



TRISTAN DA CUNHA

REVISED EDITION OF THE LAWS, 2017

CRIME AND CRIMINAL PROCEDURE

FIREARMS (TRISTAN DA CUNHA) ORDINANCE, 1997¹

*Ordinance T5 of 1997
In force 27 February 1997*

Amended by Ordinance T1/2010

No subsidiary legislation to 1 November 2017

FIREARMS (TRISTAN DA CUNHA) ORDINANCE, 1997

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AN ORDINANCE to regulate the possession and importation of firearms and other weapons to Tristan da Cunha.

Short title

1. This Ordinance may be cited as the Firearms (Tristan da Cunha) Ordinance, 1997.

¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

Interpretation

2. In this Ordinance, unless the context otherwise requires—
- “**ammunition**” means ammunition capable of being used in any firearm and includes bombs, grenades and other missiles whether capable of use with a firearm or not;
- “**restricted weapon**” means any weapon of any description which the Governor may by regulation prescribe as restricted;
- “**firearm**” means any restricted weapon or any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged.

Restriction on possession, etc. of firearms and ammunition

3. (1) A person must not have in his or her possession, use, carry or purchase in Tristan da Cunha any firearm or ammunition unless the person holds a certificate in the form prescribed in the First Schedule hereto (a “**firearms certificate**”) and in force at the time.

- (2) A firearms certificate must be granted by the Administrator in respect of each firearm, if the Administrator is satisfied that the applicant—
- (a) is a person above the age of 18 years;
 - (b) has a sufficient reason for requiring such firearm;
 - (c) is not by this Ordinance prohibited from possessing, using or carrying a firearm and is not a person of intemperate habits or unsound mind or for any other reason unfit to be entrusted with a firearm and can be permitted to have in his or her possession, use and carry a firearm or ammunition without danger to the public safety or to the peace;
 - (d) has undertaken to hand such firearm in for storage at the Police armoury as required by section 11;
 - (e) has made application in writing setting forth such details of the firearm or ammunition as may be necessary to complete the firearms certificate in the prescribed form; and
 - (f) has paid the fee prescribed in the Second Schedule:

Provided that—

- (i) a firearms certificate may be withheld or withdrawn at the absolute discretion of the Administrator, including withholding such certificate until the firearm is handed in for storage at the Police armoury as required by section 11;
 - (ii) a firearms certificate must be renewed annually.
- (3) No offence is deemed to have been committed under this section in the case of—
- (a) a member of Her Majesty’s armed forces or of the police force of Tristan da Cunha who has in his or her possession a service rifle, revolver or other firearms or ammunition therefor, in his or her capacity as such, or who uses or carries the same in the performance of his or her duty; and
 - (b) a person above the age of 14 years who possesses, uses, or carries a rifle, revolver or ammunition therefor, and who belongs to a *bona fide* rifle club.

But, in relation to paragraph (b)—

- (i) such possession, use, or carriage must be during the course of participation in

- (ii) any lawful club competition or activity; and the Administrator, subject to any conditions he or she sees fit to impose, must have given prior approval in writing to such participation.

Firearms Dealer's Licence

4. (1) Notwithstanding section 3, the Administrator may, on payment of the prescribed fee and subject to any conditions he or she imposes, grant a licence in the form prescribed in the First Schedule hereto (a "**firearms dealer's licence**") to any person, authorising such person to have in his or her possession for the purpose of sale to the public the firearms and ammunition specified in the licence.

(2) A firearms dealer's licence may be withheld or withdrawn at the absolute discretion of the Administrator.

Person drunk in possession of firearms

5. Any person who is drunk when in possession of any firearm and ammunition commits an offence.

Penalty: A fine of £100 or imprisonment for 3 months.

Production of certificate and seizure of firearm

6. (1) The Administrator or a police officer of the Tristan da Cunha Police Force may require any person whom he or she believes to be in possession of or to be using or carrying a firearm or ammunition to produce within 48 hours to the Administrator or constable a firearms certificate in respect of it.

(2) If any person required under subsection (1) to produce a firearms certificate refuses or fails to produce it or to permit the Administrator or police officer to read it, or to show that he or she is a person who is exempted under this Ordinance from the necessity of having such certificate, the Administrator or police officer must seize or detain the firearm or ammunition, and such person commits an offence.

Penalty: As provided in section 8.

Search for firearms, etc.

7. (1) If the Magistrate is 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, he or she may grant a search warrant authorising any police officer named in it to—

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

(2) A police officer making a search of any premises or place by virtue of a warrant issued under subsection (1) may arrest without warrant any person found on the

premises or place whom the officer has reason to believe to be guilty of an offence under this Ordinance.

Penalty for offences

8. Every breach or non-observance of the provisions of this Ordinance constitutes an offence and in every case where no specific punishment is provided a person so convicted is liable to a fine not exceeding £200 or to imprisonment not exceeding 3 months or to both.

Seizure of imported firearms

9. (1) A police officer may search for, seize and detain any firearm, or ammunition imported into Tristan da Cunha, and must not deliver up any firearm or ammunition so imported until the owner thereof produces a firearm certification or firearm dealer’s licence or shows himself or herself to be a person exempted under this Ordinance from the necessity of having a firearms certificate.

(2) A person who intends to import any firearm or ammunition into Tristan da Cunha must, before so importing the firearm or ammunition, notify the Administrator of such intention.

Making of firearms

10. The Administrator may mark or cause to be marked any firearm with a Government stamp or number in any case that he or she considers necessary.

Storage of firearms

11. Every person who owns or is in possession of a firearm must, when such firearm is not in use, hand it in for storage at the Police armoury.

FIRST SCHEDULE
(Sections 3(1) and 4)

FIREARMS (TRISTAN DA CUNHA) ORDINANCE, 1997

FIREARMS CERTIFICATE

This is to certify that
of, in Tristan da Cunha is authorised to have in his/her possession and use and carry within Tristan da Cunha (here insert “firearms” or “ammunition”) specified on the reverse hereof for the period from the date hereof until the 31st December, 20.....

Administrator

FIREARMS DEALER'S LICENCE

Licence is hereby granted to
of for
the purpose of sale to the public the following firearms and/or ammunition:

Firearms:—

No. Type Bore

Total number of firearms (in words):

Ammunition: No. of rounds Type:

This licence is issued subject to the following conditions

(Insert conditions, if any)

Administrator

SECOND SCHEDULE

(Section 3(2))

FEEES

For the grant or renewal of a Firearm Certificate in respect of an air gun or a restricted
weapon £5.00

For the grant or renewal of every other Firearm Certificate £10.00

For the grant of a Firearms Dealer's Licence £20.00
