

THE ARMS AND AMMUNITION ACT, 2007 OF SIERRA LEONE

BILL

A BILL ENTITLED

Short title: THE ARMS AND AMMUNITION ACT, 2007

**Being an Act to consolidate, with amendments, the law
relating to arms and ammunition and to provide for other related
matters**

Date of commencement.

**ENACTED by the President and Members of Parliament in
this present Parliament assembled.**

PART I – PRELIMINARY

Interpretation

- 1.** In this Act, unless the context otherwise requires –

“air gun” includes air pistol;

“ammunition” means cartridges for loading small arms, and includes the component parts of any such cartridges, other than lead shot, as well as gun powder and percussion caps;

“arms” includes air gun, munitions of war, arms of war, small arms, cap gun, flint-lock gun, gunpowder, percussion caps, small arms ammunition, swords, daggers, pistols, revolvers;

“arm of war” includes any weapon or apparatus for the discharge of any kind of explosives, armour piercing or gas-diffusing projectile, or any flame-thrower, bomb, mine, grenade, torpedo, machine gun, automatic rifle, or any other arm of war, and any part of any arm of war;

“cap gun” means a muzzle loading firearm, the charge of which is exploded by means of a percussion cap and a cap pistol;

“conveyance” means every description of conveyance for the transport of human beings or property, in whatever manner it may be propelled, but does not include an ocean-going ship or an aircraft in transit through Sierra Leone;

“dealer” means the owner or person in charge of any licensed private warehouse or other premises used for the manufacture, sale, transfer, repair, testing or proof of arms and ammunition, by way of trade or business;

“deal in” includes manufacturing and disposal or transfer by sale, barter, exchange, gift, loan, or in any other manner with or without valuable consideration;

“Deputy Registrar” means a Deputy Registrar of Arms appointed under section 2;

“flint-lock gun” means a muzzle loading firearm, the charge of which is exploded by means of a flint-lock and includes a flint-lock pistol;

“gunpowder” means exclusively gunpowder ordinarily so called;

“importer” includes any owner or other person for the time being possessed of or beneficially interested in any arms or ammunition imported into Sierra Leone;

“Inspector of Explosives” means a person appointed as such under the Explosives Act, 1955 and includes the Chief Inspector of Explosives appointed under that Act;

“munitions of war” means all material for loading of any arm of war, whether in the form of made up cartridges or not;

“percussion caps” means percussion caps for use with cap guns or pistols other than toy guns or pistols incapable of discharging a projectile;

“possession” includes not only having in one’s own personal possession, but also having in the actual possession or custody of any other person or in any place or premises (whether belonging to or occupied by oneself or not) for the use or benefit of oneself or any other person;

“private warehouse” means any place or building licensed as such under section 26;

“public warehouse” means any place or building designated as a public warehouse by Rules made under this Act;

“Registrar” means the Registrar of Arms appointed by section 2;

“small arm” means any air-gun with rifled barrel, or any firearm, whether whole or in detached pieces which is not an arm of war, and includes cap gun and flint-lock gun;

“transport” means to convey by any means whatever other than in an ocean-going ship or in an aircraft in transit through Sierra Leone.

Appointment

2.(1) The National Commission for Small Arms and Light Weapons shall be the Registrar of Arms for the purposes of this Act.

PART II – APPLICATION OF INTERNATIONAL CONVENTIONS

Prohibition of export of

convention.

3.(1) With a view to giving effect to any international agreement relating to the international **arms and ammunition** trade in arms and ammunition to which Sierra Leone **ammunition** may be a party, it shall be lawful for the President **affected by** order made by statutory instrument to prohibit **international** the exportation or removal from Sierra Leone of any arms or ammunition to which the Convention relates.

(2) For the purposes of this section, “an international agreement” includes an international convention or protocol.

Application of Order

4. An order or other statutory instrument under this Part may relate to any particular arms or ammunition and may prohibit the exportation or removal thereof either generally or to any particular areas or to any particular country, place or sea.

Export of arms or ammunition

5. The President may, subject to such conditions, restrictions and directions as he shall think necessary to give effect to any international agreement

**subject to
conditions**

referred to in section 3, authorise any person specified in the authorisation to export or remove from Sierra Leone any arms or ammunition to which an order under this Part relates.

PART III – IMPORT AND EXPORT OF ARMS AND AMMUNITION

**Control of
arms of
War and
Ammunition**

6.(1) The importation of arms of war and of ammunition of war into Sierra Leone except as in this Act provided is prohibited, and any person who, except as in this Act provided, imports into or exports from Sierra Leone or has in his possession any arms of war or munitions of war, shall be guilty of an offence.

(2) The President may authorise the importation into or exportation from Sierra Leone of such arms of war and munitions of war as may be required to meet the needs of the Government of Sierra Leone or of any other Government.

(3) Such importation of arms by the government shall be for the purpose of legitimate national defence and security ,or to enable the country to participate in peace support or other operations, and must be approved by ECOWAS and an exemption certificate for that transaction issued by ECOWAS.

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**Import of
small arms
and
ammunition.**

(1) Any person who imports into Sierra Leone any small arms or small arms ammunition except under an import licence or re-importation authorisation duly granted in that behalf by the **Commission**, or who fails to observe such terms and conditions as the **Commission** may impose and attach to such import licence or authorisation, or as may be prescribed, shall be guilty of an offence.

(2) No small arms or small arms ammunition, other than those in the possession of a bona fide passenger, shall be discharged from any aircraft or ship, either before the import licence in respect thereof has been produced to the proper officer of customs, or before they are entered (as defined in section 3 of the Customs Act).

(3) The importation of small arms and small arms ammunition by post is prohibited: Provided that the President may by Order made by statutory instrument, authorise the importation of small arms and small arms ammunition through a Post Office or Post Offices specified in such order, subject to such conditions as may be stated therein.

(4) The importation of-

- (a) cap guns with rifled barrels, and
 - (b) flint-lock guns with rifled barrels,
- is prohibited.

Visitors' Certificate

(5) Any visitor to Sierra Leone that wants to temporarily import firearm into Sierra Leone during his stay in the country shall prior to entry apply to the Department of customs to temporarily import such firearm. The application shall include information about the purpose, type and marking of firearm to be imported into Sierra Leone and shall declare the firearm on arrival whereupon he shall be issued with a visitor's certificate if the application has been approved.

Places of import and export of small arms and ammunition

8. (1) No small arm or small arms ammunition shall be imported into Sierra Leone or exported there from except by sea at a prescribed port or by air at a prescribed airport:

Provided that small arms and small arms ammunition may be imported into Sierra Leone by land from neighbouring countries under licence granted in that behalf by the Registrar.

(2) Any person who imports into Sierra Leone any small arms or small arms ammunition in contravention of subsection (1) shall be guilty of an offence.

9 (1). No person, whether a registered small arms dealer or not, shall, import, sell or transfer any small arms unless there shall been stamped alphanumerically, permanently, legibly in various main parts of the weapon, and at the very least on the part designated by the manufacturer as essential as well as on one other important part of the arm thereon, a "classical marking", which shall include a unique serial number, the manufacturer's identity, the identification of the country and year of manufacture, and information concerning the purchaser's identity and country of destination, if known at the time of manufacture, and a " security marking" on Marking component parts that are not easily manipulated after the weapons manufacture, and the falsification of which would render the weapon unusable, so as to identify the weapon in the event that the classical markings have been destroyed or falsified.

(2)No person, whether a registered small arms dealer or not shall import, sell or transfer any ammunition unless there are alphanumerically markings, which shall include a unique lot number, the manufacturers identity, as well as the country and year of manufacture, information concerning the purchaser's identity and country of destination(if known at the time of manufacture), and shall feature at least once on the jacket(ie the cartridge) containing the powder or liquid used in the ammunition or explosive.

(3) No person, whether a registered small arms dealer or not, shall alter or render illegible the maker's name and or number or other prescribed particulars upon a small arms or ammunition without the previous consent in writing of the National Commission on Small Arms and Light Weapons.

Deposit in warehouses. 10.(1) Subject to this Act and to any rule or order made thereunder, all small arms and small arms ammunition imported into Sierra Leone shall, as soon as they have been entered (as defined in section 3 of the Customs Act) and all fees and charges due to the Ports Authority have been paid, be deposited by the importer in a public warehouse or a private warehouse, licensed under section 26.

(2) The officer-in-charge of a public warehouse shall record such particulars as may be prescribed of all small arms, and small arms ammunition deposited in such public warehouse.

Collection and Destruction of Small Arms and Light Weapons.

11. The National Commission on Small Arms and Light Weapons in conjunction with service chiefs of the armed forces shall on a continues bases collect and/or destroy arms which are surplus to the national needs or have become obsolete, or are seized or unmarked, and illicitly held weapons and firearms collected from programmes for the voluntary handing in of weapons. All firearms so collected must be registered and securely stored, destroyed or converted.

Export of 12. Any person who wishes to export any small arms or small arms ammunition shall give written notice thereof in the prescribed form to the **Commission** which may thereupon issue an authorisation in the prescribed form to export such small arms or small arms ammunition.

Temporary export of Small arms 13. Any person who, with a view to re-importing within a period, not exceeding nine months, wishes to export for such period any small arm for which he holds a licence issued under this Act shall give written notice thereof to the **Commission**, which may, upon payment of such fees as may be prescribed, issue an authorisation in the prescribed form to export and re-import such small arm.

PART IV – CONTROL WITHIN SIERRA LEONE OF ARMS AND AMMUNITION

Prohibition 14.(1) The President may at any time by proclamation prohibit the possession of transport of or dealing in any arms or ammunition,

with the approval of Parliament

**possession
etc, by
President.**

either absolutely or except subject to such restrictions, limitations and conditions as may be specified in such proclamation, and may in such proclamation declare the towns , places, districts or areas to which such proclamation shall apply.

(2) Any person who by any act or omission contravenes any prohibition, restriction, limitation or condition imposed by proclamation under subsection (1) shall be guilty of an offence.

**Dealer to
prepare and
arms**

- 15 (1) Every dealer shall-
- (a) not later than the thirty-first day of January in every year prepare in triplicate a record of his entire stock of arms on the thirty-first day of December in the preceding year, and submit two copies to the officer-in-charge of the nearest Police Station and the **Commission**, and obtain receipts therefore;
 - (b) not later than the seventh day of each month submit to the officer-in-charge of the nearest Police Station and the **Commission** a monthly statement of his stock of arms for the immediately preceding month.

(2) The record referred to in paragraph (a) of sub-section (1) shall contain a detailed description of each of the arms specified therein including identification marks.

(3) Any dealer who contravenes this section shall be guilty of an offence.

Establishment of National Database and Register of Small Arms

The National Commission on Small Arms and Light Weapons shall establish a national computerized registers and database of small arms and lights. The following information shall be recorded in the national computerized register and database:

- (a) description of the product(type or model, caliber)and quantity(if it concerns a batch,**
- (b) the content of the marking,**
- (c)the names and addresses of the former and current owners and, when possible ,successive owners,**
- (d) the date of registration,**
- (e) information concerning each transaction including:**
 - (i) the name and address of the shipper, the intermediary(where applicable),the consignee and the user indicated on the end-user-certificate,**
 - (ii) the point of departure, transit and destination, as well as the customs references and the dates of departure, transit and delivery to the end-user,**
 - (iii) the export, transit and import license (quantities and batches corresponding to the same license as well as the validity of the license),**
 - (iv) full details concerning the method of transportation and transporter(s),**

- (v) the controlling agency or agencies(at point of departure, transit and entry),
- (vi) the nature of the transaction(commercial, non-commercial, private or public, conversion, repair),
- (vii) where applicable, the insurer and/or the financial institution intervening in the transaction.

Manufacture of arms and 16. (1) No person shall within Sierra Leone manufacture any arm of war or any ammunition of war or **ammunition**. assemble the component parts thereof.

- 2) No person shall manufacture within Sierra Leone any small arm or small arms ammunition:

Provided that it shall be lawful for the holder of a license in the prescribed form issued in that behalf by the Commission, to manufacture and repair smooth bore cap guns and flint-lock guns subject to such conditions as may be prescribed and to such additional conditions as the Commission may endorse on the license.

- (3) **The National Commission on Small Arms and Light Weapons shall not grant a license under section 14 if the person applying for the license has not given information relating to:**

- (a) **details of the small arms or small arms ammunition to be manufactured, including the quantity, exact type and kind of small arms or small arms ammunition, indicating approved markings,**

- (b) the procedure for marking and information on the storage and management of the small arms or small arms ammunition after manufacture**

(4) Any person who contravenes any provision of this section or, being the holder of a license issued under subsection (2), who contravenes any conditions endorsed on his license, shall be guilty of an offence.

Obligation of 17. (1) Subject to this Act, no person shall deal in **dealers to register.** arms and ammunition unless he is registered for the purpose.

- (2) Any person who wishes to be registered as a dealer shall apply to the Commission.

- (3) An application for registration shall be in the prescribed form, including -

- (a) the name and address of the applicant and of any other persons who have any financial or other interest in the business for which the registration is sought;
 - (b) the particulars of every place in which he proposes to carry on business as a dealer, whether
 - (i) as a keeper of a private warehouse or
 - (ii) as a manufacturer of arms or ammunition or both.
- (4) Upon receipt of an application the **Commission** shall, within sixty days of such receipt, decide whether or not to grant the application.
- (5) In taking a decision under subsection (4), the Registrar shall, where the application is in respect of -
 - (a) keeping a private warehouse as a dealer, follow the procedure prescribed in section 27 and
 - (b) manufacturer of arms or ammunition or both, as a dealer, take into account-
 - (i) the character and fitness of the applicant and any other interested parties referred to in paragraph (a) of subsection (3) to be registered as a dealer;
 - (ii) the suitability or otherwise of the proposed place of business for the manufacture of arms or ammunition or both without danger to the public safety or peace.

Registration

- 18.** (1) Subject to this Act, where the **Commission** is satisfied with an application under section 17 it shall register the applicant, subject to such terms and conditions as it may specify, the breach of which terms and conditions shall entitle the Commission to suspend or cancel the registration.
- (2) Where the **Commission** decides to refuse an application, it shall issue a written statement to the applicant stating the reasons for his decision: provided that where an applicant is aggrieved by the decision refusing to register him, he may appeal to the Minister whose decision shall be final.
- (3) An applicant who is registered under this section shall, upon the payment of such fees as may be prescribed, be given a certificate of registration which shall be renewable annually upon payment of the prescribed fee.
- (4) Any person who immediately before the commencement of this Act, was dealing in arms or

ammunition as a keeper of a private warehouse or as a manufacturer of arms or ammunition or both, shall, within three months of such commencement apply to be registered and shall cease operating as a dealer if he has not been registered within six months of such commencement.

(5) A dealer engaged in the manufacture of arms or ammunition or both, may be granted such investment incentives as the Minister may determine after consultation with the Minister responsible for finance.

Licensing of establishments for repair of small arms.

19.(1) No person shall open or carry on an establishment for the repair of small arms, other than cap guns and flint-lock guns, except under a prescribed license issued in that behalf by the **Commission**, or in contravention of any condition which the **Commission**, in its discretion, may endorse on that license.

(2) Any person who contravenes this section or any condition endorsed on his license as provided in sub-section (1) shall be guilty of an offence.

Withdrawals

20.(1) The officer in charge of a public warehouse **from public** shall not permit the withdrawal therefore of any small **warehouses.** arms or small arms ammunition unless and until such withdrawal has been authorised in the prescribed form by the **Commission** or by the Commissioner-General of the National Revenue Authority in respect of the arms and ammunition deposited in warehouses for which the Commissioner-General is directly responsible.

(2) The Commission shall only authorise the withdrawal of small arms or small arms ammunition from a public warehouse in the following circumstances:-

- (a) where the Commission is satisfied that the small arms or small arms ammunition in question are to be exported; or
- (b) where the Commission is satisfied that the small arms or small arms ammunition in question are to be deposited in another public warehouse; or
- (c) where the small arms or small arms ammunition in question are flint-lock guns, cap guns, shot gun cartridges, percussion caps or gunpowder, and the Commission is satisfied that they are to be deposited in a private warehouse in respect of which an appropriate current license has been issued under section 27;

or

- (d) where the person who wishes to withdraw any small arm is in possession of a current license issued under section 21 in respect of that small arm; or

in

- (e) where the licensed owner of any small arm wishes to withdraw ammunition for that small arm, and the Commission is satisfied that such small arms ammunition is necessary for the personal and legitimate use of such owner; or
- (f) where a person who holds a valid license to bear and use a specified type of small arm wishes to withdraw ammunition for a small arm of that type, and the Commission is satisfied that such small arms ammunition is necessary for the personal and legitimate use of such person; or
- (f) where the Registrar is satisfied that the small arms or small arms ammunition in question are for the use of a rifle club approved by the President under section 42, and that the person who wishes to withdraw the same is a duly authorised official of the rifle club.

(3) The officer in charge of a public warehouse shall record such particulars as may be prescribed of all small arms and small arms ammunition withdrawn from such warehouse.

21. Management and Security of Stockpiles

1 The National Commission on Small Arms and Light Weapons shall establish effective standards and procedures for management, storage and security of public armouries. These standards and procedures shall include: (a) appropriate site,

(b) physical security measures of storage facilities,

(c) inventory management and record keeping,

(d) staff training,

(e) security during manufacture and transportation, and (f) sanctions in case of theft or loss.

- a. The National Commission on Small Arms and Light Weapons shall through the appropriate service chiefs regularly review, in accordance with national laws and standards, the storage facilities and conditions of firearms and ammunitions held by the armed forces of Sierra Leone and other security forces in order to identify, for disposal surplus and obsolete stocks.**

Small arms

22. (1) The Commission may, on payment of the licenses. prescribed fees by the applicant, issue a license in the prescribed form to any person -

(a) to own and use a small arm; or;

(b) to bear and use a small arm of a specified type;

where such person -

- (i) is aged twenty-five years or above;
- (ii) is medically certified as mentally fit;
- (iii) is physically fit;
- (iv) has record of good behaviour duly testified by any person of note in his community;
- (v) is able to safely store the arm in question;
- (vi) has been cleared by both the Sierra Leone Police and the Office of National Security as a fit and proper person to be licensed;
- (vii) is to use the small arm for game hunting, whether professionally or for sport or pleasure.
- (viii) **shows proof that he has undergone a safety training and competency training including training in the relevant laws regarding small arms**

(2) An application for licence shall not be granted under any circumstance whatsoever before the expiration of 21 days after the application was made

(3) A licence for possession and use of firearms shall only be granted for a named, specific and particular small arms, and shall not under any circumstances whatsoever be used for another small arms not mentioned in the licence

(4) In addition to any other particulars which may be prescribed, every license issued under paragraph (a) or (b) of subsection (1) shall bear on the face of it the maximum amount of ammunition for the small arm or type of small arm to which it relates, which the holder of such licence may have in his possession at any one time.

(5) Every license issued under this section shall expire on the thirty-first day of December of the year in which it was issued and may be renewed by the **Commission** on payment of the prescribed fee if the **Commission** is satisfied, in the case of a license to own and use a small arm, that such small arm is in a fit state to be used.

(6) The **Commission** may, after being satisfied as to the loss, destruction or misplacement of a license, issue a license in replacement thereof, upon the payment by the applicant of twice the cost of the license concerned.

Small Arms 23 (1) There is hereby established a Small Arms **Advisory** Advisory Board (in this Act called “the Board”) to oversee **Board** and regulate the operation of the licensing system under this

Act and assist the National Revenue Authority in assessing and reviewing the cost of licenses, permits and fines under this Act.

(2) The Board shall consist of a representative each of the following organisations:-

- (a) Office of National Security;
- (b) Ministry of Internal Affairs;
- (c) National Revenue Authority;
- (d) Ministry of Tourism and Culture.

Possession and use of arms

24 (1) Any person –

(a) who possesses any small arm, other than a small arm in the possession of the Commissioner General of the National Revenue Authority or of the Sierra Leone Ports Authority under subsection (1) of section 10 or stored in a public or private warehouse;

or

(b) who uses or attempts to use any small arms, unless he is the holder of a current license issued under section 21 to own and use such small arm, or to bear and use a small arm of that type shall be guilty of an offence and liable -

- (i) on summary conviction to a fine not less than five million leones and not exceeding ten million leones or to imprisonment for a term not less than three years and not exceeding five years or to both such fine and imprisonment; or
- (ii) on conviction on indictment to a fine not exceeding fifty million leones or to imprisonment for a term not exceeding fifteen years or to both such fine and imprisonment:

Provided that –

- (a) it shall be lawful for the holder of a licence to repair small arms to possess, without taking out a licence in respect thereof under section 21, any small arm entrusted to him by the licensed owner thereof for repair, and for the holder of a licence to manufacture and repair smooth bore cap guns and flint- lock guns to possess, without taking out a licence in respect thereof under section 21, any such cap gun or flint-

lock gun manufactured by him or entrusted to him by the licensed owner thereof for repair.

- (b) it shall be lawful for the holder of a permit issued under section 28 to have in his possession, without a licence therefor issued under section 21, the small arm in respect of which such permit was issued but only for the period of validity of such permit.

(2) Any person –

- (a) who not being the holder of a licence issued under section 21 to own and use a small arm or to bear and use a small arm of a specified type who owns or possesses any small arms ammunition; or
- (b) who is the holder of a licence issued under section 21 to own and use a small arm or to bear and use a small arm of a specified type who possesses small arms ammunition for such small arm or type of small arm in excess of the maximum endorsed on his licence; or
- (c) who possesses small arms ammunition for a type of small arm in respect of which he does not hold a licence under this Act, shall be guilty of an offence and liable –
 - (i) on summary conviction to a fine not less than five million leones and not exceeding ten million leones or to imprisonment for a term not less than three years and not exceeding five years or to both such fine and imprisonment; or
 - (ii) on conviction on indictment to a fine not exceeding fifty million leones or to imprisonment for a term not exceeding fifteen years or to both such fine and imprisonment:

Provided that nothing contained in this Act shall be construed as making it unlawful for any person to own or possess any explosive which he is authorised to own or possess in pursuance of the Explosives Act, 1955:

Provided further that nothing contained in this subsection shall apply to any small arms ammunition in the possession of the Commissioner-General of the National Revenue Authority or the Sierra Leone Ports Authority under subsection (1) of section 10 or stored in a public or private warehouse.

**Transfer of
small arms
and
ammuni-
tion.**

- 25.(1) Any person who transfers any small arm, other than a small arm stored in a public or a private warehouse, to any other person, whether by way of gift, loan, sale or exchange or in any other manner whether with or without valuable consideration, except under a prescribed transfer permit and to a person who has obtained a licence under

section 21 to own and possess such small arm, shall be guilty of an offence:

Provided that it shall be lawful for any person who holds a licence under section 21 to own and use a small arm to lend such small arm to the holder of a licence under that section to bear and use a small arm of that type, for any period not exceeding twenty-eight days.

(2) Any person who transfers any small arms ammunition other than small arms ammunition stored in a public or private warehouse, to any other person, whether by way of gift, loan, sale or exchange, or in any other manner whether with or without valuable consideration, except under the written permission of the **Commission** and subject to such conditions as may be imposed by him, or as may be prescribed, shall be guilty of an offence:

Provided that nothing in this section shall be construed as applying to the transfer of any explosive under the Explosives Act, 1955, or any Rules made hereunder.

Disposal of small arms and ammunition of deceased persons 26.(1) Any person who takes possession of any small arm or small arms ammunition which belonged to a deceased person immediately before his death shall forthwith **ammunition** deliver such small arm or small arms ammunition, together with any license relating to the same to the nearest Police station, and the officer in charge of the station shall deposit all such small arms, small arms ammunition and licenses in a public warehouse.

(2) Except under the written authority of the President, the **Commission** shall not grant an authorisation for the withdrawal of any small arms or small arms ammunition deposited in a public warehouse in pursuance of subsection (1) otherwise than under this Act and unless and until he has received the consent thereto of the person administering the estate of such deceased person.

(3) Any person who fails to deliver forthwith to a **Commission** any small arms, small arms ammunition or licence which has come into his possession in the manner described in subsection (1) shall be guilty of an offence.

Loss, etc. of small arms or small arms ammunition. 27. Any person who holds a licence under section 21 to own and use a small arm who fails to notify the nearest Police station forthwith should the small arm in respect of which he holds such licence be lost, stolen or destroyed shall be guilty of an offence.

Private Warehouses 28.(1) The **Commission** may, on payment of the prescribed fee by the applicant and on being satisfied that the premises in respect of which an application to keep a private warehouse is made comply with such requirements as are prescribed by Rules made under

this Act, issue to the applicant subject to such conditions as he may see fit and endorse thereon, a licence to store in such premises and, subject to this Act, to sell -

- (a) flint-lock guns, cap guns, and shot gun cartridges only; or
- (b) gunpowder and percussion caps only; or
- (c) any of the small arms and small arms ammunition specified in paragraphs (a) and (b).

(2) Every license issued under this section shall expire on the thirty-first day of December of the year in which it was issued, and may be renewed by the Registrar on payment of the prescribed fee.

(3) The Commission may cancel a license issued under this section or refuse to renew any such licence if he is satisfied that the premises in respect of which the licence was issued no longer comply with the requirements prescribed by any Rule made under this Act and on such cancellation of or failure to renew the licence issued in respect of his premises, the licensee shall forthwith dispose of all small arms and small arms ammunition stored therein in such manner and within such time as the Registrar shall direct in writing.

(4) Any person who stores in any private warehouse any small arms or small arms ammunition other than those in respect of which a licence under this section has been issued or who fails to comply with any written direction given by the Registrar under subsection (3) shall be guilty of an offence.

**Permit for
purchase of
imported
and locally
manufactured
small arms.**

29.(1) The **Commission** may issue a permit in the prescribed form authorising the person to whom the permit is issued to purchase a flint-lock gun, or cap gun from a private warehouse or from a person licensed under this Act to manufacture smooth bore cap guns and flint-lock guns, and to produce such small arm to him for inspection within such time as shall be stated in the permit:

Provided that the Commission shall not issue such a permit to a person to whom a license to own and use a small arm or a small arm of the type in question could not lawfully be issued under section 21.

(2) If after inspecting any small arm produced to him under subsection (1), the Commission is not satisfied that it is safe to use, he shall issue a permit in the prescribed form authorising the person who produced it to him to return it to the person from whom he purchased it within such

time as shall be stated in the permit.

- (3) The Commission may issue a permit in the prescribed form -
- (a) to the holder of a license issued under section 20 to own and use or to bear and use a small arm,
authorizing such licensee to purchase from a private warehouse a specified quantity of small arms ammunition for use with the small arm or type of small arm for which he holds such license;
 - (b) to a person who is the holder of a Blasting Certificate issued under the Explosives Act, 1955, or any Rules made hereunder, authorising such person to purchase a specified quantity of gunpowder from a private warehouse.

**Control of
sales from
private
warehouses**

30. Any holder of a license to keep a private warehouse who either himself or through the agency of any other person –

- (a) sells or otherwise disposes of any small arm to any person who is not in possession of a permit issued under section 27 to purchase that type of small arm; or
- (b) sells or otherwise disposes of any small arms ammunition to a person otherwise than under a permit issued under section 27; or
- (c) sells or otherwise disposes of any small arms ammunition to the holder of a license issued under section 20 to own and use such small arm or to bear and use a small arm of a specified type, in excess of the maximum permitted quantity endorsed on such licence, or for use with a different type of small arm from that in respect of which such license was issued,

shall be guilty of an offence, and if such small arm or small arms ammunition were sold through the agency of some other person, such other person shall also be guilty of an offence:

Provided that it shall be lawful for the holder of a licence to keep a private warehouse to withdraw from such warehouse any small arms or small arms ammunition under a written authority granted in that behalf by the Registrar for the transfer of the same, subject to such conditions as may be imposed by the Registrar or as may be prescribed by Rules made

Act No. 15 of under this Act or under the Explosives Act, 1955, to a 1955.

Public warehouse or to another private warehouse

**Duties of
private**

Commission warehouse

31.(1) The holder of a licence to keep a private warehouse shall notify the nearest within twenty-four hours should any of the small arms **licensees**. or small arms ammunition deposited in such private warehouse be lost, stolen or destroyed .

(2) The holder of a licence to keep a private warehouse shall keep a book in the prescribed form in which, at the time any small arms or small arms ammunition are deposited in or withdrawn from such private warehouse, he shall enter all such particulars thereof as may be prescribed, and shall transmit to the **Commission** where such private warehouse is situated, on the first day of every month a true copy of the entries in the book for the previous month.

(3) The holder of a licence to keep a private warehouse shall at the time of the sale of any small arms ammunition to the holder of a licence issued under section 21 to own and use or to bear and use a small arm shall endorse on such licence such particulars as may be prescribed.

(4) Any holder of a licence to keep a private warehouse who either himself or through the agency of any other person contravenes this section shall be guilty of an offence, and if such contravention is made through the agency of some other person, such other person shall also be guilty of an offence.

**Inspection of
public and
private
warehouses**

32.(1) The following public officers may at any time enter any public or private warehouse and inspect the same and the arms and ammunition therein and all records kept in respect thereof -

- (a) the Registrar;
- (b) the Deputy Registrar of the district in which the warehouse is situated;
- (c) an Inspector of Explosives;
- (d) any public officer authorised thereto in writing by any of the officials referred to in paragraphs (a) to (c).

(2) Any person who obstructs any public officer in exercise of any of his powers granted to him under this section shall be guilty of an offence.

**Transport
of small arms
and
ammunition**

33.(1) No person shall transport from one place to another any small arms or small arms ammunition which he is not authorised to have in his possession under a licence issued under section 20 or a permit

under section 27, unless he has in his possession a transport permit in the prescribed form issued to him by the **Commission** in respect of such small arms or small arms ammunition:

Provided that the Commissioner-General of the National Revenue Authority and the Port Manager of the Port of Freetown shall not be required to obtain a transport permit in respect of any small arm or small arms ammunition which they are required, to place in a public warehouse.

- (1) Any person who knowingly transports any small arm or small arms ammunition in contravention of this section or who fails to comply with such terms and conditions as the **Commission** may impose and attach to any transport permit issued to him, or as may be prescribed, shall be guilty of an offence.

34

- (1) **National Commission on Small and Light Weapons shall register all citizens and companies that are brokering arms and ammunitions, including financial agents and transportation agents.**
- 2 **No person or company shall engage in the business of arms and ammunition brokering in any capacity unless he is so registered and permitted to carry on the business, and all registered arms and ammunition agent shall obtain an explicit authorization from the National Commission on Small Arms and Light Weapons for each individual transaction in which they are involved irrespective of where the arrangement take place. The agent shall on application for licence for authorization provide full disclosure of relevant import and export licence or authorization and associated relevant documents, the names and locations of all brokering and shipping agents involved in the transaction and the transit routs and points of the arms and ammunitions shipment.**

PART V – LEGAL PROCEDURE, OFFENCES AND PENALTIES

**Power to
search place
etc.**

such

conveyance
detain such
in

35.(1) If a police officer not below the rank of Assistant Superintendent of Police has reasonable cause to suspect that any arms or ammunition are being unlawfully kept, transported, landed or dealt with in contravention of this Act or any order or proclamation issued thereunder, in any place, whether a building or not, or in any ship or conveyance, any police officer or other person, acting under his direction, may without a warrant enter and search such place, ship or and every part thereof, by day or by night and seize and arms or ammunition as are unlawfully kept, transported or dealt therein to await due process and determination of law in their regard, and demand from the owner, occupier or possessor

thereof

the production of his licence or authority for so keeping, transporting or dealing in the same.

(2) Where a police officer not below the rank of Assistant Superintendent of Police or any other person acting under his direction is engaged in a search authorised by subsection (1), he may and in case of resistance, it shall be lawful for him to break open any door or forcefully remove any other impediment or obstruction to such entry, search or seizure.

Protection of public officers.

36. No action, suit, or civil proceeding of any kind shall, without the written consent of the Attorney-General and Minister of Justice, be brought against any person in any court for damages or compensation in respect of any measures or acts which may have been taken or done in good faith in the execution or intended execution of the duties of any public officer under this Act or under any order or proclamation issued thereunder.

Unlawful storing or transport of arms or ammunition.

unable

37. Any person who –

(a) being the owner or occupier of any place or premises or the master of any ship or the person in control of any conveyance whereon or wherein was kept or transported any arms or ammunition contrary to this Act, is to prove that such arms or ammunition were deposited or transported therein without his knowledge or consent; or

(b) being the holder of a licence issued under section 20 to own and use a small arm fails on demand by a member of the Sierra Leone Police Force to produce the small arm described in such licence to the nearest Commission within fifteen days from the time of such demand; or

(c) alters, forges or defaces any licence, permit or authorisation issued in pursuance of this Act or any rules made thereunder, shall be guilty of an offence.

General penalties.

38. Any person who commits or attempts to commit any offence under this Act for which no penalty is specified shall be liable on summary conviction to a fine not exceeding ten million leones or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Forfeiture.

39. On the conviction of any person whether summarily or on indictment for an offence against this Act, the court may, if it shall so think fit, order that any arms or ammunition in respect of or in connection with which such offence has

ordered
be

been committed shall be forfeited to the State and on any such order being made, any arms or ammunition so to be forfeited shall be dealt with in such manner as may prescribed, or in the absence of any such prescription, in such manner as the President may direct.

**Power of
courts to
endorse or
cancel
licences, etc.**

40.(1) On the conviction of any person, whether summarily or on indictment for an offence against this Act, the court, if in its opinion the offence is of such a nature as to require or to make it expedient that any licence, permit or authorisation which such person may hold under this Act should be suspended or revoked, may make an order to that effect that such licence, permit or authorisation shall thereupon be suspended or revoked according to the tenor of such order.

(2) Any person whose licence, permit or authorisation has been suspended or revoked in accordance with this section and who, without reasonable excuse, fails to surrender such document to the court within such time as the court may direct shall be guilty of an offence.

(3) Any court making an order under subsection (1), shall send a copy thereof to the Commission, and the court shall also send to the Commission the licence, permit or authorisation endorsed as to suspension or revocation, as the case may be.

(4) Where a licence, permit or authorisation has been suspended and the period of suspension has expired, the Registrar, upon the application of the person so convicted, and if such licence or authorisation is not already spent, shall return the same to such person.

PART VI – MISCELLANEOUS PROVISIONS

**Deposit of
unlicensed
small arms
and
ammunition
in public
warehouse.**

41.(1) Any person who owns or is in possession of a small arm or ammunition may, instead of obtaining a licence in respect thereof as provided in this Act, deposit or cause the same to be deposited in a public warehouse on such conditions as to the payment of rent or otherwise as may be prescribed.

(2) If any person fails to comply with the prescribed conditions relating to the deposit of small arms and small arms ammunition in a public warehouse under subsection (1), the small arms and small arms ammunition so deposited by such person may be disposed of under section 40 as if such small arms and small arms ammunition had remained unclaimed for six months.

(3) Any person who has deposited a small arm or small arms ammunition in a public warehouse under this section may on payment of all warehouse fees due and on the production of an authorisation by the Registrar, withdraw such small arm or small arms ammunition from such public warehouse.

Disposal of small arms and ammunition abandoned in public warehouse.

42.(1) The President may authorise the disposal by sale, destruction or otherwise of any small arms or small arms ammunition which have remained unclaimed in a public warehouse for a period of six months from the date of deposit therein, or where any warehouse fees in respect thereof have remained unpaid for a period of six months from the date upon which such fees became lawfully due.

(2) The proceeds of any sale authorised under subsection (1) shall be paid into the Consolidated Fund:

Provided that small arms and small arms ammunition deposited pursuant to section 24 shall not be sold until such notice or notices as may be prescribed have been given or published: and

Provided further that in the case of any small arms or small arms ammunition deposited in a public warehouse immediately before the commencement of this Act, such sale, destruction or other method of disposal shall not take place unless and until the officer in charge of the public warehouse has given at least three months prior notice thereof in the Gazette.

Refusal or revocation of licences, etc., and appeals to Board.

43.(1) No person shall as of right be entitled to the grant or renewal of any licence, authorisation, or permit under this Act; but the same may be refused or revoked by the Registrar subject to section 20 and in the public interest.

(2) Any person who is aggrieved by any decision of the Registrar under subsection (1), may appeal to the Board whose decision thereon shall be final.

Exemption

Approved rifle clubs.

44. Notwithstanding the provisions of this Act to the contrary, no licence under section 21 shall be necessary in the case of any small arm belonging to a rifle club approved by the President by writing under his hand and used exclusively by members of such club for target shooting:

Provided that –

- (a) the **Commission** may at all times enter upon the premises thereof to ensure that such small arms are used exclusively by members and for target shooting only;
- (b) every such club shall keep a register in which the maker's number and the description of every small arm belonging to the club is entered, and that the **Commission** may at any time enter the club premises and check the small arms belonging to the club against the particulars entered in such the register.

Power of President to make rules.

45.(1) The President may make Rules for the further, better or more convenient carrying out of any of the provisions or purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the President may make Rules in respect of all or any of the following matters:-

- (a) the prescription of anything which under this Act requires to be prescribed, and the appointment of public warehouses;
- (b) the marking of small arms and ammunition.**
- (c) the books and forms to be used for any purpose under this Act or Rules made hereunder;
- (d) prescribing fees to be charged for the issue of licences, permits and authorisations;
- (e) the duties and powers of any person engaged or employed in the administration of the provisions of this Act;
- (f) the rents to be charged and payable and the method of payment thereof in respect of articles deposited under this Act in any public warehouse;
- (g) the grant of licences, permits and authorisations under this Act;
- (h) the duties of any person to whom any licence, permit or authorisation is granted under this Act;
- (i) the landing, storage, packaging and transport of arms and ammunition;

- (j) the management, use and control of public and private warehouses and withdrawals therefrom;
- (k) the keeping and examination of books, records and registers in connection with the administration of this Act or rules made thereunder;
- (l) the dealing in small arms and small arms ammunition;
- (m) the custody and maintenance of small arms and ammunition thereof during the absence from Sierra Leone of the owners thereof or deposited under of section 39 and the fees payable in connection therewith;
- (n) the limitation of the liability of public officers for small arms and small arms ammunition therefor lost or damaged while in their custody during the absence from Sierra Leone of the owners thereof or otherwise;
- (o) the structural requirements and appointments of public and private warehouses;
- (p) the disposal of unclaimed small arms and small arms ammunition in any public warehouse;
- (q) the control of arms and ammunition in transit;
- (r) prescribing standards with which any specified arms or ammunition must comply before being imported into, manufactured, or used in Sierra Leone;
- (s) the destruction of ammunition declared to be dangerous by an Inspector of Explosives and the acceptance by a court of a certificate of destruction in lieu of such dangerous ammunition;
- (t) the maximum quantity of small arms and small arms ammunition that the holder of a licence to keep a private warehouse may have in his possession at any one time;
- (u) the packing of small arms and small arms ammunition for sale;

- (v) the maximum quantity of ammunition that the holder of a licence issued under section 21 to own and use or to bear and use a small arm may obtain or have in his possession at any one time;
- (w) the renewal of licences, permits and authorisations under this Act and the conditions of such renewal, either generally or in any particular case or cases;
- (x) the information to be supplied to the Commission.

Arms of war.

46. The President may by order declare any weapon to be an arm of war for the purposes of this Act.

**Repeal of
Act No.14
of 1955, and
savings.**

47.(1) The Arms and Ammunition Act, 1955 is hereby repealed.

(2) Notwithstanding subsection (1), any rules or other statutory instrument made under the Act repealed thereby and in force immediately before the commencement of this Act, shall continue to be in force until revoked under this Act.

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to consolidate with amendments the law relating to arms and ammunition in Sierra Leone. It is divided into six Parts.

Part I provides for the interpretation of certain terms and expressions used in the Bill and for the appointment of a national Registrar and Deputy Registrars of arms and ammunition for each district. Part II deals with the application of international conventions to further limit the proliferation of arms and ammunition both within and outside of Sierra Leone.

Part III deals with the import and export of arms and ammunition while Part IV is concerned with the control of arms and ammunition within Sierra Leone. Part V is concerned with legal proceedings offences and penalties while Part VI provides for miscellaneous matters.