

FIREARMS

AN ORDINANCE TO AMEND THE LAW RELATING TO FIREARMS.

Ordinance Nos,

33 of 1916
6 of 1920
12 of 1945
7 of 1947

Law Nos,

38 of 1975

Act Nos,

18 of 1955
22 of 1955
8 of 1980

[50 of 1981](#) [28th August , 1981]

[22 of 1996](#) [21st August , 1996]

[1st April , 1917]

Short title. **1.** This Ordinance may be cited as the Firearms Ordinance.

GENERAL PROVISIONS

Interpretation. **2.** For the purpose of this Ordinance-
[2, 8 of 1980]

"agricultural purpose" means any purpose relating to-

- (i) the growing of rice, all field crops, spices and condiments, industrial crops, vegetables, fruits, flowers, pasture and fodder;
- (ii) dairy farming, livestock rearing and breeding, or
- (iii) plant and fruit nurseries;

[\[2,22 of 1996\]](#) "automatic gun" means a gun which repeatedly ejects an empty cartridge shell, and introduces new cartridge on the firing of the gun;

[2, 18 of 1955] "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 straw boards, each of three-sixty-fourth of an inch thickness placed one-half of an inch apart, the first such straw board being at a distance of fifty feet from the muzzle of the weapon, the plane of the straw boards 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

[\[2,22 of 1996\]](#) (d) any weapon of whatever description designed or adapted for the discharge of any noxious substance; but does not include an air gun;

"licensing authority" means the Secretary;

"manufacture" of guns includes the assembling of any parts whatsoever, whether old or new,

so as to form a gun;

"peace officer" includes any police officer and any grama naladhari appointed in writing to perform police duties;

"secretary" means the Secretary to the Ministry of the Minister in charge of the subject of Defence.

Licences and permits. **3.** The importation, manufacture, repair, sale, transfer, and possession of guns in Sri Lanka shall take place only in accordance with licences, and permits provided for by this Ordinance.

Power of licensing authority to refuse to issue licence or permit. **4.** A licensing authority in his discretion may refuse to issue-

- (a) any licence (not being a licence for the possession of a gun in respect of which a permit for purchase or transfer has been issued under this Ordinance) ;
- (b) any permit under this Ordinance.

Renewal of licences. **5.**

(1) When any person on whom the duty of taking out a licence is cast by this Ordinance has complied with the requirements of the Ordinance and taken out the necessary licence, it shall be his duty, before the expiration of the period for which such licence has been granted, to make application for a renewal of the licence for the next ensuing period, if he desires, during such further period, to continue to enjoy the privilege conferred on him by the already existing licence. [§ 3.18 of 1955] 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.

[3,18 of 1955]

(2) The licensing authority may, in his discretion, refuse the renewal of any licence.

(3) A licence may be renewed by the endorsement of the renewal thereof by the licensing authority on the original licence, and each renewal shall be subject to the same stamp duty as the original licence.

Secretary may withdraw licence or permit. **6.**

[\[3.22 of 1996\]](#)

(1) The Secretary may, by notice served upon the holder thereof, withdraw any licence or permit issued under this Ordinance-

(a) when the holder of such licence or permit is convicted of any offence under this Ordinance, or under the Fauna and Flora Protection Ordinance in respect of the commission of which a gun was used, or under any of the sections of the Penal Code enumerated in Schedule B ; or

[4, 18 of 1955]

(b) when (for reasons to be recorded by him in writing) the Secretary deems it necessary for the security of the [§ 3, 22 of 1996] public peace to withdraw such licence or permit; or

[\[3, 22 of 1996\]](#)

(c) if the Secretary 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

[\[3.22 of 1996\]](#)

(d) if the Secretary 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.

[\[3.22 of 1996\]](#) (2) The decision of the Secretary shall be final and conclusive. Secretary's decision final.

Proceedings when licence is lost, destroyed, & c. [\[4.22 of 1996\]](#) **7.** If any licence granted under the provisions of this Ordinance shall be destroyed, defaced, or lost, it shall be lawful for the person to whom the same shall have been granted to report the same to the licensing authority who issued the licence, and if such licensing authority is satisfied that the licence has been destroyed, defaced, or lost, he shall grant to such person, on payment of a stamp duty of ten rupees, a certificate as near as is material in the form A in Schedule A.

Licence to be in foil and counterfoil. **8.** All licences and all renewals thereof and all certificates under section 7 shall be made out in foil and counterfoil, and all stamps required by this Ordinance in respect of any licence shall be affixed to the counterfoil

IMPORTATION OF GUNS

Restriction of importation of guns. **9.**

(1) The importation of guns or parts of guns into Sri Lanka is prohibited, except-

[\[5.22 of 1996\]](#)

(a) through any approved port of entry in Sri Lanka; or

[\[5.22 of 1996\]](#)

(b) by passengers arriving at any approved port of entry in Sri Lanka as part of their personal baggage.

[\[5.22 of 1996\]](#)

(2) Any person importing a gun or any part of a gun into Sri Lanka otherwise than in accordance with this section shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred rupees, or to imprisonment of either description for a period not exceeding six months, or to both; or on conviction before a District Court to a fine not exceeding ten thousand rupees, or to imprisonment of either description for a period not exceeding five years, or to both.

Importation by dealers and persons other than passengers. [\[6.22 of 1996\]](#) **10.**

(1) Any person licensed under section 12 of this Ordinance (hereinafter referred to as a "licensed dealer") who shall import a gun into Sri Lanka for the purpose of his business shall not remove such gun from the customs premises to his place of business until he shall have obtained a permit from the Secretary authorizing him so to remove the gun. Such permit shall be substantially in form B 1 in Schedule A.

[\[6.22 of 1996\]](#)

(2) Any person other than a licensed dealer, or a passenger under section 9 (1) (b), who shall import a gun into Sri Lanka shall not remove the said gun from the customs premises until he shall have made a declaration to the customs

authorities substantially in Form B 2 in Schedule A, and obtained a permit from the Secretary substantially in such form.

(3) Such permits shall be granted on application, provided, however, that in any special case the application may be referred for the order of the Minister.

(4) Any person removing any gun from the customs premises without such permit, or otherwise than in accordance with its provisions, shall be guilty of an offence against this Ordinance.

Importation by **11.** Any passenger importing a gun as part of his personal baggage, shall not remove such gun from the customs premises until he shall have made a declaration and obtained from the Secretary, a permit substantially in Form C in Schedule A, and any person who shall remove such gun from the customs premises without such permit, or otherwise than in accordance with the provisions of this section shall be guilty of an offence against this Ordinance.

SALE OF GUNS

Licence to sell guns. **12.**
[\[7.22 of 1996\]](#)
[\[8.22 of 1996\]](#)

(1) No person shall expose or keep for sale any gun without a licence from the Secretary.

[3, 8 of 1980] (2) Every such licence shall be as near as is material in Form D in Schedule A, and shall bear a stamp of five hundred rupees.

[\[8.22 of 1996\]](#) (3) Every such licence shall be annual, and shall expire on the thirty-first day of December next ensuing after the issue thereof.

(4) Any person exposing or keeping for sale any gun except in accordance with this section shall be guilty of an offence against this Ordinance.

Dealers to keep registers. **13.**

(1) It shall be the duty of every person licensed under section 12-

(a) to keep a register in the form E in Schedule A ;

(b) to enter therein a correct description of all guns received by him, and of all guns in. any way disposed of by him ; and

(c) to verify at the end of every month the number of guns in his possession, and enter such number in his register.

(2) It shall be lawful for any police officer not below the rank of Sub-Inspector, or any person authorized in writing by the Inspector-General of Police, at any reasonable time, to take a copy of the entries in such register or any portion thereof, and to examine the stock of guns of any person licensed as aforesaid.

(3) Any person failing to keep a register and make the entries prescribed by this section shall be guilty of an offence against this Ordinance, and any person obstructing any officer acting in pursuance of subsection (2) hereof shall be guilty of an offence, and shall be punishable with the penalties prescribed by section 183 of

the Penal Code.

Procedure for **14.**
purchase of

(1) Every person desirous of purchasing a gun from a licensed dealer shall apply to the licensing authority for a permit to purchase. Every such application shall be substantially in accordance with that contained in form F in Schedule A.

(2) The licensing authority may, on being satisfied that there is no objection thereto, issue the permit to the intending purchaser, and such permit shall be the licensed dealer's authority for selling such gun to the said purchaser.

(3) It shall be the duty of the licensed dealer in any such case to enter the number of the permit in his register, and to [§9,22 of 1996] forward the permit to the licensing authority within three days of the sale.

(4) Every such permit shall lapse on the expiration of thirty days from the date of its issue.

(5) Any licensed dealer selling or otherwise disposing of any gun, except in accordance with this section, or upon a permit that has lapsed, shall be guilty of an offence against this Ordinance.

TRANSFER OF GUNS

Transfer **15.**
of guns.

(1) No person shall transfer any gun for the possession of which a licence has been issued under this Ordinance by way of sale or by way of pledge or gift to any other person save in accordance with a permit issued to the intending transferee by the licensing authority authorizing such transfer.

[\[10, 22 of 1996\]](#)

(2) Every such permit shall be issued on payment of a fee of fifty rupees and shall be in accordance with form G in Schedule A, and shall lapse after the expiration of thirty days from the date thereof.

[\[5, 18 of 1955\]](#)

(3) Any person transferring any gun to any other person otherwise than in accordance with this section, and any person receiving any gun so transferred, shall be guilty of an offence against this Ordinance, and shall on conviction be punishable for the first offence as provided in paragraph (a) of subsection (3) of section 22 and for the second or any subsequent offence as provided in paragraph (b) of that subsection.

Endorsement of **16.**
licence on
transfer.

(1) Every person transferring a gun in accordance with such permit shall deliver to the transferee with the gun the licence under which he is authorized to possess the gun, and the transferee shall, within ten days of obtaining the said gun and licence, apply to the licensing authority for the endorsement to himself of such licence, and upon the endorsement of such licence to the transferee by the licensing authority the transferee shall have all the rights and shall be subject to all the liabilities of the transferor under the said licence in lieu of the said

transferor.

(2) The provisions of this section and of section 15 shall not apply to transfers to licensed dealers, but in the case of any such transfer it shall be the duty of the transferee to require as a condition of the transfer that the gun licence issued in respect of the gun shall be delivered to him with the gun, and within three days of the receipt of such licence to forward the same to the licensing authority endorsed with a memorandum of the transaction. A licensed dealer who fails to comply with the provisions of this subsection shall be guilty of an offence against this Ordinance.

Licence to manufacture guns. **17.**

[\[11.22 of 1996\]](#)

(1) No person shall manufacture any gun without a licence from the licensing authority.

[4, 8 of 1980]

[\[11.22 of 1996\]](#)

(2) Every such licence shall be as near as is material in Form H in Schedule A, and shall bear a stamp of five hundred rupees.

(3) Every such licence shall be annual, and shall expire on the thirty-first day of December next ensuing after the issue thereof.

(4) A licence shall not be issued to any person under this section unless he is already a holder of a licence to sell guns under section 12

(5) Any person manufacturing a gun in contravention of this section shall be guilty of an offence against this Ordinance.

Marking of guns manufactured in Sri Lanka. **18.**

(1) Every gun made by a manufacturer of guns licensed in Sri Lanka, after the passing of this Ordinance, shall bear the name of the manufacturer, together with a consecutive number, legibly engraved on the barrel.

(2) Any licensed manufacturer who shall fail so to mark any gun made by him shall be guilty of an offence against this Ordinance.

Manufacturers to keep registers. **19.**

(1) It shall be the duty of every person licensed under section 17-

(a) to keep a register in the form I in Schedule A;

(b) to enter therein a correct description of all guns made by him, of the numbers with which they are marked, and of the manner in which such guns are disposed of ; and

(c) to verify at the end of every month the number of guns in his possession, and enter such number in his register.

(2) It shall be lawful for any police officer not below the rank

of Sub-Inspector, or any person authorized in writing by the Inspector-General of Police, at any reasonable time, to take a copy of any entries in such register, and to examine the stock of guns of any such manufacturer.

(3) Any person failing to keep a register and make the entries prescribed by this section shall be guilty of an offence against this Ordinance, and any person obstructing any officer or person acting in pursuance of subsection (2) hereof shall be guilty of an offence, and shall be punishable with the penalties prescribed by section 183 of the Penal Code.

REPAIR OF GUNS

Licence to **20.**
repair
guns.

(1) No person shall execute any repair to a gun for reward, unless he shall hold a licence as repairer of guns authorizing such repair.

(2) Every such licence shall be substantially in form J in Schedule A, and shall in the case of persons already holding a licence as manufacturers under section 17 be free of stamp duty, and in all other cases shall bear a stamp of five hundred rupees.

[\[12, 22 of 1996\]](#)

(3) Every such licence shall be annual, and shall expire on the thirty-first day of December next ensuing after the issue thereof.

[\[12, 22 of 1996\]](#)

(4) It shall be lawful for the licensing authority to exempt any licensed manufacturer or any licensed dealer from the provisions of this section.

(5) A licence to repair guns under this section shall authorize the person licensed to repair any lock or barrel, but shall not authorize such person to insert a lock or a barrel into a gun, unless such person holds a licence as a manufacturer under this Ordinance.

(6) Any person repairing a gun in contravention of this section shall be guilty of an offence against this Ordinance.

Procedure to be **21.**
followed by
licensed
repairers.

(1) No licensed repairer shall receive for the purpose of repair any gun, unless the person tendering the gun for repair shall produce and deposit with the repairer either-

(a) the licence issued in respect of the gun ; or

(b) a certificate from the peace officer of the town or village in form K in Schedule A, or to the like effect.

(2) Such licence or certificate shall be retained by the repairer until the gun is returned to the owner, and shall in the meantime be open to inspection by any peace officer.

(3) Any licensed repairer receiving a gun for repair in contravention of the provisions of this section shall be guilty of an offence against this Ordinance, and any person obstructing any peace officer acting in pursuance of subsection (2) hereof shall be guilty of an offence, and shall be punishable with the penalties prescribed by section 183 of the Penal Code.

POSSESSION OF GUNS

Licence to [22](#).
possess a
gun

(1) No person shall have in his custody, or gun possess or use, any gun, unless he shall hold a licence therefor in accordance with this Ordinance (herein referred to as a gun licence).

(2) Nothing in this section contained shall apply or extend-

(a) to any licensed manufacturer, dealer, or repairer in respect of any gun in his custody or possession for the purpose of his business ; or

(b) to any person employed by any such manu-facturer, dealer or repairer to carry or convey any gun, for the purpose of his business, in respect of such carriage or conveyance; or

(c) to the custody of any gun by any person entrusted by a person duly licensed to possess a gun with temporary custody, whether a servant of the owner or otherwise, of any gun for which a licence has been obtained ; or

(d) to any member of the family of a deceased person, who held at the time of his decease a licence to possess a gun, until the expiration of one calendar month from such decease ; or

(e) to any watcher or other person employed in the protection of immovable property or crops in respect of the use for the purpose of his employment of any gun for which such his employer is licensed : Provided that such watcher or other person holds a permit in accordance with section 34; or

(f) to the possession of any gun by any person who shall have obtained or removed the same under any permit issued under this Ordinance, for a period of ten days after the date on which he shall have so obtained or removed it: Provided that such person shall make no use of such gun during the said interval; or

(g) to the possession of any gun by any person who shall have been the holder of a licence for such gun, but whose licence shall have expired, for a period of ten days after the date of such expiration : Provided that such person shall make no use of such gun during the said interval; or

[\[13, 22 of 1996\]](#) (h) to the possession of any antique, obsolete or unserviceable gun kept as a curiosity or ornament, and certified as such by the licensing authority;

[\[13,22 of 1996\]](#) (i) to the possession and use of a gun by any person in respect of which the Minister has, by writing under the hand of the Secretary, given a permit to such person: Provided that the Minister may at his discretion in like manner cancel or revoke any such permit.

[\[13, 22 of 1996\]](#) (3) Any person contravening 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 not exceeding ten thousand rupees or with rigorous imprisonment for a period not exceeding five years or with both such fine and imprisonment;

(b) for the second or any subsequent offence, with rigorous imprisonment for a period of not less than ten years and not exceeding twenty years:

Provided that where the offence consists of having the custody or possession of, or of using, an automatic gun or repeater shotgun, the offender shall be punished with imprisonment for life:

Provided further that where the offence consists of having the custody and possession of, or of using a smooth bore shotgun of the muzzle-loading variety, the offence, shall be punishable as provided for in section 44.

[\[13.22 of 1996\]](#) (4) Every offence under this section shall be finger printable upon conviction as if such offence were included in the Schedule of finger printable offences under the Prevention of Crimes Ordinance (Chapter 22).

Licence
how
obtained. **23.**

(1) Every person desiring to obtain a gun licence shall, within ten days of his having obtained possession of the gun in respect of which the licence is desired, make application, either personally or in writing, in the form L in Schedule A, to the licensing authority, specifying-

(a) his name and address ;

(b) the number and description of the gun for which the licence is desired ; and shall, if required, produce such gun before the licensing authority for inspection.

[\[14.22 of 1996\]](#) (2) The licensing authority may thereupon being satisfied that the applicant has the necessary skill to use such gun issue to the applicant, in respect of such gun, a licence as near as is material in the form M in Schedule A.

(3) Every such licence shall be annual, and shall expire on the thirty-first day of December next ensuing after the issue thereof.

(4) No gun licence shall be issued in respect of any gun of a class which the Minister may by Order declare to be a dangerous class of firearms:

Stamp duty on licences. **24.** In respect of every licence issued under section 23 there shall be levied, on any gun used for any agricultural purpose or any purpose other than an agricultural purpose, as the case may be, an annual duty payable according to the following scale:-

[\[2.50 of 1981\]](#)

[\[15.22 of 1996\]](#)

Appeals. **25.**

[\[16.22 of 1996\]](#)

(1) An appeal lies from a decision of the licensing authority refusing the issue or renewal of a permit or a licence under this Ordinance to a Board of Review appointed for the purpose by the Minister, consisting of three persons of whom one shall be a retired Judge who has been a

judge of a court at the level of a District Court or above, one shall be a retired police officer who has held a post not below the rank of Senior Superintendent of Police and one shall be a retired officer of the Sri Lanka Administrative Service. The Chairman of the Board shall be the retired judge.

(2) Any officer of a rank not below that of a Deputy Inspector-General of Police, may appeal to the Board of Review from a decision of the licensing authority allowing the issue of a licence to a person under this Ordinance to possess a gun.

(3) The decision of the Board of Review on any appeal under this section shall be final.

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

A **26.**

licence
holder

[\[17.22 of
1996\]](#)

(1) Where the Board of Review reverses the decision to return his of the licensing authority by allowing the issue of a licence on licence if Board of Review on an appeal made to it under section 25 (2), it shall by a written appeal decides communication inform the person to whom such licence was issued of the decision and request such person to transmit the licence to the licensing authority within the period specified in such 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.

Register of **27.** The licensing authority shall maintain a register of all gun licences in a
licences. book to be kept for that purpose, substantially in Form N in Schedule A.

[\[18.22 of 1996\]](#)

Licensed guns **28.**

may be marked by
the licensing
authority.

(1) Whenever the licensing authority is not satisfied that any gun for which a licence is required is marked with such name or figures, or in such other manner as may admit of ready identification, it shall be lawful for such licensing authority, before granting the licence applied for, to require the applicant to produce to him any such gun, and thereupon to cause the same to be marked on the barrel with some permanent mark whereby the same may afterwards be known and identified, but in such manner as not to injure or disfigure the same, and such gun when duly marked shall, with the licence relating thereto, be delivered to the said applicant ; the expenses attendant on such marking shall be defrayed by the licensing authority out of public funds.

(2) Anyone obliterated, defacing, altering, or counterfeiting any such mark shall be guilty of an offence against this

Deposit of guns by **29**,
becoming
disentitled to
possession.

Ordinance.

(1) In the following cases, that is to say :-

- (a) where the holder of a gun licence has not applied for its renewal on the expiration thereof;
- (b) where the renewal of a gun licence has been refused; and

[\[19, 22 of 1996\]](#)

- (c) where a gun licence has been withdrawn,

it shall be the duty of the licensee in case (a) to deliver up, within ten days of the expiration of the licence, to the licensing authority such gun and licence, and to deposit such gun at such place as the licensing authority shall direct; and in cases (b) and (c) to deposit such gun and licence at such place as he shall be directed by the licensing authority in the written notice notifying such refusal or withdrawal within ten days of the receipt of such notice.

[\[19, 22 of 1996\]](#)

(2)* In any of such cases, if the owner of the gun or any other person interested therein does not within one year from the date on which such gun is deposited apply for the delivery of it, and produce a licence authorizing him or some other person to possess the gun, such gun shall be forfeited to the State. Upon such forfeiture, the person who was the owner of such gun shall be entitled to compensation of an amount equal to the value of such gun as assessed by a competent person appointed for the purpose by the licensing authority.

(3) Any person failing to deliver up or deposit a gun in accordance with this section shall be guilty of an offence against this Ordinance.

[\[19, 22 of 1996\]](#)

(4) The owner of a gun may at any time, by surrendering such gun, together with any licence held in respect thereof, to the licensing authority, and by depositing such gun at such place as the licensing authority shall direct, free himself from all further responsibility with respect to the said gun and licence. Any gun so surrendered may be destroyed or otherwise disposed of as the licensing authority may direct.

Delivery and **30**.
confiscation of guns
not lawfully
possessed.
[3, 7 of 1947]

(1) The Minister may from time to time by Order published in the Gazette and declared applicable either to the whole of Sri Lanka or any specified area thereof, direct every person who has any unlicensed gun in his custody or possession to deliver that gun to the officer in charge of the nearest police station within such period as may be specified for that purpose in the Order.

(2) Every person who has an unlicensed gun in his custody or possession in any area to which the Order published under subsection (1) applies, shall deliver that gun to the officer in

charge of the nearest police station within the period specified in the Order. Every gun so delivered shall be kept in deposit in the police station at which it is delivered.

(3) Where before the expiry of three months from the date of delivery of any gun under subsection (2) the person by whom the gun was delivered obtains a licence to possess and use that gun under the provisions of this Ordinance and produces such licence to the officer in charge of the police station at which that gun is kept in deposit, the gun shall be returned to such person. The provision in section 23 as to the production of the gun before the licensing authority shall not apply in the case of any gun kept in deposit at a police station.

(4) Where within the period of three months referred to in subsection (3) no licence is produced in respect of any gun kept in deposit at a police station, that gun shall be forfeited to the State.

(5) Where a gun is delivered by any person in accordance with the provisions of subsection (2), such person shall not, by reason of his having had that gun in his custody, or possessed or used that gun, prior to the date of such delivery, be liable to any prosecution or punishment for any offence against section 22.

Proof of possession.

31. Any occupier of any house or premises in which any gun shall be found shall for the purposes of this Ordinance be deemed to be the possessor of such gun, unless he proves-

(a) that such gun was in such house or premises without his knowledge or privity; or

(b) that some other person is the possessor of the gun.

Fine in lieu of prosecution.
[10,18 of 1955]

32. Where any person fails to make the necessary application for the renewal of a gun licence within the proper time, the licensing authority may in his discretion allow such person to take out such renewal on payment of a fine equal to the amount of the stamp duty payable in respect of the licence, which fine the licensing authority is hereby authorized to recover as a condition of such renewal.

Duty on destruction or loss of guns.
[20,22 of 1996]

33.

(1) Every licence holder shall report the destruction or loss of a gun in respect of which a gun licence has been issued to the licensing authority, within seven days of the destruction or loss of such gun. Duty on destruction or loss of guns.

[20,22 of 1996] (2) Any person failing to report such destruction or loss as aforesaid shall be guilty of an offence against this Ordinance.

WATCHERS' PERMITS

Watcher's permits.
[21, 22 of 1996]

[21,22 of 1996]

(1) The licensing authority may issue, or may in his discretion authorize in writing any employer to issue, to any person employed

as a watcher or otherwise for the protection of immovable property or crops or any other property, which in the opinion of the licensing authority may require special protection, a permit empowering such person to use for the purposes of his employment, and to carry, to or from the place of such employment, a gun in respect of which his employer holds a gun licence. Every such permit shall be issued on payment of a fee of rupees ten and such permit shall be substantially in form 0 in Schedule A.

[\[21.22 of 1996\]](#) (2) The licensing authority may at any time withdraw or cancel any such permit, whether issued by himself or by the employer, and may withdraw any authorization to an employer to issue such a permit. Any employer may at any time withdraw any permit issued by him under this section.

[\[21.22 of 1996\]](#) (3) Any employer who shall issue a permit under this section without the written authorization of the licensing authority, or who shall knowingly issue such a permit to any person who is a registered criminal as defined in the Prevention of Crimes Ordinance, or has been convicted of any of the offences set out in Schedule B, shall be guilty of an offence against this Ordinance.

PARTS OF GUNS

Parts of guns. **35.**

(1) No person shall import any part of a gun other than a licensed dealer or manufacturer for the purpose of his lawful business, or other than a person who requires such part for any gun which he is licensed to possess under this Ordinance.

(2) No person shall possess any part of a gun other than a licensed dealer, manufacturer, or repairer for the purpose of his lawful business, or a person who requires such part for any gun which he is licensed to possess under this Ordinance.

(3) No person shall sell any part of a gun-

(a) unless such person be a licensed dealer, and such sale be made to a licensed dealer, manufacturer, or repairer for the purpose of his lawful business, or to a person who requires such part for any gun which he is licensed to possess under this Ordinance; or

(b) unless such person be a licensed manufacturer or repairer, and such sale be made to a person holding a gun licence as incidental to any repair lawfully effected in the gun to which the licence relates.

(4) No person shall manufacture any part of a gun other than a licensed manufacturer or repairer for the purpose of his lawful business.

(5) Any person acting in breach of any of the provisions of this section shall be guilty of an offence against this Ordinance.

CANCELLATION OR SUSPENSION OF LICENCES

Powers of Minister to suspend or cancel **36.**

(1) The Minister, whenever it appears necessary for the

licences by Order.

security of the public peace in any district that licences to possess and use guns should be cancelled or suspended, may, by Order published in the Gazette, cancel or suspend for a period to be named in the Order all such licences held by persons residing in the district.

(2) The Minister may, in any such Order as afore said, exempt any person by name or in virtue of his office, or any class of persons, from the operation of the order.

(3) For the purposes of this section the expression " district" means any area the limits of which are defined by the Order issued under this section.

Publication of **37.**
Order in
proclaimed
district.

[\[22.22 of 1996\]](#)

[\[22. 22 of 1996\]](#)

(1) After the publication of any such Order the District Secretary of the District to which such Order relates shall cause notice thereof in the language or languages of the district to be posted in the several courts and in such other places as may secure the greatest publicity thereto, and the said notice shall also be advertised by beat of tom-tom in the district at such places and times as the District Secretary of the District to which such Order relates may direct.

(2) Every such notice shall contain a copy or translation of the Order, and shall require all persons possessing guns, whether licensed or not, to deposit within a period of fifteen days from the date of the notice all guns in their custody or possession with the officer in charge of the nearest police station, or with such other officer as may be named in the notice.

[\[22.22 of 1996\]](#)

(3) Where, by any Order under section 36, licences to possess and use guns have been cancelled, all guns which have been deposited in accordance with the last preceding subsection may be destroyed in such manner as the Secretary shall direct

[\[22.22 of 1996\]](#)

(4) Before any gun is destroyed as aforesaid the value thereof shall be appraised by a competent person appointed for the purpose by the Secretary, and the value thereof shall be paid to the person by whom it was deposited.

(5) Any person failing to comply with the provisions of any such Order shall be guilty of an offence against this Ordinance.

POWERS AND DUTIES OF PEACE OFFICERS AND GRAMA NILADHARIES

Public officer **38.** It shall be lawful for any peace officer or grama naladhari, or any revenue
may arrest
without
warrant.

[\[23.22 of 1996\]](#)

or judicial officer, or any other Government officer authorized thereto in writing by the Superintendent of Police, to call upon any person possessing, carrying, or using a gun to produce his licence forthwith, and to arrest without a warrant any person possessing, carrying, or using a gun without a licence as herein provided, and to detain such gun in his custody until such time as he can produce the same with the person arrested before a Magistrate competent to try the offence for which such person shall have been arrested.

Power to search
premises, & c.,
suspected to contain

39. It shall be lawful for any Superintendent of Police or any officer authorized in writing by him or any peace officer or grama niladhari to enter and search all premises of persons suspected of possessing,

unlicensed guns.

[11,18 of 1955]

[24, 22 of 1996]

making, selling, or repairing guns without a licence as herein provided, and any place, vessel, boat, or conveyance which he reasonably suspects to contain unlicensed guns, and then and there to take charge of and remove any guns which he reasonably suspects to be without a licence as herein provided. All guns seized and removed, under this section shall be delivered by the officer or grama naladhari seizing the gun to the officer in charge of the nearest police station.

Duty of peace officer to give information.

40. Any peace officer who, having good reason to know or believe any person to be guilty of having in his custody, or using, carrying, possessing, making, selling, or repairing, any gun without a licence or permit as by this Ordinance required, fails to inform against such person, shall be guilty of an offence against this Ordinance.

JURISDICTION AND PROCEDURE OF COURTS

Jurisdiction of courts. **41.**

[12, 18 of 1955]

(1) Every offence against this Ordinance shall, save as may be otherwise expressly prescribed, be tried in the Magistrate's Court having jurisdiction over the division in which such offence is 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. And the provisions of section 291 of the Code of Criminal Procedure Act shall be applicable to the cases of all convictions under this Ordinance. Informer's reward.

(2) It shall be lawful for the court, in the case of any conviction under this Ordinance, to direct that any sum not exceeding half the fine actually recovered and realized shall be paid to the informer.

Proof of using, carrying, possessing, manufacturing, or selling,

42. Whenever any person is charged under the provisions of this Ordinance with having in his custody, or be on accused. any gun without a licence, the proof that such person is licensed shall be on such person ; but it shall be lawful for the court to award a reasonable sum in lieu of costs to the accused against any person who has made a vexatious complaint against him, and such sum shall be recoverable in like manner as a fine imposed under the provisions of this Ordinance.

Liability of owner of gun when used by unauthorized, person.

43. Whenever a person is convicted of possessing, or having in his custody, or using, or carrying any gun without a licence therefor, and the gun is proved to be the property of some person other than the person in whose custody it is found, such other person shall be also guilty of an offence and liable to the same punishment, unless he proves that such first-mentioned person had such gun in his custody, or carried or used it, without his knowledge or against his will.

Penalties

44. Any person committing any offence against this Ordinance other than an offence in respect of which the punishment is expressly prescribed by any provision of this or any other Ordinance, shall be punishable [§25, 22 of 1996] on conviction by a fine not exceeding five thousand rupees, or in the case of a second or subsequent conviction, by imprisonment of either description for a period not exceeding ten years, or to a fine not exceeding ten thousand rupees, or by both.

Penalties for offences specified in Schedule C.

[\[26.22 of 1996\]](#)

Penalties for offences specified in Schedule D

[\[26.22 of 1996\]](#)

Confiscation of guns.

[14, 18 of 1955]

44A. Notwithstanding anything in this Ordinance or any other law, any person who uses a gun in the commission of an offence specified in Schedule C of this Ordinance, shall be punished on conviction for such offence with death or imprisonment for life, and shall also be liable to a fine not exceeding twenty thousand rupees.

44B. Notwithstanding anything in this Ordinance or any other law, any person who uses a gun in the commission of an offence specified in Schedule D of this Ordinance shall be punished on conviction for such offence with imprisonment for a period of not less than fifteen years, or a fine not exceeding twenty thousand rupees, or both.

45.

(1) Where any person is convicted of an offence under sections 9, 10, 11, 12, 17,22,28,29, 37, or 43 of this Ordinance, any gun in respect of which the offence was committed 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.

(2) The court shall cause every gun so confiscated to be deposited at the nearest police station, or, in places where there are no police stations within a radius of ten miles, at the local kachcheri, and shall in cases where a licence has been issued in respect of such gun report its confiscation to the licensing authority, who will thereupon cancel the licence.

EXEMPTIONS

Exemptions.**46.** Nothing in this Ordinance contained shall render it necessary for any person employed in the department of Prison and Probation Services in the custody or supervision of prisoners, or for any person serving in the armed forces, or in any police force, or in any corps of volunteers within Sri Lanka to obtain a licence in respect of any gun entrusted to, or used by, any such person in such capacity.

Minister may exempt any person or area from Ordinance.

[\[27.22 of 1996\]](#)

47.

(1) It shall be lawful for the Minister in his discretion from time to time, by writing under the hand of the Secretary, to exempt any person or the holder of any office during his tenure of such office from the operation of all or any of the provisions of this Ordinance, and to cancel or revoke such exemptions when made.

(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.

MISCELLANEOUS

Duty of persons leaving Sri Lanka with guns to report to licensing authority.

[16, 18 of 1955]

(1) No person shall leave Sri Lanka 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 subsection (1) shall be guilty of an offence against this Ordinance.

Service of notices, &

c.

(1) The address of any person holding any licence or permit under this Ordinance shall, for the purposes of the service of any notice or order under this Ordinance, be deemed to be the address of such person as specified in the licence or permit or such other address as (in the event of a change of address) shall have been notified to the licensing authority by registered letter, and any notice or order for the service of which occasion arises in pursuance of this Ordinance may (without prejudice to any other method of service) be so served by posting to such person a registered letter directed to such address.

[17,18 of 1955]

(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 subsection shall be guilty of an offence against this Ordinance.

Sale of cartridges.

50.

(1) No person shall sell any cartridges to any other person, unless the purchaser shall produce to the vendor a gun licence authorizing him to possess a gun of the type for which the cartridges sought are adapted, or is a person exempted under section 46 of this Ordinance from the liability to obtain a licence in respect of any such gun, or holds a permit under section 22 (2) (i) of this Ordinance.

(2) In the case of every such sale it shall be the duty of the vendor to enter in a book the name of the purchaser, the character and quantity of the cartridges sold, and the number or other indication of the licence or permit, if any, and any further particulars which may be prescribed by regulations made by the Minister.

(3) Any person infringing any of the provisions of this section shall be guilty of an offence against this Ordinance.

Power of licencing authority to delegable certain functions.

[28.22 of 1996]

51. The licensing authority may delegate to the District Secretary in charge of an administrative district the power of granting and signing any licence or permit on his behalf. The power to delegated shall be exercised by the District Secretary in consultation with the Superintendent of Police of the division.

State to be bound.

[29.22 of 1996]

51A. The provisions of this Ordinance shall bind the State or any Agency of the State.

Regulations.51B.

(1) The Minister may make regulations for the purpose of giving effect to the principles and provisions of the Ordinance or in respect of any matter which is required to be prescribed, or in respect of which regulations are authorised to be made by this Ordinance.

(2) Every regulation made by the Minister under subsection (1) shall be published in the Gazette and shall come into operation upon such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister under subsection (1) shall as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded from the date of such disapproval, but without prejudice to anything previously done thereunder.

Declarations free of stamp **52.** All declarations made in pursuance of this Ordinance shall be free of stamp duty.

Forms. **53.** The forms prescribed by Schedule A shall be used with such modifications as shall be necessary to adapt them to the circumstances.