

eSwatini

## Arms and Ammunition Act, 1964

Act 24 of 1964

Legislation as at 1 December 1998

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## Arms and Ammunition Act, 1964

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## eSwatini

# Arms and Ammunition Act, 1964

Act 24 of 1964

Commenced on 1 January 1966

*[This is the version of this document at 1 December 1998.]*

**An Act to regulate and control arms and ammunition.**

### 1. Short title

This Act may be cited as the Arms and Ammunition Act, 1964.

### 2. Interpretation

In this Act, unless the context otherwise requires—

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

“**ammunition**” means—

- (a) ammunition for a firearm, or
- (b) grenades, bombs and other like missiles whether or not capable of use with a firearm, or
- (c) ammunition containing, or designed or adapted to contain, a noxious liquid or gas or any other noxious thing;

“**appropriate officer**” means police officer in charge of a prescribed police station;

“**approved form**” means a form approved under [section 35\(2\)](#);

“**arm**” means a firearm or arm of war;

“**arm of war**” includes—

- (a) artillery of all kinds;
- (b) apparatus for the discharge of all kinds of projectiles whether explosive or gas diffusing;
- (c) flame-throwers, bombs, grenades, machine-guns, land mines of any kind whatsoever and rifled smallbore breach-loading weapons, but does not include sporting-rifles or other weapons or apparatus not intended for warlike purposes;

*[Amended K.O-I-C. 26/1977]*

“**board**” means the board established under [section 4\(1\)](#);

“**certificate of registration**” means certificate issued under [section 10\(9\)\(b\)](#);

“**company**” has the same meaning as assigned to it by section 3 of the Companies Act [No. 7 of 1912](#);

“**disqualified**” means—

- (a) disqualified in accordance with subsection 11(4), or
- (b) declared to be unfit in accordance with [section 18](#);

**“firearm”** means—

- (a) a pistol, revolver, rifle, shotgun or other lethal barrelled weapon of any description—
  - (i) from which a shot, bullet or other missile can be discharged; or
  - (ii) which can be adapted, for the discharge of a shot, bullet or other missile; or
- (b) a weapon of any description designed or adapted, for the discharge of a noxious liquid or gas or any other thing;

but does not include airgun of less than .22 calibre;

**“firearms dealer”** means person who by way of trade or business sells or otherwise transfers, repairs, tests or proves, firearms or ammunition;

**“imitation arm”** means any thing having the appearance of being an arm, whether or not it is capable of discharging a shot, bullet or other missile;

**“immigration officer”** has the same meaning as in the Immigration Act, [No. 32 of 1964](#);

**“licence”** means a licence or permit under this Act; and “licensed” has a corresponding meaning;

**“licensing officer”** means the Commissioner of Police and any police officer deputed by him to be a licensing officer;

**“magistrate’s court”** means a court established under the Magistrate’s Court Act, [No. 66 of 1938](#);

**“manufacture”** in relation to arms and ammunition, does not include the—

- (a) repair of arms or ammunition;
- (b) conversion into an arm of a thing having the appearance of an arm but so constructed as to be incapable of discharging a missile through its barrel; or
- (c) alteration, replacement or substitution of a component part of an arm duly licensed;

**“Minister”** means the Prime Minister;

**“offence”** means an offence under this Act;

**“permit”** means a permit issued under this Act;

**“prescribed form”** includes a form approved under [section 35\(2\)](#);

**“possession”** means custody or control;

**“region”** means an area defined in accordance with section 6 of the Swazi Administration Act, [No. 11 of 1905](#);

**“register”** means the register maintained in accordance with [section 3](#) and “registered” has a corresponding meaning;

**“removal permit”** means a permit issued under [section 25](#);

**“transfer”** includes let or hire, give or lend, and part with possession;

### 3. Register of firearms

The Commissioner of Police shall cause a register of all firearms required to be registered under this Act to be maintained.

*[Amended L. 14/1965]*

#### 4. Establishment of board

- (1) A board, to be known as the Firearms Licences Board is hereby established, consisting of five members appointed by the Minister, three of whom shall be selected from a panel of at least six individuals nominated by the Swazi National Council.
- (2) The functions of the board shall be to advise the licensing officer—
  - (a) as to the issue of licences to import, purchase or otherwise acquire firearms (where appropriate after obtaining recommendations of the chief of his council for the area concerned); and
  - (b) as to the amount of compensation payable under [section 15\(2\)](#).
- (3) The Minister shall designate a member of the board to be its chairman.
- (4) The members of the board shall hold office for such period and shall be paid such remuneration and allowances as the Minister may, in his discretion, fix.
- (5) Where the chairman or any other member for any reason is unable, or fails, to exercise his functions, the Minister may, appoint a person to act for the chairman or such other member as the case may be during such absence or incapacity.
- (6) Three members shall constitute a quorum for a meeting of the board.
- (7) The decision of the majority of the members voting shall constitute the decision of the board and, in the case of an equality of votes, the chairman shall exercise a casting, as well as a deliberative, vote.
- (8) The board may co-opt a person in its opinion qualified to offer the board an independent and expert opinion relating to the advice to be given under subsection (2)(b).

*[Added L.14/1965; Amended A.43/1968]*

#### 5. Licensing officer to accept advice to the board

- (1) Subject to this Act, the licensing officer shall, in accordance with the advice of the board and, as the circumstances require—
  - (a) issue licences to import, purchase or otherwise acquire firearms; or
  - (b) make the required payment under [section 15\(2\)](#).
- (2) If the licensing officer considers it necessary in the public interest not to grant an application for a licence in accordance with the advice of the board, he may refer the application back to the board for reconsideration, and the board shall thereupon reconsider it, having regard to any observations made by the licensing officer, and shall re-submit the application to the licensing officer with its advice.
- (3) When advice is re-submitted under subsection (2), the licensing officer shall either issue a licence in accordance with such advice or refer the matter to the Minister for consideration.
- (4) A decision given by the Minister under this section shall be final.

*[Added L.14/1965; Amended A.43/1968]*

#### 6. Dealing in firearms and ammunition

- (1) Subject to this Act no person shall by way of trade or business—
  - (a) sell or otherwise transfer;
  - (b) expose for sale or other transfer;

- (c) have in his possession for sale or other transfer a firearm or ammunition, unless he is a licensed to deal in firearms and ammunition at the premises in question;
  - (d) repair, test or prove a firearm unless he is in possession of a certificate from the licensing officer that he is a suitably experienced gunsmith; or
  - (e) sell or otherwise transfer or expose for sale any firearm unless such firearm has stamped on it a proof of makers name and is of a type approved by the Commissioner of Police.
- (2) Application for such licence or certificate shall be made in writing to the licensing officer.
- (3) A firearms dealer or approved gunsmith shall at all times store all arms and ammunition in his possession in a reinforced concrete room which —
  - (a) is situated on his premises,
  - (b) has one means of entry by a steel door fitted with two secure locks, and
  - (c) otherwise complies with such requirements as the licensing officer may specify, either generally or specially.
- (4) A licence or certificate referred to in this section shall not be issued or renewed unless the licensing officer is satisfied that the dealer or approved gunsmith in question has available a room referred to in subsection (3) and the prescribed fee has been paid.
- (5) A firearms dealer or approved gunsmith shall maintain such registers, render such returns to the licensing officer and do such other things in connexion with the foregoing as may be prescribed.
- (6) A person who fails to comply with subsection (1), (3) or (5), or wilfully makes a false entry in such register or return, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand emalangeni or, in default of payment thereof, to imprisonment not exceeding two years or both.
- (7) Subject to subsection (8), this section shall not apply in respect of the sale of a firearm or ammunition by—
  - (a) a person licensed to possess a firearm; or
  - (b) a person acting under the authority of a court; or
  - (c) an officer of customs in the exercise of his duties; or
  - (d) an auctioneer who without being licensed as a dealer in firearms and ammunition sells a firearm or ammunition by auction:

Provided that he is the holder of a permit issued for the purpose by a licensing officer, and complies with the terms and conditions of such permit.

- (8) Subject to [section 25](#), subsection (7) shall not apply if the firearm or ammunition so sold is delivered to a person who is not a licensed firearms dealer, or in possession of a permit, to acquire the firearm or ammunition, as the case may be.
- (9) In this section—
  - “approved gunsmith” means gunsmith who is in possession of a certificate issued under subsection (1)(d);
  - “firearms dealer” means person who, by way of trade or business sells or otherwise transfers firearms or ammunition;
  - “gunsmith” means person who repairs firearms.

*[Amended L. 14/1965]*



## 7. Display of name and description of licensed dealer

- (1) A licensed dealer in firearms and ammunition shall cause letters at least one inch long, and publicly visible and legible, to be painted in a conspicuous place on the walls outside, and over or near the door of the premises in respect of which he is licensed or on a board affixed to such place, showing in the case of—
  - (a) an individual, his name in full;
  - (b) a firm or partnership, its name or style; and
  - (c) a company, its registered name;and thereunder the words “licensed dealer (or dealers) in firearms and ammunition”.
- (2) Any licensed dealer who fails to comply with subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding twenty emalangeni or, in default of payment thereof to imprisonment not exceeding fourteen days or both.
- (3) Any person who is not a licensed dealer in firearms and ammunition who paints a notice on his premises or, gives any other notice, importing that he deals in firearms or ammunition or is licensed so to deal, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand emalangeni or in default of payment thereof to imprisonment not exceeding two years, or both.

## 8. Other provisions relating to licensed dealers

- (1) A transfer of a licence to deal in firearms and ammunition, or a change of premises the subject of such a licence, shall not be effected unless—
  - (a) the licensing officer is satisfied that the dealer to whom it is proposed to transfer the licence, or the dealer at the new premises as the case may be, has available a room such as is mentioned in [section 5\(3\)](#); and
  - (b) the licensing officer approves the transfer or the change of premises, as the case may be.
- (2) A transfer of licence shall be effected by particulars of the transfer being endorsed on the licence signed by the transferor, and countersigned by the licensing officer.
- (3) A change of premises shall be effected by an endorsement of the licence signed by the licensing officer to the effect that, commencing on the date specified therein the licence shall, until its expiry, be valid only for the new premises (which shall be described therein).
- (4) The endorsement mentioned in subsection (2) shall be liable to a duty of two emalangeni, or such other amount as may be prescribed, for which purpose a revenue stamp of that amount shall be supplied by the transferor, and suitably defaced by the licensing officer.

*[Amended L.14/1965]*

## 9. Importation, exportation, acquisition or transference of firearms and ammunition

- (1) Subject to this Act and any other law, no person shall import, export, purchase or otherwise acquire a firearm or ammunition except under and in accordance with the terms and conditions of a permit.
- (2) No person shall sell or otherwise transfer—
  - (a) a firearm, except to a person having a permit to acquire the firearm; and
  - (b) ammunition, except to a person licensed to possess the firearm in which such ammunition is to be used, who is permitted to acquire the ammunition under this Act.

- (3) Any person who transfers a firearm in accordance with subsection (2)(a) shall, within two days of the transfer notify the licensing officer thereof.
- (4) Any person who contravenes this section shall be guilty of an offence and liable on conviction to imprisonment not exceeding two years or a fine not exceeding one thousand emalangeni, or both.

## 10. Application to import, export or acquire firearms and ammunition

- (1) Any person who is not disqualified and who desires to import or export, or purchase or otherwise acquire, any firearm or ammunition may, subject to subsection (3), make an application for such purpose to the licensing officer.
- (2) In the case of an application in respect of a firearm, the application shall be made in the prescribed form, supported by an affidavit.
- (3) In the case of an application in respect of a firearm where the applicant is resident in Swaziland, the application shall first be submitted to the nearest appropriate officer of the region, who shall forward it, together with his recommendation and that of the region commissioner of such region, to the licensing officer.
- (4) Subject to [section 32](#), the licensing officer may refuse or subject to such conditions as he considers necessary grant the application, and with the approval of the Minister, revoke a permit.
- (5) If an application is granted under subsection (4), the licensing officer shall issue the appropriate permit to the appropriate officer who shall forward it to the applicant.
- (6) On importation, purchase or other acquisition, of the firearm, as the case may be, the applicant shall deliver the firearm, the permit in question, and two copies of the photograph mentioned in subsection (7) to the nearest appropriate officer of the region in which the applicant is resident and shall pay such officer the prescribed fee for registration of the firearm.
- (7) The photograph referred to in subsection (6) shall be one of his face, taken from straight in front and recently and on thin paper, size one and a half inches by two and a half inches (or such other size as may be prescribed) on which his features are clearly and correctly depicted.
- (8) The appropriate officer shall cause any necessary renewal of the identification marks of the firearm to be effected and forward particulars of those marks, the permit, both copies of the photograph, and the fee so paid, to the licensing officer.
- (9) The licensing officer shall—
  - (a) cause particulars of the type, calibre, maker's name and identification number or other distinguishing mark of the firearm, the number and date of the issue of the permit, and a copy of such photograph to be recorded in the relevant portion of the register;
  - (b) issue a certificate of registration of the firearm to the appropriate officer concerned which shall be made under his hand in the prescribed form and to which shall be affixed a copy of such photograph.

*[Amended L.14/1965; A.43/1968]*

## 11. Possession of firearm, ammunition or essential component part of an arm

- (1) No person shall be in possession of a firearm or arms of war unless he is the holder of a current licence to possess it or is otherwise permitted to possess it under this Act.  
*[Amended K.O-I-C. 26/1977]*
- (2) No person shall be in possession of ammunition unless he is the holder of a current permit or licence to possess the firearm for which such ammunition is intended, or is otherwise permitted to possess such ammunition under this Act.

- (3) No person shall be in possession of a barrel, bolt, chamber, butt, trigger, magazine, trigger guard, foresight, backsight, bridge cylinder, cam, cam lever, barrel catch, cam lever fixing screw, cocking piece, ratchet, cylinder stop, pawl, striker, or other essential component part of a firearm or an arm of war unless he is permitted to do so under this section.

*[Amended A.6/1988]*

- (4) Any person under the age of eighteen years is disqualified from owning a firearm, or possessing it except in accordance with this section.

*[Amended A.6/1988]*

- (5) The licensing officer may authorise an appropriate officer, an officer of customs or an immigration officer to grant a permit in the prescribed form or if no such form has been prescribed, in a form approved by the licensing officer, and on payment of the prescribed fee, to—

- (a) a person, whether or not he is under the age of eighteen years authorising—
- (i) the temporary possession of a firearm or ammunition or both for a period not exceeding three weeks at a time and subject to such conditions as are stated in the permit; or
  - (ii) the possession of any part of a firearm mentioned in subsection (3) for such period as he thinks fit; and
- (b) an individual in his capacity as the employee of a person authorising the possession of a firearm for such purposes and period and subject to such conditions as the licensing officer may prescribe, including the right of any other employee (approved by the licensing officer) of such person to possess the firearm in such capacity, subject to such conditions as the licensing officer may prescribe.

*[Amended A.6/1988]*

- (6) An application for such permit shall—

- (a) in the first instance, be made in writing and addressed to the nearest appropriate officer of the region in which the applicant is resident; and
- (b) then be referred by that officer to the licensing officer with his recommendation.

- (7) If an officer grants a permit to a person as a tourist under subsection (5)(a)(i)—

- (a) it shall, for the period of its validity, also be deemed to be both an import permit and an export permit in respect of the articles in question; and
- (b) subsection (6) and [section 10](#) shall be deemed to have been complied with.

- (8) A person who—

- (a) contravenes subsection (1) in relation to a firearm; or
- (b) contrary to subsection (3) or (4) owns or is in possession of a firearm or of an arm of war or of any essential component part thereof; or

*[Replaced A.5/1990]*

- (c) contravenes subsection (2) or fails to comply with any condition of a licence or permit granted under this Act,

*[Replaced A.5/1990]*

shall be guilty of an offence and, on conviction, liable to—

- (i) in respect of an offence under paragraph (a) or (b), to the penalties provided for in [section 14\(2\)](#); or

- (ii) in respect of an offence under paragraph (c), to a fine not exceeding E2,000 or to a term of imprisonment not exceeding two years or both.

*[Amended K.O-I-C. 26/1977; A.5/1990; Replaced A.6/1988]*

- (9) An occupier of premises or a person who is on or in charge of or who accompanies any animal, aeroplane, motor or other vehicle, on or in which there is any arm or ammunition, shall, unless the contrary is proved, be presumed to be the possessor of such arm or ammunition, as the case may be.

*[Amended L.14/1965; A. 43/1968]*

## 12. Other licensing provisions

- (1) An annual licence shall be valid for a period of twelve months from the date of issue, and may in the discretion of the licensing officer be renewed for a period of twelve months at a time on each anniversary of the original date of issue.
- (2) If the licensing officer refuses to renew a licence his decision shall be subject to an appeal to the board whose decision shall be final.
- (3) Such annual licence shall not be issued unless the applicant produces the certificate of registration of that firearm to the licensing officer and pays him the prescribed fee.
- (4) Such licence shall not be renewed unless the applicant has paid the licensing officer the prescribed fee and produced to him—
  - (a) the certificate of registration of that firearm, and
  - (b) a certificate, in a form approved by the licensing officer furnished by the nearest appropriate officer of the region to the effect that such appropriate officer has inspected such firearm, and has verified its marks of identification and caused any necessary renewal thereof to be effected.
- (5) For the purpose of obtaining the certificate mentioned in subsection (4)(b), the applicant shall produce the firearm to that appropriate officer for his inspection and pay him the expense of any necessary renewal of its marks of identification.
- (6) An application for a licence shall if the applicant is an individual be made, by himself, and if it is a body of persons corporate or incorporate by the individual authorised for that purpose by the body, but in the case of a rifle club, the application shall be made by its secretary.
- (7) If a licence to possess a firearm has been lost, defaced or destroyed, the licensing officer on application by the holder thereof and after production of the relevant certificate of registration, and payment of the prescribed fee, shall if he is satisfied that such firearm has in fact been lost, defaced or destroyed grant such person a certificate in the prescribed form which shall be of the same validity as that licence.
- (8) If a certificate of registration has been lost, defaced or destroyed, the nearest appropriate officer of the region, on application by the holder thereof, and after payment of the prescribed fee, shall if he is satisfied that such certificate has in fact been lost, defaced or destroyed, refer the matter to the licensing officer who shall forward a replacement of the certificate to such officer for issuance to the applicant.

*[Amended L.14/1965; A.43/1968]*

## 13. Rifle clubs

- (1) The Minister may, by notice published in the *Gazette*, exempt any person from payment of the prescribed fee in respect of any type of firearm if the secretary of an approved rifle club is permitted to possess such firearm on behalf of the club, it is solely the property of such club, and is only used for target practice by individual members thereof.

- (2) A member of any such rifle club may be in possession of a firearm so exempted and ammunition for it without a licence when he is engaged as such in, or in connexion with target practice on a range approved by the licensing officer.

#### 14. Arms of war

- (1) Subject to [section 17](#)(1) no person shall unlawfully import, purchase or otherwise acquire or be in possession of an arm of war.
- (2) Any person who contravenes this section shall be guilty of an offence and liable on conviction:
  - (a) to a term of imprisonment not less than five years or to a fine not less than E5,000 in respect of a first offence; or
  - (b) to a term of imprisonment not less than ten years or to a fine not less than E10,000 in respect of a second or subsequent offence, but in either case no such period of imprisonment shall exceed twenty years or such fine shall exceed E20,000".

*[Replaced A.6/1988]*

#### 15. Safe custody of firearms, ammunition and arms of war

- (1) Subject to this Act and to payment of any fee prescribed, any person may deliver a firearm or ammunition belonging to him to the nearest appropriate officer for the purpose (to be stated at the time) of safe custody, or destruction by the Swaziland Police.
- (2) In the absence of a written waiver of any rights under this section by the person delivering a firearm or ammunition for safe custody in terms of subsection (1) the licensing officer may, if the firearm or ammunition is not reclaimed within six months after such delivery, retain it for official use or sell or destroy it.

Provided that prompt payment of full compensation be made to the person; and

Provided further that if the whereabouts of the person are unknown or if for some other reason it is not practical to pay such compensation to him, the amount thereof shall be paid into the Consolidated Fund.

- (3) The licensing officer shall if the firearm or ammunition is sold under subsection (2) forward the proceeds of such sale to the person who delivered the firearm or ammunition under subsection (1) or, if he is not available, pay the proceeds into the Consolidated Fund.
- (4) A person who is in possession of an arm or ammunition shall keep it at all times in safe condition and safe custody, and take all reasonable precautions to ensure that it does not become lost or stolen, or is not, at any time, available to a person not lawfully entitled to possess it.
- (5) Any person who is in possession of a pistol or revolver or the ammunition for either shall in addition to the requirements of subsection (4) when it is not in his actual physical possession, keep it either securely locked up to, or in, an immovable object, or in a place approved by the licensing officer.
- (6) Any person who fails to comply with subsection (4) or (5), or report any loss or theft of an arm or ammunition forthwith to the Swaziland Police shall be guilty of an offence and liable on conviction to imprisonment not exceeding three years or a fine not exceeding E3,000 or both.

*[Amended A.6/1988]*

- (7) In a prosecution for a failure to take the reasonable precautions referred to in subsection (4), the onus of proof that he took all such reasonable precautions shall be on the person prosecuted.
- (8) No action in law shall lie against a police officer in respect of any firearm or ammunition delivered, for safe custody under subsection (1) on the ground that it is damaged or is not in a clean condition,

or in respect of anything done, or omitted to be done, by him in good faith, without negligence, and in the intended exercise of his functions under this section.

*[Amended L.14/1965; A. 43/1968]*

## **16. Penalty for false statements**

Any person who makes a statement, which he knows to be false, for the purpose of procuring the grant, or renewal, of a licence, whether for himself or any other person shall be guilty of an offence and liable on conviction to imprisonment not exceeding twelve months or a fine not exceeding two E1,000, or both.

*[Amended A.6/1988]*

## **17. Prohibition of manufacture of firearms, ammunition and arms of war**

- (1) No person shall manufacture firearms, ammunition or arms of war except on behalf of the Government, and at a place established or designated for the purpose by, and in accordance with, instructions issued by the Minister.
- (2) Any person who contravenes this section shall be guilty of an offence and liable, on conviction, to imprisonment for a term not less than ten years or a fine not less than E10,000, or both.

*[Amended A.6/1988]*

## **18. Declaration of unfitness to possess a firearm**

- (1) Subject to subsection (2) and [section 32](#) a magistrate may declare any person to be unfit to possess a firearm of any description for a period not exceeding five years and order him to deliver any firearm or ammunition in his possession and owned by him to the nearest police station.
- [Amended A.6/1988]*
- (2) A declaration under this section shall not be made, unless—
    - (a) a police officer has made a complaint on oath to such magistrate that such person is unfit to possess a firearm of any description because of certain facts mentioned in the complaint; and
    - (b) such magistrate—
      - (i) has ordered such person to appear before him, and if necessary has ordered him to be arrested and brought before him;
      - (ii) has inquired into the complaint for which purpose he may administer an oath to the parties and any witnesses; and
      - (iii) is of the opinion that the complaint is well founded.

*[Amended A.6/1988]*

- (3) At the inquiry referred to in subsection (2)(b)(ii) the magistrate may order the complainant or the person against whom the complaint is made to pay the costs of, and incidental to, the inquiry.

*[Amended A.6/1988]*

- (4) A person against whom a declaration has been made under this section shall, if he fails or refuses to comply with an order under subsection (1), be guilty of an offence and on conviction shall be liable to a fine not exceeding E5,000 or a term of imprisonment not exceeding five years or both.

*[Amended A.6/1988]*

## 19. Direction in the interest of public safety

- (1) If he considers it to be in the interest of public safety, the Minister may, by notice published in the *Gazette*, or by personal service, direct that all firearms and ammunition in the possession of any person shall be delivered to the nearest appropriate officer for the purpose of safe custody and such directive shall not be questioned in any court and shall be valid for a period not exceeding five years and subject to renewal thereafter.

*[Amended A.6/1988]*

- (2) Such officer shall supply the person delivering the firearm or ammunition with a written receipt for the firearm and ammunition including particulars of its marks of identity.
- (3) On revocation of the direction, and production of the receipt, the person who so delivered the firearm or ammunition may claim its return.
- (4) If the return of a firearm or ammunition is not claimed within a period which is reasonable, having regard to all the circumstances, it shall be deemed to have been delivered for safe custody within the meaning of [section 15](#), and be dealt with accordingly.
- (5) Any person who, without lawful excuse, fails to comply with a direction under subsection (1) shall be guilty of an offence and liable on conviction to imprisonment not exceeding five years or a fine not exceeding one E5,000, or both.

*[Amended L.14/1965; (Amended A.6/1988)]*

## 20. Carrying of firearm

- (1) Whether or not he is in a vehicle, no person shall, without lawful authority or reasonable excuse, the proof of which shall lie with him, carry a firearm with or without ammunition suitable for use in that firearm.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence and liable on conviction to a fine of not exceeding E1,000 or imprisonment not exceeding twelve months.

*[Amended A.43/1968; A.6/1988]*

## 21. Penalty for use in certain circumstances of arms and imitation arms

- (1) Any person who in any way uses, or attempts to use an arm or imitation arm with intent to resist or prevent the lawful apprehension or detention of himself or any other person shall be guilty of an offence and liable on conviction to a penalty of imprisonment for a term of not less than seven years or a fine of not less than E7,000 or both.

*[Amended A.6/1988]*

- (2) Any person who commits an offence referred to in subsection (1) in respect of the lawful apprehension or detention of himself for any other offence committed by him shall be liable on conviction to the penalty provided in subsection (1) in addition to any penalty imposed on him for such other offence.

## 22. Conversion of imitation firearms into firearms

- (1) Subject to [section 6](#), no person shall convert anything having the appearance of an arm, but so constructed as to be incapable of discharging a missile through its barrel, into an arm.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence and liable on conviction to imprisonment not less than five years or a fine not less than E5,000, or both.

*[Amended A.6/1988]*

## 23. Miscellaneous offences

- (1) Any person who is drunk, or behaves in a disorderly manner while carrying a firearm shall be guilty of an offence and liable on conviction to imprisonment not exceeding two years or a fine not exceeding E2,000, or both.
- (2) Any person who, without lawful excuse, points an airgun, of whatever calibre, a pistol, or any other kind of arm, at a person, shall be guilty of an offence, whether or not it is loaded, and liable on conviction to imprisonment not exceeding two years or a fine not exceeding E2,000, or both.

*[Amended A.6/1988]*

## 24. Removal from one region to another

- (1) On becoming permanently resident in another region, the holder of a licence to possess a firearm shall, without delay produce the licence and the firearm to the nearest appropriate officer of such region and, thereupon, such officer shall, if satisfied that the licence relates to the firearm—
  - (a) endorse upon the licence a certificate of verification of the new address of the holder;
  - (b) return the firearm and the licence so endorsed to the holder; and
  - (c) forward particulars of the endorsement to the licensing officer.

*[Amended L.14/1965]*

- (2) The holder of a licence who fails to comply with subsection (1) shall be guilty of an offence and liable on conviction to imprisonment not exceeding twelve months or a fine not exceeding E1,000, or both.

*[Amended A.6/1988]*

## 25. Removal permits

- (1) Subject to this section, no person shall remove or transport a firearm or ammunition from a firearms dealer to another firearms dealer, or a customer of the dealer or cause it to be so removed or transported, except under, and in accordance with the terms and conditions of, a removal permit.
- (2) An application for such permit shall be made to the licensing officer and the applicant shall produce to him such documents and furnish such particulars as that officer may require.
- (3) When subsection (2) has been complied with and the applicant has paid any prescribed fee, the licensing officer shall issue him with a removal permit.
- (4) A person who contravenes subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding E1,000 or imprisonment not exceeding twelve months.

*[Amended A.6/1988]*

- (5) This section shall not apply to the carriage of a firearm or ammunition by a person, other than a licensed firearms dealer, which this Act or a licence entitles him to have in his possession at the time of such carriage.

## 26. Prohibition of transmission of arms by post

- (1) Any person who transmits an arm or ammunition by post, or causes it to be so transmitted shall be guilty of an offence and liable on conviction to a fine not exceeding E3,000 or a term of imprisonment not exceeding three years, or both.

*[Amended A.6/1988]*



- (2) An arm or ammunition found in the course of transmission by post may be seized and detained by an officer of the Department of Posts and Telecommunications or a police officer.
- (3) Unless a person is prosecuted for an offence under subsection (1) and the court orders the disposal thereof the arm or ammunition detained under subsection (2) shall be disposed of in accordance with the direction of the licensing officer.

*[Added L.14/1965; Amended A.43/1968]*

## **27. Search, arrest, etc.**

- (1) If a police officer has reason to suspect that an offence has been committed with respect to any arm or ammunition, and the arm or ammunition is in the possession of a person upon any premises at a place, or in any aircraft, motor car or other kind of vehicle or vessel, he may, at any time, enter upon and search any person there and seize and detain any such arm or ammunition found there.
- (2) Such officer may arrest a person found in possession of arms or ammunition in contravention of this Act without warrant, and seize and detain the arms and ammunition wherever found.

*[Amended L.14/1965]*

## **28. Inspection**

A police officer may, at all reasonable times—

- (a) enter upon the premises of a firearms dealer in order to ascertain whether or not this Act is being complied with; and
- (b) inspect those premises and any arm or ammunition, book, account, register or other document or thing found there; and
- (c) require any person appearing to be in control thereof, or employed there, to give such information as such police officer may require in order to ascertain whether or not this Act is being complied with.

## **29. Penalties in respect of sections 23 and 24**

Any person who obstructs a police officer in the exercise of any power conferred by section 23 or 24, or fails to give a police officer any information which he is lawfully required to give such police officer under section 24, shall be guilty of an offence and liable on conviction to a fine not exceeding E1,000, or imprisonment not exceeding twelve months, or both.

*[Amended A.6/1988]*

## **30. Production of documents**

- (1) Every person to whom a certificate of registration, or a licence is issued shall at all times, keep such certificate or licence on his person or at his residence and available for inspection by a police officer at the request of such officer.
- (2) Any person who, at the request of a police officer, fails to produce for the inspection of such officer a certificate of registration or licence issued to such person shall be guilty of an offence and liable on conviction to a fine not exceeding E500 or imprisonment not exceeding six months, or both.

*[Amended A.6/1988]*

- (3) Pending production of the relevant certificate or licence for inspection, a police officer making any such request may seize and detain any firearm or ammunition found in the possession of such person.

- (4) Unless in a criminal prosecution for an offence relating to the possession by a person of a firearm or ammunition a court has ordered its confiscation or forfeiture or that it be handed over to a person named by it, or any person fails within three months from the date of the seizure thereof in terms of subsection (3) to establish a lawful claim thereto, the arm or ammunition detained under subsection (3), and in respect of which the relevant certificate or licence was not produced for inspection, shall be disposed of in accordance with the direction of the licensing officer.

*[Added L.14/1965; Amended A.43/1968]*

### 31. Disposal of arms and ammunition forfeited

If a court convicting a person of an offence under this Act has in accordance with Section 317(2) of the Criminal Procedure and Evidence Act, [No. 67 of 1938](#), declared an arm and ammunition to be forfeited to the Government, it shall be disposed of in such manner as the Minister may direct.

### 32. Review

- (1) If the licensing officer refuses to grant an application in respect of a licence, the applicant may within thirty days after the date such refusal is communicated to him and on his depositing with the region revenue officer any prescribed fee, in writing request the Minister to review the decision of the licensing officer.
- (2) The Minister may—
- (a) uphold such decision and declare the fee so deposited forfeited in whole or in part; or
  - (b) set the decision aside and instruct the licensing officer to refund such fee and grant the application on payment by the applicant of the appropriate prescribed fee.
- (3) If in accordance with [section 18](#) a magistrate declares that any person is unfit to possess a firearm, such person may within fourteen days after the date of the declaration, and, on deposit of the prescribed fee with the magistrate, as the case may be, request the Minister to review the declaration.

*[Amended A.6/1988]*

- (4) The Minister may—
- (a) uphold the declaration and declare the fee so deposited forfeited, in whole or in part; or
  - (b) set the declaration aside and instruct the magistrate, as the case may be, to refund such fee.

*[Amended A.6/1988]*

- (5) A decision given by the Minister under this section shall be final.

*[Amended L.14/1965; A.43/1968]*

### 33. Contravention by company or partnership

- (1) In the event of any company contravening this Act, the managing director or secretary or person having the management or control in Swaziland of the business of the company shall be liable to the penalties provided for such contravention.
- (2) In the event of a firm or partnership contravening this Act every member thereof shall be liable to the penalties provided for such contravention.
- (3) This subsection shall not exempt a person other than one mentioned in this section who is guilty of any such contravention from such liability.

### 34. Penalties

In a prosecution for an offence under this Act before a magistrates court the court may impose the maximum penalties provided for this offence by this Act.

### 35. Regulations

- (1) The Minister may make regulations to implement the purposes of this Act by notice published in the *Gazette*, and without prejudice to the generality of the foregoing, the Minister, may—
  - (a) prescribe the form of licences, permits, removal permits and such other matters of things which may, or are required to be prescribed;
  - (b) provide for matters in connexion with the procedure on review under [section 32](#);
  - (c) in connexion with an application under this Act, require the applicant to make a declaration on oath before a justice of the peace or a commissioner of oaths; and
  - (d) provide for the punishment of any person who—
    - (i) commits an offence against the regulations;
    - (ii) contravenes an order issued under any regulation which provides that the contravention is an offence;
    - (iii) wilfully obstructs or resists the lawful exercise of any powers conferred by, or necessary for the administration of, any regulation which provides that the obstruction or resistance is an offence; or
    - (iv) contravenes a condition or requirement of a licence, permit, removal permit, or authority issued or form prescribed under any regulation which provides that the contravention is an offence:

Provided that such regulation shall provide the maximum penalty to be imposed for each offence, which shall not exceed a fine of one hundred emalangeni or imprisonment not exceeding six months, or both, and the suspension or cancellation of any licence, permit or authority issued under the regulations.

- (2) The licensing officer may, for the purposes of this Act, approve forms in lieu of, or in addition to any forms prescribed by regulations.

*[Amended P.19/65]*

### 36. Exceptions

- (1) Save as otherwise provided in this section, this Act shall not apply to—
  - (a) arms and ammunition which are the property of the Government which are authorised by the Government to be in the temporary possession of—
    - (i) a person serving in the regular forces of Swaziland, or
    - (ii) a police officer, or
    - (iii) a member of the staff of a Government prison, or
    - (iv) any other officer of the Government,in the course of his duties as such;
  - (b) arms and ammunition which are the property of His Majesty the King which are authorised by Him to be in the possession of his personal guard in the course of their duties as such;

- (c) arms and ammunition which are the property of the Government of Swaziland or of the Government of another country which are authorised by such Government to be in the temporary possession of a person serving in the regular forces of such country stationed in Swaziland, with the approval of the Government of Swaziland.
- (2) Sections 15(4) to (7) inclusive and 23(1) shall apply to persons in possession of arms and ammunition under subsection (1) of this section.
- (3) Nothing in this Act relating to firearms shall apply to a firearm imported, exported, purchased or otherwise acquired, or sold or otherwise transferred, or possessed, as a curiosity or ornament if the firearm is rendered permanently incapable of being fired.
- (4) Subject to an appeal to the Minister who may confirm or set aside the determination, the licensing officer may determine whether a firearm is, for the purpose of subsection (3) a curiosity or an ornament, or rendered permanently incapable of being fired.

*[Amended L. 14/1965; A.43/1968]*