

14 OF 1889.

TO PROHIBIT THE POSSESSION AND USE OF FIREARMS IN CERTAIN
CASES.

HENRY BULWER.]

[April 26, 1889.]

1. In this Law "Firearms" includes every gun, revolver or pistol of every description, and any part of any such weapon. Definition.

2. No person shall possess or use firearms:—

Persons
incapacitated
from bearing
firearms.

(1.) Who has been convicted of any of the following offences; that is to say:—

Homicide;

Attempt to commit homicide;

Theft with the aid of arms;

Theft with violence; or

(2.) Who has been prohibited by the Commissioner of the District from possessing and using firearms, as hereinafter mentioned.

3. The Commissioner of any District may prohibit any person residing in the District from using and possessing firearms:— Commissioner
may pro-
hibit use of
firearms.

(1.) On the report in writing of the Mukhtar and Azas of the village or quarter in which the person resides that he is not a fit and proper person to possess and use firearms; or

(2.) If by inquiry made by himself in the village or quarter, he shall ascertain from the testimony in writing of at least three persons, inhabitants of the village or quarter, that such person is not a fit and proper person to possess or use firearms; or

(3.) On the report in writing of the Mejlis Idaré of the District in which the person resides that he is not a fit and proper person to possess or use firearms.

Where any person has been prohibited on the report of a Mejlis Idaré, the prohibition shall continue in force until the Mejlis Idaré shall by resolution revoke their decision.

Prohibition
when valid

4.—(1.) No such prohibition shall be valid until a notice thereof under the hand of the Commissioner shall have been served upon such person or left at his usual place of abode, and no such prohibition shall remain in force for more than one month from such service unless it shall have been confirmed by the High Commissioner.

Proof of
service of
notice of
prohibition.

(2.) A written statement of the manner in which the service was effected, signed by the person by whom it was effected, his signature being attested or purporting to be attested by any Commissioner or Local Commandant of Police, shall be taken as evidence of all that is therein stated until evidence to the contrary is adduced.

Prohibited
arms to be
given up and
compensation
paid.

5. Every person for whom it is unlawful to possess and use firearms under the provisions of this Law shall, within seven days after the receipt by him of a notice in writing from the Commissioner in that behalf, deliver up all firearms in his possession to the Commissioner or any person duly authorized by him to receive them, and the Commissioner shall thereupon pay to him their value at a rate to be assessed by the Principal Officer of Customs within the District. Such value shall be defrayed out of the Island Treasury.

Penalty for
unlawful use
and posses-
sion.

6. Every person who in contravention of the Law possesses or makes use of any firearms shall be liable to imprisonment for any term not exceeding six months or to a fine not exceeding ten pounds, and shall forfeit the firearms.

Proof of
ownership of
firearms.

7. The occupier of any house or premises in which any firearms are found shall for the purposes of this Law be deemed to be the possessor of the firearms, in the absence of proof to the contrary.

Limitation
of prosecu-
tion.

8. No prosecution shall be instituted against any person for any offence against the provisions of this Law, unless it is commenced within two months from the time of the commission of the offence.

Power of
High Com-
missioner to
remove
incapacity

9.—(1.) Whenever it appears to the High Commissioner after such inquiry as he shall think fit to make into the circumstances in which any person became incapacitated, whether by a conviction or by prohibition, from possessing and using firearms, and into his conduct after he has so become incapacitated, that it is no longer necessary in the interest of the public peace that he should be so incapacitated, the High Commissioner may by order remove the incapacity upon such conditions, if any, as may appear expedient.

(2.) Upon any such order the High Commissioner may require the person affected thereby to execute a bond, which may be in the form set out in the Schedule, or in such other form as the High Commissioner may prescribe, for such sum not exceeding ten pounds

as the High Commissioner thinks proper, and with or without sureties to be of good behaviour during such period not exceeding three years as may be considered fit.

(3.) All bonds so executed shall be kept in the custody of the Local Commandant of Police of the District within which the person bound thereby resides.

10.—(1.) Any surety for the good behaviour of another person may at any time apply to the Local Commandant of Police of his District to be discharged from his bond.

Application by surety to be discharged from bond.

(2.) Upon such application being made, the Local-Commandant of Police shall note upon the bond that the application has been made, and shall forthwith cause a notice in writing to be served upon the person for whom the surety was bound or left at his usual place of abode, requiring him within one month to give, for the unexpired term of the bond, fresh security of the same description as the original security.

(3.) Upon default of the person from whom fresh security is so required to comply with the requisition, the Principal Officer of Police shall note upon the bond that the person bound thereby has made default in giving fresh security in place of the original security.

11. A bond to be of good behaviour shall be forfeited whenever the person whose conduct the bond is given to secure is sentenced by any Court to any term of imprisonment with or without hard labour exceeding six months.

Forfeiture of bond.

12.—(1.) Whenever it is proved to the satisfaction of any Magisterial Court that any such bond has been forfeited, the Court shall, upon the application of any Police Officer, record the grounds of such proof and may call upon any person bound by the bond to pay the penalty thereon or to show cause why it should not be paid.

Enforcement of bond.

(2.) If sufficient cause is not shown and the penalty is not paid, the Court shall proceed to recover it by issuing a warrant for the sale of the movable and immovable property of the person or persons by whom the penalty is payable.

13.—(1.) Upon the certificate of any Local Commandant that any person, who has been incapacitated from possessing or using firearms and whose incapacity has been removed by the High Commissioner under this Law, has:—

Revival of prohibition.

(a.) Forfeited his bond to be of good behaviour, or

(b.) Failed to give fresh security in the place of any surety who has applied to be discharged or has died, or

(c.) Broken any of the conditions upon which the incapacity was removed,

the incapacity shall forthwith be revived and be in force.

(2.) A notice in writing purporting to be signed by a Local Commandant that an incapacity has been revived shall, from the date when it is served on the person affected thereby or left at his usual place of abode, have the like force and effect as if it were an original order of prohibition under section 2, sub-section (2).

Discharge of surety.

14. A person who has become surety for the good behaviour of another under this Law shall be discharged from his bond:—

(a.) If he has applied in the manner provided by this Law to be discharged and the person for whose good behaviour he was bound has given fresh security in his place, or has failed to do so within the period prescribed by section 10, sub-section (2), or

(b.) If the incapacity of the person for whose good behaviour he was bound has been revived under this Law.

Liability to be again prohibited.

15. Nothing in this Law shall be taken to prevent any person whose incapacity to possess and use firearms has been removed under this Law, from being again prohibited or incapacitated.

Short title.

16. This Law may be cited as the Firearms Law, 1889.

SCHEDULE. (S. 9.)

BOND TO BE OF GOOD BEHAVIOUR.

We the undersigned *A.B.* of
and *C.D.* of
and *E.F.* of

severally acknowledge that we owe His Majesty the King the several sums following, that is to say, *A.B.* as principal the sum of £
and the said *C.D.* and *E.F.* as sureties the sum of £
each, to be levied on our several movable and immovable properties if the said *A.B.* shall fail to perform the following condition, that is to say, to be of good behaviour for the period of _____ years from the date hereof.

Signed *A.B.*
C.D.
E.F.

Taken before me this _____ day of _____

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Judge or Police Officer.