

PROJET DE LOI

ENTITLED

The Firearms (Sark) Law, 2001 *

[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 the Greffier, La Chasse Marette, Sark, GY10 1SF.

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* No. XII of 2002 (Ordres en Conseil Vol. XLII(1), p. 296); as amended by the Reform (Sark) Law, 2008 (No. V of 2008); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017 (Sark Ordinance No. I of 2017). See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 (No. XXIII of 2003, Ordres en Conseil Vol. XLIII(2), p. 617).

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The Firearms (Sark) Law, 2001

THE CHIEF PLEAS, in pursuance of their Resolution of the 1st day of October, 1997, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Sark.

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,
- (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 24 inches in length, not being an air weapon).

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

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

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 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 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 exemptions under subsequent provisions of this Part of this Law.

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 24 inches without the written authority of the [Sark Douzaine].

(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 this purposes of the provisions of this 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.

NOTE

In section 4, the words in square brackets were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Prohibition of certain weapons and control of arms traffic

Weapons subject to general prohibition.

5. (1) A person commits an offence if, without the authority of the [Sark Douzaine], 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 which is chambered for the .22" rim-fire cartridge,
- (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
 - (ii) is less than 40 inches in length excluding any detachable, folding or other removable butt-stock,
- (d) any smooth-bore revolver gun other than one which is chambered for the 9 mm rim-fire cartridge 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,

- (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 [Sark Douzaine] under this section shall be in writing signed by the President of the [Sark Douzaine] and be subject to any conditions specified therein.

(4) The conditions of the authority shall include such as the [Sark Douzaine], having regard to the circumstances of each particular case, thinks fit to impose for this 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 [Sark Douzaine] 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 Chief Pleas may by Ordinance add to the categories of weapon or ammunition set out in subsection (1) –

- (a) any firearm which appears to Chief Pleas 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 Chief Pleas to be specially dangerous.

NOTE

In section 5, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Conversion not to affect classification.

6. Any weapon which –
- (a) has at any time, whether before or after commencement of this Law, been a weapon of a kind described in section 5(1): and

- (b) is not a self-loading or pump-action smooth-bore gun which has at any 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.

7. (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 this section, and
- (b) the said proof house has certified in writing that the 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, or
- (c) that the de-activated weapon has been inspected by the [Sark Douzaine], and that the said [Douzaine] is

satisfied that the weapon is 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 post notice of the transaction to the [Sark Douzaine].

(3) An application for the grant of a de-activated firearm certificate shall be made in writing to the [Sark Douzaine] and shall be accompanied by the certificate of de-activation made pursuant to subsection (1)(b) or in the absence of such de-activation certificate, stating the location of such de-activated weapon pursuant to subsection (1)(c).

(4) The [Sark Douzaine] 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 [Sark Douzaine] may revoke a de-activated firearm certificate if they would be entitled under the provisions of section 32(1)(a) or 32(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 subject of a policy of insurance.

NOTE

In section 7, the words "Sark Douzaine" and "Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Power to prohibit movement of arms and ammunition.

8. (1) The Chief Pleas 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 Island of Sark, the exportation of firearms or ammunition from the said Island to any place outside the said Island:

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 forgoing 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 7

Special Permit.

9. (1) A person who has obtained from the [Sark Douzaine] 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 term 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.

NOTE

In section 9, the words in square brackets were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Authorised dealing with firearms.

10. (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.

11. (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 [Sark Douzaine] 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 Sark Constables the loss or theft of any such firearm or ammunition.

NOTE

In section 11, the words in square brackets were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Slaughter of animals.

12. (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 authorised in writing by the Sark Agricultural Committee to slaughter animals,

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

"veterinary surgeon" means a recognised veterinary surgeon who is registered –

- (a) in either of the professional registers maintained in the United Kingdom and
- (b) in the register of Veterinary Surgeons established in Guernsey.

Sports, athletics and other approved activities.

13. (1) A person who has attained the age of eighteen years may, without holding a certificate, have a firearm and blank ammunition in his possession at a sporting event for the purpose of starting races at that event.

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

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

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

NOTE

In section 13, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Equipment for ships and aircraft.

14. (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 [Sark Douzaine] a permit for the purpose in the prescribed form remove a firearm from or to a ship, or 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 for another person, the grant of a permit under subsection (1)(c).

NOTE

In section 14, the words in square brackets were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Possession of firearms or shot guns by visitors.

15. (1) A person who is not ordinarily resident in the controlled area but is ordinarily resident in the Islands of Jersey, Guernsey, Alderney, Herm or Jethou and is the holder of a current permit (by whatever name called) issued by the appropriate authority in his island of residence authorising him to possess a firearm or a shot gun in that island and who has been in the controlled area for not more than thirty days in all in the preceding twelve months may have in his possession such

firearm or a shot gun and ammunition therefor without holding a visitor's temporary permit for a firearm or a shot gun, as the case may be subject to the following conditions –

- (a) the firearm or shot gun and the ammunition are to be used at a target shoot organised by an established shooting club in the controlled area; and that before he commences to shoot he produces his firearm or shot gun certificate to the shoot organisers satisfaction, or
- (b) he has in his possession the authority in writing of the owner of the land on which the firearm or shot gun and ammunition is to be used.

(2) A person not ordinarily resident in the named islands in subsection (1) 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 shot gun in that country and who has been in the controlled area for not more than thirty days in all in the preceding twelve months may have in his possession such firearm or shot gun and ammunition therefor without holding a Sark firearm certificate or a Sark 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 [Sark Douzaine] evidence which proves to the satisfaction of the said [Douzaine] that he is the holder of such current permit and the [Sark Douzaine] has issued him with a visitor's temporary permit,
- (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, and

- (c) he has in his possession the authority in writing of the owner of the land on which the firearm or shot gun and ammunition is to be used.

(3) For the purposes of section 49 (which relates to the production of certificates) a visitor's temporary permit shall be deemed to be a Sark firearm certificate or Sark shot gun certificate, as the case may be, valid during such period as may be specified therein or, if none, for thirty days from date of issue.

(4) In this section –

- (a) the expression "**the controlled area**" means the Island of Sark and its dependencies,
- (b) the expression "**firearm**" does not include a prohibited weapon.

NOTE

In section 15, the words "Sark Douzaine" and "Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Prevention of crime and preservation of public safety

Possession of firearm or air weapon with intent to injure.

16. 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.

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 4, with effect from 5th April, 2004, offences under this section are always serious arrestable offences for the purposes of the 2003 Law.

Use of firearm or air weapon to resist arrest.

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

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

(3) For the purposes of this section, the definition of "firearm" in section 57(1) shall apply without paragraphs (b) and (c) of that section, and in this Law "**imitation firearm**" shall be construed accordingly.

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 4, with effect from 5th April, 2004, offences under this section are always serious arrestable offences for the purposes of the 2003 Law.

Carrying firearm or air weapon with criminal intent.

18. (1) It is an offence for a person to have with him a firearm or air

weapon or imitation thereof, 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, air weapon or imitation weapon with him.

(2) In proceedings for an offence under this section proof that the accused had a firearm, air weapon or imitation thereof 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.

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 4, with effect from 5th April, 2004, offences under this section are always serious arrestable offences for the purposes of the 2003 Law.

Carrying firearm or air weapon in a public place.

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

Trespassing with a firearm or air weapon.

20. (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 with him).

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

Firearms to be used only on approved range.

21. (1) A person commits an offence if, without the written authority of the [Sark Douzaine], 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 Chief Pleas may by Ordinance provide –

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

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

(4) In this section the expression "**firearm**" means a firearm to

which section 1 applies.

NOTE

In section 21, the words in square brackets were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

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

22. A person commits an offence if he fires a firearm or air weapon –

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

Possession of firearms by persons previously convicted of crime.

23. (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 youth detention, 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 Seneschal's Court for the removal of the prohibition; and if the application is granted that prohibition shall not then apply to him.

Acquisition and possession of firearms by minors.

24. (1) It is an offence for a person under the age of eighteen years to purchase or hire any firearm or ammunition.

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

Supplying firearms to minors.

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

(2) It is an offence –

(a) to make a gift of or to lend any firearm or ammunition to which section 1 applies to a person under the age of

eighteen years, or

- (b) to part with the possession of any such firearm or ammunition to a person under that age, except in circumstances where that person is entitled under provisions of section 13(2) to have possession thereof without holding a firearm certificate.

(3) It is an offence to make a gift –

- (a) of a shot gun, to a person under the age of twelve years, or

- (b) of ammunition for a shot gun, to a person under the age of 16 years.

(4) In proceedings for an offence under 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 that belief.

Supplying firearm to person drunk, under the influence of drugs or insane.

26. 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 to believing to be drunk, under the influence of drugs or of unsound mind.

Insurance

Use of uninsured firearm or shot gun.

27. (1) It is an offence for a person to use 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 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 Chief Pleas 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, 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 49 (which relates to the production of certificates on demand by the Constables) 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 [Sark Douzaine], 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 of Guernsey [Policy &

Resources Committee] or the [Sark Douzaine],

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

NOTES

In section 27,

the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017;

the words in the first pair of 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, 2016.¹

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.²

PART II

FIREARM AND SHOT GUN CERTIFICATES; REGISTRATION OF FIREARMS DEALERS

Grant, renewal, variation, special provisions, fees and revocation of firearm and shot gun certificates

Application for, and grant of, certificates.

28. (1) An application for the grant of a firearm or shot gun certificate shall be made in the prescribed form to the [Sark Douzaine], shall state such particulars as may be required by the form and shall be accompanied by a policy of

insurance in relation to the use by the applicant of any firearm or shot gun specified in the application or by such other written evidence of the existence of such policy as may be acceptable to the [Sark Douzaine].

(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 [Sark Douzaine] 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 application 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 34 in respect of such firearm certificate shall be reduced accordingly.

(4) A person aggrieved by the refusal of the [Sark Douzaine] to grant or to renew a certificate under this Law may in accordance with section 45 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.

NOTE

In section 28, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Special provisions about firearm certificates.

29. (1) A firearm certificate shall be granted by the [Sark Douzaine] if they are 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 [Sark Douzaine] 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, or
- (b) to a person in respect of a firearm which is not the subject of a policy of insurance.

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

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

NOTE

In section 29, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Special provisions about shot gun certificates.

30. (1) A shot gun certificate shall be granted or, as the case may be, renewed by the [Sark Douzaine] if they are satisfied that the applicant has a good reason for having in his possession, or for purchasing or acquiring, a shot gun and unless they have reason to believe that the applicant –

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

(2) Notwithstanding the provisions of subsection (1)(c), the [Sark Douzaine] may, on receipt of an application accompanied by written consent of a 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; and is himself a member of that club, 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 an adult named in the shot gun training certificate who is the holder of a shot gun certificate in force at the time when he exercises such supervision, or
- (c) where the applicant has attained the age of sixteen years, both a restricted shot gun certificate and a shot gun training certificate.

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

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

NOTE

In section 30, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Variation of firearm and shot gun certificates.

31. (1) The [Sark Douzaine] may at any time by notice to it 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 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 it 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 [Sark Douzaine]; and a person aggrieved by the refusal of the [Sark Douzaine] to vary a firearm certificate may in accordance with section 45 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 [Sark Douzaine], 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.

NOTE

In section 31, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Revocation of certificates.

32. (1) A firearm certificate may be revoked by the [Sark Douzaine] if

-
- (a) the [Sark Douzaine] are 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 31(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 [Sark Douzaine] if –

- (a) they are 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
- (b) the holder fails to comply with a notice under the provisions of section 31(1) requiring him to deliver up the certificate, or
- (c) 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) or (2) may in accordance with section 45 appeal against the revocation.

(4) Where a certificate is revoked by the [Sark Douzaine] under this section, it 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.

NOTE

In section 32, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Consequences of revocation.

33. (1) Where a certificate is revoked the [Sark Douzaine] pursuant to section 32(1) or (2) 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, a 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, ammunition or certificate shall be returned,
- (b) if such an appeal is dismissed, the court may make such order for the disposal of the firearm, shot gun or ammunition as it thinks fit,

- (c) if no such appeal is brought or if such an appeal is abandoned, the firearm, shot gun and or ammunition shall be disposed of –
 - (i) in such manner as the [Sark Douzaine] and the owner may agree, or
 - (ii) subject to subsection (3), in default of agreement, in such manner as the [Sark Douzaine] may decide.

(3) The [Sark Douzaine] 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 45 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 32 (4) shall not apply where the revocation is under section 32 (1)(a) or (c) or section 32 (2) (a) or (c) and a notice is served under subsection (1) above.

NOTE

In section 33, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Fee for certificates and exemptions from paying it in certain cases.

- 34.** (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, and
- (c) on any 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 a cadet corps approved for the purpose by the [Sark Douzaine], or a firearm certificate in respect of firearms or ammunition to be used solely for target practice 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 [Sark Douzaine] 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) The fee paid by any person in respect of the grant, variation or renewal of a firearm certificate or shot gun certificate shall accrue to the [Chief Pleas and shall be applied towards expenditure for public purposes].

NOTES

In section 34,

the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017;

the words in square brackets in subsection (4) were substituted by the Reform (Sark) Law, 2008, section 66(1), Schedule 1, with effect from 1st September, 2008.

In accordance with the provisions of the Firearms (Sark) Law, 2001 (Commencement and Fees) Ordinance, 2002, section 2(1), with effect from 2nd October, 2002, the prescribed fee under this section:

- (a) on the grant of a firearm or shotgun certificate,*
- (b) on the renewal of any such certificate or on the replacement of any such certificate, which has been lost or destroyed, and*
- (c) on any variation of any such certificate (otherwise than when it is renewed or replaced at the same time),*

shall be £5.

Registration of firearms dealers

Register of firearms dealers.

35. (1) For the purposes of this Law, the [Sark Douzaine] shall keep in the prescribed form a register of firearms dealers.

(2) Except as provided by section 36, the [Sark Douzaine] shall enter in the register the name of any person who, having or proposing to have a place of business in the Islands of Sark, applies to be registered as a firearms dealer.

(3) In order to be registered, the applicant must furnish the [Sark Douzaine] with the prescribed particulars, which shall include particulars of every

place of business at which he proposes to carry on business in this Island as a firearms dealer and, except as provided by the Law, the members of the [Sark Douzaine] shall enter every such place of business in the register.

(4) When a person is registered, the [Sark Douzaine] 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 [Sark Douzaine], and

(b) apply in the prescribed form for a new certificate,

and thereupon the [Sark Douzaine] shall, subject to the provisions of section 36(2) and 40(1), grant him a new certificate of registration.

NOTE

In section 35, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Grounds for refusal of registration.

36. (1) The [Sark Douzaine] 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 46.

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

(3) The [Sark Douzaine], if it is satisfied that a place of business notified to it under section 35(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 [Sark Douzaine] to register him as a firearms dealer, or to enter in the register a place of business of his, may in accordance with section 45 appeal against the refusal.

NOTE

In section 36, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Fee for registration and renewal thereof.

37. (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 35(5), he shall pay the prescribed fee.

NOTE

In accordance with the provisions of the Firearms (Sark) Law, 2001 (Commencement and Fees) Ordinance, 2002, section 2(2), with effect from 2nd October, 2002, the prescribed fee under this section shall be £25.

Conditions of registration.

38. (1) The [Sark Douzaine] 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 its own motion or on the application of a dealer, vary or revoke any such condition.

(2) The [Sark Douzaine] 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 [Sark Douzaine] –

(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 it 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 45 appeal against the imposition, variation or refusal.

(4) Where the [Sark Douzaine], 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.

NOTE

In section 38, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with

effect from 14th January, 2017.

Registration of new place of business.

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

(2) The [Sark Douzaine], if it is satisfied that the place of business notified to it 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 of the [Sark Douzaine] to enter in the register a place of business of his may in accordance with section 45 appeal against the refusal.

NOTE

In section 39, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

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

40. (1) If the [Sark Douzaine], 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 a business as a firearms dealer without danger to the public safety or to the peace,

the [Sark Douzaine] shall (subject to this section) cause the name of that person to be removed from the register.

(2) If the [Sark Douzaine] 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 38, the [Sark Douzaine] 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 [Sark Douzaine] is satisfied that the 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, it may remove that place from the register.

(4) The [Sark Douzaine] 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 35(5), the [Sark Douzaine] 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 [Sark Douzaine] 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 45 appeal against the removal.

(7) Where the [Sark Douzaine] causes the name of a firearms dealer to be removed from the register, it 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.

NOTE

In section 40, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Offences in connection with registration.

- 41.** (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 registered in the register and carries on business as a firearms dealer at that place.

(3) Without prejudice to section 40(2), a person commits an offence if he fails to comply with any of the conditions of registration imposed on him by the [Sark Douzaine] under section 38.

NOTE

In section 41, the words in square brackets were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Supplementary

Compulsory register of transactions in firearms.

42. (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 the Constables or a Police Officer assisting the Constables, duly authorised in writing in that behalf by the [Sark Douzaine], to enter and inspect all stock in hand and shall on request by the Constables or Police Officer 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 [Sark Douzaine], or
- (b) dies, his legal personal representative shall, at the request of the [Sark Douzaine], surrender that register to the [Sark Douzaine] 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 11 (2).

NOTE

In section 42, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Transactions with persons not registered as firearms dealers.

43. (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 Island of Sark, 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 [Sark Douzaine].

(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 Island of Sark, not being a registered firearms dealer, shall, unless the other person shows that he is by virtue of this Law entitled to produce 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 [Sark Douzaine].

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

NOTE

In section 43, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Transactions for export.

44. (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 the Island of Sark, shall, within 7 days from the transaction, deliver or send by registered post or the recorded delivery service notice of the transaction to the [Sark Douzaine].

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

NOTE

In section 44, the words in square brackets were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Appeals from decisions of the [Sark Douzaine].

45. (1) A person aggrieved by a decision of the [Sark Douzaine] made under sections 28, 31, 32, 36, 38, 39, 40 may appeal therefrom to the Seneschal's Court on the grounds that the decision was *ultra vires* or was an unreasonable exercise of the powers of the [Sark Douzaine].

(2) A person aggrieved by a decision of the Seneschal may further appeal therefrom to the Royal Court sitting as an Ordinary Court.

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

NOTE

In section 45, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Consequences where registered dealer convicted of offence.

46. (1) Where a registered firearms dealer is convicted of an offence relevant for the purpose 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.

47. The Seneschal, if satisfied by information on oath by the Constable that there is reasonable ground for suspecting that an offence under this Law has been, is being, or is about to be committed, may grant a search warrant authorising the Constables or a named Police Officer therein –

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

Powers of the Constables to stop and search.

48. (1) The Constable or a Police Officer assisting the Constable may require any person whom he has reasonable cause to suspect –

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

to hand over the firearm or any ammunition for examination by the Constable or a Police Officer assisting the Constable.

(2) It is an offence for a person having a firearm or ammunition with him to fail to hand it over when required to do so by the Constable or Police Officer assisting the Constable under subsection (1).

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

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

(5) For the purpose of exercising the powers conferred by this section the Constable or a Police Officer assisting the Constable may enter any place.

(6) The offences relevant for the purpose of this section are those

under sections 18(1), 20(1) and 20(2).

Production of certificates.

49. (1) The Constable may demand, from any person whom he believes to be in possession of a firearm or ammunition to which section 1 applies, or 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 the demand is made under this section fails to produce the certificate or to permit the Constable 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 Constable 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 the Constable 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.

Constable powers in relation to arms traffic.

50. (1) The Constable may search for and seize any firearms, shot guns or ammunition which he has reason to believe are being removed, or have been removed, in contravention of an Ordinance made under section 8.

(2) A person having the control or custody of any firearms, shot guns or ammunition in course of transit shall, on demand by the Constable, allow the Constable 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.

51. (1) The Constable or a Police Officer assisting the Constable making a search of premises under the authority of a warrant under section 47 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) The Constable or a Police Officer assisting the Constable may arrest without warrant any person whom he has reasonable cause to suspect to be committing an offence under section 19, 20, 23 or 48(2) and, for the purpose of exercising the power conferred by this subsection, may enter any place.

(3) The Constable or a Police Officer assisting the Constable may arrest without warrant a person who refuses to declare his name and address when required to do so under section 49(2), or whom he in such a case suspects of giving a false name and address or of intending to abscond.

Prosecution and punishment of offences.

52. (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 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 and 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 (Sark) Law, 1989.

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

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

53. (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 or youth detention, or
 - (b) has been ordered to enter into a recognizance to keep the peace or to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm, or

- (c) is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm,

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

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

- (a) the court shall cause notice to be sent to the [Sark Douzaine], and
- (b) the [Sark Douzaine] 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 [Sark Douzaine].

- (3) The Constable may seize and detain any firearm or ammunition which may be the subject of an order for forfeiture under this section.

- (4) The Court of the Seneschal may, on the application of the [Sark Douzaine], order any firearm or ammunition seized and detained by the Constable under this Law to be destroyed or otherwise disposed of.

NOTE

In section 53, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

PART IV
MISCELLANEOUS AND GENERAL

Ordinances.

54. (1) The Chief Pleas may by Ordinance provide for any of the following matters –

- (a) prescribing the form of certificates under this Law and the register required to be kept under section 42 and other documents,
- (b) prescribing any fee payable under this Law,
- (c) prescribing any other thing which under this Law is to be prescribed,
- (d) such incidental and supplementary matters for which Chief Pleas deem it necessary or expedient for the purposes of any such Ordinance to provide,
- (e) generally for carrying this Law into effect,

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

(2) Save as expressly provided by that Ordinance, any person who contravenes or attempts to contravene or fails to comply with any of the provisions of

any Ordinance made under this section or any direction given or requirement imposed under or by virtue of that Ordinance shall be guilty of an offence.

NOTE

The following Ordinance has been made under section 54:

Firearms (Sark) Law, 2001 (Commencement and Fees) Ordinance, 2002.

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

55. Sections 1, 2, 9 to 14 and 28 to 34 apply, subject to the modifications specified in paragraph (a) and (b), 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:

- (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 [Sark Douzaine] on an application under section 28 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.

NOTE

In section 55, the words in square brackets were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

Service of notices.

56. 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.

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

- (a) any prohibited weapon, whether it is such a lethal weapon as aforesaid or not, and
- (b) any barrel or firing mechanism part of such a lethal 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,

"**Constable**" means the Sark Constable, Vingtenier and Assistant Constable as appointed by Chief Pleas,

"**[Sark Douzaine]**" means the [Sark Douzaine] as elected by the Chief Pleas of the Island of Sark,

"**firearm certificate**" means a certificate granted by the [Sark Douzaine] 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 firearm" means any thing which has the appearance of being a firearm whether or not it is capable of discharging any shot, bullet or other missile,

"Island of Sark" means the Island of Sark and its dependencies,

"police officer" means a member of the salaried police force of the Island of Guernsey,

"policy of insurance" means, in relation to a firearm or a shot gun, a current policy of insurance which complies with the requirements of section 27(1),

"premises" includes any land,

"prescribed" means prescribed by an Ordinance of Chief Pleas under section 54,

"prohibited weapon" and **"prohibited ammunition"** have the meanings assigned to them by section 5(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,

"registered", in relation to a firearms dealer, means registered under section 35; and references to **"the register"**, **"registration"** and a **"certificate of registration"** shall be construed accordingly,

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

"rifle" includes a carbine,

"self loading" and **"pump-action"** in relation to any weapon means respectively that it is designed or adapted (otherwise than as mentioned in section 5(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 fore stock 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 [Sark Douzaine] 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, shall apply to the interpretation of this Law.

NOTES

In section 57, the words in square brackets in the definition of the expression "Sark Douzaine" in subsection (3) and the words "Sark Douzaine" in square brackets wherever else occurring were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

The functions, rights and liabilities of the Firearms Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the Sark Douzaine and its Chairman by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 1, Schedule 1, paragraph 6, with effect from 14th January, 2017, subject to the savings and transitional provisions in section 3 of the 2017 Ordinance.

In accordance with the provisions of the Police Force (Bailiwick of 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.

Particular savings.

58. (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 53(3) is not to be taken as prejudicing the power of the Constable, when arresting a person for an offence, to seize property found in his possession or any other power of the Constable 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.

59. (1) The enactments set out in Schedule 3 so far as they apply to Sark are hereby repealed.

(2) A firearm certificate granted under the Firearms (Guernsey) Law, 1983 and a Shotgun Licence granted under the Shotgun (Sark) Ordinance, 1994 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 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 35 of this Law, and as though any condition attached to the registration of that person were conditions imposed under this Law.

(4) Any Sark Ordinance made under any provision of the Firearms (Guernsey) Law, 1983 shall, if the Ordinance is in force immediately before the commencement of this Law, have effect as if made under the corresponding provision of this Law.

(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 with regard to the effect of repeals.

Citation and commencement.

60. (1) This Law may be cited as the Firearms (Sark) Law, 2001.

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

Provided that any powers conferred by this Law on Chief Pleas 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 restrictions that any such Ordinance shall not come into force until this Law comes into force.

NOTE

The Law was brought into force on 1st January, 2003 by the Firearms (Sark) Law, 2001 (Commencement and Fees) Ordinance, 2002, section 1.

SCHEDULE 1

Section 17

OFFENCES TO WHICH SECTION 17(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 –

the first and third subparagraphs of paragraph (2) of Article 1
(Procuring defilement of women by threats or administering drugs),

Article 5 (Abduction of girl under eighteen for immoral purpose),

Article 6 (Unlawful detention of women for immoral purpose).
6. Robbery, burglary, theft and blackmail.
7. Offences under section 1 of the Offences against Police Officers (Bailiwick of Guernsey) Law, 1963.
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.

NOTE

The Loi relative à la Protection des Femmes et des Filles Mineures, 1914 has since been repealed by the Sexual Offences (Bailiwick of Guernsey) Law, 2020, section 111, Schedule 2, paragraph 2 ("Repeals"), with effect from 1st March, 2022, subject to the savings in section 2 of the Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022.

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.	
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	

Consolidated text

s.3(1)	Trading in firearms without being registered as firearms dealer	(a) Summary	6 months or a fine of level 4; or both.	
		(b) On indictment	3 years or a fine; or both.	
s.3(2)	Selling firearm to person without a certificate	(a) Summary	6 months or a fine of level 4; or both.	
		(b) On indictment	3 years or a fine; or both.	
s.3(3)	Repairing, testing etc. firearm for person without a certificate	(a) Summary	6 months or a fine of level 4; or both.	
		(b) On indictment	3 years or a fine; or both.	
s.3(5)	Falsifying certificate etc. with view to acquisition of firearm	(a) Summary	6 months or a fine; or both.	
		(b) On indictment	3 years or a fine; or both.	
s.4(1) s.4(2)	Shortening a shot gun; conversion of firearm	(a) Summary	6 months or a fine of level 4; or both.	
		(b) On indictment	5 years or a fine; or both.	
s.6(1)	Possessing or distributing prohibited weapons or ammunition	(a) Summary	6 months or a fine of level 4; or both.	
		(b) On indictment	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.7(2)(a)	Possessing de-activated firearm without	Summary	3 months or a fine of level 4; or both.	

Consolidated text

	certificate			
s.7(2)(b)	Failure to report transfer of de-activated firearm to Committee	Summary	3 months or a fine of level 4; or both.	
s.8(3)	Contravention of Ordinance under s.6 restricting removal of arms	Summary or on indictment	3 months or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine of level 2; or both.	Paragraph 1 of Part II of this Schedule applies.
s.9(2)	Making false statement in order to obtain Committee permit	Summary or on indictment	3 months or a fine of level 4; or both.	
s.11(3)	Making false statement in order to obtain permit for auction of firearms etc.	(a) Summary (b) On indictment	6 months or a fine of level 4; or both. 3 years or a fine; or both.	
s.11(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.14(2)	Making false statement in order to obtain permit for removal of signaling apparatus	Summary or on indictment	3 months or a fine of level 4; or both.	
s.16	Possession of firearm or air weapon with intent to endanger life	On indictment	Life imprisonment or a fine; or both.	
s.17(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.17(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.18(1)	Carrying firearms, imitation firearms, air weapons or with intent to commit indictable offence or to resist arrest	On indictment	14 years or a fine; or both.	
s.19	Carrying loaded firearm or air weapon 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.20(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.20(2)	Trespassing with firearm or air weapon on land	Summary or on indictment	3 months or a fine of level 4; or both.	
s.21(1)	Firing a 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.	
s.21(3)	Contravention of Ordinance regulating or prohibiting the use of a place as a 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	Firing firearm in or across road, street, etc. or firing firearm in or across place to	(a) Summary (b) On indictment	3 months or a fine. 3 years or a fine; or both.	

	which public has access during hours of darkness			
s.23(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.23(5)	Supplying firearms to person denied them under section 23	(a) Summary (b) On indictment	6 months or a fine of level 4; or both. 3 years or a fine; or both.	
s.24(1)	Person under 18 acquiring firearm	Summary or on indictment	3 months or a fine of level 4; or both.	
s.24(2)	Person under 18 having firearm in his possession without lawful authority	Summary or on indictment	3 months or a fine of level 4; or both.	
s.25(1)	Selling or letting on hire a firearm to person under 18	Summary or on indictment	3 months or a fine of level 4; or both.	
s.25(2)	Supplying firearm or ammunition (being of kind to which section 1 of this Law applies) to a person under 18	Summary or on indictment	3 months or a fine of level 4; or both.	
s.25(3)	Making gift or shot gun to person under 12	Summary or on indictment	A fine of level 2.	Paragraph 5 of Part II of this Schedule applies.
s.26	Supplying firearm to person drunk, under the influence of	Summary or on indictment	3 months or a fine of level 4; or both.	

Consolidated text

	drugs or insane			
s.27(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.	
s.27(3)	Producing false policy of insurance, etc. in order to obtain a firearm 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.28(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.31(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)	Failing to surrender certificate on revocation	Summary or on indictment	A fine of level 2.	
s.33(1)	Failure to comply with notice requiring surrender of firearms certificate, firearms, etc.	Summary	3 months or a fine of level 4; or both.	
s.38(4)	Failure of dealer to produce certificate of registration	Summary	6 months or a fine of level 4; or both.	
s.40(7)	Failure to surrender certificate of registration on	Summary or on indictment	A fine of level 2.	

	removal of firearms dealer's name from register			
s.41(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.41(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.41(3)	Non compliance with condition of registration	Summary or on indictment	3 months or a fine of level 4; or both.	
s.42(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.43(3)	Failure to comply with instructions in firearms certificate when transferring firearm to person other than registered dealer, failure to report transaction to [Sark Douzaine]	(a) Summary (b) On indictment	6 months or a fine of level 4; or both. 3 years or a fine; or both.	
s.44(2)	Failure to report transaction for export	Summary	6 months or a fine of level 4; or both.	

s.48(2)	Failure to hand over firearm or ammunition on demand by Constable	Summary or on indictment	3 months or a fine of level 4; or both.	
s.49(3)	Failure to comply with requirement of Constable that a person shall declare his name and address	Summary or on indictment	A fine of level 2.	
s.50(3)	Failure to give Constable 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.53(2)(c)	Failure to surrender firearm or shot gun certificate cancelled by court on conviction	Summary or on indictment	A fine of level 2.	
s.54(2)	Contravention of an Ordinance under s.54(1) prescribing forms, fees, etc.	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 8(3) or 50(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 17(1) in respect of the lawful arrest or detention of himself for any other offence committed by him, 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 17(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 17(2), the court may find him guilty of the offence under section 17(2) and he shall then be punishable accordingly.
4. The punishment to which a person is liable for an offence under section 17(2) shall be in addition to any punishment to which he may be liable for the

offence first referred to in section 17(2).

5. The court by which a person is convicted of an offence under section 25(3) may make such order as it thinks fit as to the forfeiture or disposal of the shot gun or ammunition in respect of which the offence was committed.

NOTES

In Schedule 2, the words "Sark Douzaine" in square brackets, wherever occurring, were substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2017, section 2, Schedule 1, paragraph 6, with effect from 14th January, 2017.

The word and figures in square brackets in the heading to Schedule 2 shown, incorrectly, in the printed version thereof as "Section 53" should read "Section 52".

SCHEDULE 3

Section 59

REPEALS

1. The Firearms (Guernsey) Law, 1983.
2. The Firearms (Amendment) (Guernsey) Law, 1984.
3. The Firearms (Guernsey) Laws, 1983 and 1984 (Commencement) Ordinance.
4. The Firearms (Increase of Insurance) Ordinance, 1995.
5. The Shot Gun (Sark) Ordinance, 1994.

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

² 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.