

# PROJET DE LOI

ENTITLED

## **The Firearms and Weapons (Guernsey) Law, 1998 \***

[CONSOLIDATED TEXT]

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* No. XII of 1998 (Ordres en Conseil Vol. XXXVIII, p. 324); as amended by the Firearms (Guernsey) (Amendment) Law, 2000 (No. II of 2000, Ordres en Conseil Vol. XL, p. 24); the Firearms (Guernsey) (Amendment) Law, 2016 (No. IV of 2016); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Animal Welfare (Guernsey) Ordinance, 2012 (No. III of 2012); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Firearms and Weapons (Guernsey) Ordinance, 2017 (No. \*\* of 2017). See also the Deputy Bailiff (Guernsey) Law, 1969 (Ordres en Conseil Vol. XXII, p. 122); the Police Force (Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Criminal Evidence and Miscellaneous Provisions (Bailiwick of Guernsey) Law, 2002 (No. I of 2003, Ordres en Conseil Vol. XLIII(1), p. 3); the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 (No. XXIII of 2003, Ordres en Conseil Vol. XLIII(2), p. 617); the Fees, Charges and Penalties (Guernsey) Law, 2007 (No. VII of 2008).

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## **The Firearms and Weapons (Guernsey) Law, 1998**

### ARRANGEMENT OF SECTIONS

#### PART I POSSESSION, HANDLING AND DISTRIBUTION OF WEAPONS AND AMMUNITION; PREVENTION OF CRIME; AND MEASURES TO PROTECT PUBLIC SAFETY

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

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

##### *General restrictions on imitation firearms*

- 5A. Manufacture, import and sale of realistic imitation firearm.
- 5B. Meaning of "realistic imitation firearm".

##### *Prohibition of certain weapons and control of arms traffic*

6. Weapons subject to general prohibition.
7. Conversion not to affect classification.
8. De-activated weapons.
9. Power to prohibit movement of arms and ammunition.

##### *Special exemptions from sections 1 to 8*

10. Police permit.
11. Authorised dealing with firearms.
12. Carriers, auctioneers, etc.
13. Slaughter of animals.
14. Sports, athletics and other approved activities.
15. Equipment for ships and aircraft.

*Consolidated text*

16. Possession of firearms or shot guns by visitors.

*Prevention of crime and preservation of public safety*

17. Possession of firearm or air weapon with intent to injure.
18. Use of firearm or air weapon to resist arrest.
19. Carrying firearm or air weapon with criminal intent.
20. Carrying firearm or air weapon in a public place.
- 20A. Possession of shot guns in public places.
21. Trespassing with firearm or air weapon.
22. Firearms to be used only on approved range.
23. Firing firearm in road, street, etc. or during hours of darkness.
- 23A. Firing an air weapon beyond premises.
- 23B. Carriage and use of air weapons in public places for vermin control.
24. Possession of firearms by persons previously convicted of crime.
25. Acquisition and possession of firearms or weapons by minors.
26. Supplying firearms or weapons to minors.
- 26A. Defences, exceptions and exemptions for sections 25 and 26.
27. Supplying firearm to person drunk or insane.

*Insurance*

28. Use of uninsured firearm or shot gun.

PART II  
FIREARM AND SHOT GUN CERTIFICATES;  
REGISTRATION OF FIREARMS DEALERS

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

29. Application for, and grant of, certificates.
30. Special provisions about firearm certificates.
31. Special provisions about shot gun certificates.
32. Variation of firearm and shot gun certificates.
33. Revocation of certificates.
34. Consequences of revocation.
35. Fee for certificate and exemption from paying it in certain cases.

*Registration of firearms dealers*

36. Register of firearms dealers.
37. Grounds for refusal of registration.
38. Fee for registration and renewal thereof.
39. Conditions of registration.
40. Registration of new place of business.
41. Removal from register of dealer's name or place of business.

42. Offences in connection with registration.

*Supplementary*

43. Compulsory register of transactions in firearms.  
44. Transactions with persons not registered as firearms dealers.  
45. Transactions for export.  
46. Appeals from decisions of the Chief Officer.  
47. Consequences where registered dealer convicted of offence.

PART III  
LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

48. Power of search with warrant.  
49. Powers of police officers to stop and search.  
50. Production of certificates.  
50A. Production of licence or permit to carry shot gun or air weapon in a public place.  
51. Police powers in relation to arms traffic.  
52. Special powers of arrest.  
53. Prosecution and punishment of offences.  
54. Forfeiture and disposal of firearms, etc.; cancellation of certificate by convicting court.

PART IV  
MISCELLANEOUS AND GENERAL

55. General provisions as to Ordinances.  
55A. General provisions as to regulations.  
56. Application of Parts I and II to Crown and police officers.  
57. Service of notices.  
58. Interpretation.  
59. Particular savings.  
60. Repeals and general savings.  
61. Extent.  
62. Citation and commencement.

SCHEDULE 1 Offences to which Section 18(2) Applies.

SCHEDULE 2 Prosecution and Punishment of Offences.

Part I Table of Punishments.

Part II Supplementary Provisions as to Trial and Punishment of Offences.

SCHEDULE 3 Repeals.

# PROJET DE LOI

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## **The [Firearms and Weapons (Guernsey) Law, 1998]**

**THE STATES**, in pursuance of their Resolutions of the 1<sup>st</sup> day of October, 1992<sup>a</sup> and the 18<sup>th</sup> day of April, 1997<sup>b</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

### PART I

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

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

**Requirement of firearm certificate.**

1. (1) Subject to any exemption under this Law, it is an offence for a person –
  - (a) to have in his possession, use, purchase or acquire, a 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,

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<sup>a</sup> Article XXV of Billet d'État No. XVII of 1992.

<sup>b</sup> Article VI of Billet d'État No. VI of 1997.

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

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

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

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

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

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## **NOTES**

*The title in square brackets of this Law was substituted by the Firearms (Guernsey) (Amendment) Law, 2016, section 2, with effect from 1st November, 2017.<sup>1</sup>*

*The following cases have referred to this Law:*

*Taylor v. Law Officers of the Crown 2007–08 GLR 207;*  
*Granger v. Law Officers of the Crown (2014) (Unreported, Court of Appeal, 15th July) (Guernsey Judgment No. 33/2014).*

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**Requirement of certificate for possession of shot guns.**

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

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

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

**Business and other transactions with firearms and ammunition.**

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

- (a) manufactures, sells, transfers, repairs, tests or proves any firearm or ammunition to which section 1 applies, or a shot gun or shot gun ammunition, or
- (b) exposes for sale or transfer, or has in his possession for sale, transfer, repair, test or proof any such firearm or ammunition, or a shot gun or shot gun ammunition,

without being registered under this Law as a firearms dealer.

(2) It is an offence for a person to sell or transfer to any other person, other than a registered firearms dealer, any firearm or ammunition to which section 1 applies, or a shot gun or shot gun ammunition, unless that other produces a firearm certificate authorising him to purchase or acquire it or, as the case may be, his shot gun certificate, or shows that he is by virtue of this Law entitled to purchase or acquire it without holding a certificate.

(3) It is an offence for a person to undertake the repair, test or proof of a firearm or ammunition to which section 1 applies, or of a shot gun or shot gun ammunition, for any other person other than a registered firearms dealer as such, unless that other produces or causes to be produced a firearm certificate authorising him to have possession of the firearm or ammunition or, as the case may be, his shot gun certificate, or shows that he is by virtue of this Law entitled to have possession of it without holding a certificate.

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

(5) A person commits an offence if, with a view to purchasing or acquiring, or procuring the repair, test or proof of, any firearm or ammunition to which section 1 applies, or a shot gun or shot gun ammunition, he produces a false certificate or a certificate in which any false entry has been made, or personates a person to whom a certificate has been granted, or makes any false statement.

**Conversion of weapons.**

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



(2) It is an offence for a person to convert into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through its barrel.

(3) A person who commits an offence under section 1 by having in his possession, or purchasing or 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 have it in his possession, or to purchase or acquire it, shall be treated for the purposes of the provisions of the Law relating to the punishment of offences as committing that offence in an aggravated form.

(4) It is not an offence under this section 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.

**Control of [convertible imitation] firearms.**

5. (1) Subject to subsection (3), this Law, and any Ordinance [or regulation] made thereunder, applies to an imitation firearm as it applies in relation to a firearm if –

- (a) it has the appearance of being a firearm to which section 1 applies, and
- (b) it is so constructed or adapted as to be readily convertible into a firearm to which section 1 applies.

(2) For the purposes of this section an imitation firearm shall be regarded as readily convertible into a firearm to which section 1 applies if –

- (a) it can be so converted without any special skill on the

part of the person converting it in the construction or adaptation of firearms of any description, and

(b) the work involved in converting it does not require equipment or tools other than such as are in common use by persons carrying out works of construction and maintenance in their own homes.

(3) For the purposes of this section –

(a) the definition of firearm in section 58(1) shall have effect without paragraphs (b) and (c) of that section (component parts and accessories), and

(b) the reference to an air weapon in section 58(1) shall be deemed to exclude the words "other than an air weapon prescribed as being specially dangerous".

(4) In any proceedings brought under this Law by virtue of this section for an offence involving an imitation firearm to which this section applies, it shall be a defence for the accused to show that he did not know and had no reason to suspect that the imitation firearm was so constructed or adapted as to be readily convertible into a firearm to which section 1 applies.

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**NOTE**

*In section 5, the words in square brackets in, first, the heading thereto and, second, subsection (1) thereof were substituted by the Firearms (Guernsey) (Amendment) Law, 2016, section 3, respectively paragraph (a) and paragraph (b), with effect from 1st November, 2017.*

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*[General restrictions on imitation firearms*

**Manufacture, import and sale of realistic imitation firearm.**

**5A.** (1) Subject to subsections (2) and (3), a person commits an offence if –

- (a) he manufactures a realistic imitation firearm,
- (b) he modifies an imitation firearm so that it becomes a realistic imitation firearm,
- (c) he sells a realistic imitation firearm, or
- (d) he imports a realistic imitation firearm into the Island or causes one to be imported into the Island.

(2) It is a defence for a person charged with an offence under subsection (1) to show that the conduct was for the purpose only of making the imitation firearm in question available for one or more of the following purposes –

- (a) the purposes of a museum or gallery,
- (b) the purposes of theatrical performances and of rehearsals for such performances,
- (c) the production of films,
- (d) the production of programmes,
- (e) the organisation and holding of historical re-enactments organised and held by persons specified or described

for the purposes of this section by regulations made by the [Committee], and

- (f) any other purposes prescribed by regulations made by the [Committee].

(3) The [Committee] may by regulations provide for further defences or exceptions to, or exemptions from, the offence under subsection (1).

(4) In this section –

**"film"** has the meaning given by section 6 of the Copyright (Bailiwick of Guernsey) Ordinance, 2005,

**"historical re-enactment"** means any presentation or other event held for the purpose of re-enacting an event from the past or of illustrating conduct from a particular time or period in the past,

**"museum or gallery"** includes any institution which –

- (a) has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest, and
- (b) gives the public access to it.

**"programme"** –

- (a) means any programme (with or without sounds) which –

- (i) is produced wholly or partly to be seen on television or any kind of broadcast or electronic media, and
  - (ii) consists of moving or still images or of those things and text, and
- (b) includes an advertisement, and

**"realistic imitation firearm"** has the meaning given by section 5B.]

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**NOTES**

*Section 5A was inserted by the Firearms (Guernsey) (Amendment) Law, 2016, section 4, Schedule 1, with effect from 1st November, 2017.*

*In section 5A, the word "Committee" in square brackets, wherever occurring, was substituted in accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.*

*The following Regulations have been made under section 5A:*

*Firearms and Weapons (Exceptions, Exemptions and Defences) (Guernsey) Regulations, 2017.*

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**[Meaning of "realistic imitation firearm".**

**5B.** (1) In section 5A, **"realistic imitation firearm"** means an imitation firearm which –

- (a) has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm, and
- (b) is neither a de-activated firearm nor an antique firearm.

(2) For the purposes of this section, an imitation firearm is not (except by virtue of subsection (3)(b)) to be regarded as distinguishable from a real firearm for any practical purpose if it could be so distinguished only –

- (a) by an expert,
- (b) on a close examination, or
- (c) as a result of an attempt to load or to fire it.

(3) In determining for the purposes of this section whether an imitation firearm is distinguishable from a real firearm –

- (a) the matters that must be taken into account include any differences between the size, shape and principal colour of the imitation firearm and the size, shape and colour in which the real firearm is manufactured, and
- (b) the imitation is to be regarded as distinguishable if its size, shape or principal colour is unrealistic for a real firearm.

(4) The [Committee] may by regulations provide that, for the purposes of subsection (3)(b) –

- (a) the size of an imitation firearm is to be regarded as unrealistic for a real firearm only if the imitation firearm has dimensions that are less than the dimensions specified in the regulations, and

- (b) a colour is to be regarded as unrealistic for a real firearm only if it is a colour specified in the regulations.

(5) In this section –

**"colour"** is to be construed in accordance with subsection (6),

**"de-activated firearm"** means a firearm that has been de-activated within the meaning of section 8,

**"modern firearm"** means any firearm other than one the appearance of which would tend to identify it as having a design and mechanism of a sort first dating from before the year 1870, and

**"real firearm"** means –

- (a) a firearm of an actual make or model of modern firearm (whether existing or discontinued), or
- (b) something falling within a description which could be used for identifying, by reference to their appearance, the firearms falling within a category of actual modern firearms which, even though they include firearms of different makes or models (whether existing or discontinued) or both, all have the same or a similar appearance.

(6) References in this section, in relation to an imitation firearm or a real firearm, to its colour include references to its being made of transparent material.]

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**NOTES**

*Section 5B was inserted by the Firearms (Guernsey) (Amendment) Law, 2016, section 4, Schedule 1, with effect from 1st November, 2017.*

*In section 5B, the word in square brackets in subsection (4) was substituted in accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.*

*The following Regulations have been made under section 5B:*

*Firearms and Weapons (Exceptions, Exemptions and Defences) (Guernsey) Regulations, 2017.*

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*Prohibition of certain weapons and control of arms traffic*

**Weapons subject to general prohibition.**

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

- (a) any firearm which is so designed or adapted that 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 which either –
  - (i) has a barrel less than 24 inches in length, or



*Consolidated text*

- (ii) is less than 40 inches in length excluding any detachable, folding, retractable or other moveable butt-stock,
- (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,
- (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 signalling apparatus,
- [(ea) any air weapon which uses, or is designed or adapted for use with, a self-contained gas cartridge system,]
- [(eb) any air weapon that is disguised as another object,
- (ec) any air weapon (not being a weapon designed for use only when submerged in water) capable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy in excess –
  - (i) in the case of an air pistol, of 6 foot pounds (8.14 joules), or
  - (ii) in the case of any air weapon other than an air pistol, of 12 foot pounds (16.27 joules),]
- (f) any weapon of whatever description designed or

adapted for the discharge of any noxious liquid, gas or other thing,

- (g) any cartridge with a bullet designed to explode on or immediately before impact, any ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in paragraph (f) above 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 Law as "**prohibited weapons**" and "**prohibited ammunition**" respectively.

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

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

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

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

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

(7) The States may by Ordinance add to the categories of weapon or ammunition set out in subsection (1) –

- (a) any firearm which appears to the States to be –
  - (i) specially dangerous, or
  - (ii) wholly or partly composed of material making it not readily detectable by apparatus used for detecting metal objects, or
- (b) any ammunition which appears to the States to be specially dangerous.

(8) In this section the expression "**the Committee**" means the States [Committee for Home Affairs].

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## NOTES

*In section 6,*

*paragraph (ea) of subsection (1) was inserted by the Firearms (Guernsey) (Amendment) Law, 2016, section 5, with effect from 1st November, 2017;*

*paragraph (eb) and paragraph (ec) were inserted by the Firearms and Weapons (Guernsey) Ordinance, 2017, section 1, with effect from 1st November, 2017;*

*the words in square brackets in subsection (3) and subsection (8) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.<sup>2</sup>*

*The following Ordinance has been made under section 6:*

*Firearms and Weapons (Guernsey) Ordinance, 2017.*

*The following case has referred to section 6:*

*Taylor v. Law Officers of the Crown 2007–08 GLR 207.*

*The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this section were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>3</sup>*

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**Conversion not to affect classification.**

7. Any weapon which –
- (a) has at any time, whether before or after the commencement of this Law, been a weapon of a kind described in section 6(1), and
  - (b) is not a self-loading or pump-action smooth-bore gun which has at any such time been such a weapon by reason only of having had a barrel less than 24 inches in length,

shall be treated as a prohibited weapon notwithstanding anything done for the purpose of converting it into a weapon of a different kind.

**De-activated weapons.**

8. (1) For the purposes of this Law, unless the contrary is shown, a firearm shall be regarded as having been rendered incapable of discharging any shot, bullet or other missile ("**de-activated**"), and consequently as having ceased to be a firearm within the meaning of this Law, if and only if –

- (a) it bears a mark denoting that fact which has been made by either of the proof houses of the Master, Wardens and Society of the Mystery of Gunmakers of the City of London or of the guardians of the Birmingham proof house which said mark has been approved by the Secretary of State for the purposes of the said section, and
  - (b) the said proof house has certified in writing that work has been carried out on the firearm in a manner approved by the Secretary of State for rendering it incapable of discharging any shot, bullet or other missile.
- (2) It is an offence for a person –
- (a) to have in his possession a firearm which has been de-activated within the meaning of subsection (1) without holding a de-activated firearm certificate authorising him to have it in his possession,
  - (b) to sell, let on hire, give or lend a firearm which has been de-activated within the meaning of subsection (1) to another person without, within 7 days from the transaction, delivering or sending by registered post or the recorded delivery service notice of the transaction to the Chief Officer.
- (3) An application for the grant of a de-activated firearm certificate shall be made in writing to the Chief Officer and shall be accompanied by the

certificate of de-activation made pursuant to subsection (1)(b).

(4) The Chief Officer shall not refuse to grant a de-activated firearm certificate to a person who is the holder of a firearm certificate (in the case of a de-activated firearm to which section 1 applies) or to a person who is the holder of a shot gun certificate (in the case of a de-activated shot gun).

(5) The Chief Officer may revoke a de-activated firearm certificate if he would be entitled under the provisions of section 33(1)(a) or 33(2) to revoke a firearm certificate or a shot gun certificate held in respect of that weapon were it not de-activated:

Provided that such a certificate shall not be revoked by reason only that the weapon to which it relates is not the subject of a policy of insurance.

(6) In this section "**Secretary of State**" means the Secretary of State for the Home Department.

**Power to prohibit movement of arms and ammunition.**

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

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

(2) Without prejudice to the generality of the foregoing subsection,

an Ordinance made under this section may make different provisions for different classes of firearms or ammunition, for different modes of importation, exportation or removal of firearms or ammunition from, or the exportation of firearms or ammunition to, different countries.

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

*Special exemptions from sections 1 to 8*

**Police permit.**

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

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

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**NOTE**

*The following Regulations have been made under section 10:*

*Firearms and Weapons (Forms and Particulars) (Guernsey) Regulations, 2017.*

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**Authorised dealing with firearms.**

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

- (2) It is not an offence under section 3(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 or by way of gift or loan, to a person who shows that he is by virtue of this Law entitled to have possession of the firearm or ammunition without holding a certificate, or
  - (b) to return to another person a shot gun which he has lawfully undertaken to repair, test or prove for the other.

**Carriers, auctioneers, etc.**

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

(2) It is not an offence under section 3(1) for an auctioneer to sell by auction, expose for sale by auction or have in his possession for sale by auction a firearm or ammunition without being registered as a firearms dealer, if he has obtained from the Chief Officer a permit for that purpose in the prescribed form and complies with the terms of the permit.

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

(4) It is not an offence under section 3(2) for a carrier or warehouseman, or a servant of a carrier or warehouseman, to deliver any firearm or



ammunition in the ordinary course of his business or employment as such.

- (5) It is an offence for an auctioneer, carrier or warehouseman –
- (a) to fail to take reasonable precautions for the safe custody of any firearm or ammunition which, by virtue of subsection (1), he or any servant of his has in his possession without holding a certificate, or
  - (b) to fail to report forthwith to the police the loss or theft of any such firearm or ammunition.

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**NOTE**

*The following Regulations have been made under section 12:*

*Firearms and Weapons (Forms and Particulars) (Guernsey) Regulations, 2017.*

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**Slaughter of animals.**

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

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

(3) In this section –

[ "**licensed slaughterer**" means a person who is licensed to slaughter animals, or stun animals with a view to the same, under the Animal Welfare (Guernsey) Ordinance, 2012,]

**"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,

**"veterinary surgeon"** means a recognised veterinary surgeon within the meaning of section 8 of the Veterinary Surgery and Animal Welfare Ordinance, 1987<sup>d</sup>.

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**NOTE**

*In section 13, the words in square brackets were substituted by the Animal Welfare (Guernsey) Ordinance, 2012, section 83, Schedule 4, paragraph 9(a), with effect from 1st July, 2014, subject to the transitional provisions and savings in section 82, Schedule 3, paragraph 1 of the 2012 Ordinance.*

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**Sports, athletics and other approved activities.**

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

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

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

(4) A person may, without holding a shot gun certificate, use a

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<sup>d</sup> Recueil d'Ordonnances Tome XXIV, p. 51.

shot gun at a time and place approved by the Chief Officer for shooting at artificial targets.

**Equipment for ships and aircraft.**

- 15.** (1) A person may, without holding a certificate –
- (a) have in his possession a firearm or ammunition on board a ship, or a signalling apparatus or ammunition therefor on board an aircraft or at an aerodrome, as part of the equipment of the ship, aircraft or aerodrome,
  - (b) remove a signalling apparatus or ammunition therefor, being part of the equipment of an aircraft, from one aircraft to another at an aerodrome, or from or to an aircraft at an aerodrome to or from a place appointed for the storage thereof in safe custody at that aerodrome, and keep any such apparatus or ammunition at such a place, and
  - (c) if he has obtained from the Chief Officer a permit for the purpose in the prescribed form remove a firearm from or to a ship, or a signalling apparatus from or to an aircraft or aerodrome, to or from such place and for such purpose as may be specified in the permit.
- (2) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, either for himself or for another person, the grant of a permit under subsection (1)(c).

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**NOTE**

*The following Regulations have been made under section 15:*

*Firearms and Weapons (Forms and Particulars) (Guernsey) Regulations, 2017.*

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**Possession of firearms or shot guns by visitors.**

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

- (a) prior to his arrival in the controlled area he produces to the Chief Officer evidence which proves to the satisfaction of the Chief Officer that he is the holder of such current permit and the Chief Officer has issued him with a visitor's temporary permit, and
- (b) the firearm or shot gun and the ammunition are to be used at a shoot organised by an established shooting club in the controlled area.

[ (1A) There shall be payable –

- (a) on the grant or renewal of a visitor's temporary permit,
- (b) on the replacement of any such permit which has been lost or destroyed, and

- (c) on the variation of any such permit (otherwise than when it is replaced at the same time),

the fee prescribed for each of these purposes.]

(2) For the purposes of section 50 (which relates to the production of certificates) a visitor's temporary permit shall be deemed to be a firearm certificate or shot gun certificate, as the case may be, valid during such period as may be specified therein or, if none, for thirty days from the date of issue.

(3) In this section –

(a) the expression "**the controlled area**" means the Islands of Guernsey, Herm and Jethou,

[(aa) the expression "**country**" includes territory,]

(b) the expression "**firearm**" does not include a prohibited weapon[,]

[(ba) the expression "**maximum allowable period**" means –

(i) in the case of a person who is ordinarily resident in Sark, 90 days, and

(ii) in any other case, 30 days.]

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## NOTES

*In section 16, first, the words in square brackets in subsection (1) were substituted, second, subsection (1A) was inserted, third, paragraph (aa) of subsection (3) was inserted and, fourth, the punctuation at the end of*

*paragraph (b) of subsection (3) was substituted and paragraph (ba) thereof was inserted by the Firearms (Guernsey) (Amendment) Law, 2016, respectively section 6(a), section 6(b), section 6(c)(i) and section 6(c)(ii), with effect from 1st November, 2017.*

*The following Regulations have been made under section 16:*

*Firearms and Weapons (Fees) (Guernsey) Regulations, 2017.*

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*Prevention of crime and preservation of public safety*

**Possession of firearm or air weapon with intent to injure.**

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

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**NOTE**

*In accordance with the provisions of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003, section 90(2)(b), Schedule 4, Part II, paragraph 3, with effect from 5th April, 2004, offences under this section are always serious arrestable offences for the purposes of the 2003 Law.*

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**Use of firearm or air weapon to resist arrest.**

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

(2) If a person, at the time of his committing or being arrested for an offence specified in Schedule 1 to this Law, has in his possession a firearm, imitation firearm, air weapon or imitation air weapon, he shall be guilty of an offence under this subsection unless he shows that he had it in his possession for a lawful object.

(3) For the purposes of this section, the definition of "**firearm**" in section 58(1) shall apply without paragraphs (b) and (c) of that section, and "**imitation firearm**" shall be construed accordingly.

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**NOTES**

*The following case has referred to section 18:*

*Granger v. Law Officers of the Crown (2014) (Unreported, Court of Appeal, 15th July) (Guernsey Judgment No. 33/2014).*

*In accordance with the provisions of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003, section 90(2)(b), Schedule 4, Part II, paragraph 3, with effect from 5th April, 2004, offences under this section are always serious arrestable offences for the purposes of the 2003 Law.*

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**Carrying firearm or air weapon with criminal intent.**

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

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

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**NOTE**

*In accordance with the provisions of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003, section 90(2)(b), Schedule 4,*

*Part II, paragraph 3, with effect from 5th April, 2004, offences under this section are always serious arrestable offences for the purposes of the 2003 Law.*

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**[Carrying firearm or air weapon in a public place.**

**20.** (1) Subject to subsection (2) and sections 20A and 23B, a person commits an offence if, without lawful authority or reasonable excuse (the proof whereof lies on him) he has with him in a public place –

- (a) a firearm or air weapon (whether loaded or not), or
- (b) an imitation firearm.

(2) The [Committee] may by regulations provide for defences or exceptions to, or exemptions from, the offence under subsection (1).]

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**NOTES**

*Section 20 was substituted by the Firearms (Guernsey) (Amendment) Law, 2016, section 7, with effect from 1st November, 2017.<sup>4</sup>*

*In section 20, the word in square brackets in subsection (2) was substituted in accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.*

*The following Regulations have been made under section 20:*

*Firearms and Weapons (Exceptions, Exemptions and Defences) (Guernsey) Regulations, 2017.*

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**[Possession of [...] shot guns in public places.**

**20A.** (1) A person does not commit an offence under section 20 by reason of having with him in a public place a [...] shot gun provided that –

- (a) he does so under the authority of and in accordance



with the conditions of a licence granted to him under this section by the Chief Officer, and

(b) he holds a shot gun certificate.

(2) A licence granted under this section by the Chief Officer –

(a) shall state the name and address of the person to whom it is granted and shall bear a photograph of that person,

(b) shall be granted for such period not exceeding three years as the Chief Officer thinks fit and shall specify the date upon which it will, unless revoked earlier, cease to be valid, and

(c) may be granted subject to such conditions (including, without limitation, conditions as to the locations, occasions, circumstances and purposes for which the licence is valid) as the Chief Officer considers to be necessary or expedient, whether on grounds of public safety or otherwise; and the Chief Officer may from time to time by notice in writing vary or rescind any condition subject to which a licence was granted or impose any new condition.

(3) An application for a licence under this section shall be made to the Chief Officer in such form, and shall be accompanied by such documents, information and particulars, as the Chief Officer may require.

(4) A licence under this section shall be granted by the Chief Officer if he is satisfied that the applicant –

- (a) is over 18 years of age,
  - (b) is the holder of a shot gun certificate,
  - (c) has good reason for applying for the licence, and
  - (d) can demonstrate proven knowledge and experience of applying the best practice in relation to safe shooting.
- (5) A licence under this section shall cease to be valid –
- (a) on the date specified therein, or
  - (b) if the Chief Officer revokes it.
- (6) A licence under this section may be revoked by the Chief Officer –
- (a) if he is satisfied that, in the case of the holder, any of the requirements of subsection (4)(a) to (d) are not or are no longer complied with or would not be complied with if an application for such a licence were then being made,
  - (b) if any condition of the licence is contravened, or
  - (c) on any ground on which, in the case of the holder, a shot gun certificate could be revoked under section 33(2).

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

(8) There shall be payable –

- (a) on the grant of a licence under this section,
- (b) on the replacement of any such licence which has been lost or destroyed, and
- (c) on the variation of any such licence (otherwise than when it is replaced at the same time),

the prescribed fee.

(10) Where the Chief Officer by notice in writing varies or rescinds any condition subject to which a licence under this section was granted or imposes any new condition, he may by notice require the holder to deliver up the licence to him within such period as may be specified in the notice for the purpose of amending the conditions of the licence.

(11) Where the Chief Officer, pursuant to subsection (10), requires the holder of a licence under this section to produce the licence, it is an offence for the holder to fail to deliver up the licence within the specified period.

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

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

(13) References in this section to the grant of a licence under this section include references to the renewal thereof.]

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#### NOTES

*Section 20A was inserted by the Firearms (Guernsey) (Amendment) Law, 2000, section 1, with effect from 11th April, 2000.*

*In section 20A and the heading thereto, the words omitted in square brackets were repealed by the Firearms (Guernsey) (Amendment) Law, 2016, section 8, with effect from 1st November, 2017.*

*The following Regulations have been made under section 20A:*

*Firearms and Weapons (Fees) (Guernsey) Regulations, 2017;  
Firearms and Weapons (Forms and Particulars) (Guernsey) Regulations, 2017.*

*In accordance with the provisions of the Fees, Charges and Penalties (Guernsey) Law, 2007, section 1, Schedule, the power to prescribe by Ordinance the fees therein referred to and payable under this Law may be exercised by Regulation, with effect from 19th May, 2008.*

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#### **Trespassing with firearm or air weapon.**

**21.** (1) A person commits an offence if, while he has a firearm or air weapon with him, he enters or is in any building or part of a building as a trespasser and without reasonable excuse (the proof whereof lies on him).

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

(3) In subsection (2) the expression "**land**" includes land covered with water.

**Firearms to be used only on approved range.**

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

(2) [ The [Committee] may make regulations –

(a) for approving or regulating (in any manner the [Committee] thinks fit) the use of any place as a range for the firing of firearms,]

(b) for the entry into and inspection of any premises used or intended to be used as a range for the firing of firearms,

(c) limiting the class or classes of firearms and ammunition which may be used on a range, and

(d) for any incidental and supplementary matters for which the States deem it necessary to provide.

(3) ...

(4) In this section the expression "**firearm**" means a firearm to which section 1 applies.

## NOTES

*In section 22,*

*first, the words in square brackets in subsection (2) were substituted and, second, subsection (3) was repealed by the Firearms (Guernsey) (Amendment) Law, 2016, section 9, respectively paragraph (a) and paragraph (b), with effect from 1st November, 2017;*

*the word "Committee" in square brackets, wherever occurring, was substituted in accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.*

*The following Regulations have been made under section 22:*

*Firearms and Weapons (Approved Ranges) (Guernsey) Regulations, 2017;*

*Firearms and Weapons (Approved Ranges) (Guernsey) Regulations, 2018.*

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

**23.** A person commits an offence if he fires a firearm –

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

### **Firing an air weapon beyond premises.**

**23A.** (1) Subject to subsection (2) and section 23B, a person commits an offence if –

- (a) he has with him an air weapon on any premises, and
- (b) he uses it for firing a missile beyond those premises.

(2) In proceedings against a person for an offence under subsection (1), it is a defence for him to show that the only premises into or across which the missile was fired were premises the occupier of which had consented to the firing of the missile (whether specifically or by way of a general consent).]

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**NOTE**

*Section 23A was inserted by the Firearms (Guernsey) (Amendment) Law, 2016, section 10, Schedule 2, with effect from 1st November, 2017.*

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**[Carriage and use of air weapons in public places for vermin control.]**

**23B.** (1) A person does not commit an offence under section 20 or 23A by reason of having an air weapon with him in a public place, or using it to fire a missile in a public place, if he does so –

- (a) for the purposes of destroying or controlling vermin, and
- (b) under the authority, and in accordance with the conditions, of a permit granted to him under this section by the Chief Officer.

(2) A permit granted under this section by the Chief Officer –

- (a) shall state the name and address of the person to whom it is granted and shall bear a photograph of that person,
- (b) shall be granted for such period not exceeding three years as the Chief Officer thinks fit and shall specify the date upon which it will, unless revoked earlier, cease to be valid, and

- (c) may be granted subject to such conditions (including, without limitation, conditions as to the locations, occasions, circumstances and purposes for which the permit is valid) as the Chief Officer considers to be necessary or expedient, whether on grounds of public safety or otherwise; and the Chief Officer may from time to time by notice in writing vary or rescind any condition subject to which a permit was granted or impose any new condition.

(3) An application for a permit shall be made to the Chief Officer in such form, and shall be accompanied by such documents, information and particulars, as the Chief Officer may require.

(4) A permit shall be granted by the Chief Officer if he is satisfied that the applicant –

- (a) is over 18 years of age,
- (b) wishes to obtain the permit for the purposes of destroying or controlling vermin,
- (c) can demonstrate proven knowledge and experience of applying the best practice in relation to safe use of the air weapon concerned, and
- (d) has adequate public liability insurance for the activity authorised by the permit.

(5) A permit shall cease to be valid –



- (a) on the date specified therein, or
  - (b) if the Chief Officer revokes it.
- (6) A permit may be revoked by the Chief Officer if he is satisfied that –

- (a) any requirement of subsection (4)(a) to (d) is not or is no longer complied with or would not be complied with if an application for such a permit were then being made,
- (b) any condition of the permit is contravened,
- (c) the holder is prohibited by this Law from possessing an air weapon, or
- (d) the holder cannot be permitted to possess an air weapon without danger to the public safety or the peace.

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

- (8) There shall be payable –
- (a) on the grant of a permit,
  - (b) on the replacement of a permit which has been lost or destroyed, and

- (c) on the variation of any permit (otherwise than when it is replaced at the same time),

the fee prescribed for the purpose.

(9) Where the Chief Officer by notice in writing varies or rescinds any condition subject to which a permit was granted or imposes any new condition, he may by notice require the holder to deliver up the permit to him within such period as may be specified in the notice for the purpose of amending the conditions of the permit.

(10) Where the Chief Officer, pursuant to subsection (9), requires the holder of a permit to produce the permit, it is an offence for that holder to fail to deliver up that permit within the specified period.

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

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

(12) References in this section to the grant of a permit include references to the renewal thereof.]

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**NOTES**

*Section 23B was inserted by the Firearms (Guernsey) (Amendment) Law, 2016, section 10, Schedule 2, with effect from 1st November, 2017.*

*The following Regulations have been made under section 23B:*

*Firearms and Weapons (Fees) (Guernsey) Regulations, 2017;  
Firearms and Weapons (Forms and Particulars) (Guernsey)  
Regulations, 2017.*

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**Possession of firearms by persons previously convicted of crime.**

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

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

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

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

(5) It is an offence for a person to sell or transfer a firearm or ammunition to, or to repair, test or prove a firearm or ammunition for, a person whom he knows or has reasonable ground for believing to be prohibited by this section from having a firearm or ammunition in his possession.

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

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**NOTE**

*In accordance with the provisions of the Criminal Evidence and Miscellaneous Provisions (Bailiwick of Guernsey) Law, 2002, section 19, with effect from 20th January, 2003, the reference in this section to a sentence of borstal training within the meaning of the Criminal Justice (Borstal Training) (Guernsey) Law, 1963 shall be construed as a reference to a sentence of youth detention within the meaning of the Criminal Justice (Youth Detention) (Bailiwick of Guernsey) Law, 1990.*

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**[Acquisition and possession of firearms or weapons by minors.]**

25. (1) It is an offence for a person under the age of eighteen years to purchase or hire any firearm, air weapon, imitation firearm, regulated weapon or ammunition.

(2) It is an offence for a person under the age of eighteen years to have in his possession any firearm, air weapon, imitation firearm, regulated weapon or ammunition, except –

- (a) in relation to any firearm or ammunition, in circumstances where that person is entitled under section 14(2) to have possession of it without holding a firearm certificate, or
- (b) in relation to a shot gun, where that person uses the shot gun under the authority, and in accordance with the conditions, of a restricted shot gun certificate or a shot

gun training certificate issued by the Chief Officer under section 31(2).

(3) This section is subject to section 26A.]

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**NOTE**

*Section 25 was substituted by the Firearms (Guernsey) (Amendment) Law, 2016, section 11, with effect from 1st November, 2017.*

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**Supplying firearms [or weapons] to minors.**

**26.** (1) It is an offence to sell or let on hire any [firearm, air weapon, imitation firearm, regulated weapon] or ammunition to a person under the age of eighteen years.

[ (2) It is an offence to make a gift of, lend or part with possession of, any firearm, air weapon, imitation firearm, regulated weapon or ammunition to a person under the age of eighteen years except –

(a) in circumstances where that person is entitled under section 14(2) to have possession of it without holding a firearm certificate, or

(b) in relation to a shot gun, in circumstances where that person uses the shot gun under the authority, and in accordance with the conditions, of a restricted shot gun certificate or a shot gun training certificate issued by the Chief Officer under section 31(2).]

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

[ (3A) Subsections (1) to (3) are subject to section 26A.]

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

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**NOTE**

*In section 26, the words in square brackets in, first, the heading thereto and, second, subsection (1) were substituted, third, subsection (2) was substituted and, fourth, subsection (3A) was inserted by the Firearms (Guernsey) (Amendment) Law, 2016, section 12, respectively paragraph (a), paragraph (b), paragraph (c) and paragraph (d), with effect from 1st November, 2017.*

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**[Defences, exceptions and exemptions for sections 25 and 26.]**

**26A.** The [Committee] may by regulations provide for defences or exceptions to, or exemptions from, the offence under section 25(1) or (2) or the offence under section 26(1), (2) or (3).]

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**NOTES**

*Section 26A was inserted by the Firearms (Guernsey) (Amendment) Law, 2016, section 13, with effect from 1st November, 2017.*

*In section 26A, the word in square brackets was substituted in accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.*

*The following Regulations have been made under section 26A:*

*Firearms and Weapons (Exceptions, Exemptions and Defences) (Guernsey) Regulations, 2017.*

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**Supplying firearm to person drunk or insane.**

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

*Insurance*

**Use of uninsured firearm or shot gun.**

28. (1) It is an offence for a person to use or cause or permit any other person to use any firearm or shot gun unless there is in force in relation to the use of that firearm or shot gun by that person or that other person, as the case may be, a policy of insurance issued by an authorised insurer, the policy being one which, subject to any restrictions or conditions specified therein, insures such persons or classes of persons as may be specified in the policy in an amount of not less than £1,000,000 (or such other sum as the States may by Ordinance prescribe) in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person or for loss of or any damage to property in any one occurrence or series of occurrences arising out of any one event caused by or arising out of the use of that firearm or shot gun.

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

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

(4) Section 50 (which relates to the production of certificates on demand by a police officer) shall apply in relation to a policy of insurance, or to such other written evidence of the existence of such policy as may be acceptable to the Chief Officer, as it applies in relation to a firearm certificate or a shot gun certificate.

(5) In this section –

**"authorised insurer"** means an insurance company for the time being approved for the purposes of this section by the States [Policy & Resources Committee],

**"insurance company"** includes an underwriter or association of underwriters.

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## NOTES

*In section 28, the words in square brackets in the definition of the expression "authorized insurer" in subsection (5) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016.<sup>5</sup>*

*The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>6</sup>*

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## PART II

### FIREARM AND SHOT GUN CERTIFICATES; REGISTRATION OF FIREARMS DEALERS

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



**Application for, and grant of, certificates.**

29. (1) An application for the grant of a firearm or shot gun certificate shall be made in the prescribed form to the Chief Officer, shall state such particulars as may be required by the form and shall be accompanied by two identical photographs of the applicant and by a policy of insurance in relation to the use by the applicant of any firearm or shot gun specified in the application or by such other written evidence of the existence of such policy as may be acceptable to the Chief Officer.

(2) Subject to subsection (3), a certificate shall, unless previously revoked or cancelled, continue in force for three years, or such shorter period as may be prescribed, from the date when it was granted or last renewed, but shall be renewable for a further period of three years, or a further prescribed period, by the Chief Officer and so on from time to time; and the foregoing provisions of this section apply to the renewal of a certificate as they apply to a grant.

(3) Where the applicant for the grant of a firearm certificate is the holder of a shot gun certificate he may elect that the period of validity of the firearm certificate shall expire on the date of expiration of the shot gun certificate; and the fee payable under section 35 in respect of such firearm certificate shall be reduced accordingly.

[ (3A) Where the applicant for the grant of a shot gun certificate is the holder of a firearm certificate he may elect that the period of validity of the shot gun certificate shall expire on the date of expiration of the firearm certificate; and the fee payable under section 35 in respect of such shot gun certificate shall be reduced accordingly.]

(4) A person aggrieved by the refusal of the Chief Officer to grant or to renew a certificate under this Law may in accordance with section 46 appeal against the refusal.

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

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**NOTES**

*In section 29, subsection (3A) was inserted by the Firearms (Guernsey) (Amendment) Law, 2016, section 14, with effect from 1st November, 2017.*

*The following Regulations have been made under section 29:*

*Firearms and Weapons (Forms and Particulars) (Guernsey) Regulations, 2017.*

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**Special provisions about firearm certificates.**

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

Provided that a firearm certificate shall not be granted –

- (a) to a person whom the Chief Officer has reason to believe to be prohibited by this Law from possessing a firearm to which section 1 applies, or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm, [...]
- [(aa) to a person, unless the Chief Officer has conducted a security inspection of the place where the firearm would be kept, and is satisfied that the firearm would be

kept safely and securely in that place,]

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

(2) A firearm certificate shall be in the prescribed form and shall specify the conditions (if any) subject to which it is held, the nature and number of the firearms to which it relates and, as respects ammunition, the quantities authorised to be purchased and to be held at any one time thereunder.

(3) A firearm certificate shall bear a photograph of the holder.

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

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#### NOTES

*In section 30, the word omitted at the end of paragraph (a) of subsection (1) was repealed and paragraph (aa) thereof was inserted by the Firearms (Guernsey) (Amendment) Law, 2016, section 15, with effect from 1st November, 2017.*

*The following Regulations have been made under section 30:*

*Firearms and Weapons (Forms and Particulars) (Guernsey) Regulations, 2017.*

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#### **Special provisions about shot gun certificates.**

**31.** [ (1) Subject to subsection (1A), a shot gun certificate shall be granted or, as the case may be, renewed by the Chief Officer if –

- (a) the Chief Officer is satisfied that the applicant has a good reason for having in his possession, or for purchasing or acquiring, a shot gun, and

- (b) the Chief Officer has conducted a security inspection of the place where the shot gun would be kept and is satisfied that the firearm would be kept safely and securely in that place.

(1A) The Chief Officer shall not grant or renew a shot gun certificate if he has reason to believe that the applicant –

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

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

- (a) a shot gun certificate (hereinafter referred to as "**a restricted shot gun certificate**") authorising the holder to use a shot gun only at a meeting organised by a shooting club named in the certificate and while the holder is under the personal supervision of an adult who is himself the holder of a shot gun certificate for the time being in force, or

- (b) where the applicant has attained the age of sixteen years, a shot gun certificate (hereinafter referred to as "**a shot gun training certificate**") authorising the holder to use a shot gun only while under the personal supervision of any adult named in the shot gun training certificate who is the holder of a shot gun certificate in force at the time when he exercises such supervision, or
  - (c) where the applicant has attained the age of sixteen years, both a restricted shot gun certificate and a shot gun training certificate.
- (3) A shot gun certificate shall be in the prescribed form and shall specify the conditions (if any) subject to which it is held, the nature and number of the shot guns to which it relates and, as respects shot gun ammunition, the quantities to be purchased and to be held at any one time thereunder.
- (4) A shot gun certificate shall bear a photograph of the holder.
- (5) This section applies to the renewal of a shot gun certificate as it applies to a grant.

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#### NOTES

*In section 31, first, subsection (1) was substituted and subsection (1A) was inserted and, second, the parentheses, figure and letters in square brackets in subsection (2) were substituted by the Firearms (Guernsey) (Amendment) Law, 2016, section 16, respectively paragraph (a) and paragraph (b), with effect from 1st November, 2017.*

*The following Regulations have been made under section 31:*

*Firearms and Weapons (Forms and Particulars) (Guernsey) Regulations, 2017.*

**Variation of firearm and shot gun certificates.**

32. (1) The Chief Officer may at any time by notice in writing vary the conditions subject to which a firearm certificate or a shot gun certificate is held, except such of them as may be prescribed, and may by the notice require the holder to deliver up the certificate together with the policy of insurance relating to the firearm or shot gun, as the case may be, to him within such period as may be specified in the notice for the purpose of amending the conditions specified therein.

(2) A firearm certificate or a shot gun certificate may also, on the application of the holder who must produce the policy of insurance relating to the firearm or the shot gun, as the case may be, be varied from time to time by the Chief Officer; and a person aggrieved by the refusal of the Chief Officer to vary a firearm certificate may in accordance with section 46 appeal against the refusal.

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

(4) Where the Chief Officer, pursuant to subsection (1), requires the holder of a firearm certificate or a shot gun certificate to produce the certificate or the policy of insurance in respect of the firearm or shot gun, as the case may be, or both such certificate and such policy of insurance, it is an offence for the holder to fail to deliver up each such certificate or policy within the specified period.

**Revocation of certificates.**

33. (1) A firearm certificate may be revoked by the Chief Officer if –
- (a) the Chief Officer is satisfied that the holder is prohibited by this Law from possessing a firearm to

which section 1 applies or is of intemperate habits or unsound mind, or is otherwise unfitted to be entrusted with such a firearm, or

- (b) the holder fails to comply with a notice under the provisions of section 32(1) requiring him to deliver up the certificate, or
- (c) a firearm to which the certificate relates is not the subject of a policy of insurance.

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

(3) A person aggrieved by the revocation of a certificate under subsection (1)(a) or (2) may in accordance with section 46 appeal against the revocation.

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

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

**Consequences of revocation.**

**34.** (1) Where a certificate is revoked by the Chief Officer pursuant to section 33(1) or (2) he may by notice in writing require the holder of the certificate to surrender forthwith the certificate and any firearms, shot guns and ammunition which are in the holder's possession by virtue of the certificate and it is an offence to fail to comply with such a notice.

(2) Where a firearm, shot gun or ammunition is surrendered in pursuance of a notice under subsection (1), then –

- (a) if an appeal against the revocation of the certificate succeeds, the firearm, shot gun or certificate shall be returned,
- (b) if such an appeal is dismissed, the court may make such order for the disposal of the firearm or ammunition as it thinks fit,
- (c) if no such appeal is brought or if such an appeal is abandoned, the firearm, shot gun or ammunition shall be disposed of –
  - (i) in such manner as the Chief Officer and the owner may agree, or
  - (ii) subject to subsection (3), in default of agreement, in such manner as the Chief Officer may decide.

(3) The Chief Officer shall give notice in writing of any decision under subsection (2)(c)(ii) to the owner who may appeal against that decision in



accordance with section 46 and on such an appeal the court may either dismiss the appeal or make such order as to the disposal of the firearm, shot gun or ammunition as it thinks fit.

(4) Section 33(4) shall not apply where the revocation is under section 33(1)(a) or (c) or section 33(2) and a notice is served under subsection (1) above.

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

35. (1) Subject to the provisions of this Law, there shall be payable –
- (a) on the grant of a firearm or shot gun certificate,
  - (b) on the renewal of any such certificate or on the replacement of any such certificate which has been lost or destroyed, [...]
  - [(ba) on the completion of a security visit to determine whether the firearm or shotgun would be kept securely and safely in a place, and]
  - (c) on a variation of any such certificate (otherwise than when it is renewed or replaced at the same time),

the prescribed fee.

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

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

(a) a firearm or ammunition which the applicant requires as part of the equipment of a ship, or

(b) a signalling apparatus, or ammunition therefor, which the applicant requires as part of the equipment of an aircraft or aerodrome.

(4) ...

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#### NOTES

*In section 35, first, the word omitted in square brackets at the end of paragraph (b) of subsection (1) was repealed and paragraph (ba) thereof was inserted and, second, subsection (4) was repealed by the Firearms (Guernsey) (Amendment) Law, 2016, section 17, respectively paragraph (a) and paragraph (b), with effect from 1st November, 2017.*

*The following Regulations have been made under section 23B:*

*Firearms and Weapons (Fees) (Guernsey) Regulations, 2017.*

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#### *Registration of firearms dealers*

#### **Register of firearms dealers.**

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

(2) Except as provided by section 37, the Chief Officer shall enter in the register the name of any person who, having or proposing to have a place of

business in the Islands of Guernsey, Herm or Jethou, applies to be registered as a firearms dealer.

(3) In order to be registered, the applicant must furnish the Chief Officer with the prescribed particulars, which shall include particulars of every place of business at which he proposes to carry on business in the said Islands as a firearms dealer and, except as provided by the Law, the Chief Officer shall enter every such place of business in the register.

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

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

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

and thereupon the Chief Officer shall, subject to the provisions of sections 38(2) and 41(1), grant him a new certificate of registration.

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**NOTE**

*The following Regulations have been made under section 36:*

*Firearms and Weapons (Fees) (Guernsey) Regulations, 2017;*  
*Firearms and Weapons (Forms and Particulars) (Guernsey)*  
*Regulations, 2017.*

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**Grounds for refusal of registration.**

**37.** (1) The Chief Officer shall not register an applicant as a firearms

dealer if he is prohibited to be so registered by order of a court made under section 47.

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

(3) The Chief Officer, if he is satisfied that a place of business notified to him under section 36(3) by an applicant for registration is a place at which the person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, may refuse to enter that place of business in the register.

(4) A person aggrieved by the refusal of the Chief Officer to register him as a firearms dealer, or to enter in the register a place of business of his, may in accordance with section 46 appeal against the refusal.

**Fee for registration and renewal thereof.**

**38.** (1) Subject to the provisions of this Law, on the registration of a person as a firearms dealer there shall be payable by him the prescribed fee.

(2) Before a person for the time being registered as a firearms dealer can be granted a new certificate of registration under section 36(5), he shall pay the prescribed fee.

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**NOTE**

*The following Regulations have been made under section 38:*

*Firearms and Weapons (Fees) (Guernsey) Regulations, 2017.*

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**Conditions of registration.**

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

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

(a) shall give to the dealer notice in writing of the condition or variation (giving particulars) or of the revocation, as the case may be, and

(b) may by that notice require the dealer to deliver up to him his certificate of registration within such period as may be specified in the notice, for the purpose of amending the certificate.

(3) A person aggrieved by the imposition or variation of, or refusal to vary or revoke, any condition of a firearms dealer's registration may in accordance with section 46 appeal against the imposition, variation or refusal.

(4) Where the Chief Officer, pursuant to subsection (2)(b), requires a dealer to produce his certificate of registration, it is an offence for the dealer to fail to deliver up such certificate.

**Registration of new place of business.**

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

and the Chief Officer shall, subject to the provisions of this section, enter that place of business in the register.

(2) The Chief Officer, if he is satisfied that a place of business notified to him by a person under subsection (1) is a place at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, may refuse to enter it in the register.

(3) A person aggrieved by the refusal by the Chief Officer to enter in the register a place of business of his may in accordance with section 46 appeal against the refusal.

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**NOTE**

*The following Regulations have been made under section 40:*

*Firearms and Weapons (Forms and Particulars) (Guernsey) Regulations, 2017.*

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

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

- (a) is no longer carrying on business as a firearms dealer,  
or
- (b) has ceased to have a place of business, or
- (c) cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace,

he shall (subject to this section) cause the name of that person to be removed from the register.

(2) If the Chief Officer is satisfied that a person registered as a firearms dealer has failed to comply with any of the conditions of registration in force under section 39, he may remove from the register either that person's name or any place of business of his to which the condition relates.

(3) If the Chief Officer is satisfied that a place entered in the register as a person's place of business is one at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, he may remove that place from the register.

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

(5) If a person for the time being registered fails to comply with any requirement of section 36(5), the Chief Officer shall by notice in writing require him to comply with that requirement and, if the person fails to do so within such period as may be specified in the notice or within such further time as the Chief Officer may in special circumstances allow shall cause his name to be removed from the register.

(6) A person aggrieved by the removal of his name from the register, or by the removal from the register of a place or business of his, may in accordance with section 46 appeal against the removal.

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

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

**Offences in connection with registration.**

42. (1) A person commits an offence if, for the purpose –
- (a) of procuring the registration of himself or another person as a firearms dealer, or
  - (b) of procuring, whether for himself or another person, the entry of any place of business in a register of firearms dealers,

he makes any statement which he knows to be false.

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

(3) Without prejudice to section 41(2), a person commits an offence if he fails to comply with any of the conditions of registration imposed on him by the Chief Officer under section 39.

*Supplementary*

**Compulsory register of transactions in firearms.**

43. (1) Every person who by way of trade or business manufactures, sells or transfers firearms or ammunition shall provide and keep a register of



transactions and shall enter or cause to be entered therein the particulars prescribed.

(2) Every entry required by subsection (1) to be made in the register shall be made within twenty-four hours after the transaction to which it relates took place and, in the case of a sale or transfer, every person to whom subsection (1) applies shall at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification and shall immediately enter the said particulars in the register.

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

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

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

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

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

(6) Nothing in this section applies to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under section 12(2).

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**NOTE**

*The following Regulations have been made under section 43:*

*Firearms and Weapons (Forms and Particulars) (Guernsey) Regulations, 2017.*

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**Transactions with persons not registered as firearms dealers.**

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

(2) A person who sells, lets on hire, lends for a period of more than seventy two hours or gives a shot gun or shot gun ammunition to another person in the Islands of Guernsey, Herm or Jethou, not being a registered firearms dealer, shall, unless the other person shows that he is by virtue of this Law entitled to purchase or acquire the shot gun or ammunition without holding a shot gun certificate, comply with any instructions contained in the certificate produced; and in the case of a shot gun he shall, within forty-eight hours from the transaction, deliver or send by

registered post or the recorded delivery service notice of the transaction to the Chief Officer.

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

**Transactions for export.**

45. (1) A person who sells, lets on hire, lends or gives a firearm, shot gun or ammunition to another person, whether or not that person is a registered firearms dealer, and where that firearm, shot gun or ammunition is intended to be exported permanently to a place outside Guernsey, Herm or Jethou, shall, within 7 days from the transaction, deliver or send by registered post or the recorded delivery service notice of the transaction to the Chief Officer.

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

**Appeals from decisions of the Chief Officer.**

46. (1) A person aggrieved by a decision of the Chief Officer made under [section 20A[, 23B], 29], 32, 33, 37, 39, 40 or 41 may appeal therefrom to the Royal Court sitting as an Ordinary Court on the grounds that the decision was ultra vires or was an unreasonable exercise of the powers of the Chief Officer.

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

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**NOTES**

*In section 46,*

*the word, figures, letter and punctuation in square brackets in subsection (1) were substituted by the Firearms (Guernsey) (Amendment) Law, 2000, section 3(3), with effect from 11th April, 2000;*

*the punctuation, figures and letter in square brackets within the square brackets in subsection (1) were inserted by the Firearms (Guernsey)*

*(Amendment) Law, 2016, section 18, with effect from 1st November, 2017.*

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**Consequences where registered dealer convicted of offence.**

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

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

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

- (a) all offences under this Law, and
- (b) offences against the enactments relating to customs in

respect of the import or export of firearms or ammunition to which section 1 applies, or of shot guns.

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

### PART III

#### LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

##### **Power of search with warrant.**

**48.** If, as respects the Islands of Guernsey, Herm and Jethou, the Bailiff is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Law has been, is being, or is about to be committed, the Bailiff may grant a search warrant authorising a police officer named therein –

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found there,
- (b) to seize and detain any [firearm, air weapon, imitation firearm, regulated weapon] or ammunition which he may find on the premises or place, or on any such person, in respect of which or in connection with which he has reasonable ground for suspecting that an offence under this Law has been, is being, or is about to be committed, and
- (c) if the premises are those of a registered firearms dealer, to examine any books relating to the business.

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**NOTES**

*In section 48, the words in square brackets in paragraph (b) were substituted by the Firearms (Guernsey) (Amendment) Law, 2016, section 19, with effect from 1st November, 2017.*

*In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers shall have effect as if the references herein to the Bailiff included a reference to the Deputy Bailiff.*

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**Powers of police officers to stop and search.**

**49.** (1) A police officer may require any person whom he has reasonable cause to suspect –

[(a) of having a firearm or air weapon (with or without ammunition), or an imitation firearm with him in a public place, or]

(b) to be committing or about to commit, elsewhere than in a public place, an offence relevant for the purposes of this section,

to hand over the [firearm, air weapon or imitation firearm] or any ammunition for examination by the police officer.

(2) It is an offence for a person having [any firearm, air weapon or imitation firearm] or ammunition with him to fail to hand it over when required to do so by a police officer under subsection (1).

(3) If a police officer has reasonable cause to suspect a person of

having [any firearm, air weapon or imitation firearm] with him in a public place, or to be committing or about to commit, elsewhere than in a public place, an offence relevant for the purposes of this section, the police officer may search that person and may detain him for the purpose of doing so.

(4) If a police officer has reasonable cause to suspect that there is [any firearm, air weapon or imitation firearm] in a vehicle in a public place, or that a vehicle is being or is about to be used in connection with the commission of an offence relevant for the purposes of this section elsewhere than in a public place, he may search the vehicle and for that purpose require the person driving or in control of it to stop it.

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

(6) The offences relevant for the purpose of this section are those under sections 19(1), 21(1) and 21(2).

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**NOTE**

*In section 49, first, paragraph (a) of subsection (1), second, the words in the second pair of square brackets in subsection (1) and, third, the words "any firearm, air weapon or imitation firearm" in square brackets, wherever occurring, were substituted by the Firearms (Guernsey) (Amendment) Law, 2016, section 20, respectively paragraph (a)(i), paragraph (a)(ii) and paragraph (b), with effect from 1st November, 2017.*

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**Production of certificates.**

**50.** (1) A police officer may demand, from any person whom he believes to be in possession of a firearm or ammunition to which section 1 applies, or of a shot gun or shot gun ammunition, the production of his firearm certificate or, as the case may be, his shot gun certificate.

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

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

**[Production of licence or permit to carry shot gun or air weapon in a public place.**

**50A.** (1) A police officer may demand, from any person whom he believes to have with him in a public place a shot gun or an air weapon –

- (a) the production of his licence under section 20A, in the case of a shot gun, or
- (b) the production of his permit under section 23B, in the case of an air weapon.

(2) If a person upon whom a demand is made under this section fails to produce the licence or permit to the police officer, the police officer may seize and detain the shot gun or air weapon concerned, and any ammunition, and may require the person to declare to him immediately his name and address.

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



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**NOTE**

*Section 50A (which was originally inserted by the Firearms (Guernsey) (Amendment) Law, 2000, section 2, with effect from 11th April, 2000) was substituted by the Firearms (Guernsey) (Amendment) Law, 2016, section 21, with effect from 1st November, 2017.*

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**Police powers in relation to arms traffic.**

**51.** (1) A police officer may search for and seize any firearms or ammunition which he has reason to believe are being removed, or to have been removed, in contravention of an Ordinance made under section 9.

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

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

**Special powers of arrest.**

**52.** (1) A police officer making a search of premises under the authority of a warrant under section 48 may arrest without warrant any person found on the premises whom he has reason to believe to be guilty of an offence relevant for the purposes of that section.

(2) A police officer may arrest without warrant any person whom he has reasonable cause to suspect to be committing an offence under section 20, 21, 24 or 49(2) and, for the purpose of exercising the power conferred by this subsection, may enter any place.

(3) A police officer may arrest without warrant a person who

refuses to declare his name and address when required to do so under section 50(2) [or 50A(2)], or whom he in such a case suspects of giving a false name and address or of intending to abscond.

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**NOTE**

*In section 52, the words in square brackets in subsection (3) were inserted by the Firearms (Guernsey) (Amendment) Law, 2000, section 3(4), with effect from 11th April, 2000.*

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**Prosecution and punishment of offences.**

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

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

- (a) the third column shows whether the offence is punishable on summary conviction or on indictment, and
- (b) the fourth column shows the maximum punishment by way of fine or imprisonment under this Law which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to say, summarily or on indictment), any reference in the fourth column to a period of years or months being construed as a reference to a term of imprisonment of that duration, and any reference in the fourth column to a fine of a particular level being construed as a reference to a fine not exceeding that

level on the uniform scale within the meaning of the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989<sup>e</sup>.

(3) The provisions contained in Part II of Schedule 2 to this Law (being provisions as to the punishments which may be imposed when a person is convicted of more than one offence arising out of the same set of circumstances, alternative verdicts and the orders which, in certain cases, a court may make when a person is convicted by or before it) shall have effect in relation to such of the offences specified in Part I of that Schedule as are indicated by entries against those offences in the fifth column of that Part.

**Forfeiture and disposal of firearms[, etc.]; cancellation of certificate by convicting court.**

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

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<sup>e</sup> Order in Council No. V of 1989.

weapon, imitation firearm or regulated weapon],

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, air weapon, imitation firearm, regulated weapon] or ammunition found in his possession as the court thinks fit and may cancel any firearm certificate or shot gun certificate held by him.

- (2) Where the court cancels a certificate under this section –
  - (a) the court shall cause notice to be sent to the Chief Officer, and
  - (b) the Chief Officer shall by notice in writing require the holder of the certificate to surrender it within such period as may be specified in the notice, and
  - (c) it is an offence for the holder to fail to surrender the certificate within the period specified in the notice given him by the Chief Officer.

(3) A police officer may seize and detain any [firearm, air weapon, imitation firearm, regulated weapon] or ammunition which may be the subject of an order for forfeiture under this section.

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

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**NOTES**

*In section 54, first, the word in square brackets in the heading thereto was inserted, second, the words "firearm, air weapon, imitation firearm or regulated weapon" in square brackets, wherever occurring, third, the words "firearm, air weapon, imitation firearm, regulated weapon" in square brackets, wherever occurring, were substituted and, fourth, the words omitted in the first pair of square brackets in subsection (4) were repealed by the Firearms (Guernsey) (Amendment) Law, 2016, section 22, respectively paragraph (a), paragraph (b), paragraph (c) and paragraph (d), with effect from 1st November, 2017.*

*In accordance with the provisions of the Criminal Evidence and Miscellaneous Provisions (Bailiwick of Guernsey) Law, 2002, section 19, with effect from 20th January, 2003, the reference in this section to a sentence of borstal training within the meaning of the Criminal Justice (Borstal Training) (Guernsey) Law, 1963 shall be construed as a reference to a sentence of youth detention within the meaning of the Criminal Justice (Youth Detention) (Bailiwick of Guernsey) Law, 1990.*

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#### PART IV

#### MISCELLANEOUS AND GENERAL

##### **[General provisions as to Ordinances.**

55. (1) An Ordinance made by the States under this Law –
- (a) may prescribe –
    - (i) anything which under any provision of this Law may be prescribed by Ordinance, and
    - (ii) any incidental and supplementary matters for which the States deem it necessary or expedient for the purposes of any such Ordinance to prescribe,
  - (b) may be amended or repealed by a subsequent Ordinance, and

- (c) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient (including, without limitation, provision making consequential amendments to this Law and any other enactment).
- (2) Any power to make an Ordinance under this Law may be exercised –
- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to prescribed exceptions, or in relation to any prescribed cases or classes of cases, and
  - (b) so as to make, as respects the cases in relation to which it is exercised –
    - (i) the full provision to which the power extends or any lesser provision (whether by way of exception or otherwise),
    - (ii) the same provision for all cases, or different provision for different cases, or classes of cases, or different provision for the same case or class of case for different purposes,
    - (iii) any such provision either unconditionally or subject to any prescribed conditions, or
    - (iv) different provision for different classes, descriptions and categories of –

- (A) firearms, weapons, ammunition or other things,
- (B) persons, or
- (C) circumstances.

(3) Without prejudice to the generality of subsections (1) and (2), an Ordinance under this Law may empower the [Committee], any other department of the States, any other body or authority (including, without limitation, any court in the Island), or any person to grant an approval, a consent or permission of any kind, in relation to any matter for which an Ordinance may be made under this Law.]

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**NOTES**

*Section 55 was substituted by the Firearms (Guernsey) (Amendment) Law, 2016, section 23, Schedule 3, with effect from 1st November, 2017.*

*In section 55, the word in square brackets in subsection (3) was substituted in accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.*

*The following Ordinance has been made under section 55:*

*Firearms and Weapons (Guernsey) Ordinance, 2017.*

*In accordance with the provisions of the Fees, Charges and Penalties (Guernsey) Law, 2007, section 1, Schedule, the power to prescribe by Ordinance the fees therein referred to and payable under this Law may be exercised by Regulation, with effect from 1st November, 2017.*

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**[General provisions as to regulations.]**

**55A.** (1) Regulations made by the [Committee] under this Law –

*Consolidated text*

- (a) may be amended or repealed by subsequent regulations, and
  - (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient (including, without limitation, provision making consequential amendments to this Law and any other enactment).
- (2) Any power to make regulations under this Law may be exercised –
- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to prescribed exceptions, or in relation to any prescribed cases or classes of cases, and
  - (b) so as to make, as respects the cases in relation to which it is exercised –
    - (i) the full provision to which the power extends or any lesser provision (whether by way of exception or otherwise),
    - (ii) the same provision for all cases, or different provision for different cases, or classes of cases, or different provision for the same case or class of case for different purposes,
    - (iii) any such provision either unconditionally or subject to any prescribed conditions, or



(iv) different provision for different classes, descriptions and categories of –

(A) firearms, weapons, ammunition or other things,

(B) persons, or

(C) circumstances.

(3) Without prejudice to the generality of subsections (1) and (2), regulations under this Law may –

(a) subject to subsection (4), make provision in relation to the creation, trial (summarily or on indictment) and punishment of offences,

(b) empower the [Committee], any other department of the States, any other body or authority (including, without limitation, any court in the Island), or any person to grant an approval, a consent or permission of any kind, in relation to any matter for which regulations may be made under this Law, and

(c) repeal, replace, amend, extend, adapt, modify or disapply any rule of custom or law.

(4) Regulations under this Law may not –

(a) provide for offences to be triable only on indictment, or

- (b) authorise the imposition –
  - (i) on summary conviction, of a term of imprisonment exceeding 3 months or a fine exceeding level 4 of the uniform scale within the meaning of section 1 of the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, or
  - (ii) on conviction on indictment, of a term of imprisonment exceeding 2 years or a fine exceeding twice level 5 of the uniform scale within the meaning of section 1 of the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989.

(5) Subject to subsection (6), regulations made under this Law shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

(6) Subsection (5) does not apply to regulations prescribing a form for the purposes of any of sections 10(1), 12(2), 15(1)(c), 29(1), 30(2), 31(3) or 36(1) or (5)(b).]

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**NOTES**

*Section 55A was inserted by the Firearms (Guernsey) (Amendment) Law, 2016, section 23, Schedule 3, with effect from 1st November, 2017.*

*In section 55A, the word "Committee" in square brackets, wherever occurring, was substituted in accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016,*

section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

The following Regulations have been made under section 55A:

*Firearms and Weapons (Approved Ranges) (Guernsey) Regulations, 2017;*

*Firearms and Weapons (Exceptions, Exemptions and Defences) (Guernsey) Regulations, 2017;*

*Firearms and Weapons (Fees) (Guernsey) Regulations, 2017;*

*Firearms and Weapons (Forms and Particulars) (Guernsey) Regulations, 2017;*

*Firearms and Weapons (Specially Dangerous Air Weapons) (Guernsey) Regulations, 2017;*

*Firearms and Weapons (Approved Ranges) (Guernsey) Regulations, 2018.*

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

56. (1) Sections 1, 2, 10 to 15 and 29 to 35 apply, subject to the modifications specified in subsection (2), to persons in the service of Her Majesty or to police officers in their capacity as such so far as those provisions relate to the purchase and acquisition, but not so far as they relate to the possession or use, of firearms.

(2) The modifications referred to above are the following –

- (a) a person in the service of Her Majesty or a police officer duly authorised in writing in that behalf may purchase or acquire firearms and ammunition for the public service without holding a certificate under this Law,
- (b) a person in the naval, military or air service of Her Majesty shall, if he satisfies the Chief Officer on an application under section 29 that he is required to purchase a firearm or ammunition for his own use in his capacity as such, be entitled without payment of any fee

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

**Service of notices.**

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

**Interpretation.**

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

- (a) any prohibited weapon, whether it is such a lethal weapon as aforesaid or not, and
- (b) any component part of such a lethal or prohibited weapon, and
- (c) any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon, and
- (d) any gun which is powered or operated by compressed gas and which is capable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy in excess –

- (i) in the case of a pistol, of 6 foot pounds, or
- (ii) in the case of a weapon other than a pistol, of 12 foot pounds,

but does not include an air weapon other than an air weapon prescribed as being specially dangerous; and so much of section 1 as excludes any description of firearm from the category of firearms to which that section applies shall be construed as also excluding component part of, and accessories to, firearms of that description.

(2) In this Law, except where the context otherwise requires, the expression "**ammunition**" means ammunition for any firearm and includes grenades, bombs and other like missiles, whether capable of use with a firearm or not, and also includes prohibited ammunition.

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

"**acquire**" includes hire, accept as a gift or borrow and the expression "**acquisition**" shall be construed accordingly,

"**air weapon**" means an air rifle, air gun or air pistol,

[ "**antique firearm**" means any firearm manufactured before 1870, except a centrefire firearm,]

[ "**centrefire firearm**" means a firearm designed for or adapted to the use of centrefire cartridges which are fired by the striking of a hammer or firing pin upon the cap or primer at the centre of the base,]

**"Chief Officer"** means the Chief Officer of the salaried police force of the Island of Guernsey,

[ **"[Committee]"** means the States of Guernsey [Committee for Home Affairs],]

**"firearm certificate"** means a certificate granted by the Chief Officer under this Law in respect of any firearm or ammunition to which section 1 applies,

**"firearms dealer"** means a person who, by way of trade or business, manufactures, sells, transfers, repairs, tests or proves firearms or ammunition to which section 1 applies, or shot guns,

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

**"imitation firearm"** means any thing which has the appearance of being a firearm, other than such a weapon as is mentioned in section 6(1)(f), whether or not it is capable of discharging any shot, bullet or other missile,

[ **"Island"** means the island of Guernsey, Herm or Jethou,]

**"photograph"** means an unmounted passport-style photograph showing the current true likeness of the applicant and measuring approximately 45 mm by 35 mm,

**"police officer"** means a member of the salaried police force of the

Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey,

**"policy of insurance"** means, in relation to a firearm or a shot gun, a current policy of insurance which complies with the requirements of section 28(1),

**"premises"** includes any land,

[ **"prescribed"** –

- (a) in relation to any fee, means a fee prescribed by regulations of the [Committee] made under section 1(1) of the Fees, Charges and Penalties (Guernsey) Law, 2007, and
- (b) in any other case, means prescribed by regulations made by the [Committee] under this Law,]

**"prohibited weapon"** and **"prohibited ammunition"** have the meanings assigned to them by section 6(2),

**"public place"** includes any road, street, lane and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise,

[ **"realistic imitation firearm"** has the meaning given by section 5B,]

**"registered"**, in relation to a firearms dealer, means registered under section 36; and references to **"the register"**, **"registration"** and a **"certificate of registration"** shall be construed accordingly,

[ "**regulated weapon**" means a weapon declared to be a regulated weapon by Ordinance made by the States,]

"**revolver**" means a gun containing a series of chambers which revolve when the gun is fired,

"**rifle**" includes carbine,

"**self-loading**" and "**pump-action**" in relation to any weapon mean respectively that it is designed or adapted (otherwise than as mentioned in section 6(1)(a)) so that it is automatically reloaded or that it is so designed or adapted that it is reloaded by the manual operation of the fore-end or forestock of the weapon,

"**shot gun**" has the meaning assigned to it by section 1(3) and includes any component part of a shot gun and any accessory to a shot gun designed or adapted to diminish the noise or flash caused by firing the gun,

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

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

(4) For the purposes of this Law –

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



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

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

(6) The Interpretation (Guernsey) Law, 1948<sup>f</sup>, shall apply to the interpretation of this Law in the Islands of Guernsey, Herm and Jethou.

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## NOTES

*In section 58,*

*first, the definitions of the expressions "antique firearm", "centrefire firearm", "Committee", "Island", "realistic imitation firearm" and "regulated weapon" in subsection (3) were inserted and, second, the definition of the expression "prescribed" therein was substituted by the Firearms (Guernsey) (Amendment) Law, 2016, section 24, respectively paragraph (a) and paragraph (b), with effect from 1st November, 2017;*

*the words in, first, the first and, second, the second pairs of square brackets of the definition of the expression "Committee" in subsection (3) and, third, the word "Committee" in square brackets wherever else occurring were substituted in accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 7, section 2, Schedule 1, paragraph 6(a) and section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.*

*The following Ordinance has been made under section 58:*

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<sup>f</sup> Ordres en Conseil Vol. XIII, p. 355.

*Firearms and Weapons (Guernsey) Ordinance, 2017.*

*The following Regulations have been made under this Law:*

*Firearms and Weapons (Specially Dangerous Air Weapons) (Guernsey) Regulations, 2017.*

*The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*

*In accordance with the provisions of the Police Force (Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.*

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.*

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### **Particular savings.**

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

(2) The powers of arrest and entry conferred by Part III of this Law shall be without prejudice to any power of arrest or entry which may exist apart from this Law; and section 54(3) is not to be taken as prejudicing the power of a police officer, when arresting a person for an offence, to seize property found in his possession or any other power of a police officer to seize firearms, ammunition or other property, being a power exercisable apart from that section.

(3) Nothing in this Law relieves any person using or carrying a firearm from his obligation to take out a licence to kill birds or animals under any

enactment for the time being in force requiring such a licence.

(4) Nothing in this Law relating to firearms shall apply to the sale, transfer, purchase, acquisition or possession of an antique firearm as a curiosity or ornament.

**Repeals and general savings.**

**60.** (1) The enactments set out in Schedule 3 are hereby repealed.

(2) A firearm certificate or shot gun certificate granted under the Firearms (Guernsey) Law, 1983<sup>g</sup> and valid immediately before the commencement of this Law –

- (a) shall have effect as a firearm certificate or shot gun certificate granted under this Law and as though any conditions attached to the grant thereof were conditions imposed under this Law, and
- (b) shall, unless previously revoked or cancelled under this Law, remain in force until the date upon which it would have expired if the said Law had not been repealed.

(3) The registration of a person as a firearms dealer under section 32 of the Firearms (Guernsey) Law, 1983 shall, if the registration is in force immediately before the commencement of this Law, have effect as the registration of that person as a firearms dealer under section 36 of this Law and as though any conditions attached to the registration of that person were conditions imposed under this Law.

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<sup>g</sup> Ordres en Conseil Vol. XXVIII, p. 53.

(4) ...

(5) Any document referring to an enactment repealed by this Law shall, so far as may be necessary for preserving its effect, be construed as referring to, or as including a reference to, the corresponding provision of this Law.

(6) The mention of particular matters in this section shall not be taken to affect the general application of section 19 of the Interpretation (Guernsey) Law, 1948<sup>h</sup> with regard to the effect of repeals.

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**NOTE**

*In section 60, subsection (4) was repealed by the Firearms (Guernsey) (Amendment) Law, 2016, section 25, with effect from 1st November, 2017.*

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**Extent.**

**61.** The provisions of this Law shall have effect in the Islands of Guernsey, Herm and Jethou.

**Citation and commencement.**

**62.** [ (1) This Law may be cited as the Firearms and Weapons (Guernsey) Law, 1998.]

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

Provided that any powers conferred by this Law on the States to make any Ordinance may be exercised at any time after the registration of this Law and before the day appointed or to be appointed as aforesaid, subject to the restriction that any such

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<sup>h</sup> Ordres en Conseil Vol. XIII, p. 355.

Ordinance shall not come into force until this Law comes into force.

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**NOTES**

*The Law was brought into force on 30th April, 1999 by the Firearms (Guernsey) Law, 1998 (Commencement) Ordinance, 1999, section 1.*

*In section 62, subsection (1) was substituted by the Firearms (Guernsey) (Amendment) Law, 2016, section 26, with effect from 1st November, 2017.*

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SCHEDULE 1

Section 18

OFFENCES TO WHICH SECTION 18(2) APPLIES

1. Offences under section 1 of the Criminal Damage (Bailiwick of Guernsey) Law, 1983.
2. Unlawful wounding.
3. Causing grievous bodily harm.
4. Rape.
5. Offences under any of the following provisions of the Law entitled "Loi relative à la Protection des Femmes et des Filles Mineures" registered on the first day of August, nineteen hundred and fourteen, as amended<sup>i</sup> –  
  
the first and third subparagraphs of paragraph (2) of Article 1 (Procuring defilement of woman by threats or administering drugs),  
  
Article 5 (Abduction of girl under eighteen for immoral purpose),  
  
Article 6 (Unlawful detention of woman for immoral purpose).
6. Larceny, burglary, housebreaking, demanding with menaces, theft or blackmail.
7. Offences under section 1 of the Offences against Police Officers (Bailiwick of

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<sup>i</sup> Ordres en Conseil Vol. V, p. 74; Vol. VIII, p. 457; Vol. XII, p. 25; Vol. XV, p. 250.

Guernsey) Law, 1963<sup>j</sup>.

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

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<sup>j</sup> Ordres en Conseil Vol. XIX, p. 123; Vol. XXX, p. 224; and No. I of 1991.

SCHEDULE 2

Section 53

PROSECUTION AND PUNISHMENT OF OFFENCES

PART I

TABLE OF PUNISHMENTS

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



*Consolidated text*

S. 2(1)	Possessing etc. shot gun or shot gun ammunition without shot gun certificate.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 2(2)	Non-compliance with condition of the shot gun certificate.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 3(1)	Trading in firearms without being registered as firearms dealer.	(a) Summary  (b) On indictment	6 months or a fine of level 4; or both.  3 years or a fine; or both.	
S. 3(2)	Selling firearm to person without a certificate.	(a) Summary  (b) On indictment	6 months or a fine of level 4; or both.  3 years or a fine; or both.	
S. 3(3)	Repairing, testing etc. firearm for person without a certificate.	(a) Summary  (b) On indictment	6 months or a fine of level 4; or both.  3 years or a fine; or both.	
S. 3(5)	Falsifying certificate, etc. with view to acquisition of firearm.	(a) Summary  (b) On indictment	6 months or a fine of level 4; or both.  3 years or a fine; or both.	
S. 4(1)} S. 4(2)}	Shortening a shot gun; conversion of firearms.	(a) Summary  (b) On indictment	6 months or a fine of level 4; or both.  5 years or a fine; or both.	
[S. 5A(1)	Manufacturing, modifying, selling or importing	Summary or on indictment	6 months or a fine of level 4; or both	Paragraph 5 of Part II of this

*Consolidated text*

	realistic imitation firearm.			Schedule applies.]
S. 6(1)	Possessing or distributing prohibited weapons or ammunition.	(a) Summary  (b) On indictment	6 months or a fine of level 4; or both.  5 years or a fine; or both.	
S. 6(5)	Non-compliance with condition of authority.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 6(6)	Non-compliance with requirement to surrender authority to possess, etc. prohibited weapon or ammunition.	Summary or on indictment	A fine of level 2.	
S. 8(2)(a)	Possessing de-activated firearm without certificate.	Summary	3 months or a fine of level 4; or both.	
S. 8(2)(b)	Failure to report transfer of de-activated firearm to police.	Summary	3 months or a fine of level 4; or both.	
S. 9(3)	Contravention of Ordinance under [s.9] restricting removal of arms.	Summary or on indictment	3 months or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine of level 2; or both.	Paragraph 1 of Part II of this Schedule applies.
S. 10(2)	Making false statement in order to obtain police permit.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 12(3)	Making false	(a) Summary	6 months or a fine of	

*Consolidated text*

	statement in order to obtain permit for auction of firearms etc.	(b) On indictment	level 4; or both. 3 years or a fine; or both.	
S. 12(5)	Failure of auctioneer etc. to take reasonable precautions for safe custody of firearm etc. or to report loss or theft.	Summary	6 months or a fine of level 4; or both.	
S. 15(2)	Making false statement in order to obtain permit for removal of signalling apparatus.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 17	Possession of firearm or air weapon with intent to endanger life.	On indictment	Life imprisonment or a fine; or both.	
S. 18(1)	Use of firearms or air weapons to resist arrest.	On indictment	Life imprisonment or a fine; or both.	Paragraphs 2 and 3 of Part II of this Schedule apply.
S. 18(2)	Possessing firearm or air weapon while committing an offence specified in Schedule 1.	On indictment	14 years or a fine; or both.	Paragraph 4 of Part II of this Schedule applies
S. 19(1)	Carrying firearms, imitation firearms, air weapons or imitation air weapons with	On indictment	14 years or a fine; or both.	

*Consolidated text*

	intent to commit indictable offence or to resist arrest.			
S. 20	[Carrying firearm, air weapon or imitation firearm in public place.]	(a) Summary  (b) On indictment	6 months or a fine of level 4; or both.  5 years or a fine; or both.	
[S. 20A(7)]	Making false statement in order to obtain licence to carry [...] shot gun in public place.	(a) Summary  (b) On indictment	6 months or a fine of level 4; or both.  3 years or a fine; or both.]	
[S.20A(11)]	Failure to deliver up licence.	Summary	A fine of level 3.]	
[S.20A(12)]	Failure to surrender licence on revocation.	Summary or on indictment	A fine of level 2.]	
S. 21(1)	Trespassing with firearm or air weapon in a building.	(a) Summary  (b) On indictment	6 months or a fine of level 4; or both.  5 years or a fine; or both.	
S. 21(2)	Trespassing with firearm or air weapon on land.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 22(1)	Firing firearm in a place other than an approved range.	(a) Summary  (b) On indictment	3 months or a fine of level 4; or both.  3 years or a fine; or both.	
S. 22(3)	[...]	(a) Summary  (b) On indictment	3 months or a fine of level 4; or both.  3 years or a fine; or	

*Consolidated text*

			both.	
S. 23	Firing firearm in or across road, street, etc. or firing firearm in or across place to which public has access during hours of darkness.	(a) Summary  (b) On indictment	3 months or a fine of level 4; or both.  3 years or a fine; or both.	
[S. 23A(1)]	Firing an air weapon beyond premises.	Summary or on indictment	3 months or a fine of level 4; or both.]	
[S. 23B(7)]	Making false statement in order to obtain permit to carry and use air weapon in public place.	(a) Summary  (b) On indictment	2 years or a fine of level 4 or both.  3 years or a fine; or both.]	
[S. 23B(10)]	Failure to deliver up permit.	Summary	A fine of level 3.]	
[S. 23B(11)]	Failure to surrender permit on revocation.	Summary	A fine of level 2.]	
S. 24(4)	Contravention of provisions denying firearms to ex-prisoners and the like.	(a) Summary  (b) On indictment	6 months or a fine of level 4; or both.  3 years or a fine; or both.	
S. 24(5)	Supplying firearms to persons denied them under section 24.	(a) Summary  (b) On indictment	6 months or a fine of level 4; or both.  3 years or a fine; or both.	
S. 25(1)	Person under 18 acquiring [firearm, air weapon, imitation firearm,	Summary or on indictment	3 months or a fine of level 4; or both.	

*Consolidated text*

	regulated weapon or ammunition].			
S. 25(2)	Person under 18 having [firearm, air weapon, imitation firearm, regulated weapon or ammunition] in his possession without lawful authority.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 26(1)	Selling or letting on hire [firearm, air weapon, imitation firearm, regulated weapon or ammunition] to person under 18.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 26(2)	[Supplying firearm, air weapon, imitation firearm, regulated weapon or ammunition to person under 18].	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 26(3)	Making gift of shot gun to person under 16.	Summary or on indictment	A fine of level 2.	Paragraph 5 of Part II of this Schedule applies.
S. 27	Supplying firearm to person drunk or insane.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 28(1)	Use of uninsured firearm or shot gun.	(a) Summary  (b) On indictment	6 months or a fine of level 4; or both.  3 years or a fine; or both.	

*Consolidated text*

S. 28(2)	Making false statement in order to procure policy of insurance.	(a) Summary  (b) On indictment	6 months or a fine of level 4; or both.  3 years or a fine; or both.	
S. 28(3)	Producing false policy of insurance, etc. in order to obtain a firearm certificate or shot gun certificate.	(a) Summary  (b) On indictment	6 months or a fine of level 4; or both.  3 years or a fine; or both.	
S. 29(5)	Making false statement in order to procure grant or renewal of a firearm or shot gun certificate.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 32(3)	Making false statement in order to procure variation of a firearm certificate.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 32(4)	Failure to deliver up firearm certificate or insurance policy.	Summary	A fine of level 3.	
S. 33(4)	Failing to surrender certificate on revocation.	Summary or on indictment	A fine of level 2.	
S. 34(1)	Failure to comply with notice requiring surrender of firearms certificate, firearms etc.	Summary	3 months or a fine of level 4; or both.	

*Consolidated text*

S. 39(4)	Failure of dealer to produce certificate of registration.	Summary	6 months or a fine of level 4; or both.	
S. 41(7)	Failure to surrender certificate of registration on removal of firearms dealer's name from register.	Summary or on indictment	A fine of level 2.	
S. 42(1)	Making false statement in order to secure registration or entry in register of a place of business.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 42(2)	Registered firearms dealer having place of business not entered in the register.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 42(3)	Non-compliance with condition of registration.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 43(5)	Non-compliance by firearms dealer with provisions as to register of transactions; making false entry in register.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 44(3)	Failure to comply with instructions in firearm certificate when transferring	(a) Summary	6 months or a fine of level 4; or both.  3 years or a fine; or	



*Consolidated text*

	firearm to person other than registered dealer, failure to report transaction to police.	(b) On indictment	both.	
S. 45(2)	Failure to report transaction for export.	Summary	6 months or a fine of level 4; or both.	
S. 49(2)	Failure to hand over [firearm, air weapon, imitation firearm] or ammunition on demand by police officer.	Summary or on indictment	3 months or a fine of level 4; or both.	
S. 50(3)	Failure to comply with requirement of a police officer that a person shall declare his name or address.	Summary or on indictment	A fine of level 2.	
[S. 50A(3)]	Failure to comply with requirement of police officer that a person shall declare his name and address.	Summary or on indictment	A fine of level 2.]	
S. 51(3)	Failure to give police officer facilities for examination of firearms in transit, or to produce papers.	Summary or on indictment	3 months or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine of level 1; or both.	Paragraph 1 of Part II of this Schedule applies.
S. 54(2)(c)	Failure to surrender firearm	Summary or on indictment	A fine of level 2.	

	or shot gun certificate cancelled by court on conviction.			
S. 55(3)	[...]	Summary or on indictment	3 months or a fine of level 4; or both.	

PART II  
SUPPLEMENTARY PROVISIONS AS TO TRIAL  
AND PUNISHMENT OF OFFENCES

1. In the case of an offence against section 9(3) or 51(3), the court before which the offender is convicted may, if the offender is the owner of the firearms or ammunition, make such order as to the forfeiture of the firearms or ammunition as the court thinks fit.
2. Where a person commits an offence under section 18(1) in respect of the lawful arrest or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by Part I of this Schedule in addition to any penalty to which he may be sentenced for the other offence.
3. If on the trial of a person for an offence under section 18(1) the court is not satisfied that he is guilty of that offence but is satisfied that he is guilty of an offence under section 18(2), the court may find him guilty of the offence under section 18(2) and he shall then be punishable accordingly.
4. The punishment to which a person is liable for an offence under section 18(2) shall be in addition to any punishment to which he may be liable for the offence first referred to in section 18(2).

- [5. The court by which a person is convicted of an offence under section 5A(1) or 26(3) may make such order as it thinks fit as to the forfeiture or disposal of the realistic imitation firearm, shot gun or ammunition in respect of which the offence was committed.]

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**NOTES**

*In Schedule 2,*

*the entries for sections 5A(1), 23A(1), 23B(7), 23B(10) and 23B(11) in Part I were inserted by the Firearms (Guernsey) (Amendment) Law, 2016, section 27(a), with effect from 1st November, 2017;*

*the words in square brackets in the second column of the entries for sections 9(3), 20, 25(1) and (2), 26(1), 26(2) and 49(2) in Part I were substituted by the Firearms (Guernsey) (Amendment) Law, 2016, section 27(b), with effect from 1st November, 2017;*

*the words omitted in square brackets in the second column of the entries for sections 22(3), 20(A)(7) and 55(3) in Part I were repealed by the Firearms (Guernsey) (Amendment) Law, 2016, section 27(b), with effect from 1st November, 2017;*

*first, the entries for sections 20A(7), 20A(11) and 20A(12) and, second, the entry for section 50A(3) in Part I were inserted by the Firearms (Guernsey) (Amendment) Law, 2000, respectively section 3(5) and section 3(6), with effect from 11th April, 2000;*

*paragraph 5 of Part II was substituted by the Firearms (Guernsey) (Amendment) Law, 2016, section 28, with effect from 1st November, 2017.*

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SCHEDULE 3  
REPEALS

Section 60(1)

1. The Firearms (Guernsey) Law, 1983<sup>k</sup>.
2. The Firearms (Amendment) (Guernsey) Law, 1984<sup>l</sup>.
3. The Firearms (Guernsey) Laws, 1983 and 1984 (Commencement) Ordinance, 1987<sup>m</sup>.
4. The Firearms (Increase of Insurance) Ordinance, 1995<sup>n</sup>.

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<sup>1</sup> Prior to this substitution, the Law was titled the "Firearms (Guernsey) Law, 1998".

<sup>2</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 9, with effect from 6th May, 2004.

<sup>3</sup> The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Committee for Home Affairs and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 9, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

<sup>4</sup> Prior to its substitution, section 20 was amended by the Firearms (Guernsey) (Amendment) Law, 2000, section 3(2), with effect from 11th April, 2000.

<sup>5</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph

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<sup>k</sup> Ordres en Conseil Vol. XXVIII, p. 53.

<sup>l</sup> Ordres en Conseil Vol. XXVIII, p. 511.

<sup>m</sup> Recueil d'Ordonnances Tome XXIV, p. 105.

<sup>n</sup> Ordinance No. V of 1995.

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1(a), with effect from 6th May, 2004.

**6** The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Advisory and Finance Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 1(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.