

# REPRINT

## **FIREARMS AND AMMUNITION ACT (CAP. 80)**

**As in force at: 1 October 2009**

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For details see Endnotes
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**AN ACT TO MAKE FURTHER AND BETTER PROVISION FOR THE CONTROL OF THE POSSESSION, MANUFACTURE, SALE, REPAIR, STORAGE, IMPORT AND EXPORT OF FIREARMS AND AMMUNITION, AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH.**

## **FIREARMS AND AMMUNITION ACT (CAP. 80)**

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# FIREARMS AND AMMUNITION ACT (Cap. 80)

As in force at: 1 October 2009

## PART I PRELIMINARY

### 1 Short title

This Act may be cited as the *Firearms and Ammunition Act*.

### 2 Interpretation

(1) In this Act, unless the context otherwise requires:

**“ammunition”** means ammunition for any firearm as hereinafter defined and includes bullets, cartridges, shells or anything designed or adapted for or capable of use with any firearm, and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing but does not include spears discharged from a firearm solely for the purpose of killing fish nor ammunition abandoned in Solomon Islands by any armed forces during the Second World War or thereafter in consequence of that war;

**“firearm”** means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, or which can be adapted for the discharge of any such shot, bullet or other missile, and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing dangerous to persons, and includes any component part of any such weapon, and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon, but does not include an air gun, air rifle or air pistol except where otherwise expressly provided, nor articles designed or adapted solely to discharge spears for spearing fish;

**“firearm licence”** means a licence issued under section 6;

**“imitation firearm”** means a replica of a pistol or other firearm which has the appearance of a firearm, but which may not be capable of

discharging or being adapted for the discharge of any ammunition in the manner described in the definition of firearm and includes an air gun, air rifle, air pistol or toy-guns.

**“licensed firearms dealer”** means the holder of a valid licence to deal in firearms and ammunition and to repair firearms issued under the provisions of this Act;

**“Minister”** means the Minister for the time being charged with responsibility for firearms and ammunition;

**“prohibited area”** means an area in respect of which the Minister has made an order under section 25 (1);

**“vessel”** includes aircraft.

- (2) For the purpose of this Act, except where otherwise provided, 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.

### **3 Designation of Principal Licensing Officer and other licensing officers**

- (1) The Minister may from time to time designate a public officer to be the Principal Licensing Officer for the purpose of this Act.
- (2) The Principal Licensing Officer may for the purpose of carrying out the provisions of this Act, from time to time designate other public officers as licensing officers.
- (3) Subject to the provisions of this Act, licensing officers shall exercise their powers and discharge their duties subject to such directions as may be issued by the Principal Licensing Officer.
- (4) The Principal Licensing Officer may exercise any of the powers and perform any of the duties of a licensing officer under this Act.

## **PART II                    REGULATION OF THE MANUFACTURE, PURCHASE, POSSESSION AND USE OF FIREARMS AND AMMUNITION**

### **4                    Restriction on the manufacture of firearms and ammunition**

- (1) No person shall manufacture any firearm or ammunition except at an arsenal established with the written approval of the Minister and in accordance with such conditions as the Minister may from time to time specify in writing.
- (2) In this section, the word “**manufacture**”, in relation to firearms, does not include the repair of firearms, the conversion into a firearm of anything which has the appearance of a firearm but is so constructed as to be incapable of discharging any missile through the barrel thereof, or the alteration, substitution or replacement of any component part of a firearm.
- (3) If any person contravenes the provisions of subsection (1), he shall be guilty of an offence and shall be liable to a fine of 5,000 penalty units or to imprisonment for ten years or to both such fine and such imprisonment.

### **5                    Penalty for purchasing, etc., firearms or ammunition without firearm licence**

- (1) Subject to the provisions of this Act, no person shall purchase, acquire or have in his possession any firearm or ammunition unless he holds a firearm licence in force at the time.
- (2) If any person:
  - (a) purchases, acquires or has in his possession any firearm or ammunition without holding a firearm licence in force at the time, or otherwise than as authorised by such a licence, or, in the case of ammunition, in quantities in excess of those so authorised; or
  - (b) fails to comply with any condition subject to which a firearm licence is held by him, he shall, subject to the provisions of this Act, be guilty of an offence and liable:

- (i) if the offence was committed in a prohibited area to a fine of 5,000 penalty units or to imprisonment for ten years, or to both such fine and such imprisonment;
- (ii) if the offence was committed elsewhere, to a fine of 3,000 penalty units or to imprisonment for five years or to both such fine and such imprisonment.

## **6 Grant, etc., of firearm licences**

- (1) An application for the grant of a firearm licence shall be made in the prescribed form to a licensing officer, and shall state such particulars as may be required by the said form.

(2)

- (a) A firearm licence may, on payment of the prescribed fee, be granted by the licensing officer if he is satisfied that the applicant has a good reason for purchasing, acquiring or having in his possession the firearm or ammunition in respect of which the application is made, and can be permitted to have in his possession that firearm or ammunition without danger to the public safety or to the peace:

Provided that:

- (i) a firearm licence shall not be granted to a person whom the licensing officer has reason to believe to be prohibited by or under this Act from possessing a firearm, or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm, or who has not satisfied a licensing officer that he will at all times keep the firearm securely and in safe custody and take all reasonable precautions to ensure that the firearm is not lost or stolen and is not at any time available to any person not lawfully entitled to possess the same; and
- (ii) no firearm licence for a pistol or an automatic firearm, or ammunition which is intended or only capable of use therefor, shall be issued or renewed except by the Principal Licensing Officer.

(b) In this subsection:

**“pistol”** means a firearm or other weapon of any description from which any shot, bullet or other missile can be discharged and of which the length of barrel not including any revolving, detachable or magazine breech does not exceed nine inches, and

**“automatic firearm”** means any firearm which when fired ejects the spent round and refills the breech.

- (3) A firearm licence granted under this section shall be in the prescribed form, and shall specify the conditions (if any) subject to which it is held, the nature of the firearm to which it relates and, as respects ammunition, the quantities authorised to be purchased and to be held at any one time thereunder.
- (4) A firearm licence shall, unless previously revoked or cancelled, continue in force until the thirty-first day of December in the year in respect of which it was issued, but shall be renewable for a further period of one year by a licensing officer, and so on from time to time, and the foregoing provisions of this section shall apply to the renewal of a firearm licence as they apply to the grant of a firearm licence.
- (5) A licensing officer may at any time by notice in writing vary the conditions subject to which a firearm licence is held, except such of them as may be prescribed, and may by such notice require the holder to deliver up the firearm licence to him within fourteen days from the date of the notice for the purpose of amending the conditions specified in such licence.
- (6) A firearm licence may also, on the application of the holder thereof, be varied from time to time by a licensing officer.
- (7) A firearm licence may be revoked by a licensing officer if:
  - (a) the licensing officer is satisfied that the holder is prohibited by or under this Act from possessing a firearm to which the firearm licence relates, 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 subsection (5) requiring him to deliver up the firearm licence.

- (8) In any case where a firearm licence is revoked by a licensing officer, he shall by notice in writing require the holder to surrender the firearm licence, and if the holder fails to do so within fourteen days from the date of the notice he shall be guilty of an offence and liable to a fine of 400 penalty units:

Provided that, where an appeal under section 45 is brought against the revocation, this subsection shall not apply to that revocation unless the appeal is abandoned or dismissed, and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

## **7 Persons exempted from licensing requirements**

The following persons are hereby exempted from the provisions of section 5 to the extent specified:

- (a) the Governor-General;
- (b) bodyguards to visiting Heads of States or to Heads of Governments or to other foreign dignitaries to such extent as may be authorised by the Principal Licensing Officer;
- (c) carriers and warehousemen and their servants having in their possession in the ordinary course of business as carriers or warehousemen and not for use, firearms or ammunition for which, except in the case of first importation, a licence has been issued and is in force, in respect of such possession only;
- (d) any member of a rifle club or association or miniature rifle club or association approved in writing by the Minister in respect of any arms used by a member of such club or association solely for the lawful purposes of such club or association;
- (e) the owners, master, crew and passengers of any vessel, which is in writing exempted from section 5 by the Principal Licensing Officer, or of any vessel operated by a shipping line, other than a vessel solely engaged in carrying goods or passengers within Solomon Islands, in respect of firearms and ammunition aboard such vessel;

- (f) a licensed firearms dealer and his servants in respect of firearms or ammunition in their possession in the ordinary course of business of such licensed firearms dealer;
- (g) banks carrying on business in Solomon Islands and their servants, having in their possession for safe custody and not for use, firearms or ammunition for which a licence has been issued and is in force, in respect of such possession only;
- (h) any person who in connection with any athletic or sports meeting or theatrical performance is in writing authorised by a licensing officer to possess and use any firearm and ammunition, to the extent so authorised; and
- (i) any *bona fide* traveller in possession of a firearm or ammunition under and in accordance with an interim permit issued under section 15(4), in respect of such firearm or ammunition.

## **8 Power to refuse firearm licence or permit unless firearm or ammunition produced**

- (1) Notwithstanding anything contained in any of the foregoing sections of this Act, a licensing officer may refuse to grant, renew or vary a firearm licence, or to grant a written authorisation under section 7(h), unless and until any firearm to which such firearm licence or permit will, if granted, renewed or varied, relate is produced to him for his inspection and for marking, if necessary, in accordance with the requirements of subsection (2).
- (2) No firearm licence shall be granted, or, as the case may be, varied or renewed, in respect of a firearm unless the licensing officer is satisfied that such firearm bears such mark or number of identification as may be prescribed or will be marked with such a mark or number before it is taken into possession by the licensee or that it is exempted from the requirements of this subsection by regulations made under section 55.

## **9 Marking of firearms**

- (1) A licensing officer to whom application for a firearm licence is made may, before issuing the licence applied for, cause the firearm concerned to be marked with such mark or number as may be

prescribed, in such manner as far as possible not to injure or disfigure the same.

- (2) Any person who wilfully obliterates, defaces, alters, counterfeits or forges a manufacturer's serial number or any prescribed mark or number marked in pursuance of this Act or who fraudulently marks any firearm with any mark or number resembling or intended to resemble any prescribed mark or number shall be guilty of an offence and liable to a fine of 500 penalty units or to imprisonment for two years or to both such fine and such imprisonment.

#### **10 Lost licences**

If a licence issued under section 6 is destroyed, defaced or lost, the person named therein may, on application to a licensing officer and on satisfying him that the application is made in good faith, obtain from him on payment of the prescribed fee a new licence in lieu of that destroyed, defaced or lost.

### **PART III LICENSED FIREARMS DEALERS**

#### **11 Dealers' licences**

- (1) Subject to the provisions of this section, no person other than a licensed firearms dealer or his servants in the ordinary course of business of such licensed firearms dealer shall, by way of trade or business:
  - (a) assemble, clean, repair, test or prove any firearm or ammunition;
  - (b) manufacture any component part of any firearm or ammunition;
  - (c) sell, transfer or expose for sale any firearm or ammunition;
  - (d) keep or have in his possession any firearm or ammunition for any of the aforesaid purposes.
- (2) Licences to deal in firearms and ammunition and to repair firearms, which shall be in the prescribed form, may be issued by the Principal Licensing Officer on payment of the prescribed fee and every person applying for such a licence shall furnish particulars of the place of

business at which he proposes to carry on business as a licensed firearms dealer.

- (3) Each such licence shall relate to a single place of business.
- (4) Every such licence shall expire on the thirty-first day of December of the year in respect of which it is issued.
- (5) Every person so licensed shall at all times keep books containing an accurate record of all firearms or ammunition imported or received by him in the course of his business and of all firearms or ammunition sold by him and of the marks by which all firearms so sold may be identified with the date of sale and the name and address of the purchaser, and shall on demand produce them for the inspection of any licensing officer or police officer at such place and time as such officer may reasonably require.
- (6) Every such person shall also within the first seven days of each calendar month furnish to the Principal Licensing Officer particulars in the prescribed form of his stock and of all firearms and ammunition imported or received by him in the course of his business and of all firearms and ammunition sold by him during the last preceding calendar month.
- (7) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable to a fine of 1,000 penalty units or to imprisonment for two years or to both such fine and such imprisonment; and any person who contravenes the provisions of subsections (5) or (6) shall be guilty of an offence and shall be liable to a fine of 200 penalty units.
- (8) The Principal Licensing Officer, if he is satisfied that the place of business notified to him by any person under subsection (2) 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, or that inadequate precautions exist at such place of business for the security of firearms or ammunition, may refuse to grant the application.

## **12        Obstructing inspection of stock-in-trade**

- (1) Every licensed firearms dealer shall on demand of any licensing

officer or police officer submit his stock-in-trade to the inspection of such officer.

- (2) Whoever intentionally conceals the stock-in-trade of any such person from a licensing officer or police officer or wilfully refuses to point out where the same is kept shall be guilty of an offence and liable to a fine of 500 penalty units or to imprisonment for six months or to both such fine and such imprisonment.

### **13 Dealer to maintain approved firearms store**

Any licensed firearms dealer who fails to maintain at his place of business a store for the safe custody of firearms and ammunition approved in writing by a licensing officer shall be guilty of an offence and liable to a fine of 500 penalty units or to imprisonment for six months or to both such fine and such imprisonment.

### **14 Provisions as to shortening and converting firearms and imitation firearms**

- (1) No person shall, without the written permission of the Principal Licensing Officer, shorten the barrel of a firearm to a length less than twenty-four inches, or convert any firearm that is not an automatic firearm as defined in section 6 (2)(b), into an automatic firearm as so defined.
- (2) No person shall 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 the barrel thereof.
- (3) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence and liable to a fine of 500 penalty units or to imprisonment for one year or to both such fine and such imprisonment.

## **PART IV IMPORT AND EXPORT OF FIREARMS AND AMMUNITION**

### **15 Licence to import**

- (1) No person shall import any firearm or ammunition or parts of firearms or ammunition into Solomon Islands from a place without Solomon

Islands unless he holds a licence in that behalf:

Provided that when any firearm is imported into Solomon Islands without an import licence or interim licence under this section having been obtained authorising the importation thereof, such importation shall not be deemed to contravene the provisions of this section while such firearm on importation is left in the possession of the Department of Customs and Excise.

- (2) Such licence may be obtained on application to the Principal Licensing Officer on payment of the prescribed fee and shall be in the prescribed form or, if no form is prescribed, in such form as the Principal Licensing Officer may deem expedient.
- (3) Every holder of such licence shall endorse thereon descriptive particulars of all firearms and ammunition or parts of firearms and ammunition imported thereunder, and shall return such licence to the Principal Licensing Officer within fourteen days from the expiration of the licence or from taking delivery of all the firearms, ammunition and parts authorised to be imported, whichever is the earlier.
- (4) A police officer may in his discretion, but subject to such conditions as may be prescribed and the directions of the Principal Licensing Officer, issue in the prescribed form to any *bona fide* traveller arriving in the Solomon Islands an interim licence to import any personal firearm and the ammunition for such firearm.
- (5) Where a *bona fide* traveller leaves firearms and ammunition in the possession of the Department of Customs and Excise under the provisions of this section such arms and ammunition may be transported from the port or airport where they were imported to any other port or airport in Solomon Islands at the request of such traveller, made in writing to the Comptroller of Customs and Excise and on payment of the prescribed fee.

## **16 Firearms and ammunition sent by post**

Firearms and ammunition sent through the post from outside Solomon Islands shall not be delivered to the consignee unless or until an import licence for such firearms and ammunition is produced at the post office of delivery.

**17       Licence to export**

- (1) No person shall export any firearms or ammunition from Solomon Islands to a place without Solomon Islands unless he holds a licence in that behalf.
- (2) Such licence may be obtained on application to the Principal Licensing Officer on payment of the prescribed fee and shall be in the prescribed form.

**18       Ports and places of import and export**

The Minister may from time to time by notice declare that firearms or ammunition or particular classes of firearms or ammunition shall not be imported into or exported from Solomon Islands from or to any place without Solomon Islands except at ports or places specified in such notice, and no firearms or ammunition shall be imported into or exported from Solomon Islands contrary to the terms of such notice.

**19       Declaration of firearms and ammunition on importation**

Every person entering Solomon Islands who has in his possession or among his baggage any firearm or ammunition and every consignee receiving any firearm or ammunition imported into Solomon Islands shall make a declaration thereof to a customs officer on arrival and before clearing such firearm or ammunition through the customs shall produce to such customs officer an import licence issued under section 15.

**20       Penalty for unlawful importation or exportation**

Any person who contravenes the provisions of sections 15 (1), 17 (1) or 18 shall be guilty of an offence and liable to a fine of 500 penalty units or to imprisonment for one year or to both such fine and such imprisonment.

Any person who contravenes the provisions of sections 15 (3) or 19 shall be guilty of an offence and shall be liable to a fine of 300 penalty units.

## **21 Transit licences**

Notwithstanding any provisions of this Act, the Principal Licensing Officer may, in his discretion, grant, with or without conditions, refuse, suspend or revoke transit licences covering the importation into, removal within, transportation across, and exportation from Solomon Islands of any firearm or ammunition in transit through Solomon Islands to any place outside Solomon Islands, and the importation, exportation, removal, transportation and possession of any such firearm or ammunition under and in accordance with the permission of any such transit licence shall be lawful and shall not constitute an offence under this Act.

## **22 Concealing unlawfully imported firearms and ammunition**

Whoever knowingly conceals any firearm or ammunition imported without a licence shall be guilty of an offence and liable to a fine of 1,000 penalty units or to imprisonment for two years or to both such fine and such imprisonment.

## **23 Minister may prohibit importation or exportation**

- (1) The Minister may from time to time by notice prohibit for any specified period either the importation or the exportation of any firearms or ammunition or parts of firearms or ammunition or of particular kinds of firearms or ammunition or parts of firearms or ammunition without a special licence issued by the Principal Licensing Officer which may be subject to such conditions as the Principal Licensing Officer may think fit.
- (2) Any such prohibition of exportation may either be absolute or may relate to such place as shall be specified in the notice, and any person who takes or sends any article, the exportation of which is prohibited under subsection (1), out of Solomon Islands with the intention that it shall ultimately reach a particular place either directly or indirectly, shall, for the purposes of this section, be deemed to export such article to such place.
- (3) Any person who imports into or exports from Solomon Islands any firearms or ammunition or parts of firearms or ammunition in contravention of any notice under this section or in breach of the conditions subject to which any special licence is issued, shall be

guilty of an offence and shall be liable to a fine of 500 penalty units or to imprisonment for one year or to both such fine and such imprisonment.

**24            Penalty in respect of vessel used for illegal importation or exportation**

- (1) If any vessel is used for the importation or exportation of any firearm or ammunition or parts of firearms or ammunition in contravention of a notice under section 23, or for the receipt or storage of any firearm or ammunition or parts of a firearm or ammunition imported in contravention of any such notice, the owner or master thereof shall be guilty of an offence and shall be liable to a fine of 5,000 penalty units unless it is proved to the satisfaction of the court that the owner or master was not implicated in the placing of such firearm or ammunition or parts of a firearm or ammunition on board the vessel and that the offence in question was committed without his knowledge, consent or connivance, and the vessel may be detained by order of the court until security has been given for such sum, not exceeding five thousand dollars, as the court may order.
- (2) The finding of any firearm or ammunition or part of any firearm or ammunition which is subject to a prohibition under section 23 on board any vessel shall be *prima facie* evidence that the vessel has been used for the importation or exportation of firearms and ammunition or parts of firearms or ammunition contrary to the provisions of this Act or for the receipt or storage of firearms or ammunition or parts of firearms or ammunition imported contrary thereto.

**PART V                    MISCELLANEOUS**

**25            Prohibition of arms in certain areas**

- (1) Notwithstanding any of the other provisions of this Act, the Minister, if he deems it expedient on account of the prevalence of crimes involving the use of firearms or for any other reason, may by order:
  - (a) prohibit in any specified area and after a specified date and subject to such exceptions as he may specify, the possession, use or carrying of firearms and ammunition; and

- (b) require that all firearms and ammunition within such specified area shall be delivered up to a police officer, before a specified date.
- (2) Any person who without reasonable cause, proof whereof shall lie upon him, refuses or neglects to comply with the provisions of such order shall be guilty of an offence and liable to a fine of 300 penalty units or to imprisonment for six months or to both such fine and such imprisonment.
- (3) Any police officer may seize any firearm or ammunition required to be delivered up in consequence of an order under this section.
- (4) Firearms and ammunition delivered up or seized in consequence of an order under this section may be detained as long as such order is in force and for such reasonable period thereafter as may be necessary to enable the owners to collect or relicence them.

## **26        Certain weapons prohibited without authority of Minister**

- (1) No person without the authority of the Minister shall sell, purchase or have in his possession any firearm which is so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty.
- (2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable to a fine of 1,000 penalty units or to imprisonment for two years or to both such fine and such imprisonment.
- (3) Any authority given to any person under this section shall be given in writing and shall be subject to such conditions as may be specified therein, and if that person fails to comply with any such conditions he shall be guilty of an offence and liable to a fine of 200 penalty units or to imprisonment for three months or to both such fine and such imprisonment.
- (4) The conditions specified in an authority as aforesaid shall include such conditions as the Minister having regard to the circumstances of each particular case thinks fit to impose for the purpose of securing that the firearm to which the authority relates will not endanger the

public safety or the peace.

- (5) The Minister may at any time if he thinks fit revoke any authority given by him to any person as aforesaid by notice in writing requiring that person to deliver up the authority to such person as maybe specified in the notice within twenty-one days from the date of the notice, and if that person fails to comply with that requirement he shall be guilty of an offence and liable to a fine of 200 penalty units.

## **27 Licences may be refused, cancelled or suspended**

- (1) Subject to the provisions of the last preceding section, the Principal Licensing Officer and any licensing officer may refuse any application for issue or renewal of any licence without assigning any reason for such refusal, and may for reasons of public safety to be duly recorded by him, or when the licensee has been convicted of an offence under this Act, or on breach of a condition of a licence, or on other prescribed grounds, cancel or suspend the licence.
- (2) No licence shall be issued or renewed to any person under the age of twenty-one years.

## **28 Penalty for taking in pawn firearms or ammunition**

- (1) No person shall take in pawn from any other person any firearm or ammunition.
- (2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine of 300 penalty units or to imprisonment for six months or to both such fine and such imprisonment.

## **29 Loss of firearm or permitting another person to use firearm**

Any person who, being the owner of a firearm or being in lawful possession of a firearm, loses the firearm through recklessness on his part or permits another person to use the firearm without the written approval of the Principal Licensing Officer shall be guilty of an offence and liable to a fine of 500 penalty units or to imprisonment for six months or to both such fine and imprisonment.

**30            Search for firearm or ammunition under warrant**

(1) Whenever a Magistrate has reason to believe that any person residing within the limits of his jurisdiction:

- (a) has in his possession any firearm or ammunition without a licence or in contravention of the conditions upon which any licence is issued or for any unlawful purpose; or
- (b) has in his possession any firearm or ammunition whereof he cannot be left in possession without danger to the public peace,

such Magistrate may by warrant directed to any police officer authorise such police officer:

- (i) to enter and search the house or premises occupied by such person or any house or premises wherein the Magistrate has reason to believe that such firearm or ammunition is to be found; and
- (ii) to seize and take before a court such firearm or ammunition; and
- (iii) to arrest any person found in such house or on such premises whom such police officer has reason to suspect to have committed any offence punishable under this Act,

and the provisions of sections 102, 103, 104 and 105 of the *Criminal Procedure Code Act* shall apply, *mutatis mutandis*, in relation to a warrant issued under this section as they apply to a warrant issued under section 101 of the *Criminal Procedure Code Act*.

(2) In the execution of such warrant any person to whom such warrant is directed may employ such assistants as may be necessary.

(3) Whoever, upon a search being made under this section, having in his possession or custody any firearm or ammunition or knowing where any firearm or ammunition is concealed, refuses to produce or point out the same to the person making the search, or intentionally conceals the same, shall be guilty of an offence and liable to a fine of 1,000 penalty units or to imprisonment for two years or to both such fine and such imprisonment.

**31 Detention of firearms or ammunition by the police**

Any firearm or ammunition produced to a licensing officer in pursuance of any of the provisions of this Act or under any condition in a licence may, in any case in which the licensing officer for reasons of public safety or for other good cause to be duly recorded by him so directs, be detained by the police for any period not exceeding one month:

Provided that the period of one month may be extended to a period not exceeding three months by order of the Minister.

**32 Entry on place where there are firearms or ammunition**

Any police officer may without a warrant enter and remain on any land or premises other than a dwelling-house at and for such time as may be reasonably necessary to enable him to ascertain whether a person carrying or using or in possession of any firearm or ammunition on such land or premises has a licence in that behalf.

**33 Where licensee under disability**

If a person licensed to deal in firearms or to import firearms or ammunition dies or becomes insolvent or bankrupt or mentally disordered or otherwise under disability, the person carrying on the business of such licensee shall not be liable to any penalty or forfeiture for acting under the licence during such reasonable time as may be necessary to allow him to make application for a new licence, and such person shall be deemed to be the holder of the said licence for all purposes under this Act and to be liable in the same way as if he were the original holder thereof until a new licence is granted or refused.

**34 Deposit of firearms and ammunition at police station**

- (1) Any person whose possession of any firearm or ammunition shall have become unlawful in consequence of the expiry, revocation, cancellation or suspension of a licence shall forthwith deposit such firearm and ammunition at a police station or police armoury.
- (2) If the owner of any firearm or ammunition, the possession of which has become unlawful in consequence of the expiry, revocation,

cancellation or suspension of a licence, does not, within six months from the date of expiry, revocation or cancellation of such licence or six months from the expiry of the suspension, as the case may be, produce a licence authorising him to possess the same, such firearm or ammunition may be sold (in which event the owner shall be entitled to receive the proceeds of sale less expenses) or otherwise disposed of or destroyed.

- (3) Every person licensed to possess firearms and ammunition under this Act shall, upon leaving Solomon Islands unless he exports such firearms and ammunition on so leaving, transfer the same to some person authorised under this Act to take delivery thereof or deposit them for safe keeping at a police station or police armoury.
- (4) It shall be a defence for any person charged with unlawfully possessing, using or carrying a firearm or ammunition to prove that he carried or possessed such firearm or ammunition with the intention of depositing it or producing it for inspection at a police station or police armoury, and that he acted reasonably and without unreasonable delay in all the circumstances of the case, and that either:
  - (a) a licence to possess, use or carry such firearm or ammunition or to import such firearm or ammunition was in force within seven days before the date of the alleged offence; or
  - (b) that, if such a licence was not in force, it was not through his default.

### **35 Disposal of detained firearms and ammunition**

Firearms and ammunition detained under the provisions of sections 25 and 31, shall, at the expiry of the period of detention, unless previously brought before any court, be returned to the person lawfully authorised to receive the same. If despite reasonable diligence such person cannot be found, or if there is no such person, such firearms and ammunition shall be disposed of in the prescribed manner.

### **36 Presumption of possession**

The occupier of any house or premises in which any firearm or

ammunition is found shall be deemed, until the contrary is proved, to be in possession of such firearm or ammunition for the purposes of this Act.

**37        Forfeitures**

All firearms and ammunition with regard to which any offence shall have been committed against the provisions of this Act or any regulations made thereunder, or any breach of any condition subject to which any licence shall have been granted, may be seized by any licensing officer, or customs officer and, together with the receptacle containing the same, shall be liable to forfeiture by order of the court.

**38        Restrictions on sale, repair, etc., of firearms and ammunition**

- (1) No person shall sell, transfer or otherwise part with the possession of any firearm or ammunition to any other person in Solomon Islands, other than a licensed firearms dealer, unless that other person produces a firearm licence or a written authorisation under section 7 (h) authorising him to purchase it or acquire it or shows that he is otherwise entitled to purchase or acquire it without holding such licence or written authorisation.
- (2) Every person who sells, lets on hire, gives or loans a firearm or ammunition to any other person in Solomon Islands, other than a licensed firearms dealer, shall, unless that other person shows that he is entitled to purchase or acquire the firearm or ammunition without holding a firearm licence or written authorisation under section 7 (h), comply with any instructions or conditions contained in the licence or written authorisation produced, and in the case of a firearm shall, within ten days from the transaction, notify the licensing officer by whom the licence or written authorisation was issued, of:
  - (a) the name and address of the purchaser, transferee or other person taking possession of the firearm or ammunition;
  - (b) the number or reference of such purchaser's, transferee's or other person's firearm licence or written authorisation; and
  - (c) the prescribed identification mark and number of the firearm or quantity and type of ammunition.

(3) No person shall undertake the repair, test or proof of a firearm or ammunition for any other person in Solomon Islands other than a licensed firearms dealer as such, unless that other person produces or causes to be produced a firearm licence or written authorisation under section 7 (h) authorising him to have possession of the firearm or ammunition, or shows that he is otherwise entitled to have possession of the firearm or ammunition without holding such a licence or written authorisation.

(4) If any person:

(a) contravenes or fails to comply with any of the provisions of this section; or

(b) with a view to purchasing, or acquiring, or procuring the repair, test or proof of, a firearm or ammunition produces a false firearm licence or written authorisation or such a licence or authorisation in which any false entry has been made, or personates a person to whom such a licence or authorisation has been granted, or makes any false statement,

he shall be guilty of an offence and liable to a fine of 200 penalty units or to imprisonment for six months or to both such fine and such imprisonment.

### **39 Security of firearms and ammunition**

(1) Every person having in his possession any firearm or ammunition shall keep the same at all times securely and in safe custody and shall take all reasonable precautions to ensure that such firearm or ammunition is not lost or stolen and is not at any time available to any person not lawfully entitled to possess the same.

(2) Any person who fails to comply with any of the provisions of this section shall be guilty of an offence and liable to a fine of 200 penalty units or to imprisonment for six months or to both such fine and such imprisonment.

### **40 Loss of firearms or ammunition to be reported**

Any person having possession of a firearm or ammunition, whether or not he holds a firearm licence therefor, shall, if such firearm or

ammunition is lost, stolen or destroyed, report such loss, theft or destruction as soon as possible after its occurrence to a licensing officer or to the police officer in charge of the nearest police station, and if he fails to do so, shall be guilty of an offence and liable to a fine of 300 penalty units or to imprisonment for six months or to both such fine and such imprisonment.

**40A Possession of an imitation firearm**

- (1) Any person who goes armed with an imitation firearm without lawful excuse is guilty of an offence and liable to a fine of 200 penalty units or to imprisonment for six months or to both such fine and imprisonment.
- (2) Any person who goes armed with an imitation firearm by word of mouth or conduct threatens another person in such manner as to cause fear to that other person is guilty of an offence and liable to a fine of 500 penalty units or to imprisonment for one year or to both such fine and imprisonment.

**40B Importation, manufacture or sale of imitation firearms prohibited**

- (1) No person shall import into Solomon Islands or sell or display for sale any imitation firearm in any place in Solomon Islands.
- (2) No person shall manufacture for use or sale any imitation firearm.
- (3) Any person who contravenes the provisions of subsections (1) or (2) shall be guilty of an offence and liable to a fine of 1,000 penalty units or imprisonment for one year or to both such fine and imprisonment.

**41 Carrying firearm while drunk or disorderly**

Any person who is drunk, or who behaves in a disorderly manner, while carrying a firearm shall be guilty of an offence and liable to a fine of 500 penalty units or to imprisonment for twelve months or to both such fine and such imprisonment.

**42 Threatening violence with firearm**

Any person who, being the owner or having possession of a firearm,

with intent to intimidate another person to do or to refrain from doing any act threatens by word of mouth or any other conduct to harm that other person, or any other person whosoever, with the use of the firearm is guilty of an offence and liable to a fine of 1,000 penalty units or to imprisonment for two years or to both such fine and imprisonment.

#### **43 Power to detain and forfeit firearms**

- (1) Any police officer who has reason to believe that a person has threatened another person in contravention of section 42 may, without warrant, search the premises of the person who made the threat and take possession of any firearms which he may find on the premises.
- (2) Any person who obstructs or hinders a police officer from exercising his powers under subsection (1) is guilty of an offence and liable to a fine of 1,000 penalty units or to imprisonment for two years or to both such fine and imprisonment.
- (3) Where a person is convicted of an offence under subsection (1), the court may order that any firearm found on the person's premises and taken possession of under that subsection be forfeited to the Crown.

#### **44 Discharging firearm in public place**

Any person who, without reasonable excuse, (proof of which lies on him) discharges a firearm in a public place or in any place situated within the boundaries of a town is guilty of an offence and liable to a fine of 200 penalty units or to imprisonment for six months or to both such fine and imprisonment.

#### **45 Appeals**

Any person aggrieved by any condition of a licence granted by the Principal Licensing Officer or any licensing officer under this Act, or by the variation, revocation, cancellation or suspension of, or the refusal to grant or vary, any licence under this Act, by such an officer, may within fourteen days of being notified of such condition, variation, revocation, cancellation, suspension or refusal, appeal in writing to the Minister, and the Minister's decision thereon shall be final and shall not be questioned in any proceedings whatsoever.

**46           General penalty**

Any person who is guilty of any offence against the provisions of this Act or any regulations made thereunder for which no penalty is otherwise expressly provided shall be liable to a fine of 500 penalty units.

**47           Liability of principal and agent**

- (1) Any person licensed under this Act who could be liable under the provisions of this Act or any regulations made thereunder to any punishment, penalty or forfeiture for any act, omission, neglect or default, shall be liable to the same punishment, penalty or forfeiture for every such act, omission, neglect or default of any agent or servant employed by him in the course of his business as such licensed person if such act, omission, neglect or default be committed by such agent or servant in the course of his employment by such licensed person.
- (2) Any agent or servant employed by a person licensed under this Act in the course of his business as such licensed person shall also be liable to every punishment, penalty or forfeiture prescribed by this Act or by any regulations made thereunder for such acts, omissions, neglects or defaults as fully and effectually as if such agent or servant had been the person licensed.

**48           Persons conveying firearms or ammunition may be apprehended without warrant**

- (1) If any person is found carrying or conveying any firearms or ammunition in such a manner or under such circumstances as to afford reasonable grounds for suspicion that the same may be used for any unlawful purpose dangerous to the public peace, any person may without warrant apprehend such person so found and detain him in custody.
- (2) Any person apprehended without a warrant shall be dealt with in accordance with the provisions of sections 22 and 23 of the *Criminal Procedure Code Act*.

**49 Arrest by police without warrant**

Any police officer may arrest without warrant any person found committing or attempting to commit or employing, aiding or assisting any person to commit, or whom he reasonably suspects of having committed any offence against, or punishable under, any of the following provisions of this Act, namely, sections 4, 5, 9 (2), 11 (1), 12, 14, 22, 23 (3), 25 (2), 26 (2) and 41.

**50 Power to stop and search for firearms and ammunition in the street**

It shall be lawful for any police officer to stop and to search for firearms or ammunition any person whom he may find in any street or other public place at any hour of the day or night who acts in a suspicious manner or whom he may suspect of having any firearms or ammunition in his possession.

**51 Presumption**

Every person who is proved to have had in his possession or under his control anything whatever containing any firearm or ammunition shall, until the contrary is proved, be deemed to have been in possession of such firearm or ammunition.

**52 Exemption of ship and aircraft signalling equipment, etc.**

Nothing in this Act contained shall apply to rescue or signalling apparatus or the ammunition therefor carried by any ship or aircraft in pursuance of any law or rule applying thereto, or intended for such use.

**53 Special provision relating to servants of the Crown**

Notwithstanding any rule of law whereunder the provisions of this Act do not bind the Crown, the provisions of sections 38, 39 and 40 shall apply to persons in the service of the Crown in their capacity and in the course of their duties as such.

**54 Provisions of this Act to be additional to other Acts**

The provisions of this Act shall be in addition to and not in derogation

of the provisions of any other law for the time being in force in Solomon Islands relating to the manufacture, sale, transfer, purchase, acquisition, possession, use, storage, carriage, transportation, importation or exportation of firearms, ammunition or explosives.

## **55 Regulations**

The Minister may from time to time make regulations for the better carrying out of the provisions and purposes of this Act, and without prejudice to the generality of the foregoing, for any of the following purposes that is to say:

- (a) to prescribe the form of all licences and other documents required under this Act;
- (b) to provide for the marking of firearms for the possession of which a licence is issued;
- (c) to regulate the manner in which applications for licences shall be made;
- (d) to regulate the conditions subject to which licences shall be granted, and the issue of licences generally and the grounds on which they may be suspended or cancelled;
- (e) to provide for the furnishing of information in respect of firearms and ammunition by persons in possession thereof;
- (f) to prescribe the fees to be paid for anything done, or any licence or document issued or granted under this Act and to direct by whom and in what manner such fees are to be collected and accounted for;
- (g) to regulate the disposition, destruction or sale of articles forfeited, detained or deposited under the provisions of this Act;
- (h) to regulate the import, export, acquisition, possession, transfer and use of air guns, air rifles and air pistols and ammunition therefor;
- (i) to provide for the deposit for safe custody of firearms and

ammunition with the police, for the fees to be paid therefor, for the exemption of such firearms from the licensing requirements of this Act, and for the sale, destruction or other disposal of such firearms in circumstances in which such sale, destruction or disposal may be reasonable,

and may restrict the operation of any such regulations to particular areas.

**56      Power to exempt**

The Minister may from time to time by notice exempt any firearms or ammunition or classes of firearms or ammunition within Solomon Islands or within any part of Solomon Islands from the operation of all or any of the provisions of this Act.

## ENDNOTES

### 1

#### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

#### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 80 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

### 2

#### LIST OF LEGISLATION

##### ***Firearms and Ammunition Act (Cap. 80)***

<i>Constituent legislation:</i>	7 of 1967 (Commenced 1 July 1968)
	4 of 1968
	LN 46A of 1978
	LN 88 of 1978
	17 of 1989

##### ***Firearms and Ammunition (Amendment) Act 2000 (No. 2 of 2000)***

Assent date	18 January 2001
Gazetted	18 January 2001*
Commenced	18 January 2001*
[*Note: the Gazette date and Commencement date have been validated by s4 of the Constitution (Amendment and Validation) Act 2023 and s28 of the Legislation Amendment, Repeal and Validation Act 2023]	

##### ***Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)***

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

### 3

### LIST OF AMENDMENTS

s 2	amd by Act No. 2 of 2000
s 4	amd by Act No. 14 of 2009
s 5	amd by Act No. 14 of 2009
s 6	amd by Act No. 14 of 2009
s 9	amd by Act No. 14 of 2009
s 11	amd by Act No. 14 of 2009
s 12	amd by Act No. 14 of 2009
s 13	amd by Act No. 14 of 2009
s 14	amd by Act No. 14 of 2009
s 20	amd by Act No. 14 of 2009
s 22	amd by Act No. 14 of 2009
s 23	amd by Act No. 14 of 2009
s 24	amd by Act No. 14 of 2009
s 25	amd by Act No. 14 of 2009
s 26	amd by Act No. 14 of 2009
s 28	amd by Act No. 14 of 2009
s 29	amd by Act No. 14 of 2009
s 30	amd by Act No. 14 of 2009
s 38	amd by Act No. 14 of 2009
s 39	amd by Act No. 14 of 2009
s 40	amd by Act No. 14 of 2009
s 40A	ins by Act No. 2 of 2000; amd by Act No. 14 of 2009
s 40B	ins by Act No. 2 of 2000; amd by Act No. 14 of 2009
s 41	amd by Act No. 14 of 2009
s 42	amd by Act No. 14 of 2009
s 43	amd by Act No. 14 of 2009
s 44	amd by Act No. 14 of 2009
s 46	amd by Act No. 14 of 2009