years.	Summary £200.
Section 22	Supplying firearm to person drunk or of unsound mind.	Summary 6 months and/or £500.
Section 23(7)	Making false statement to produce grant or renewal of a firearm or shot gun certificate.	Summary 6 months and/or £500.
Section 26(3)	Making false statement to procure amendment of a firearm or shot gun certificate.	Summary 6 months and/or £500.
Section 27(3)	Failing to surrender certificate on revocation.	Summary £200.
Section 33(1)	Making false statement to secure registration or entry in register of a place of business.	Summary 6 months and/or £500.
Section 33(2)	Registered firearms dealer carrying on business at place not entered in register.	Summary 6 months and/or £500.
Section 33(3)	Noncompliance with condition of registration.	Summary 6 months and/or £500.
Section 34(4)	Noncompliance by firearms dealer with provisions as to register	Summary 6 months and/or £500.

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	of transactions or making false entry in register.	
Section 35(3)	Failure to comply with instructions in firearm certificate when transferring firearm to person other than registered dealer, or failure to give notice to Chief of Police.	(a) Summary 6 months and/or £500.
		(b) On indictment 3 years and/or a fine.
Section 38(2)	Failure to hand over firearm when so required by police officer.	Summary 3 months and/or a fine.
Section 38(6)	Failure to comply with any request by police officer exercising powers to stop and search.	Summary 3 months and/or £300.
Section 39(3)	Failure to give or declaring false name or address to police officer.	Summary £300.
Section 40(3)	Failure to give police or customs officer facilities for examination of firearms about to be exported, or to produce relevant documents.	Summary 3 months and/or £300 (for each firearm or parcel of ammunition in respect of which the offence is committed).
Section 42(3)	Failure to surrender certificate cancelled by Court or conviction of offence, etc.	Summary £300.

FIREARMS (FEES) REGULATIONS – SECTION 45

(Legal Notice 17 of 1998, 15 of 2007, 7 of 2008, 23 of 2011 and 19 of 2013)

Commencement

[6 May 1998]

Short title

1. These regulations may be cited as the Firearms (Fees) Regulations.

Fees

2. The following fees¹⁹ are hereby prescribed for the issue of a certificate or inclusion of a firearm in a certificate—

CATEGORY	FEE
Spear or airgun	
Issue of certificate in respect of spear or airgun	£18.80 for every year (or part thereof) in respect of which the certificate is issued
For every additional spear or airgun included in the certificate	£2.80 for every year (or part thereof) for which the additional spear or airgun is included in the certificate
Any other firearm	
Issue of certificate in respect of any other firearm	£24.20 for every year (or part thereof) in respect of which the certificate is issued
For every additional firearm included on the certificate	£6.00 for every year (or part thereof) for which the additional firearm is included in the certificate

¹⁹ Table of fees substituted by L.N. 7 of 2008, L.N. 23 of 2011 and L.N. 19 of 2013