

Firearms (Amendment)

Act No 22 of 1996

AN ACT TO AMEND THE FIREARMS ORDINANCE

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-

Short title and date of operation. **1.** This Act may be cited as the Firearms (Amendment) Act, No. of 1996, and shall come into operation on such date as the Minister may appoint by Order published in the Gazette.

Amendment of section 2 of Chapter 182. **2.** Section 2 of the Firearms Ordinance (Chapter 182) (hereinafter referred to as "the principal enactment") is hereby amended as follows :-

(1) by the insertion immediately after the definition of the expression "agricultural purpose" of the following new definition :-

"automatic gun" means a gun which repeatedly ejects an empty cartridge shell, and introduces a new cartridge on the firing of the gun ;;

(2) by the repeal of the definition of the expression "Government Agent" ;

(3) in the definition of the expression "gun" by the substitution for paragraph (d) thereof, of the following paragraph :-

"(d) any weapon of whatever description designed or adopted for the discharge of any noxious substance ;

but does not include an air gun;"

(4) by the substitution for the definition of the expression "licensing authority" of the following definition :-

"licensing authority" means the Secretary;";

(5) by the substitution for the definition of the expression "peace officer" of the following definition :-

"peace officer" includes any police officer and any Grama Niladhari appointed in writing to perform police duties ;;

(6) by the addition immediately after the definition of the expression "peace officer" of the following new definition :-

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

Amendment of section 6 of the principal enactment. **3.** Section 6 of the principal enactment is hereby amended by the substitution for the words "Government Agent" wherever such words occur in that section, of the word "secretary".

Amendment of section 7 of the principal enactment. **4.** section 7 of the principal enactment is hereby amended by the substitution for the words "stamp duty of ten rupees".

Amendment of section 9 of the principal enactment. **5.** Section 9 of the principal enactment is hereby amended as follows :-

(1) in subsection (1) of that section, by the substitution for paragraphs (a) and (b) thereof, of the following paragraphs respectively :-

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

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

(2) in subsection (2) of that section by the substitutions for all the words

from "one thousand rupees" to the end of that subsection, of the words "ten thousand rupees or to imprisonment of either description for a period not exceeding five years or to both".

Amendment of section 10 of the principal enactment.

**6.** Section 10 of the principal enactment is hereby amended as follows :-

- (1) In subsection (1) of that section by the substitution for the words "police authorities", of the word "Secretary" ; and
- (2) in subsection (2) of that section, by the substitution for all words from "made a declaration" to the end of that subsection, of the words "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, " .

Amendment of section 11 of the principal enactment.

**7.** Section 11 of the principal enactment is hereby period shall be following section substituted therefor :-

**11.** Any passenger importing a gun as part of his personal baggage, shall not by 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,".

Amendment of section 12 of the principal enactment.

**8.** Section 12 of the principal enactment is hereby amended as follows :-

- (1) by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection :-

"(1) No person shall expose or keep for sale any gun without a licence from the secretary,"; and

- (2) in subsection (2) of that section by the substitution for the words "stamp of sixty rupees", of the words "stamp of five hundred rupees".

Amendment of section 14 of the principal enactment.

**9.** Section 14 of the principal enactment is hereby amended in subsection (3) of that section by the substitution for all the words from "the nearest Superintendent of Police" to the end of that subsection of the words "the licensing authority within three days of the sale" .

Amendment of section 15 of the principal enactment.

**10.** Section 15 of the principal enactment is hereby amended in subsection (2) of that section by the substitution for the words "Every such permit" of the words "Every such permit shall be issued on payment of a fee of rupees, fifty and, " .

Amendment of section 17 of the principal enactment.

**11.** Section 17 of the principal enactment is hereby amended as follows :-

- (1) in subsection (I) of that section, by the substitution for the words "Government Agent" , of the words "licensing authority";
- (2) in subsection (2) of that section by the substitution for the words "stamp of sixty rupees" , of the words "stamp of five hundred rupees,".

Amendment of section 20 of the principal enactment.

**12.** section 20 of the principal enactment is hereby amended as follows :-

- (1) In subsection (2) of that section by the substitution for the words

"stamp of ten rupees", of the words "stamp of five hundred rupees";  
and

(2) in subsection (4) of that section, by the substitution for the words  
" local licensing authority" of the words "licensing authority".

Amendment of  
section 22 of the  
principal enactment.

**13.** Section 22 of the principal enactment is hereby amended as follows :-

(1) in subsection (2) of that section -

(a) by the substitution for paragraph (h) of that subsection, of  
the following paragraph :-

"(h) to the possession of any antique, obsolete or  
unserviceable gun kept as a curiosity of or ornament,  
and certified as such by the licensing authority ; " ;  
and

(b) in paragraph (i) of that subsection by the substitution for the  
words "the inspector General of Police", of the words "the  
Secretary";

(2) by the repeal of subsection (3) of that section and the substitution  
therefor, of the following subsection :-

"(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,";

(3) by the addition immediately after subsection (3) of that section, of the  
following new subsection :-

" (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).",

Amendment of section  
23 of the principal

**14.** Section 23 of the principal enactment is hereby amended to subsection (2) of that

enactment. section by the substitution for the words "may thereupon", of the words "may thereupon being satisfied that the applicant has the necessary skill to use such gun".

Amendment of section 24 of the principal enactment. **15.** Section 24 of the principal enactment is hereby amended by the substitution for all the words and figures from "annual duty payable" to the end of that section, of the following words and figures :-

"annual duty payable according to the following scale :-

Replacement of section 25 of the principal enactment. **16.** Section 25 of the principal enactment is hereby repealed and the following section substituted therefor :-

"Appeals. 25.

(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 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 bearing of such appeals, "

Amendment of section 26 of the principal enactment. **17.** section 26 of the principal enactment is hereby amended by the repeal of subsection (1) of that section, and the substitution therefor, of the following subsection :-

"(1) where the Board of Review reverses the decision of the licensing authority by allowing the issue of a licence on as appeal made to it under section 25(2),it shall by a written communication inform the person to whom such licence was issued of the decision and require such person to transmit the licence to the licensing authority within the period specified in such communication ".

Replacement of section 27 of the principal enactment. **18.** Section 27 of the principal enactment is hereby repealed and the following section substituted therefor :-

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

Amendment of section 29 of the **19.** Section 29 of the principal enactment is hereby amended as follows :-

- principal enactment. (1) in subsection (2) of that section by the substitution for the words "such gun shall be forfeited to Heat Majesty" of the following :-  
"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."; and  
(2) by the substitution for the words, "Government Agent" wherever such words occur in that section, of the words "licensing authority".
- Amendment of section 33 of the principal enactment. **20.** section 33 of the principal enactment is hereby amended by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection :-  
  
"(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".
- Amendment of section 34 of the principal enactment. **21.** Section 34 of the principal enactment is hereby amended as follows :-  
  
(a) by the substitution for the words "Government Agent " wherever such words occur in that section, of the words "licensing authority "; and  
(b) in subsection (1) of that section by the substitution for the words " Every such permit shall be in the form O in Schedule A" of the words "Every such permit shall be issued on payment of a fee of rupees ten and such permit shall be, substantially in form O in Schedule A. ",
- Amendment of section 37 of the principal enactment. **22.** Section 37 of the principal enactment is hereby amended as follows :-  
  
(1) In subsection (1) of that section, by the substitution for the words "Government Agent" wherever such words occur in that subsection of the words "District Secretary of the District to which such Order relates ";  
(2) in subsection (3) of that section, by the substitution for the words "inspector General of Police", of the words "Secretary"; and  
(3) In subsection (4) of that section, by the substitution for the words "Government Agent of the Administrative District" of the words "Secretary".
- Amendment of section 38 of the principal enactment. **23.** Section 38 of the principal enactment is hereby amended by the substitution for the words "the Government Agent" of the words "Superintendent of Police".
- Amendment of section 39 of the principal enactment. **24.** Section 39 of the principal enactment is hereby amended by the substitution for the words "Government Agent or any officer authorized in that behalf in writing by a Government Agent" and all the words from "nearest police station," to the end of that subsection respectively, of the words "Superintendent of Police or any officer authorized in writing by him. " and "nearest police station.", respectively.
- Amendment of section 44 of the principal enactment. **25.** Section 44 of the principal enactment is hereby amended by the substitution for all the words from," not exceeding one hundred rupees, or in the case of" to the end of that section, of the words, "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,".
- Insertions of new sections 44A and 44B in the principal **26** The following new sections are hereby inserted immediately after section 44 of the principal enactment and shall have effect as sections 44A and 44B of that enactment

enactment.

respectively :-

"Penalties for offence specified in schedule C. 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.

Penalties for offences specified in schedule D. 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."

Amendment of section 47 of the principal enactment. **27.** Section 47 of the principal enactment is hereby amended in subsection (1) of that section, by the substitutions for the words "Inspector General of Police," of the words "Secretary,"

Replacement of section 51 of the principal enactment. **28.** Section 51 of the principal enactment is hereby repealed and the following section substituted therefor :-

" Power of licensing authority to delegate certain functions. 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 so delegated shall be exercised by the District Secretary in consultation with the Superintendent of Police of the division."

Insertion of new section 51A and 51B in the principal enactment. **29.** The following new sections are hereby inserted immediately after section 51 of the principal enactment and shall have effect as section 51A and 51B of that enactment :-

"State to be bound. Regulations. 51A. The provisions of this Ordinance shall bind the State or any Agency of the State.  
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 authorized 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,"

Amendment of Schedule A to the principal enactment. **30.** Schedule A to the principal enactment is hereby amended as follows :-

(a) in Form B1 thereof, by the substitution for the words

"Superintendent of Police Colombo", of the words "Secretary, Ministry of Defence";

(b) in Form B2 thereof, by the substitution for the words "Collector of Customs", of the words "Secretary, Ministry of Defence";

(c) in Form C thereof, by the substitution for the words "Collector of Customs", of the words "Secretary, Ministry of Defence " ;

(d) in Form D thereof, by the substitution for the words "Government Agent" wherever such words occur in that Form, of the words "Secretary, Ministry of Defence ";

(e) in Form H thereof, by the substitution for the words "Government Agent" wherever such words occur in that Form, of the words "Secretary, Ministry of Defence ";

(f) in Form J thereof, by the substitution for the words "Government Agent" wherever such words occur in that Form, of the words "Secretary, Ministry of Defence";

(g) in Form M thereof, by the substitution for the words "Government Agent" of the words "Licensing Authority,";

(h) in Form O thereof, by the substitution for the words "Government Agent" wherever such words occur in that form, of the words "Secretary, Ministry of defence".

Immediate of new schedule C and D of the principal enactment. **31.** The following new Schedules are hereby added immediately after Schedule B of the principal enactment and shall have effect as schedules C and D respectively, of that enactment :-

Sinhala text to prevail in case of inconsistency. **32.** In the event of any inconsistency between the Sinhala and prevail texts of this Act, the Sinhala text shall prevail.