

PARLIAMENT OF CEYLON

3rd Session 1954-55



Firearms (Amendment) Act, No. 18 of 1955

Date of Assent : April 14, 1955

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AN ACT TO AMEND THE FIREARMS ORDINANCE.

Chapter 139,
(Vol. III.,
page 627).

[Date of Assent: April 14, 1955]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Firearms (Amendment) Act, No. 18 of 1955.

Short title.

2. Section 2 of the Firearms Ordinance (hereinafter referred to as the "principal enactment"), is hereby amended by the substitution, for the definition of the word "gun", of the following new definition:—

Amendment of
section 2 of
Chapter 139.

"gun" includes—

- (a) any barrelled weapon of any description from which any shot, pellet or other missile can be discharged with sufficient force to penetrate not less than eight strawboards, each of three-sixty-fourth of an inch thickness placed one-half of an inch apart, the first such strawboard being at a distance of fifty feet from the muzzle of the weapon, the plane of the strawboards being perpendicular to the line of fire; or
- (b) any component part of any such weapon; or
- (c) any accessory to any such weapon designed or adapted—
 - (i) to diminish the noise or flash caused by firing the weapon, or
 - (ii) to facilitate the aiming of the weapon; or
- (d) any weapon of whatever description designed or adapted for the discharge of any noxious substance;.

Amendment of
section 5 of
the principal
enactment.

3. Section 5 of the principal enactment is hereby amended as follows:—

(1) in sub-section (1), by the addition at the end thereof, of the following:—

“ The licensing authority may require as a condition precedent to the consideration of such application that the applicant provides for inspection of the gun which is the subject of the application.”; and

(2) in sub-section (2), by the substitution, for all the words from “ Subject to ” to “ licensing authority ”, of the words “ The licensing authority ”.

Amendment of
section 6 of
the principal
enactment.

4. Section 6 of the principal enactment is hereby amended in sub-section (1) of that section, as follows:—

(1) in paragraph (a) thereof, by the substitution for the word “ Ordinance, ”, of the words “ Ordinance, or under the Fauna and Flora Protection Ordinance in respect of the commission of which a gun was used, ”;

(2) in paragraph (b) thereof, by the substitution, for the word “ permit ”, of the words “ permit, or; ”; and

(3) by the insertion immediately after paragraph (b) thereof, of the following new paragraphs:—

“ (c) if the Government Agent is satisfied that the possession and use of a gun by the holder of the licence or permit is not necessary for the purpose for which he required the gun at the time of the issue or last renewal; or

(d) if the Government Agent is satisfied that the possession and use of the gun by such holder is dangerous to the life or property of any other person or persons. ”.

Cap. 325.

Amendment of
section 15 of
the principal
enactment.

5. Section 15 of the principal enactment is hereby amended in sub-section (3) thereof, by the substitution, for the word “ Ordinance. ”, of the words “ Ordinance, and shall on conviction be punishable for the first offence as provided in paragraph (a) of sub-

section (3) of section 22 and for the second or any subsequent offence as provided in paragraph (b) of that sub-section. ”

6. Section 22 of the principal enactment is hereby amended by the substitution, for sub-section (3), of the following new sub-section:—

Amendment of section 22 of the principal enactment.

“ (3) Any person contravening any of the provisions of this section shall be guilty of an offence against this Ordinance and shall on conviction be punishable—

(a) for the first offence with a fine of not more than two thousand five hundred rupees, or with rigorous imprisonment for a period not exceeding one year, or with both such fine and imprisonment; and

(b) for the second or any subsequent offence with a fine of not more than two thousand five hundred rupees or with rigorous imprisonment for a period not exceeding two years or with both such fine and imprisonment:

Provided that where the offence consists of having the custody or possession of, or of using, a smooth bore shot gun of the muzzle loading variety the offence shall be punishable as provided in section 43. ”.

7. Section 24 of the principal enactment is hereby amended by the substitution, for items (c) and (d), of the following new items:—

Amendment of section 24 of the principal enactment.

“ (c) For every rifle ... 10 0

(d) For every revolver or automatic pistol ... 25 0 ”.

8. Section 25 of the principal enactment is hereby repealed and the following new section is substituted therefor:—

Replacement of section 25 of the principal enactment.

“ Appeals.

25. (1) There shall be an appeal to the Permanent Secretary from a decision of the licensing authority refusing the renewal of a licence under this Ordinance.

(2) Any officer of a rank not below that of Assistant Superintendent of Police may appeal to the Permanent Secretary from a decision of the

licensing authority allowing the issue of a licence under this Ordinance to possess a gun.

(3) The decision of the Permanent Secretary on any appeal under this section shall be final and conclusive.

(4) The Minister may make rules with respect to appeals under this section, and such rules may provide for the time and manner of preferring such appeals, the fees payable upon appeals and the procedure to be observed in the hearing of appeals.

(5) No rule made by the Minister under this section shall have effect until it is approved by the Senate and the House of Representatives, and notification of such approval is published in the *Gazette*.

Every rule so approved shall be as valid and effectual as though it were herein enacted."

Insertion of new section 25A in the principal enactment.

9. The following new section is hereby inserted immediately after section 25 of the principal enactment, and shall have effect as section 25A of that enactment:—

" A licence holder to return his licence if Permanent Secretary on appeal decides licence wrongly issued.

25A. (1) Where the Permanent Secretary reverses the decision of a licensing authority allowing the issue of a licence on an appeal made under subsection (2) of section 25 of this Ordinance, he shall by written communication inform the person to whom such licence was issued of his decision and request him to transmit the licence to such licensing authority within the period specified in that communication.

(2) If a person to whom a licence has been issued under this Ordinance to possess a gun fails, on receipt of a written communication under subsection (1) of this section, to transmit such licence to the licensing authority within the period specified in that communication, he shall be guilty of an offence under this Ordinance."

Amendment of section 30 of the principal enactment.

10. Section 30 of the principal enactment is hereby amended by the substitution, for the words "not exceeding", of the words "equal to".

11. Section 37 of the principal enactment is hereby amended as follows:—

Amendment of section 37 of the principal enactment.

(1) by the substitution, for the words “any peace officer”, of the words “any Government Agent or any officer authorised in that behalf in writing by a Government Agent or any peace officer”; and

(2) by the substitution, for the words “by the peace officer or headman”, of the words “by the officer or headman seizing the gun”.

12. Section 39 of the principal enactment is hereby amended in sub-section (1) thereof, by the substitution, for the word “committed.”, of the following:—

Amendment of section 39 of the principal enactment.

“committed. It shall be lawful for any Magistrate’s Court imposing a punishment to impose a punishment prescribed for that offence by this Ordinance notwithstanding any limitation of the ordinary jurisdiction of that Court.”

13. Section 42 of the principal enactment is hereby repealed.

Repeal of section 42 of the principal enactment.

14. Section 44 of the principal enactment is hereby amended in sub-section (1) thereof, by the substitution, for all the words from “shall,” to the end of that sub-section, of the following:—

Amendment of section 44 of the principal enactment.

“shall be subject at the discretion of the court to confiscation:

Provided that where the person convicted of the offence is not the owner of the gun, the court shall not order its confiscation—

(a) without notifying the owner in writing; and

(b) unless the court is satisfied, after such inquiry as it may think fit, that the offence was committed with the knowledge and consent of the owner.”

15. Section 46 of the principal enactment is hereby amended as follows:—

Amendment of section 46 of the principal enactment.

(1) by the re-numbering of that section as section 46 (1);

- (2) by the insertion, immediately after re-numbered section 46 (1), of the following new sub-section:—

“(2) The Minister may by Order published in the *Gazette* declare that all or any of the provisions of this Ordinance shall not apply in any area specified in that Order.

On publication of such Order, the provisions so declared shall not apply in the area specified in the Order.”; and

- (3) in the marginal note to that section, by the substitution, for the word “person”, of the words “person or area”.

Insertion
of new
section 46A
in the
principal
enactment.

16. The following new section is hereby inserted immediately before section 47 of the principal enactment, under the heading “Miscellaneous”, and shall have effect as section 46A of that enactment:—

“Duty of
persons
leaving
Ceylon with
guns to
report to
licensing
authority.

46A. (1) No person shall leave Ceylon taking a gun with him, unless he has previously informed the licensing authority in writing that he is taking the gun.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence against this Ordinance.”.

Amendment of
section 47 of
the principal
enactment.

17. Section 47 of the principal enactment is hereby amended as follows:—

- (1) by the re-numbering of that section as section 47 (1);

- (2) by the insertion, immediately after re-numbered sub-section (1), of the following new sub-section:—

“(2) If any holder of a licence or a permit under this Ordinance changes his address, he shall, within fourteen days of such change, notify in writing to the licensing authority his new address. Any person who contravenes the preceding provisions of this sub-section shall be guilty of an offence against this Ordinance.”.

- (3) in the marginal note thereto, by the substitution, for “notices.”, of “notices, etc.”.