



BERMUDA

FIREARMS ACT 1973

1973 : 121

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SCHEDULE

SCHEDULE 1

Punishment for a person found guilty of an offence under this act

[preamble and words of enactment omitted]

Interpretation

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

“acquire” means hire, accept as a gift or borrow;

“ammunition” includes—

- (a) every shell, cartridge, bomb, hand grenade, or projectile containing any explosive or gas or chemical whether intended to be discharged from or by any gun or other propelling or releasing instrument or mechanism or not, except hand grenades which can be used only for the purpose of extinguishing fires and a marine signal rocket or flare;
- (b) every fuse, percussion cap, or priming cap, which could be used for the purpose of exploding any shell, bomb, hand grenade or other projectile;
- (c) an explosive when enclosed in any case or contrivance, or otherwise adapted or prepared so as to form a cartridge, charge or complete round of small arms, cannon, or any other weapon, or to form any tube for firing explosives, or to form a detonator, a projectile, or other contrivance than a firework, which can be used either singly or in suitable combinations, as, or in connection with, a missile;
- (d) everything which may be declared by regulations to be ammunition;

“ammunition licence” means a valid licence issued under section 6;

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“annual licence” is a licence valid for the calendar year specified therein;

“antique firearm” means a firearm manufactured prior to the year 1870 and for which ammunition is not ordinarily available;

“Commissioner” means the Commissioner of Police;

“firearm” means a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes—

- (a) any prohibited weapon, whether it is such a lethal weapon or not; and
- (b) any component part of such a lethal or prohibited weapon; and
- (c) any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon; and
- (d) any Verey pistol or signal gun; and
- (e) any air rifle, air gun, air weapon or air pistol,

but does not include—

- (i) an antique firearm;
- (ii) a starting pistol;

“firearm licence” means a valid firearm licence issued under section 5;

“good standing” means fully paid up and not suspended from membership;

“gun licence” means a valid gun licence issued under section 7;

“handles” has the meaning given in section 19A(2) and related expressions shall be construed accordingly;

“imitation firearm” means any thing which has the appearance of being a firearm (other than such a weapon as is mentioned in section 2(1)(viii)) whether or not it is capable of discharging any shot, bullet or other missile;

“indictable offence” means an offence triable on indictment, whether or not that offence is also triable summarily;

“licensed” means licensed under this Act;

“member in good standing of a licensed rifle club” includes a person who is a member of a rifle club outside Bermuda who is present in Bermuda to take part in a sporting event organised by a licensed rifle club;

“premises” includes any land;

“prescribed” means prescribed by regulations under section 33;

“prohibited weapon” and “prohibited ammunition” means any weapon or ammunition mentioned in section 2;

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“public place” includes a highway or estate road and any other premises or place to which at the material time the public have or are permitted to have access, whether by payment or otherwise;

“regulations” means regulations under section 33;

“sanctioned shooting competition” means a shooting competition, approved by the Commissioner, of which notice is made by general notice in the Gazette;

“shot gun” means a smooth-bore gun with a barrel not less than 24 inches in length, not being an air gun;

“slaughtering instrument” means a firearm which is specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them;

“starting pistol” means a pistol, designed for the firing of blank ammunition and which is not capable of being modified to fire live ammunition;

“stud gun” means a gun or tool designed to fix studs, fasteners or other objects by means of an explosive charge;

“target practice” includes a shooting competition;

“transfer” includes let on hire, give, lend and part with possession.

(2) For the purposes of this Act the length of the barrel of a firearm shall be measured from the muzzle to a point at which the charge is exploded on firing.

(3) For the purposes of this Act the things which a person has in his possession shall be taken to include any thing subject to his control which is in the custody of another.

[Section 1 subsection (1) amended by 2010 : 35 s. 2 effective 7 July 2010; subsection (1) "sanctioned shooting competition" inserted by 2013 : 13 s. 2 effective 24 June 2013]

Prohibited weapons and ammunition

2 (1) Subject to this Act, it is an offence for any person to—

- (a) have in his possession; or
- (b) import; or
- (c) carry; or
- (d) manufacture; or
- (e) supply or offer to supply to another; or
- (f) be concerned in the supplying to another of,

any of the following—

- (i) 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 ammunition is empty;

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- (ii) any weapon designed to fire any rocket projectile and any such projectile;
- (iii) any mortar, anti-tank gun, bazooka or piece of artillery or the live ammunition therefor;
- (iv) any firearm the barrel of which is less than 24 inches in length;
- (v) any firearm or ammunition which has been cut down, modified or otherwise changed from its original form other than a shot gun the barrel of which has been lawfully shortened under section 26;
- (vi) any air rifle, air weapon, air gun or air pistol;
- (vii) any firearm or ammunition which bears the appearance of having been manufactured in a place other than a place where firearms or ammunition are normally manufactured for commerce or by a person other than a person engaged in the commercial manufacture of firearms or ammunition;
- (viii) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas, energy of any description or other thing;
- (ix) any ammunition containing, or designed or adapted to contain, any such noxious thing;
- (x) any live bomb or live hand grenade except a hand grenade manufactured for the purpose of extinguishing fires.

(2) Nothing in this section shall apply to a firearm or ammunition held under the authority of a gun licence or, in the case of a firearm or ammunition held by a licensed firearm dealer, which would require such authority were he not a licensed firearm dealer.

Requirement for licence

- 3 (1) Subject to this Act, it is an offence for any person to—
- (a) have in his possession; or
 - (b) import; or
 - (c) carry; or
 - (d) manufacture; or
 - (e) repair or modify; or
 - (f) supply or offer to supply to another; or
 - (g) be concerned in the supplying to another of,

any firearm or ammunition without holding a licence for that purpose in force at that time; or otherwise as authorised by such licence.

(2) Notwithstanding subsection (1) it shall be lawful for a member in good standing of a licensed rifle club to possess ammunition upon the premises of such a club without holding a licence therefor for the purpose of target practice with a licensed firearm upon a

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rifle range operated by the club upon such premises and such member may purchase or acquire such ammunition for such purpose from a person holding an ammunition licence.

Discharge of firearms prohibited

4 (1) A person commits an offence if he discharges or causes the discharge of any shot, bullet or other missile from a firearm.

(2) Notwithstanding subsection (1) it shall be lawful—

- (a) for a member in good standing of a licensed rifle club to discharge a missile from a firearm upon a rifle range operated by a licensed rifle club during the course of target practice upon such range;
- (b) for a licensed firearm dealer to discharge a missile from a firearm during the course of repairing, testing or proving such firearm;
- (c) for the holder of a temporary firearm licence which has been granted for a particular purpose to discharge a missile from the licensed firearm if this is necessary to effect such purpose;
- (d) for the holder of a gun licence held in respect of a firearm specified in section 7(1)(b) to use such firearm in accordance with such licence;
- (e) for the holder of an annual licence specified in section 5(2)(aa) to use such firearm in accordance with such licence.

[Section 4 subsection (2)(e) inserted by 2015 : 12 s. 9 effective 29 March 2015]

Firearm licence

5 (1) A firearm licence shall authorise the licensee to possess, purchase, acquire or import, in accordance with the terms thereof, the firearm identified in the licence.

(2) A firearm licence shall be either—

- (a) an annual licence;
- (aa) an annual licence, in the case of an air rifle or a shot gun, for use in connection with Bermuda Government approved and supervised pest control; or
- (b) a temporary licence, valid for the period specified in the licence, being a period not in excess of 60 days.

(2A) In the case of a firearm for use at a sanctioned shooting competition, by a person possessing Bermuda status or is ordinarily resident in Bermuda, a firearm licence shall authorise the licensee to import and possess, for a period not exceeding 12 months a firearm, in accordance with the terms thereof.

(3) Save in the case of a firearm used in connection with Bermuda Government approved and supervised pest control, no firearm licence other than a temporary licence

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shall be granted to a person who is not a member in good standing of a licensed rifle club or in respect of a prohibited weapon.

[Section 5 subsection (2A) inserted by 2013 : 13 s. 3 effective 24 June 2013; subsections (2) and (3) amended by 2013 : 41 s. 2 effective 5 February 2014]

Ammunition licence

6 (1) Subject to subsections (3), (4), and (5), an ammunition licence shall authorise the licensee to possess, purchase, acquire or import, in accordance with the terms thereof, the ammunition specified in the licence.

(2) No ammunition licence shall be issued other than to—

- (a) an officer or servant of a licensed rifle club for ammunition required for the purposes of the club;
- (b) the holder of a temporary firearm licence for ammunition for use in the firearm to which such licence relates, and such an ammunition licence shall be valid for the period of validity of such temporary firearm licence only; or
- (c) the holder of an annual licence specified in section 5(2)(aa) for ammunition for use in the firearm to which such licence relates.

(3) An ammunition licence shall authorise the licensee of an air rifle, in connection with a sanctioned shooting competition, to possess and purchase, in accordance with the terms thereof, the ammunition specified in the licence.

(4) For the avoidance of doubt, nothing in this section shall authorise a licensee of an air rifle to import ammunition.

(5) For the further avoidance of doubt, an ammunition licence, to be used in connection with a sanctioned shooting competition, shall apply mutatis mutandis to an ammunition licence authorised and issued under this section.

[Section 6 subsection (1) amended and subsections (3), (4) and (5) inserted by 2013 : 13 s. 4 effective 24 June 2013; subsection (2) amended by 2015 : 12 s. 9 effective 29 March 2015]

Gun licences

7 (1) A gun licence shall authorise the licensee to possess, purchase, acquire or import, in accordance with the terms thereof—

- (a) a firearm or ammunition which in the opinion of the Commissioner can be possessed in safety as a curiosity or ornament;
- (b) the following weapons, and ammunition therefor—
 - (i) a slaughtering instrument;
 - (ii) a stud gun;
 - (iii) a starting cannon;
 - (iv) a Verey pistol or signal gun;

(c) ammunition for a starting pistol.

(2) A gun licence may be granted to a person in charge of any collection of firearms or ammunition which are on display to the public and shall authorise the possession of such firearms for the purposes of such display, and such licence may authorise the possession of any prohibited weapon or prohibited ammunition where the Commissioner is satisfied that such weapon or ammunition has been rendered safe.

(3) A gun licence shall be an annual licence. _

Licences to rifle clubs

8 (1) A rifle club licence shall authorise the club to which it is issued to maintain a rifle range at a place specified therein, to organise sporting events involving the use of firearms and to afford its members, being members in good standing, and their guests, being members in good standing of a licensed rifle club, facilities for target practice upon such range.

(2) No rifle club shall be granted a licence unless its rules have first been approved by the Commissioner, nor shall any Amendment to such rules have any effect unless approved by the Commissioner.

(3) A rifle club licence shall be an annual licence.

Other provisions relating to licensed rifle clubs

9 (1) The rules of a licensed rifle club shall make such provision as the Commissioner may require for the suspension from membership of persons who fail to take an active part in the sporting activities of the club.

(2) It shall be an offence for any person to be a member of a licensed rifle club unless his membership has been approved by the Commissioner, who may withhold such approval without giving reasons therefor.

(3) The Commissioner may, at any time, by notice to the Secretary or Chairman of a licensed rifle club, withdraw any approval given under subsection (2), whereupon the person in respect of whom approval has been withdrawn shall cease to be a member of the rifle Club and shall surrender to the Commissioner within ten days of being notified of such withdrawal any licence held by virtue of such membership and any firearm or ammunition which he possesses under the authority of such licence.

(4) It is an offence for a person to fail to surrender a licence, firearm or ammunition as required by subsection (3).

(5) A licensed rifle club shall within seven days after the 31st day of March, the 30th of June, the 30th of September and the 31st of December in every year furnish the Commissioner with returns showing—

(a) the dates upon which functions involving the discharge of firearms were held by the club (whether alone or in conjunction with any other club) and the names of the members of the club participating in such functions;

- (b) an account of the ammunition used at such functions where the functions took place at a rifle range other than a rifle range maintained by some other club,

it shall, further, be the duty of the club to keep such records as will enable such returns to be made.

(6) If any return is not furnished in accordance with subsection (5) or if such return is incomplete, misleading or inaccurate, or if any record required under that subsection to be kept is not kept the Secretary, Chairman and members of the managing committee or governing body of the club shall commit an offence.

Firearm dealers

10 (1) A person who holds a firearm dealer's licence may, without holding a firearm or ammunition licence, import, deal in, repair, test, prove and sell firearms and ammunition (not being prohibited weapons or prohibited ammunition) in the ordinary course of business in accordance with the terms of such licence at a place specified in the licence.

(2) A firearm dealer's licence shall be—

- (a) an annual licence; or
- (b) in the case of a volunteer or a staff member employed at a sanctioned shooting competition, for the duration of the sanctioned shooting competition.

(3) It shall be an offence for a licensed firearm dealer to keep or store any firearms or ammunition, without the written permission of the Commissioner, in any place other than the place specified in his licence.

(4) It shall be an offence for a firearm dealer to fail to keep a stock-book in which the particulars of all firearms and ammunition in his possession shall be entered or to fail, on or before the 6th day of February, May, August and November respectively in each year to furnish to the Commissioner a true return, showing the quantity and description of the firearms and ammunition remaining in his possession at the close of the last day of the preceding month.

(5) Every firearm dealer shall keep a register of transactions setting out—

- (a) the quantities and descriptions of firearms and ammunition purchased or acquired with the names and addresses of the sellers or transferors and the dates of the several transactions;
- (b) the quantities and descriptions of firearms and ammunition accepted for sale, repair, test, proof, cleaning, storage, destruction or other purpose, with the names and addresses of the transferors and the dates of the several transactions;
- (c) the quantities and description of firearms and ammunition sold and transferred with the names and addresses of the purchasers and transferees (except in cases where the purchasers are transferees), and the dates of the several transactions,

and it shall be an offence for such a dealer to fail to make any entry in such register which by this subsection he is required to make, at the time of, or immediately after, the transaction to which it relates, took place.

(6) It shall be an offence for a firearm dealer to fail, before the fifteenth day of every month, to forward to the Commissioner a true extract of the register maintained under subsection (5) in respect of all transactions entered during the preceding month, or, if there have been no such transactions, a statement to that effect.

(7) It shall be an offence for a firearm dealer to fail to produce to any police officer bearing a written order in that behalf from the Commissioner, the stock-book and register referred to in subsections (4) and (5), and also to fail to allow the whole of his stock to be inspected and counted by such person.

[Section 10 subsection (2) deleted and substituted by 2013 : 13 s. 5 effective 24 June 2013]

Licences

- 11 (1) Licences shall be granted by, or on the authority, of the Commissioner and—
- (a) shall be in the prescribed form; and
 - (b) shall specify the conditions subject to which they are granted and, in the case of a firearm or gun licence, the firearm to which it relates; and
 - (c) shall not be transferable.
- (1A) No licence shall be granted to a person who is under the age of eighteen years.
- (2) No licence shall be granted to a person whom the Commissioner has reason to believe is of intemperate habits or unsound mind, or to be for any other reason unfitted to hold licence.
- (3) The Commissioner may refuse to grant a licence on any ground he thinks fit without giving reasons therefor.
- (4) The Commissioner shall not grant a firearm or a ammunition licence unless he is satisfied that the applicant has good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition in respect of which the application is made, and can be permitted to have it in his possession without danger to the public safety or to the peace.
- (5) A licence may be renewed and the provisions of this section shall apply to a renewal of a licence as they apply to grant.
- (6) An application for the grant of a licence shall be made in the prescribed form to the Commissioner and shall state such particulars as may be required by the form.
- (7) Such fees shall be payable for a licence as may be prescribed under the Government Fees Act 1965 *[title 15 item 18]*.
- (8) It is an offence for a person not to comply with any condition subject to which a licence is issued.

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(9) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant or renewal of a licence.

(10) It is an offence for a person to make any alteration or erasure in a licence except under the authority of the Commissioner.

[Section 11 subsection (1A) inserted by 2010 : 35 s. 3 effective 7 July 2010]

Variation of licences

12 (1) The Commissioner may at any time by notice in writing vary the conditions subject to which a licence is held and may by the notice require the holder to deliver up the licence to him within ten days from the date of the notice for the purpose of amending the conditions specified therein.

(2) It is an offence for a person to make a statement which he knows to be false for the purpose of procuring, whether for himself or another person, the variation of a licence.

Revocation of licences

13 (1) A licence may be revoked by the Commissioner for any reason that he thinks fit, and without derogation from the generality of the provisions thereof—

- (a) he may revoke a firearm or ammunition licence if the holder is of intemperate habits or unsound mind or otherwise unfitted to be entrusted with a firearm or ammunition;
- (b) he may revoke a licence if the holder fails to comply with a notice under section 12(1) requiring him to deliver up the licence;
- (c) he may revoke a licence if the holder is found guilty of an offence against this Act.

(2) Where a licence is revoked by the Commissioner under this section, he shall by notice in writing require the holder to surrender the licence; and it is an offence for the holder to fail to do so within ten days of the date of the notice.

Sales of firearms and ammunition

14 (1) It shall be an offence for a person to sell, acquire, or permit any person to acquire any firearm or ammunition—

- (a) for use within Bermuda unless the person purchasing or acquiring such firearm or ammunition presents, at or before the time of acquisition a valid firearm licence or ammunition licence, as the case may be, permitting the person purchasing or acquiring such firearm or ammunition to have such firearm or ammunition in his possession;
- (b) for removal from Bermuda, unless the person purchasing or acquiring the firearm or ammunition presents, at or before the time of acquisition, a removal permit issued by the Commissioner.

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(2) A removal permit shall take effect according to the terms thereof and it shall be a good defence to a charge of contravening any provision of this Act relating to the possession, handling or supply of any firearm or ammunition that such firearm or ammunition was possessed, handled or dealt with under the authority of such permit for the purpose of removing such firearm or ammunition from Bermuda.

[Section 14 subsection (2) amended by 2010 : 35 s. 4 effective 7 July 2010]

Possession of firearm with intent to injure

15 It is an offence for a person to have in his possession any firearm or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable another person by means thereof to endanger life or cause serious injury to property, whether any injury to property has been caused or not.

Use of firearm to resist arrest

16 (1) It is an offence for a person to make or attempt to make any use whatsoever of a firearm or imitation firearm with intent to resist or prevent the lawful arrest or detention of himself or another person.

(2) For purposes of this section, the definition of "firearm" in section 1 shall apply without paragraphs (b) and (c) of that definition, and "imitation firearm" shall be construed accordingly.

Carrying firearm with criminal intent

17 (1) It is an offence for a person to have with him a firearm or imitation firearm with intent to commit an indictable offence, or to resist arrest or to prevent the arrest of another, in either case while he has the firearm or imitation firearm with him.

(2) In proceedings for an offence under this section proof that the accused had a firearm or imitation firearm with him and intended to commit an offence, or to resist or prevent arrest, is evidence that he intended to have it with him while doing so.

Carrying firearm in a public place

18 A person commits an offence if, without lawful authority or reasonable excuse (the proof whereof lies on him) he has with him in a public place any firearm (whether loaded or not).

Trespassing with firearm

19 (1) A person commits an offence if, while he has a firearm with him, he enters or is in any building or part of a building as a trespasser and without reasonable excuse (the proof whereof lies on him).

(2) A person commits an offence if, while he has a firearm with him, he enters or is on any land as a trespasser and without reasonable excuse (the proof whereof lies on him).

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Handling firearm or ammunition

19A (1) It is an offence for a person to knowingly handle a firearm or ammunition without lawful authority.

(2) A person “handles” a firearm or ammunition if—

(a) he is in any way concerned with removing, harbouring, keeping or concealing a firearm or ammunition, or anything containing a firearm or ammunition; or

(b) he deals in any manner with a firearm or ammunition.

[Section 19A inserted by 2010 : 35 s. 5 effective 7 July 2010]

Possession or handling of firearms by persons previously convicted of crime

20 (1) It is an offence for a person who has been sentenced in Bermuda or elsewhere for any offence involving firearms or of which violence or the threat of violence was an element to imprisonment or to corrective training at any time to possess or handle a firearm or ammunition.

(2) It is an offence for a person to sell or transfer a firearm or ammunition to, or to repair, test or prove a firearm or ammunition for, a person whom he knows or has reasonable ground for believing to be prohibited by this section from possessing or handling a firearm or ammunition.

[Section 20 amended by 2010 : 35 s. 6 effective 7 July 2010]

Storage of firearms and ammunition

21 (1) It is an offence for a person to store or keep any firearm or ammunition in a place other than a place of safety approved of by the Commissioner.

(2) It is an offence for any person to leave a firearm or ammunition in any place unless such firearm or ammunition is properly secured against removal—

(a) in a locked receptacle; or

(b) (in the case of a firearm) by means of a locking device,

in such manner as may be prescribed or the Commissioner may approve.

Duty to report loss etc.

22 (1) It is an offence for a person who is the holder of a firearm licence to transfer or otherwise dispose of the firearm to which the licence relates without forthwith informing the Commissioner thereof.

(2) It is an offence for a person who is ordinarily in possession of a firearm or ammunition, if—

(a) upon discovering that the firearm or any of the ammunition cannot be found; or

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- (b) on having reasonable grounds for believing or suspecting that the firearm or any of the ammunition is improperly in the possession of, or is being handled by, or is under the control of some other person,

he does not inform the Commissioner (by reporting to any police station) as soon as possible, and no later than 24 hours, after the circumstances mentioned in paragraphs (a) or (b) arose.

(3) It is an offence for a person who holds a firearm or ammunition licence, after he has been given reasonable notice in writing by the Commissioner requiring him to produce to the Commissioner for inspection at the time and place specified in the notice the firearm or any of the ammunition to which the licence relates to fail to comply with such notice.

[Section 22 subsection (2) amended by 2010 : 35 s. 7 effective 7 July 2010]

Acquisition, possession and handling of firearms or ammunition by minors

23 It is an offence for a person under the age of eighteen years to purchase, hire, possess or handle any firearm or ammunition.

[Section 23 repealed and replaced by 2010 : 35 s. 8 effective 7 July 2010]

Supplying firearms to minors

24 (1) It is an offence to sell, let on hire, make a gift of, or lend any firearm or ammunition to a person under the age of eighteen years, or to part with possession of any firearm or ammunition to such person, or to cause or allow such person to handle any firearm or ammunition.

(2) In proceedings for an offence under subsection (1) it is a defence to prove that the person charged with the offence believed the other person to be of or over the age of eighteen years and had reasonable ground for the belief.

[Section 24 repealed and replaced by 2010 : 35 s. 9 effective 7 July 2010]

Supplying firearm to person drunk or insane

25 It is an offence for a person to sell or transfer any firearm or ammunition to, or to repair, prove or test any firearm or ammunition for, another person whom he knows or has reasonable cause for believing to be under the influence of drink or a drug or of unsound mind.

Licensed firearm dealer may shorten shot gun barrel

26 Notwithstanding section 2 it shall be lawful for a licensed firearm dealer to shorten the barrel of a shot gun to a length not less than 24 inches.

Using a firearm while committing an indictable offence

26A Any person who uses a firearm or an imitation firearm, whether by discharging, brandishing or otherwise—

- (a) while committing or attempting to commit an indictable offence; or

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- (b) during flight after committing or attempting to commit an indictable offence,

whether or not he causes or means to cause bodily harm to any person as a result, commits an offence.

[Section 26A inserted by 2010 : 35 s. 10 effective 7 July 2010]

Power to search

27 (1) If any magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Act has been, is being, or is about to be committed, he may grant a search warrant authorising a police officer named therein to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found there.

(2) If a police officer has reasonable grounds to suspect that any person is unlawfully in possession of or handling any firearm or ammunition, the police officer may, without warrant—

- (a) search that person, and detain him for the purposes of searching him;
- (b) search any vehicle or vessel in which the police officer suspects that any article liable to seizure may be found, and for that purpose require the person in control of the vehicle or vessel to stop it.

(3) No female shall be searched under this section except by a woman police officer.

(4) The power of search under this section shall extend to any receptacle or other article then in the possession of the person being searched and subsection (3) shall not apply to any such receptacle or article not being part of the wearing apparel of the female at the time of the search.

(5) A person commits an offence if he intentionally obstructs a person in the exercise of his powers under this section.

(6) Any firearm or ammunition in respect of which an offence under this Act has been committed shall, with effect from the seizure thereof, be forfeited to the Crown.

(7) Nothing in this section shall prejudice any power of search or any power to seize or detain property which is exercisable by any police officer apart from this section.

[Section 27 subsection (1) amended by 2009:52 s.5 effective 4 January 2010; Section 27 subsection (2) amended by 2010 : 35 s. 11 effective 7 July 2010]

Production of licence

28 (1) A police officer may demand, from any person whom he believes to be in possession of a firearm or ammunition, the production of his licence.

(2) If a person upon whom a demand is made under this section fails to produce the licence or to show he is entitled by virtue of this Act to have the firearm or ammunition in his possession without holding the licence, the police officer may seize and detain the

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firearm or ammunition and may require the person to declare to him immediately his name and address.

(3) If under this section a person is required to declare to a police officer his name and address, it is an offence for him to refuse to declare it or to fail to give his true name and address.

Powers of arrest

29 (1) A police officer may arrest without warrant a person who has committed or is committing, or whom the police officer, with reasonable cause suspects to have committed, or to be committing, an offence under this Act.

(2) This section shall not prejudice any power of arrest conferred by law apart from this section.

Warrant for detention without charge

29A (1) This section, and sections 29B and 29C, apply where a person has been arrested and detained by the police on suspicion of committing—

- (a) an offence under this Act; or
- (b) a serious arrestable offence, within the meaning of section 3 of the Police and Criminal Evidence Act 2006, involving the use of a firearm or ammunition.

(2) Where, on an application on oath made by a police officer of the rank of Chief Inspector or above and supported by an affidavit, the court is satisfied that there are reasonable grounds for believing that the continued detention of the person to whom the application relates is justified, the court may issue a warrant of detention authorising the keeping of that person in detention without charge for a period not exceeding 14 days.

(3) The court shall not hear an application for a warrant of detention unless the person to whom the application relates—

- (a) has been furnished with a copy of the affidavit; and
- (b) has been brought before the court for the hearing.

(4) The person to whom the application relates is entitled to be legally represented at the hearing and, if he is not so represented but wishes to be so represented, the court shall adjourn the hearing to enable him to obtain representation, and he may be kept in detention during the adjournment.

(5) A person's detention is only justified for the purposes of this section or section 29B if—

- (a) his detention without charge is necessary to—
 - (i) secure or preserve evidence relating to an offence for which he is under arrest; or

- (ii) allow investigating officers sufficient time to obtain the results of forensic testing in order to determine whether to charge the person with an offence; and
 - (b) the investigation of the offence is being conducted diligently and expeditiously.
- (6) An application for a warrant of detention may be made at any time before the expiry of 72 hours after the time when the person has been arrested.
- (7) A warrant of detention shall—
 - (a) state the time at which it is issued;
 - (b) authorise the keeping in detention of the person to whom it relates for the period stated in it.
- (8) The period stated in a warrant of detention shall be such period, not exceeding 14 days, as the court thinks fit, having regard to the evidence before it.
- (9) An affidavit submitted in support of an application under this section shall state—
 - (a) the nature of the offence for which the person to whom the application relates has been arrested;
 - (b) the general nature of the evidence on which that person was arrested;
 - (c) what inquiries relating to the offence have been made by the police and what further inquiries are proposed by them;
 - (d) the reasons for believing the detention of that person is necessary for the purpose of such further inquiries.
- (10) Where an application under this section is refused, the person to whom the application relates shall immediately be charged or released, either on bail or without bail.
- (11) Where an application under this section is refused, no further application shall be made under this section in respect of the person to whom the refusal relates, unless it is supported by evidence which has come to light after the refusal.
- (12) Upon expiry of a warrant of detention, the person to whom the warrant relates shall be released from detention, either on bail or without bail, unless he is charged.
- (13) A person released under subsection (12) shall not be re-arrested for the offence for which he was previously arrested unless new evidence justifying a further arrest has come to light.
- (14) Subsection (13) does not prevent the arrest without a warrant of a person who, having been released on bail subject to conditions, breaches any of those conditions.

[Section 29A inserted by 2010 : 35 s. 12 effective 7 July 2010 until 31 December 2013; extended by notice BR 116 / 2013 effective 21 December 2013 and shall continue in force until 31 December 2016 unless further extended by notice in Gazette (see 2010 : 35 s. 17); section 29A amended by 2011 : 18 s. 2 effective 28 June 2011.]

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Extension of warrant for detention

29B (1) On an application on oath made by a police officer of the rank of Chief Inspector or above and supported by an affidavit, the court may extend a warrant of detention issued under section 29A, if it is satisfied that there are reasonable grounds for believing that the further detention of the person to whom the application relates is justified.

(2) Subject to subsection (3), the period for which a warrant of detention may be extended shall be such period as the court thinks fit, having regard to the evidence before it.

(3) But the period for extension of a warrant of detention together with the original period of detention granted under section 29A, shall not exceed a total of 28 days.

(4) A warrant of detention, if extended under this section, shall be endorsed with a note of the period of the extension.

(5) Subsections (3), (4), and (9) of section 29A shall apply to an application made under this section as they apply to an application made under that section.

(6) Where an application under this section is refused, the person to whom the application relates shall immediately be charged or, subject to subsection (7), released, either on bail or without bail.

(7) A person need not be released under subsection (6) before the expiry of a warrant of detention issued in relation to him under section 29A.

[Section 29B inserted by 2010 : 35 s. 12 effective 7 July 2010 until 31 December 2013; extended by notice BR 116 / 2013 effective 21 December 2013 and shall continue in force until 31 December 2016 unless further extended by notice in Gazette (see 2010 : 35 s. 17)]

Meaning of "court"

29C For the purposes of section 29A and 29B, "court" means a court presided over by a judge of the Supreme Court.

[Section 29C inserted by 2010 : 35 s. 12 effective 7 July 2010 until 31 December 2013; extended by notice BR 116 / 2013 effective 21 December 2013 and shall continue in force until 31 December 2016 unless further extended by notice in Gazette (see 2010 : 35 s. 17)]

Prosecution of offences

30 (1) *[Repealed by 2010 : 35 s. 13.]*

(1A) *[Repealed by 2010 : 35 s. 13.]*

(2) Notwithstanding anything in section 80 of the Criminal Jurisdiction and Procedure Act 2015 summary proceedings for an offence under this Act may be commenced at any time within twelve months from the time when the offence was committed.

(3) Section 54 of the Criminal Code shall not have effect in relation to any offence under this Act.

(4) Notwithstanding anything in the Criminal Code, a person who attempts to commit an offence under this Act or who solicits, incites, procures or conspires with another

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to commit an offence under this Act shall be guilty of an offence and shall be liable to the same punishment as is provided for that offence.

(5) Upon indictment charging a person with an offence under sections 15, 16, 17, 18, 19 or 19A he may be convicted of being in possession of a firearm or ammunition contrary to section 3(1) if the latter offence is established by the evidence.

[Section 30 heading amended by 2010 : 35 s. 13 effective 7 July 2010; subsections (1) and (1A) repealed by 2010 : 35 s. 13 effective 7 July 2010; subsection (5) amended by 2010 : 35 s. 13 effective 7 July 2010; subsection (2) amended by 2015 : 38 s. 91 effective 6 November 2015]

Punishment for offences

30A The punishment for a person found guilty of an offence under this Act is as set out in the tables in Schedule 1.

[Section 30A replaced by 1995:2 effective 6 October 1995; Section 30A repealed and replaced by 2010 : 35 s. 14 effective 7 July 2010]

Presumptions

31 (1) In a prosecution under this Act and without prejudice to any other provision of this Act—

- (a) where it is proved that a person imported anything containing a firearm or ammunition it shall be presumed, until the contrary is proved, that such person knew that such firearm or ammunition was contained in such thing;
- (b) where it is proved that a person had in his possession or custody or under his control anything containing a firearm or ammunition, it shall be presumed until the contrary is proved, that such person was in possession of or handled such firearm or ammunition.

(2) The presumptions provided by subsection (1) shall not be rebutted by proof that a person never had physical possession of the firearm or ammunition.

(3) The presumptions provided by subsection (1) shall not be construed as requiring the prosecution to prove any fact which by virtue of any other provision of this Act or other statutory provision, the prosecution does not have to prove.

(4) A firearm shall be deemed not to be an antique firearm until the contrary is proved.

[Section 31 subsection (1)(b) amended by 2010 : 35 s. 15 effective 7 July 2010]

Power to order surrender of firearms

32 (1) The Governor may, by notice in the Gazette, where he is of the opinion that it is expedient in the interests of public safety or public order so to do, order the surrender to the Government of all firearms and ammunition specified in the order.

(2) It is an offence for any person having the possession or control of a firearm or of ammunition to fail to surrender such firearm or ammunition in accordance with an order made under subsection (1).

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(3) Any firearms or ammunition surrendered in accordance with the provisions of this section lawfully possessed by the person so surrendering them immediately prior to such surrender shall be stored by the Commissioner in accordance with section 34.

Regulations

33 (1) The Governor may make regulations—

- (a) prescribing the form of licences under this Act, returns and other documents;
- (b) prescribing the requirements to be satisfied in respect of a place where arms or ammunition are to be stored or kept before such place may be approved of by the Commissioner as being a place of safety for the purposes of section 21 and for the manner in which such place is to be secured;
- (c) prescribing the manner by which any notice under this Act may be given;
- (d) controlling or regulating the importation, sale, possession or use of hand grenades manufactured for the purpose of extinguishing fires, and the application of this Act in relation to such bombs and hand grenades;
- (e) prescribing anything which, by this Act, is permitted or required to be prescribed;
- (f) generally for carrying this Act into effect,

and any such regulations may make different provisions for different cases.

(2) The negative resolution procedure shall apply to regulations made under this section.

Powers of Commissioner to store firearms

34 (1) Subject to the provisions for forfeiture contained in section 27, the Commissioner may store firearms or ammunition which come into the hands of the police.

(2) No liability shall rest upon any member of the Police Service or any person acting under such member's direction in respect of any loss of or damage to any firearms or ammunition stored under this section.

(3) Where any firearm or ammunition has been stored under the provisions of this section for two years such firearm or ammunition shall be deemed to be abandoned and may be disposed of in such manner as the Commissioner may direct.

(4) In computing the period of two years specified in subsection (3) any period of storage under section 10 of the Firearms (Temporary Provisions) Act 1973 shall be reckoned as storage under the provisions of this section.

[Section 34 amended by 1997:37 effective 6 May 1999]

Application of Act to certain disciplined forces and to the Crown

35 (1) Nothing in this Act shall render unlawful the possession, handling, carrying, using or repairing of any firearm or ammunition issued to any person who is a—

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- (a) police officer, member of the Reserve Police, special constable or police junior cadet;
- (b) member of the Bermuda Regiment, Bermuda Volunteer Reserve or Bermuda Cadet Corps or junior leader of the Bermuda Regiment;
- (c) member of Her Majesty's armed forces or Bermuda sea cadet;

for the execution of his duty or dealt with by any such person in the execution of such duty.

(2) Nothing in this Act shall render unlawful the possession or handling of a firearm or ammunition by a public officer of the Customs Department where such firearm or ammunition comes into the possession of such officer in the execution of his duty under the Revenue Act 1898 [*title 14 item 10*] or other statutory provision.

(3) Subject to subsections (1) and (2) this Act shall apply to public officers as it does to persons who are not public officers.

[Section 35 amended by 1997:37 effective 6 May 1999; amended by 2010 : 35 s. 16 effective 7 July 2010]

Act not to apply in certain cases

36 (1) This Act shall be construed subject to Article VI of the Agreement regarding the Status of Forces of Parties to the North Atlantic Treaty, London, 19 June 1951, as applied to Bermuda and the Visiting Forces Act (Application to Bermuda) Order 2001.

(2) Nothing in this Act shall apply to any firearms or ammunition on board any ship or aircraft which is a ship of war or a military aircraft of a foreign nation.

(3) Nothing in this Act shall apply to any firearms or ammunition consigned to some place outside Bermuda and in transit on any vessel bona fide cargo and entered on the manifest.

(4) Nothing in this Act shall prevent an owner or master of any vessel which has had a port of call outside Bermuda from having in his custody upon such vessel any arms or ammunition if he declares the presence of such arms or ammunition to a public officer of the Customs Department at the first reasonable opportunity after entering Bermuda.

(5) A public officer of the Customs Department or a police officer may at any time take possession of any firearm or ammunition declared, or which should have been declared, under subsection (4), and it is an offence for any person to fail to surrender such firearm or ammunition when required to do so by such an officer.

(6) Where any firearm or ammunition has been taken possession of under subsection (5) then, upon the departure from Bermuda of the vessel upon which such firearm or ammunition was brought into Bermuda, the Commissioner may grant a removal permit authorizing the removal of such firearm or ammunition from Bermuda upon such vessel, and the provisions of subsection (2) of section 14 shall apply to such a permit as they do to a permit issued under subsection (1) of that section.

[Section 36 subsection (1) substituted by 2002:6 s.4 & Sch 3 effective 18 June 2002]

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Repeals and amendments

37 *[omitted]*

Commencement

38 *[omitted]*

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SCHEDULE

[repealed by 1985:21]

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SCHEDULE 1

(section 30A)

PUNISHMENT FOR A PERSON FOUND GUILTY OF AN OFFENCE UNDER THIS ACT

TABLE 1		
Punishment for a person found guilty of an offence under section 9, 10, 11, 12, 13, 27, 28 or 36		
On Conviction on Indictment		
	Offence	Punishment
(a)	First offence, except as provided in paragraph (c):	Imprisonment for not less than 5 years and not more than 15 years.
(b)	Second or subsequent offence:	Imprisonment for not less than 10 years and not more than 20 years.
(c)	First offence committed by a person who, prior to the commencement of the Firearms Amendment Act 1995 on 6 October 1995, was convicted of an indictable offence, or an attempt to commit an indictable offence, in the course of which or during his flight he used a firearm:	Imprisonment for not less than 10 years and not more than 20 years.
On Summary Conviction		
	Offence	Punishment
(d)	First offence, except as provided in paragraph (f):	Imprisonment for a term not exceeding 2 years or a fine not exceeding \$5,000 or both.
(e)	Second or subsequent offence:	Imprisonment for not more than 10 years.
(f)	First offence committed by a person who, prior to the commencement of the Firearms Amendment Act 1995 on 6 October 1995, was convicted of an indictable offence, or an attempt to commit an indictable offence, in the	Imprisonment for not more than 10 years.

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	course of which or during his flight he used a firearm:	
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TABLE 2		
Punishment for a person found guilty of any offence under section 2, 3, 4, 14, 15, 16, 17, 18, 19, 19A, 20, 21, 22, 23, 24, 25 or 32		
On Conviction on Indictment		
	Offence	Punishment
(a)	First offence, except as provided in paragraph (c):	Imprisonment for not less than 12 years and not more than 17 years.
(b)	Second or subsequent offence:	Imprisonment for not less than 17 years and not more than 20 years.
(c)	First offence committed by a person who, prior to the commencement of the Firearms Amendment Act 1995 on 6 October 1995, was convicted of an indictable offence, or an attempt to commit an indictable offence, in the course of which or during his flight he used a firearm:	Imprisonment for not less than 17 years and not more than 20 years.
On Summary Conviction		
(d)	First offence, except as provided in paragraph (f):	Imprisonment for a term not exceeding 7 years or a fine not exceeding \$15,000, or both.
(e)	Second or subsequent offence:	Imprisonment for not less than 3 years and not more than 10 years.
(f)	First offence committed by a person who, prior to the commencement of the Firearms Amendment Act 1995 on 6 October 1995, was convicted of an indictable offence, or an attempt to commit an indictable offence, in the course of which or during his flight he used a firearm:	Imprisonment for not less than 3 years and not more than 10 years.

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TABLE 3	
Punishment for a person found guilty of an offence under section 26A	
On Conviction on Indictment	
Offence	Punishment
(a) First offence, except as provided in paragraph (c):	Imprisonment for not less than 10 years and not more than 20 years.
(b) Second or subsequent offence:	Imprisonment either for life or for such lesser term (not however being less than 20 years) as the court thinks fit.
(c) First offence committed by a person who, prior to 18 October 1985, was convicted of an indictable offence, or an attempt to commit an indictable offence, in the course of which or during his flight he used a firearm:	Imprisonment either for life or for such lesser term (not however being less than 20 years) as the court thinks fit.

A sentence of imprisonment imposed on a person convicted of an offence under section 26A shall be served consecutively to any other punishment imposed on him for an offence arising out of the same event or series of events and to any other sentence to which he is subject at the time the sentence is imposed on him for an offence under section 26A.

[Schedule 1 inserted by 2010 : 35 s. 18 effective 7 July 2010]

[Assent Date: 24 December 1973]

[This Act was brought into operation on 1 January 1974]

[Amended by:

1977 : 35
1978 : 12
1985 : 21
1986 : 20
1995 : 2
1997 : 37
2002 : 6
2009 : 52
2010 : 35
2011 : 18

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2013 : 13
2013 : 41
2015 : 12
2015 : 38]