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**Firearms and Ammunition Act 1973
Art. 2**

"arms of war" means artillery of all kinds, apparatus for the discharge of all kinds of projectiles explosive or gas-diffusing, flame-throwers, bombs, grenades, machine-guns and rifled small-bore breech-loading weapons;

Strengthening small arms controls:

An audit of small arms control legislation in the Great Lakes region
and the Horn of Africa

SEYCHELLES

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Contents

| | |
|---|-----------|
| Foreword | 5 |
| Introduction | 7 |
| Comment on conformity | 8 |
| Scope of the study | 9 |
| Overview of existing legislation and conformity to regional and international agreements | 10 |
| How to use the tables | 12 |
| Definitions in the Seychelles' small arms control legislation | 15 |
| Breakdown of the Seychelles' small arms control legislation | 17 |
| Controls on civilian possession and use | 17 |
| Record keeping and marking | 25 |
| Import, export and transit | 27 |
| Brokering | 31 |
| Manufacture | 32 |
| Trade | 36 |
| Seizure, disposal and enforcement | 42 |
| Arms embargoes | 45 |
| State-owned small arms | 46 |

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Foreword

THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS is one of the greatest humanitarian challenges. To address it a united and holistic approach is required from governments and civil society. Such an approach is embodied in the 'Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa' which was signed in March 2000. Since then progress towards implementing the Declaration has been made and while slower than desired a degree of momentum is now building.

The Nairobi Secretariat, the regional co-ordination body for small arms in the Great Lakes region and the Horn of Africa has been significantly enhanced in 2003. Most signatories to the Nairobi Declaration have established national co-ordination agencies, known as National Focal Points, and other significant progress has been made at the national level in Kenya, Tanzania and Uganda towards the establishment and implementation of National Action Plans for Arms Management and Disarmament.

Many studies of trafficking of small arms for crime or to support conflict show a variety of ways in which legal small arms can be diverted for illegal purposes if there are inadequate legislative controls. International co-operation, the establishment of effective tracing systems and the enforcement of arms embargoes are essential to reduce and combat the illicit trafficking and misuse of small arms.

Strengthening and harmonising legislation on these issues and others is one of the key tasks that states in the sub-region have committed to address in the Nairobi Declaration and other international small arms agreements. A 'Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa' has been developed by the Eastern Africa Police Chiefs Co-operation Committee and was signed by Chiefs of Police in Tanzania in December 2003. It is important that this is now effectively implemented. This will necessitate national and regional reviews of legislation in order to ensure that there are effective common standards of control on small arms in operation across the region.

This comprehensive and accessible study by Saferworld and SaferAfrica will significantly aid states as they address the issue of legislative controls. At the national level the detailed country tables will assist national governments in identifying areas of weakness that must be addressed and existing best practice. While at the regional level, the regional overview and comparative analysis will aid governments to regionally harmonise their national legislation and to develop rigorous and effective minimum standards of control.

Some states have already begun to examine where and how their small arms legislation must be amended while for others this challenge still remains to be tackled. For all countries, however, this report will provide a valuable point of reference for fine-tuning proposed amendments or as a starting point from which to embark on a process of review.

Mr Francis Sang

Co-ordinator

Nairobi Secretariat on Small Arms and Light Weapons

Introduction

THIS COUNTRY STUDY ON THE SEYCHELLES forms one chapter of a comprehensive study on small arms legislation in the Great Lakes region (GLR) and Horn of Africa (HoA), conducted by Saferworld and SaferAfrica. The report builds on the methodology developed in a similar study conducted on small arms legislation in Southern Africa by Saferworld and SaferAfrica entitled *The Law of the Gun: An Audit of Firearms Control Legislation in the SADC Region*, published in June 2003. This study is intended as a reference document to assist law-makers and others involved in reviewing national small arms legislation.

The full study contains an introductory chapter providing a regional overview of the small arms legislation in nine countries of the GLR and HoA. Each of the following chapters covers one of these nine countries – Burundi, Djibouti, Eritrea, Kenya, Rwanda, Seychelles, Sudan, Tanzania and Uganda.¹ These country chapters should be read alongside the regional, introductory chapter which identifies examples of best practice in the region and certain issues which states should consider when reviewing their national legislation. Each of these country chapters contains two sections – a national overview of existing legislation and a table containing a break down of the legislation. The analysis is broken down into analytical categories and indicates how far the national legislation meets, or falls short of (the level of conformity to), the commitments contained in key regional and international small arms agreements for the states of the GLR and HoA.

The analytical categories are:

- Definitions
- Controls on civilian possession and use
- Record keeping and marking
- Import, export and transit
- Brokering
- Manufacture
- Trade
- Seizure, disposal and enforcement
- Arms embargoes
- State-owned small arms
- Penalties (treated as a separate category in the national overview only)

¹ To date it has not been possible to complete research in the Democratic Republic of Congo (DRC), Ethiopia and Somalia.

The key regional and international small arms agreements are:

- ‘Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime’ (‘UN Firearms Protocol’);
- ‘United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects’ (‘UN Programme of Action’);
- ‘Bamako Declaration on an African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons’ (‘Bamako Declaration’);
- ‘Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa’ (‘Nairobi Declaration’);
- ‘Co-ordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa’ (‘Co-ordinated Agenda for Action’);
- ‘Implementation Plan of the Co-ordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa’ (‘Implementation Plan’);
- ‘Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa’ (‘Protocol for the GLR and HoA’).

Comment on conformity

Throughout this report, where we talk of ‘conformity’, ‘commitments’, ‘requirements’ or similar terms, we do so with regard to the importance of fully implementing the provisions of these agreements and the need to ratify them and hasten their entry into force. By noting the ‘conformity’ or otherwise of existing national legislation we are not indicating a legal commitment to the UN Firearms Protocol or Protocol for the GLR and HoA, before these are ratified and have entered into force. Full conformity with the provisions of these regional and international agreements is, nonetheless, important in laying the foundations for the effective control of small arms across the GLR and HoA.

The reader should also note, however, that while the regional and international agreements are very important guides to the action that states must take with regard to the review of legislation, in many areas they require a great deal of detailed elaboration to ensure the implementation of a truly effective legal control regime. Where we provide an overview of each country’s small arms legislation and note some of the key absences, these absences refer solely to those instances where the legislation falls short of the requirements of the regional and international agreements. Indeed, where we talk of full conformity to certain provisions, this does not necessarily indicate that the provisions are adequate to ensure that a strong legal control regime, free of any loopholes, exists.²

² The comment that we make on conformity also refers solely to the acts that we have been able to obtain and have included in the tabular analysis. The reader should be aware that other pieces of legislation may exist which contain provisions meeting the requirements of the regional and international agreements.

Scope of the study

The scope of this study is limited to the legal controls that are laid out in the primary piece of national legislation on small arms control, usually the firearms or arms and ammunition act. Provisions relating to the control of small arms are also likely to be contained in some other pieces of legislation. For instance, controls relating to the use of small arms by police officers may be contained in a police act or statute. In some cases, where information has been readily available, this study has included some of these other laws. However, this study has focused on the primary act relating to small arms control in each country. The primary reason for this is that those people responsible for small arms control in the governments of the region, whom we contacted for assistance in collecting the relevant legislation, were in most cases able to provide only the primary piece of small arms legislation. This in itself illustrates the importance of undertaking legislative review in order to draw all the national legislation pertaining to small arms together in one Act, of which all relevant actors are aware.

This study has also been limited to the legislation itself and does not touch on the *de facto* practice of small arms control; how the laws are actually implemented or issues concerning the capacity to enforce legal controls. The existence of legislative controls does not necessarily mean that an effective control system is being enforced. Conversely, the absence of sufficient legal controls does not necessarily preclude the operation of an effective control regime on the ground. Neither of these two scenarios is, however, desirable. Effective small arms legislation *and* effective controls on the ground should be the objective of all states.

Seychelles

Overview of existing legislation and conformity to regional and international agreements

Definitions

THE PRIMARY PIECES OF NATIONAL LEGISLATION ON SMALL ARMS CONTROL IN THE SEYCHELLES are the Firearms and Ammunition Act 1973 and the Firearms and Ammunition Regulations 1973.

The definitions contained in the Firearms and Ammunition Act, categorising arms and consequently determining the controls that are applicable to different classes of arms, are broad and go beyond those laid out in the Protocol for the GLR and HoA and the UN Firearms Protocol. Crucially, a separate definition for ‘arms of war’, covering arms defined as light weapons within the Protocol for the GLR and HoA, is provided by the Act. The inclusion of this category enables the enacting of provisions prohibiting their civilian possession and use by civilians, as called for by the Protocol for the GLR and HoA.

Controls on civilian possession and use

The national legislation conforms to most of the provisions of the regional and international agreements:

- A licence is required for the possession of small arms.
- The civilian possession of certain categories of small arms is prohibited.
- It is an offence to act in a drunk or disorderly manner whilst carrying a small arm or to use or attempt to use a small arm or imitation small arm to resist or prevent the lawful apprehension or detention of oneself or any other person.
- Small arms must be at all times kept in safe custody and in a safe condition and, when not in use, in a locked fireproof steel box or other locked fireproof receptacle approved by the Licensing Authority.
- There are controls on the relinquishing of small arms by civilians.

However, fundamental absences include:

- No competency testing or age restriction for licence applicants.
- No restriction on the number of small arms that may be licensed to any one civilian.
- No total prohibition on the civilian possession and use of automatic and semi-automatic rifles and machine guns.
- No prohibition on the pawning and pledging of small arms.

Record keeping and marking

The national legislation conforms to some of the provisions of the regional and international agreements:

- The President may make provisions for the establishment and maintenance of a central registry of small arms.

- The licensing authority must maintain a register of small arms dealers.
- Small arms dealers must maintain a register of transactions.
- The Licensing Authority may issue directions for the marking of small arms.
- Small arms dealers must not trade in unmarked small arms.
- Licences for the civilian possession of small arms will not be granted with respect to arms which do not bear a mark or number of identification.
- Small arms dealers must maintain equipment for the marking of small arms.

However, fundamental absences include:

- No requirement for the keeping of records on the manufacture of small arms.
- No requirement that records be maintained for not less than ten years.
- No standardised system for the marking of small arms at the time of import, export or manufacture.
- No specification of the information that markings should contain or of where on the small arms markings should be placed.
- No provisions making it an offence to alter, falsify or remove markings.

Import, export and transit

The national legislation conforms to some of the provisions of the regional and international agreements:

- Licences are required for the import, export and transit of small arms.

However, fundamental absences include:

- No details on the specific information to be included on import and export licences.
- No requirement for the use of end-user certificates.
- No system or requirement for the marking of small arms at the time of import.
- No requirement for the keeping of records on the import, export and transit of small arms.

Brokering

In the Seychelles it is possible to charge someone with trading or trafficking in small arms, which would cover brokering activities, and the law does make allowance for extra-territorial control, although brokering itself is not defined as a specific crime.

Manufacture

The national legislation conforms to some of the provisions of the regional and international agreements:

- Manufacture of small arms can only take place on behalf of the government and in premises designated for this purpose by the Licensing Authority.
- Only registered small arms dealers may act as gunsmiths.

However, fundamental absences include:

- No requirement for the marking of small arms at the time of manufacture.
- No requirement for the keeping of records on the manufacture of small arms.

Trade

The national legislation conforms to most of the provisions of the regional and international agreements:

- Licences are required to trade in arms and these must be renewed annually.
- Traded small arms must be marked.
- Small arms dealers must maintain a record of transactions.
- All premises used for the purpose of trading in small arms must be registered as such and must satisfy the standards of the Licensing Authority.
- There are limits on the types of small arms that can be transferred and the people whom they can be transferred to.

However, fundamental absences include:

- No requirement that records be maintained for not less than ten years.
- No prohibition on the pawning and pledging of small arms.

Seizure, disposal and enforcement

The national legislation conforms to most of the provisions of the regional and international agreements:

- There are extensive provisions for the seizure, confiscation and forfeiture of arms, as well as for the inspection of small arms and licences.
- Provisions also exist for the disposal and destruction of small arms which have been seized by the police on the grounds that they are believed to have been connected with an offence or which have been held for a period exceeding three months in a store maintained by the Seychelles Police Force.

However, fundamental absences include:

- No controls relating to the re-activation of de-activated small arms.

Arms embargoes

There are no controls relating to the enforcement of arms embargoes.

State-owned small arms

The Act excludes those acting on behalf of the state. The Act does not specify controls over state-owned small arms.

Penalties

The penalties contained in the Act were reviewed in 1991. However, the penalties, in particular the fines, are fairly lenient.

How to use the tables

Each table provides a detailed overview of the legislative controls contained in the primary piece of small arms legislation in a country. Where available other regulations, acts and statutes have been referenced.

Column one – analytical category

The first column of the table contains the analytical categories. The table is broken down into ten main analytical categories which are then divided into sub-categories and where appropriate further levels of sub-category(s).

For instance: main category ‘Controls on civilian possession and use’; first sub-category ‘Restrictions and conditions for civilian possession’; second sub-category ‘Personal suitability to possess arms’; third sub-category ‘Age restrictions’.

When using the table the reader should first reference the analytical category and any sub-categories as this dictates the content of columns two, three and four; ‘Regional and international agreements’, ‘National legislation’ and ‘Conformity’, respectively.

Column two – regional and international agreements

The second column provides information on the requirements of the regional and international agreements. Here the information included is a summary of the requirements from each agreement relating to a specific category and sub-category(s). The name of the agreement and the article or section which contains the requirement(s) is included. The reader should cross-reference this summary with the full text of the article or section which appears in the ‘Regional and international agreements’ table in the regional and national overview section of this report. For each article or section referenced the summary includes only information from that article that is directly

relevant to the analytical category under consideration. Where the requirements of two or more agreements are similar or identical a summary may be included that refers to more than one agreement. Where no summary is provided for a particular category or sub-category(s) this indicates that there are no relevant requirements in any of the regional and international agreements.

Column three – national legislation

The third column reproduces the exact wording of the national legislation that contains controls relevant to the category and sub-category(s) under consideration. The act and article are referenced. In some cases only part of an article may be reproduced where other parts of the article are not directly relevant to the analytical category under consideration. Where no text is reproduced no relevant controls are contained within the legislation being analysed.

The reader should be aware that any grammatical and typographical errors that may appear in the text of the national legislation are those present in the copies of the legislation obtained by the researchers. In some cases the difficulty in deciphering the legislation caused by such errors is in itself a factor that demands the review and amendment of the legislation.

The text of the Burundi, Djibouti and Rwanda legislation has had to be translated from the original French. There is therefore a risk that mistakes and misinterpretations may have inadvertently occurred. However, our analysis of the legislation has been checked with government experts from each country, so any misinterpretations should not be substantive.

Column four – conformity

The fourth and final column provides a comment on the level of conformity³ of the national legislation (in column three) to the requirements of the regional and international agreements (in column two) for the specific analytical category in question (in column one). A brief outline of how the legislation conforms and does not conform follows this comment on conformity. Comments have only been made for the analytical categories for which there are requirements under the regional and international agreements.

Four levels of conformity have been identified and standard language developed:

- **Level one – language used** ‘The national legislation fully conforms to the regional and international agreements’. The requirements of the regional and international agreements for this category and sub-category(s) are met in full.
- **Level two – language used** ‘The national legislation broadly conforms to the regional and international agreements but falls short in a few key areas’. Here the majority of the requirements of the regional and international agreements are met by the national legislation but a small number are absent (possibly only one).
- **Level three – language used** ‘The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps are evident’. A few (possibly only one) of the requirements of the regional and international agreements will be present but most are not. The existing legislation falls considerably short of full conformity.
- **Level four – language used** ‘The national legislation does not conform to the regional and international agreements’. No provisions relevant to the requirements of the regional and international agreements are present. The reader should note that for a particular analytical category the requirements of the regional and international

³ Please refer to the explanation contained under ‘Use of terms’ in the regional and national overview section of this report.

agreements may only cover some part of that category. Consequently, provisions within the national legislation for the analytical category under consideration may exist, and are thus reproduced in column three, yet these provisions may in no way meet the specific requirements of the regional and international agreement in this area. Hence a comment indicating no conformity will be used despite some provisions within the particular analytical category being present in the national legislation.

Definitions in the Seychelles' small arms legislation⁴

| Analytical category | Nairobi Declaration | Protocol for the GLR and HoA | UN Firearms Protocol | National Legislation |
|---------------------|---------------------|--|---|--|
| Firearms | | <p>Article 1</p> <p>"firearms", means</p> <p>(a) any portable barreled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;</p> <p>(b) any other weapon or destructive device such as an explosive bomb, incendiary bomb or gas bomb, grenade, rocket launcher, missile, missile system or mine</p> | <p>Article 3</p> <p>(a) "Firearm" shall mean any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;</p> | <p>Firearms and Ammunition Act 1973 Art. 2</p> <p>"firearm" means any lethal barrelled weapon of any description from which any shot, bullet, spear or other missile can be discharged or which can be adapted for the discharge of any shot, bullet, spear or other missile, and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas, spear or other thing, and includes the barrel, bolt and chamber, and any other essential component part, of any such weapon as aforesaid, but does not include anything which may be declared by regulations made by the President not to be a firearm;</p> <p>Art. 24</p> <p>(1) This Part applies to all firearms as defined in section 2 and to all safety, toy and alarm pistols and rifles which are capable of being converted into, or have the appearance of, lethal barrelled weapons, or which can be used or adapted for the discharge of any noxious liquid, gas or similar thing.</p> |
| Ammunition | | <p>Article 1</p> <p>"ammunition" means the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a small arm or light weapon, provided that those components are themselves subject to authorisation in the respective State Party;</p> | <p>Article 3</p> <p>(c) "Ammunition" shall mean the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party;</p> | <p>Firearms and Ammunition Act 1973 Art. 2</p> <p>"ammunition" includes –</p> <p>(i) every shell, cartridge case, bomb, hand grenade, or projectile, whether containing any explosive or gas or chemical or not, and 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 purposes of extinguishing fires;</p> <p>(ii) every part of any such shell, cartridge case, bomb, hand grenade or projectile, whether such shell cartridge case, bomb, hand grenade or projectile may have been completely formed at any time or not;</p> |

⁴ Please refer to the explanation contained under 'Use of terms' in the regional and national overview section of this report.

Definitions *continued*

| Analytical category | Nairobi Declaration | Protocol for the GLR and HoA | UN Firearms Protocol | National Legislation |
|----------------------------------|---------------------|--|----------------------|--|
| | | | | <p>(iii) every fuse, percussion cap, or priming cap, which could be used for the purpose of exploding any shell, bomb, hand grenade or other projectile;</p> <p>(iv) every bullet or cartridge clip;</p> <p>(v) 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 contrivance other than a firework, which can be used either singly or in suitable combinations, as, or in connection with, a missile;</p> <p>(vi) everything which may be declared by regulations made by President to be ammunition, but does not include anything declared by regulations made by the President not to be ammunition;</p> <p>“munitions of war” means ammunition for use with arms of war;</p> <p>Art. 24</p> <p>(2) This Part applies to all ammunition as defined in section 2.</p> |
| Light Weapons/Arms of War | | <p>Article 1</p> <p>“light weapons” shall include the following portable weapons designed for use by several persons as a crew: heavy machine guns, automatic canons, howitzers, mortars of less than 100 mm calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder-fired rockets, anti-tank weapons and launchers, and air defense weapons.</p> | | <p>Firearms and Ammunition Act 1973</p> <p>Art. 2</p> <p>“arms of war” means artillery of all kinds, apparatus for the discharge of all kinds of projectiles explosive or gas-diffusing, flame-throwers, bombs, grenades, machine-guns and rifled small-bore breech-loading weapons;</p> |
| Small Arms | | <p>Article 1</p> <p>“small arms” are weapons designed for personal use and shall include: light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles, and semi-automatic rifles.</p> <p>“small arms” shall also include:</p> <ul style="list-style-type: none"> – “firearms”, “ammunition” and “other related materials”. | | |

Definitions *continued*

| Analytical category | Nairobi Declaration | Protocol for the GLR and HoA | UN Firearms Protocol | National Legislation |
|---|---------------------|--|---|----------------------|
| Other Related Materials/Parts and Components | | <p>Article 1</p> <p>"other related materials" means any components, parts or replacement parts of a small arm or light weapon, that are essential to its operation.</p> | <p>Article 3</p> <p>(b) "Parts and components" shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm;</p> | |

Breakdown of the Seychelles' small arms legislation

Controls on civilian possession and use⁵

Licensing

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|---|--|---|
| Description of licensing process – how firearms licence is obtained | <p>Nairobi Declaration Art. iv and Implementation Plan Art. 3.1, 3.2.1, 3.3</p> <p>Require laws, regulations, standards and prohibitions governing the civilian possession of small arms and light weapons, including home made weapons.</p> <p>Protocol for the GLR and HoA Art. 3</p> <p>(a) Requires the establishment as criminal offences the</p> <p>(iii) illicit possession and misuse of small arms and light weapons</p> <p>(c) (i) Requires the prohibition of unrestricted civilian possession of small arms</p> <p>Bamako Declaration Art. 3 A (iii)</p> <p>Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p> <p>UN Programme of Action II Art. 3</p> <p>Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p> | <p>Firearms and Ammunition Act 1973 Art. 4</p> <p>(1) Subject to the provisions of this Act, no person shall purchase, acquire or have in his possession any firearm or ammunition unless he holds a firearm licence in force at the time.</p> <p>Art. 5</p> <p>(1) An application for the grant of a firearm licence shall be made in the prescribed form to the Licensing Authority, and shall state such particulars as may be required by the said form.</p> <p>Art. 8</p> <p>(1) Notwithstanding anything contained in any of the foregoing sections the Licensing Authority may refuse to grant, renew or vary firearm licences unless and until a firearm to which such firearm licence if granted, renewed or varied, relates to is produced for inspection and for marking, if necessary, in accordance with the requirements of subsection (2).</p> <p>Art. 46</p> <p>The President may make regulations –</p> <p>(a) prescribing the form of a firearm licence, of any register required to be kept under this Act, of a firearms dealer's certificate of registration and of any other permit or document under this Act;</p> <p>(b) prescribing the fees other than those in the Schedule to be paid for anything done, or any permit, document or authorization issued or granted under this Act;</p> | <p>The national legislation fully conforms to the regional and international agreements.</p> <p>A licence is required for the civilian possession of small arms and ammunition.</p> |

Controls on civilian possession and use: **Restrictions and conditions**

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|--|---------------------------------------|--|------------|
| Personal suitability to possess arms ■ General conditions | | <p>Firearms and Ammunition Act 1973 Art. 5</p> <p>(2) The firearm licence shall be granted by the Licensing Authority if he is satisfied that the applicant has a good reason for purchasing, acquiring or having in his possession the firearm or ammunition in respect of which the application is made, that such firearm or ammunition is in good and serviceable condition and that the applicant can be permitted to have in his</p> | |

⁵ Please refer to the explanation contained under 'Use of terms' in the regional and national overview section of this report.

Controls on civilian possession and use: *Restrictions and conditions* continued

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------------|---------------------------------------|--|------------|
| | | <p>possession such firearm or ammunition without danger to the public safety or to the peace; Provided that a firearm licence shall not be granted to a person whom the Licensing Authority has reason to believe to be prohibited by or under this Act from possessing a firearm, or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm, or who has not satisfied the Licensing Authority that he will at all times keep the firearm securely and in safe custody in terms of section 18(3) and in a safe condition and take all reasonable precautions to ensure that the firearm is not lost or stolen and is not at any time available to any person not lawfully entitled to possess the same or where the Licensing Authority has reason to believe that the firearm or ammunition is not in good and serviceable condition or is unsafe.</p> <p>Art. 34</p> <p>(1) Where any person –</p> <p>(a) is convicted of an offence under this Act or is convicted of an offence for which he is sentenced to imprisonment, or to detention of any description; or</p> <p>(b) has been ordered to be subject to police supervision, or to enter into a recognizance to keep the peace or to be of good behaviour a condition of which is that the offender shall not possess, use or carry a firearm or is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm, the following provisions shall apply –</p> <p>(i) the court before whom such person is convicted or by whom the order is made may make such order as to forfeiture or disposal of any firearm or ammunition which was found in his possession or in respect of which the offence of which he is convicted was committed or which was used in the commission of such offence as the court thinks fit, and may cancel any firearm licence held by the person convicted;</p> <p>(ii) in the case of a person convicted, or convicted and sentenced, as mentioned in paragraph (a), the court before whom he is convicted may order that such person shall not, at any time during such period, not exceeding ten years from the date of his release, as may be specified in the order, have in his possession any firearm or ammunition or, as the case may be, any firearm or ammunition of a class or description specified in the order.</p> <p>(2) Subject to the provisions of this section, no person who is subject to the supervision of the police, or is subject to a recognizance to keep the peace or to be of good behaviour a condition of which is that he shall not possess, use or carry a firearm, or is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm, shall, at any time during which he is so subject as aforesaid, have a firearm or ammunition in his possession.</p> | |
| <p>■ Age restrictions</p> | | <p>Firearms and Ammunition Act 1973</p> <p>Art. 30</p> <p>(1) No person under the age of twelve years shall have in his possession any firearm or ammunition to which Part II applies, and no person under the age of fourteen years shall have in his possession any firearm or ammunition to which Part II applies except in circumstances where he is entitled to have possession thereof without holding a firearm licence by virtue of subsection (7), or subsection (8) of section 7; and no person shall part with the possession of any such firearm or ammunition to any person whom he knows or has reason to believe to be under the age of twelve or fourteen years, as the case may be, except in circumstances where that other person is entitled to have possession thereof as aforesaid.</p> | |

Controls on civilian possession and use: *Restrictions and conditions* continued

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|--|---|---|
| ■ Competency test | Protocol for the GLR and HoA Art. 3 (c) (viii) Requires provisions for the competency testing of prospective small arms owners. | | The national legislation does not conform to the Protocol for the GLR and HoA. |
| Quantity of weapons | Protocol for the GLR and HoA Art. 3 (c) (ix) Requires a restriction on the number of small arms that may be owned. | Firearms and Ammunition Act 1973 Art. 5 (3) A firearm licence granted under this section shall be in the prescribed form, and shall specify the conditions subject to which it is held, the nature and number of firearms to which it relates and, as respects ammunition, the quantities authorized to be purchased and to be held at any one time thereunder. | The national legislation does not conform to the Protocol for the GLR and HoA. Each licence must state the number of small arms to which it relates, but the national legislation does not place a restriction on the number of small arms that may be owned. |
| ■ Licensing required for each arm possessed | | Firearms and Ammunition Act 1973 Art. 5 (3) A firearm licence granted under this section shall be in the prescribed form, and shall specify the conditions subject to which it is held, the nature and number of firearms to which it relates and, as respects ammunition, the quantities authorized to be purchased and to be held at any one time thereunder. | |
| Quantity of ammunition | | Firearms and Ammunition Act 1973 Art. 5 (3) A firearm licence granted under this section shall be in the prescribed form, and shall specify the conditions subject to which it is held, the nature and number of firearms to which it relates and, as respects ammunition, the quantities authorized to be purchased and to be held at any one time thereunder. | |
| Type of weapon | Protocol for the GLR and HoA Art. 3 (c) (ii) and Art. 5 (b) (iii) Requires the total prohibition of the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns. | Firearms and Ammunition Act 1973 Art. 25 (1) It shall not be lawful for any person, other than a person in the service of the Republic acting in his capacity as such a person authorised in writing in that behalf by the President or a person of a class for the time being authorised in that behalf by the President by notice in the Gazette, to sell, transfer, purchase, acquire or have in his possession – (a) any firearm which is so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until the pressure is removed or until the magazine containing the missiles is empty; or (b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or similar thing; or (c) any ammunition containing, or designed or adapted to contain, any such noxious thing, or (d) any firearm or ammunition specified, or of a class or type specified, by the President by notice in the Gazette; or (e) any accessory or attachment, of a kind specified by the President by notice in the Gazette, which is designed or adapted for use with or as part of a firearm. The national legislation broadly conforms to the Protocol for the GLR and HoA but falls short in one key area. | The national legislation contains limitations on the types of weapons that may be owned and prohibits the possession of automatic weapons except in exceptional circumstances. However, there does not appear to be a total prohibition on the possession and use of semi-automatic rifles and machine guns. |
| Duration of licence and renewal procedure | | Firearms and Ammunition Act 1973: Art. 5 (4) A firearm licence shall, unless previously revoked or cancelled, continue in force for one year from the date when it was granted or last renewed, but shall be renewable for a further period of one year, by the Licensing Authority, and so from time to time, and the foregoing provisions of this section shall apply to the renewal of a firearm licence as they apply to the grant of a firearm licence. | |

Controls on civilian possession and use: *Restrictions and conditions* continued

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|--|--|--|---|
| Withholding information or misrepresentation | <p>Protocol for the GLR and HoA Art. 3</p> <p>Prohibits the misrepresentation or withholding of any information given with a view to obtaining any licence or permit.</p> | <p>Firearms and Ammunition Act 1973 Art. 5</p> <p>(9) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a firearm licence under this section, or the variation or renewal of a firearm licence, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 1,000, or to both such imprisonment and fine.</p> | <p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> <p>It is an offence to provide false information for the purpose of obtaining a small arms licence.</p> |
| Exemptions | | <p>Firearms and Ammunition Act 1973 Art. 7</p> <p>(1) The following provisions of this section shall have effect notwithstanding anything in section 4.</p> <p>(2) A person carrying on the business of a firearms dealer and registered as such under this Act, or an approved servant of such a person, may, without holding a firearm licence, purchase, acquire or have in his possession a firearm or ammunition in the ordinary course of that business.</p> <p>(3) A person carrying on the business of an auctioneer or an approved carrier or an approved servant of such a person or of a bank licensed under section 5 of the Financial Institutions Act, may, without holding a firearm licence, have in his possession a firearm or ammunition in the ordinary course of that business.</p> <p>(4) A person may, without holding a firearm licence, have in his possession a slaughtering instrument and ammunition therefor in any abattoir the operation of which is licensed or permitted by law if employed in such abattoir.</p> <p>(5) The proprietor of an abattoir such as is referred to in subsection (4) of this section, or a person appointed by him to take charge of slaughtering instruments and ammunition therefor for the purpose of storing them in safe custody at that abattoir, may, without holding a firearm licence, have in his possession a slaughtering instrument or ammunition therefor for that purpose.</p> <p>(6) Any person may, without holding a firearm licence –</p> <p>(a) have in his possession a firearm or ammunition on board a ship, or a signalling apparatus or ammunition therefor on board an aircraft or at an aerodrome, as part of the equipment of the ship, aircraft or aerodrome; and</p> <p>(b) remove a signalling apparatus or ammunition therefor, being part of the equipment of an aircraft, from one aircraft to another at an aerodrome, or from or to an aircraft at an aerodrome to or from a place appointed for the storage thereof in safe custody at that aerodrome, and keep any such apparatus or ammunition at such a place; and</p> <p>(c) if he has obtained from a police officer of or above the rank of Assistant Superintendent or from the Licensing Authority a permit for the purpose in the prescribed form, remove a firearm from or to a ship, or a signalling apparatus from or to an aircraft or aerodrome, to or from such place and for such purpose as may be specified in the permit.</p> <p>(7) A person carrying a firearm or ammunition belonging to another person holding a firearm licence relating thereto may without himself holding a firearm licence, have in his possession that firearm or ammunition under instructions from and for the use of that other person for sporting purposes only.</p> <p>(8) Any person may, without holding a firearm licence, have a firearm in his possession at an athletic or other sporting meeting for the purpose of starting races at that meeting.</p> <p>Art. 44</p> <p>Notwithstanding anything elsewhere contained in this Act a firearm licence shall not be required to be taken out in respect of firearms or ammunition by:</p> <p>(a) any person in the Defence Force or in the police force or prison service of the Republic, and by any member of any rifle association approved by the</p> | |

Controls on civilian possession and use: Restrictions and conditions *continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---------------------------------------|---|------------|
| | | <p>Minister in respect of any firearm kept, or carried, or used exclusively for the purposes of such force, service or association;</p> <p>(b) any person or class of persons especially exempted by the President from taking out such licence;</p> <p>(c) any person in possession of a firearm which by reason of its age, peculiarity of construction, damaged condition or other sufficient cause is certified in writing by the Commissioner of Police to be out of use and kept merely as a curiosity.</p> | |

Controls on civilian possession and use: Possession and use

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|--|--|---|
| <p>Restrictions on application/use of firearm – when, where, how?</p> <p>Some potential cases include:</p> <ul style="list-style-type: none"> ■ resisting arrest ■ injure/endanger person or property ■ handle firearm under influence of drugs/alcohol ■ negligent discharge/use ■ point gun without good cause ■ restrictions on carriage of firearm (when, where (public place), how (holster, concealed etc)) | <p>Nairobi Declaration Art. iv and Implementation Plan Art. 3.1, 3.2.1, 3.3</p> <p>Require laws, regulations, standards and prohibitions governing the civilian possession of small arms and light weapons, including home made weapons.</p> <p>Protocol for the GLR and HoA Art. 3</p> <p>(a) Requires the establishment as criminal offences the</p> <p>(iii) illicit possession and misuse of small arms and light weapons</p> <p>(c) (i) Requires the prohibition of unrestricted civilian possession of small arms</p> <p>Bamako Declaration Art. 3 A (iii)</p> <p>Recommends establishing as a criminal offence the illegal possession and use of small arms and light weapons.</p> <p>UN Programme of Action II Art. 3</p> <p>Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p> | <p>Firearms and Ammunition Act 1973 Art. 5</p> <p>(7) A firearm licence maybe revoked by the Licensing Authority if –</p> <p>(a) the Licensing Authority is satisfied that the holder is prohibited by or under this Act from possessing a firearm to which the firearm licence relates, or is of intemperate habits or unsound mind, or is otherwise unfitted to be entrusted with such a firearm; or</p> <p>(b) the holder fails to comply with a notice under subsection (5) of this section requiring him to deliver up the firearm licence; or</p> <p>(c) if the Licensing Authority is satisfied that the firearm or ammunition to which the firearm licence relates is not in good and serviceable condition or is unsafe.</p> <p>Art. 31</p> <p>Any person who is drunk, or who behaves in a disorderly manner, while carrying a firearm to which Part II applies, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000, or to both such imprisonment and fine.</p> <p>Art. 32</p> <p>(1) If any person makes or attempts to make any use whatsoever of a firearm or imitation firearm with intent to commit an offence or to resist or prevent the lawful apprehension or detention of himself or any other person, he shall be guilty of an offence and liable to imprisonment for a term not exceeding fourteen years; and, where any person commits any such offence in respect of the lawful apprehension or detention of himself for any other offence committed by him, he shall be liable to the penalty provided in this subsection in addition to any penalty to which he may be sentenced for that other offence.</p> <p>(2) A firearm or imitation firearm shall, notwithstanding that it is not loaded or is otherwise incapable of discharging any shot, bullet or other missile, be deemed to be an offensive weapon or instrument for the purposes of the Penal Code.</p> <p>(3) In this section, "imitation firearm" means anything which has the appearance of being a firearm, whether it is capable of discharging any shot, bullet or other missile or not.</p> | <p>The national legislation fully conforms to the regional and international agreements.</p> <p>Restrictions are placed on the manner in which a small arm may be used.</p> <p>It is an offence to use a small arm whilst drunk, or to use a small arm to commit a crime or to resist arrest.</p> <p>Small arms, including imitation small arms, are classified as offensive weapons.</p> |
| Storage and safekeeping conditions | <p>Protocol for the GLR and HoA Art. 3 (c) (viii)</p> <p>Requires provisions for the effective control of small arms and light weapons including the storage thereof.</p> | <p>Firearms and Ammunition Act 1973 Art. 18</p> <p>(3) Every person having in his possession any firearm or ammunition shall keep the same at all times securely and in safe custody and in a safe condition and, when not in use, in a locked fireproof steel box or other locked fireproof receptacle approved by the Licensing Authority, and shall take all reasonable precautions to ensure that such firearm or ammunition is not lost or stolen and is not at any time available to any person not lawfully entitled to possess the same.</p> | <p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> <p>Controls are placed on the way in which civilian owned small arms must be stored.</p> |

Controls on civilian possession and use: *Possession and use continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|--|--|---|
| <p>Restrictions on/ conditions of relinquishing and regaining possession of firearms</p> <ul style="list-style-type: none"> ■ to whom (authorised person, dealer, licence holder, relations) ■ deposit in and retrieval of arms from warehouses | <p>Protocol for the GLR and HoA Art. 3 (c) (viii)</p> <p>Requires restrictions on owners' rights to relinquish control, use and possession of small arms.</p> | <p>Firearms and Ammunition Act 1973 Art. 7</p> <p>(7) A person carrying arms or ammunition belonging to another person holding a firearm licence relating thereto may without himself holding a firearm licence, have in his possession that firearm or ammunition under instructions from and for the use of that other person for sporting purposes only.</p> <p>Art. 16</p> <p>(1) No person shall sell or transfer to any other person in Seychelles, other than a registered firearms dealer, any firearm or ammunition unless that other person produces a firearm licence authorizing him to purchase or acquire it or shows that he is by virtue of this Act entitled to purchase it, or, as the case may be, to acquire it by means of such transfer, without holding such a licence: Provided that this subsection shall not prevent a person parting with the possession of a firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan to a person who shows that he is by virtue of this Act entitled to have possession of the firearms or ammunition without holding a firearm licence.</p> <p>(2) Every person who sells, lets on hire, gives or lends a firearm or ammunition to any other person in Seychelles, other than a registered firearms dealer, shall, unless that other person shows that he is by virtue of this Act entitled to purchase or, as the case may be, to hire, accept as a gift or borrow the firearm or ammunition without holding a firearm licence, comply with any instructions contained in the licence produced, and in the case of a firearm, shall, within forty-eight hours from the transaction, send by registered post, or personally deliver, notice of the transaction to the Licensing Authority.</p> | <p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> <p>Civilians who do not possess a small arms licence can take temporary possession of small arms for sporting purposes only.</p> <p>Restrictions are also placed on the sale, lending, giving and hiring of small arms to other persons including a responsibility to inform the licensing authority.</p> |
| <ul style="list-style-type: none"> ■ leasing/lending | | <p>Firearms and Ammunition Act 1973 Art. 16</p> <p>(2) Every person who sells, lets on hire, gives or lends a firearm or ammunition to any other person in Seychelles, other than a registered firearms dealer, shall, unless that other person shows that he is by virtue of this Act entitled to purchase or, as the case may be, to hire, accept as a gift or borrow the firearm or ammunition without holding a firearm licence, comply with any instructions contained in the licence produced, and in the case of a firearm, shall, within forty-eight hours from the transaction, send by registered post, or personally deliver, notice of the transaction to the Licensing Authority.</p> | |
| <ul style="list-style-type: none"> ■ pawning/pledging | <p>Protocol for the GLR and HoA Art. 3 (c) (x)</p> <p>Requires provisions prohibiting the pawning and pledging of small arms and light weapons.</p> | <p>Firearms and Ammunition Act 1973 Art. 20</p> <p>(1) No person shall take any firearm or ammunition in pawn from any other person.</p> | <p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> |
| <ul style="list-style-type: none"> ■ inheritance/death | | | |
| <ul style="list-style-type: none"> ■ other conditions restrictions on/ conditions of relinquishing and regaining possession of firearms | | | |
| <p>Notifying authorities of altered circumstances (death, loss, theft, change of address, weapon to gunsmith, disposal, destruction etc)</p> | | <p>Firearms and Ammunition Act 1973 Art 16</p> <p>(2) Every person who sells, lets on hire, gives or lens a firearm or ammunition to any person in Seychelles, other than a registered firearms dealer, shall, unless that other person shows that he is by virtue of this Act entitled to purchase or, as the case may be, to hire, accept as a gift or borrow the firearm or ammunition without holding a firearm licence, comply with any</p> | |

Controls on civilian possession and use: *Possession and use continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|---------------------------------------|--|------------|
| | | <p>instructions contained in the licence produced, and in the case of a firearm, shall, within forty-eight hours from the transaction, send by registered post, or personally deliver, notice of the transaction to the Licensing Authority.</p> <p>Art. 22</p> <p>Any person having possession of a firearm or ammunition, whether or not he holds a firearm licence therefor or is entitled to have possession thereof without holding a firearm licence, shall, if such firearm or ammunition is lost, stolen or destroyed, report such loss, theft or destruction as soon as possible after its occurrence to the police officer in charge of the nearest police station, and if he fails to do so, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000, or to both such imprisonment and fine.</p> | |
| <p>Other restrictions on possession and use of small arms including:</p> <ul style="list-style-type: none"> ■ carry licence while in possession ■ civilian maintenance, repair, loading | | <p>Firearms and Ammunition Act 1973</p> <p>Art. 8</p> <p>(1) Notwithstanding anything contained in any of the foregoing sections the Licensing Authority may refuse to grant, renew or vary firearm licence unless and until any firearm to which such firearms licence is granted, renewed or varied, relates to is produced to him for his inspection and for marking, if necessary, in accordance with the requirements of subsection (2).</p> | |

Controls on civilian possession and use: *Offences/penalties*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|--|--|---|
| | <p>Protocol for the GLR and HoA</p> <p>Art. 5 (b) (i)</p> <p>Requires the introduction of harmonised, heavy minimum sentences for small arms and light weapons crimes and the carrying of unlicensed small arms and light weapons.</p> | <p>Firearms and Ammunition Act 1973</p> <p>Art. 4</p> <p>(2) If any person purchases, acquires or has in his possession any firearm or ammunition without holding a firearm licence in force at the time, or otherwise than as authorised by such a licence, or, in the case of ammunition, in quantities in excess of those so authorised; or fails to comply with any condition subject to which a firearm licence is held by him, he shall, subject to the provisions of this Act, be guilty of an offence and liable to imprisonment for a term not exceeding one year or to a fine not exceeding Rs2,000 or to both such imprisonment and fine.</p> <p>Art. 5</p> <p>(8) In any case where a firearm licence is revoked by the Licensing Authority, he shall by notice in writing require the holder to surrender the firearm licence, and if the holder fails to do so within fourteen days from the date of the notice he shall be guilty of an offence and liable to a fine not exceeding Rs. 1,000:</p> <p>(9) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a firearm licence under this section, or the variation or renewal of a firearm licence, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 1,000, or to both such imprisonment and fine.</p> <p>Art. 16</p> <p>(4) If any person contravenes any of the provisions of this section; or with a view to purchasing or acquiring, or procuring the repair, test or proof, a firearm or ammunition produces a false firearm licence or a firearm licence in which any false entry has been made, or personates a person to whom a firearm licence has been granted, or makes any false statement, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs.2,000, or to both such imprisonment and fine.</p> | <p>Implementation of Article 5 (b) (i) will require consultation and agreement on what constitute heavy minimum sentences.</p> <p>The current penalties appear relatively lenient in comparison with those of other countries in the region, and therefore consultation will be required in order to harmonise standards.</p> |

Controls on civilian possession and use: *Offences/penalties continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---------------------------------------|--|------------|
| | | <p>Art. 18</p> <p>(4) Any person who fails to comply with any of the provisions of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs.5,000, or to both such imprisonment and fine.</p> <p>Art. 20</p> <p>(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs 2,000, or to both such imprisonment and fine.</p> <p>Art. 25</p> <p>(1) It shall not be lawful for any person, other than a person in the service of the Republic acting in his capacity as such a person authorised in writing in that behalf by the President or a person of a class for the time being authorised in that behalf by the President by notice in the Gazette, to sell, transfer, purchase, acquire or have in his possession-</p> <p>(a) any firearm which is so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until the pressure is removed or until the magazine containing the missiles is empty; or</p> <p>(b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or similar thing; or</p> <p>(c) any ammunition containing, or designed or adapted to contain, any such noxious thing, or</p> <p>(d) any firearm or ammunition specified, or of a class or type specified, by the President by notice in the Gazette; or</p> <p>(e) any accessory or attachment, of a kind specified by the President by notice in the Gazette, which is designed</p> <p>(2) Any person who does any of the things prohibited by subsection (1) of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding three years or to a fine not exceeding Rs. 5,000 or to both such imprisonment and fine.</p> <p>(3) Any authority given under this section shall be subject to such conditions as may be specified therein, and, if any person authorised thereby fails to comply with any such condition, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000 or to both such imprisonment and fine.</p> <p>(4) The President may at any time, if he thinks fit, revoke any individual authority given by him to any person under this section, by notice in writing requiring that person to deliver up the authority to such person as may be specified in the notice within fourteen days from the date of the notice, and if that person fails to comply with that requirements, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000, or to both such imprisonment and fine.</p> <p>Art. 30</p> <p>(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000, or to both such imprisonment and fine.</p> <p>Art. 31</p> <p>Any person who is drunk, or who behaves in a disorderly manner, while carrying a firearm to which Part II applies, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000, or to both such imprisonment and fine.</p> | |

Controls on civilian possession and use: *Offences/penalties continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---------------------------------------|--|------------|
| | | <p>Art. 32</p> <p>(1) If any person makes or attempts to make any use whatsoever of a firearm or imitation firearm with intent to commit an offence or to resist or prevent the lawful apprehension or detention of himself or any other person, he shall be guilty of an offence and liable to imprisonment for a term not exceeding fourteen years; and, where any person commits any such offence in respect of the lawful apprehension or detention of himself for any other offence committed by him, he shall be liable to the penalty provided in this subsection in addition to any penalty to which he may be sentenced for that other offence.</p> <p>Art. 34</p> <p>(6) Where a court cancels a firearm licence or permit under this section –</p> <p>(a) the court shall cause notice to be sent to the Licensing Authority;</p> <p>(b) the Licensing Authority shall by notice in writing require the holder of the firearm licence or permit to surrender it; and</p> <p>(c) if the holder fails to surrender the firearm licence or permit within fourteen days from the date of the last-mentioned notice, he shall be guilty of an offence and liable to a fine not exceeding Rs 1,000.</p> | |

Record keeping and marking

Marking

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|--|--|---|
| When? (import/export/transit/manufacture etc) | <p>Bamako Declaration Art. 3 A (iv)</p> <p>Recommends establishing at the national level the responsible management of licit arms.</p> <p>Protocol for the GLR and HoA Art. 3 (c) (vi)</p> <p>Requires provisions ensuring the standardised marking and identification of small arms and light weapons at the time of manufacture, import or export.</p> <p>UN Programme of Action Section II Art. 16</p> <p>Requires the marking and registering of all confiscated, seized or collected small arms prior to their destruction or disposal.</p> <p>UN Firearms Protocol Art. 9</p> <p>(c) Requires the marking of deactivated firearms with a clearly visible mark attesting to its deactivation.</p> | <p>Firearms and Ammunition Act 1973 Art. 8</p> <p>(1) Notwithstanding anything contained in any of the foregoing sections the Licensing Authority may refuse to grant, renew or vary firearm licences unless and until an firearm to which such firearm licence if granted, renewed or varied, relates to is produced for inspection and for marking, if necessary, in accordance with the requirements of subsection (2).</p> <p>(2) No firearm licence shall be granted, or, as the case may be, varied or renewed, in respect of a firearm unless such firearm bears a mark or number of identification or is first marked with such a mark or number by, or under and in accordance with the directions of, the Licensing Authority.</p> <p>Firearms and Ammunition Regulations 1973 Art. 4</p> <p>(1) No firearms dealer shall sell, issue or return to any person, except another firearms dealer, any firearm, or any barrel, bolt or chamber of a firearm, unless such firearm or part bears a mark or number of identification.</p> <p>(2) Every firearms dealer shall maintain equipment for the purpose of stamping marks and numbers of identification on firearms and parts of firearms in accordance with this regulation.</p> <p>(3) Every firearms dealer shall comply with any directions given by the Licensing Authority concerning the firearms or parts to be stamped, the manner in which such stamping is to be effected and the marks or numbers to be used.</p> | <p>The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps are evident.</p> <p>Unmarked small arms must be marked before they can be issued for civilian ownership.</p> |
| How? ■ stamping/engraving? | | | |
| ■ where on weapon? | <p>Protocol for the GLR and HoA Art. 7</p> <p>Requires that the marking should be on the barrel, frame and, where applicable, the slide.</p> | | <p>The national legislation does not conform to the Protocol for the GLR and HoA.</p> |

Record keeping and marking: *Marking* continued

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|--|---|---------------------------------------|---|
| <ul style="list-style-type: none"> ■ with what? (unique alpha-numeric symbol/identifying country and manufacturer?) | <p>Protocol for the GLR and HoA Art. 7</p> <p>(a) Requires the marking at the time of manufacture with a unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number.</p> <p>(b) Requires the marking at the time of import with a simple marking identifying the country an year of import and an individual serial number if it does not have one.</p> <p>(c) Requires the marking of small arms and light weapons in possession of the state with a unique mark.</p> <p>UN Firearms Protocol Art. 8 and UN Programme of Action Section II Art. 7</p> <p>Require specific provisions for a unique number to be marked on the barrel, frame or slide at the time of manufacture or import. Such information must permit identification of country of manufacture and manufacturer.</p> | | <p>The national legislation does not conform to the regional and international agreements.</p> <p>The national legislation does not specify the information that must be contained in a small arms marking nor that such mark must be unique.</p> <p>Traded small arms must also be marked. However the national legislation does not ensure the standardised marking of all small arms and light weapons at the time of manufacture, import or export.</p> |

Record keeping and marking: *Record keeping*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|---|---|--|
| <p>Description of record keeping specifications:</p> <ul style="list-style-type: none"> ■ what records should be kept? ■ where? ■ how? ■ by whom? ■ for how long? ■ when must authorities be provided with information? | <p>Protocol for the GLR and HoA Art. 7 (d) and UN Firearms Protocol Art. 7</p> <p>Require the maintenance of records of markings for not less than ten years of firearms, ammunition and components that are necessary to trace illicitly manufactured or trafficked arms.</p> <p>Protocol for the GLR and HoA Art. 3 (c) (iii)</p> <p>Requires the regulation and centralised registration of all civilian-owned small arms.</p> <p>Art. 7 (d)</p> <p>Requires information held to include appropriate markings and specific details of international transactions of small arms and light weapons.</p> <p>UN Programme of Action Section II Art. 9</p> <p>Requires ensuring comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons. Records should be well maintained and organised to facilitate accurate and prompt information retrieval.</p> <p>Art. 10</p> <p>Requires provision to ensure responsibility for weapons held and issued by the state and effective measures for tracing such weapons.</p> <p>Art. 17</p> <p>Requires all bodies authorised to hold small arms to ensure standards and procedures are established regarding: inventory management; and accounting control; and accounting of small arms held or transported by operational units or authorised personnel.</p> | <p>Firearms and Ammunition Act 1973 Art. 13</p> <p>(1) For the purposes of this Act, the Licensing Authority shall keep in the prescribed form a register of firearms dealers in which, subject as hereinafter provided, he shall cause to be entered the name of every person who applies to be registered as a firearms dealer and furnishes the prescribed particulars:</p> <p>Provided that –</p> <p>(i) The Licensing Authority shall not register an applicant who is prohibited to be registered by order of a court made under section 19, and</p> <p>(ii) the Licensing Authority may refuse to register an applicant if he is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace.</p> <p>Art. 17</p> <p>(1) Every person who by way of trade or business deals in, sells or transfers firearms or ammunition shall provide and keep a register of transactions, and shall enter or cause to be entered therein such particulars as may be prescribed.</p> <p>(2) Every such entry shall be made within twenty-four hours after the transaction to which it relates took place, and, in the case of a sale or transfer, every such person as aforesaid shall at the time of the transaction require the purchaser or transferee to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the register.</p> <p>(4) Every such person shall make a quarterly return to the Licensing Authority of all firearms and ammunition received and sold by him.</p> <p>Art. 46</p> <p>The President may make regulations –</p> <p>(d) providing for the establishment and maintenance of a central registry of firearms and ammunition;</p> <p>Firearms and Ammunition Regulations 1973 Art. 4</p> <p>(4) Every firearms dealer shall maintain securely under lock and key an accurate register of marks in the form prescribed, and shall record therein every mark or number of identification stamped by him, together with the make, type and calibre of the firearms or part</p> | <p>The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps are evident.</p> <p>Small arms dealers must maintain a register of transactions and the Licensing Authority must keep a register of small arms dealers.</p> <p>Provision is made for the President to establish a Central Firearms Registry.</p> <p>However, there is no requirement for record keeping in relation to the manufacture, import or export of small arms and no requirement for records to be kept for not less than ten years.</p> |

Record keeping and marking: Record keeping *continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---|---|------------|
| | <p>Bamako Declaration Art. 3 A (iv) Recommends establishing at the national level the responsible management of licit arms.</p> <p>Co-ordinated Agenda for Action Art. 5.3 Ensure strict accountability and the effective tracing of all weapons owned by the state</p> <p>Art. 5.4 Ensure strict accountability and effective control of all weapons owned by private security companies and dealers.</p> | <p>stamped, the name and address of the person to whom it is issued and the mark or number of the firearm, if any, to which a part so stamped is affixed.</p> <p>(5) Every firearms dealer shall endorse upon the firearm licence of every person who purchases any firearm or ammunition from him the number and other details of, including any mark made on, any such firearm and the number, quantity and calibre of such ammunition.</p> <p>Art. 5 Every person required under the Act and these regulations to keep a dealer's register of transactions shall comply with any directions which may be given to him by the Licensing Authority concerning the manner in which the register shall be kept and entries made therein.</p> | |

Record keeping and marking: Offences/penalties

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---|---|---|
| | <p>UN Firearms Protocol Art. 5 (1) (c) and Protocol for the GLR and HoA Art. 3 (a) (iv) Require provisions that explicitly make it an offence to illegally falsify, obliterate or remove or alter the markings on a firearm.</p> <p>UN Firearms Protocol Art. 5 (2) (a) and (b) Requires provisions relating to interfering with markings for firearms and for those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p> | <p>Firearms and Ammunition Act 1973 Art. 17 (5) If any person – (a) fails to comply with any of the provisions of this section; or (b) knowingly makes any false entry in a register required to be kept under this section; or (c) knowingly furnishes any false particular of identification of himself or any other person; or (d) fails to comply with any regulations made under this Act, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs.2,000 or to both such imprisonment and fine.</p> <p>Firearms and Ammunition Regulations 1973 Art. 6 Every person who contravenes any of the provisions of regulations 4 and 5, or any of directions given thereunder, shall be guilty of an offence and liable, in addition to any action which may be taken under subsection (3) of section 13 of the Act, to a fine not exceeding two thousand rupees.</p> | <p>The national legislation does not conform to the regional and international agreements.</p> <p>It is an offence to make a false entry in a small arms dealers' record of transactions.</p> <p>However, the national legislation does not stipulate that it is an offence to interfere with small arm markings or to organise, direct, aid, abet, facilitate or counsel the commission of offences.</p> |

Import, export and transit**Licensing**

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|--|--|--|
| <p>Description of licensing process:</p> <ul style="list-style-type: none"> ■ licensing/ registration of persons and transactions? ■ competency test of those licensed to import, export or transit arms? ■ duration of licences? ■ offence withheld information? ■ distinction between civilian and commercial transfers? ■ specifications of licence – information to be included on licence? | <p>Nairobi Declaration Art. iv and Co-ordinated Agenda for Action Preamble Urge states to have in place adequate laws, regulations and administrative procedures to exercise effective control over the transfer of small arms and light weapons.</p> <p>Co-ordinated Agenda for Action Art. 3.1, 3.2.2 and Implementation Plan Art. 3.1, 3.2.2 Require regulations and standards to govern the import of small arms and light weapons.</p> <p>Protocol for the GLR and HoA Art. 3 (c) (v) Requires standards regarding the import of small arms and light weapons.</p> | <p>Firearms and Ammunition Act 1973 Art. 26 (1) No person shall import or export any firearm or ammunition save under and in accordance with the terms of an import or export permit, as the case may be, issued by an authorized officer: Provided that where any firearm or ammunition, not being a firearm or ammunition the importation of which is for the time being prohibited under subsection (2), is imported for the personal use of the owner thereof but without an import permit under this section having been previously obtained authorizing the importation thereof, such importation shall not be deemed to contravene the provisions of this section if such firearm or ammunition on importation is left in customs control until an import permit under this section is obtained in respect of the importation thereof.</p> <p>(2) No person shall import or export any firearm or ammunition, or any firearm or ammunition of a class or type, of which the importation or exportation, as the case may be, is for the time being prohibited by the President by order published in the Gazette.</p> | <p>The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps are evident.</p> <p>Licences are required for the import, export and transit of arms.</p> <p>However, the national legislation does not specify the information to be included on these licences, there is no mention of the need for end-user certificates and no requirement that export applications</p> |

Import, export and transit: *Licensing* continued

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|--|---|---|---|
| <ul style="list-style-type: none"> ■ required documentation – end-user certificates etc?) | <p>Art. 10 (a) and (c) Requires an effective system of export and import licensing or authorisation and specifies the specific information that must be included on import and export licences and documentation.</p> <p>UN Firearms Protocol Art. 5 (1) (b) Art. 10 (1), (2) and (3) Requires state parties to adopt legislative measures making the illicit trafficking in firearms illegal. Requires provisions catering for the international transit of firearms. Requires provisions for verifying the issuance of import licences and authority for transit.</p> <p>UN Firearms Protocol Art 5 (1) (b) Art 10 (1), (2) and (3) and Protocol for the GLR and HoA Art. 10 (b) Require provisions outlining the specific detailed information to be included on export and import licences. These should include a minimum of:</p> <ul style="list-style-type: none"> ■ Place and date of issuance ■ Date of expiration ■ Country of export ■ Country of import ■ Final recipient ■ Description and quantity of goods ■ Country of transit, where appropriate. <p>UN Programme of Action Section II Art. 2, Art. 11 and Art. 12 Requires provisions catering for the international transit of small arms, including the use of authenticated end-user certificates, and requires that export applications are assessed in a manner consistent with existing responsibilities under international law.</p> <p>Bamako Declaration Art. 3 A (iii) (vii) Recommends establishing as a criminal offence the illegal trafficking of small arms and light weapons. Requires that states take appropriate measures to control arms transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents</p> | <p>(5) Import and export permits under this section shall be in the prescribed forms, and there shall be payable in respect thereof such fees as may be prescribed.</p> <p>(6) An authorized officer may, without assigning any reason therefor, revoke any import or export permit granted under this section at any time before the firearms or ammunition to which it relates have been imported or exported, as the case may be, in pursuance thereof.</p> <p>(8) For the purposes of this section “authorised officer” means a police officer or customs officer authorised by the Licensing Authority in writing to grant import and export permits under this section.</p> <p>(9) In this section, “firearms” includes safety, toy and alarm pistols and rifles which are capable of being converted into, or to have the appearance of, lethal barrelled weapons, or which can be used or adapted for the discharge of any noxious liquid, gas or similar thing, and “ammunition” means ammunition to which Part II applies.</p> <p>Art. 29 Notwithstanding anything in this Act contained, the Licensing Authority may, at his discretion, grant, with or without conditions, refuse, suspend or revoke transit permits for the importation or exportation, or the removal within or transportation through Seychelles, of any firearms or ammunition in transit through Seychelles to any place outside Seychelles, and the importation, exportation, removal, transportation and possession of any such arms or ammunition under and in accordance with the terms of any such transit permit shall be lawful and shall not constitute any offence under this Act.</p> | <p>are assessed in a manner consistent with existing responsibilities under international law, nor are there provisions for verifying import and transit permits.</p> |

Import, export and transit: *Marking*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------------------|---|---------------------------------------|--|
| <p>What conditions pertain?</p> | <p>Protocol for the GLR and HoA Art. 3 (c) (vi) and Art. 7 (b) Requires the standardised marking and identification of small arms and light weapons at the time of import, with information that permits the identification of the country and year of import and with an individual serial number if the small arms or light weapon does not bear one at the time of import.</p> <p>Bamako Declaration Art. 3 A (iv) Recommends establishing at the national level the responsible management of licit arms.</p> | | <p>The national legislation does not conform to the regional and international agreements.</p> |

Import, export and transit: *Marking* continued

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---|---------------------------------------|------------|
| | <p>UN Firearms Protocol Art. 8 and UN Programme of Action Section II Art. 7 and Art. 8</p> <p>Require specific provisions for a unique number to be marked on the barrel, frame or slide at the time of import. Such information must permit identification of country of manufacture and manufacturer.</p> <p>Require provision making it illegal to stockpile, transfer or possess unmarked weapons.</p> | | |

Import, export and transit: *Restrictions*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|--|---------------------------------------|--|------------|
| <p>Where can arms be imported/exported (specified points of entry?)?</p> <p>How (conditions of carriage)?</p> <p>What arms can be imported/exported/tranisted?</p> | | <p>Firearms and Ammunition Act 1973 Art. 26</p> <p>(2) No person shall import or export any firearm or ammunition, or any firearm or ammunition of a class or type, of which the importation or exportation, as the case may be, is for the time being prohibited by the President by order published in the Gazette. (4) An authorized officer may, at his discretion and without assigning any reason thereof, refuse to grant any import or export permit under this section, and shall refuse to grant any such permit authorizing –</p> <p>(a) the importation or exportation of any arms or ammunitions of war unless the President has sanctioned such importation or exportation; or</p> <p>(b) the importation or exportation of any firearm or ammunitions of war unless the President as the case may be, is for the time being prohibited under subsection (2) of this section.</p> <p>Art. 27</p> <p>(1) No person shall import any firearm or ammunition save at any one or more places designated for the purposes by the President and all firearms and ammunition imported at any such place shall be detained in customs control pending removal in accordance with the provisions of this section.</p> <p>(2) No person who imports any firearm or ammunition by way of trade or business, or for the purposes of any trade or business, or for any purpose other than his own personal use, shall remove the same, or cause the same to be removed, from customs control, unless he has first obtained a removal permit under section 28 authorizing the removal thereof from the place at which the same is detained in customs control.</p> <p>(3) No person who imports a firearm or ammunition for his own personal use shall remove the same, or cause the same to be removed, from customs control unless he has first obtained a firearm licence, in respect thereof, or unless he is entitled by virtue of this Act to have the firearm licence or ammunition in his possession without holding a firearm licence.</p> <p>(5) In this section, “firearm” includes safety, toy and alarm pistols and rifles which are capable of being converted into, or have the appearance of, lethal barrelled weapons, or which can be used or adapted for the discharge of any noxious liquid, gas or similar thing, and “ammunition” means ammunition to which Part II applies.</p> <p>Art. 28</p> <p>(1) Subject to the provisions of subsection (4), no person shall remove or transport, or cause to be removed or transported, any firearm or ammunition from one place to another in Seychelles, whether for the purpose of export or otherwise, save under and in accordance with a removal permit issued by the Licensing Authority.</p> <p>(3) No removal permit shall be issued under this section authorizing the removal or transport of firearms or ammunition by road, by air or by sea from one area to another, save with the general or specific permission of the Licensing Authority.</p> | |

Import, export and transit: Restrictions *continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---------------------------------------|---|------------|
| | | <p>(4) Nothing in this section shall apply to –</p> <p>(a) a person carrying on the business of an approved carrier, or an approved servant of such a person, in respect of the removal or transportation of any firearms or ammunition in the ordinary course of that business;</p> <p>(b) the holder of a firearm licence in respect of the carriage with him and in accordance with the terms of the firearm licence of any firearm or ammunition to which the firearm licence relates;</p> <p>(c) any person, not being a registered firearms dealer, in respect of the carriage with him of any firearm or ammunition which he is entitled by virtue of the provisions of this Act to have in his possession without holding a firearm licence; or</p> <p>(d) the removal or transport by a registered firearms dealer of any firearm or ammunition in his possession in the ordinary course of his business as such from one of his places of business to another or from or to his own place of business from the place of business of another registered firearms dealer.</p> | |

Import, export and transit: Record keeping

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|--|---------------------------------------|--|
| <p>What records should be kept?</p> <p>What records must be submitted to authorities, and when?</p> | <p>Protocol for the GLR and HoA Art. 7 (d) and UN Firearms Protocol Art. 7</p> <p>Require the maintenance of records of information on small arms and light weapons for not less than ten years necessary to trace illicitly manufactured or trafficked arms.</p> <p>Protocol for the GLR and HoA Art. 7 (d)</p> <p>Requires information held to include appropriate markings and specific details of international transactions of small arms and light weapons.</p> <p>UN Programme of Action Section II Art. 9</p> <p>Requires ensuring comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons. Records should be well maintained and organised to facilitate accurate and prompt information retrieval.</p> | | <p>The national legislation does not conform to the regional and international agreements.</p> |

Import, export and transit: Special conditions

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|--|---------------------------------------|---|
| <p>Temporary import/export conditions? Conditions for dignitaries, diplomats, tourists or other categories of person?</p> | <p>Protocol for the GLR and HoA Art. 10 (f)</p> <p>Allows states to adopt simplified procedures for the temporary import and export and the transit of small arms for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.</p> | | <p>The national legislation does not contain any such simplified procedures and therefore applies in full in these instances.</p> |

Import, export and transit: Re-export provisions

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---------------------------------------|---------------------------------------|------------|
| | | | |

Import, export and transit: Offences/penalties

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|--|--|---|
| | <p>Co-ordinated Agenda for Action Art. 3.3 and Implementation Plan Art. 3.3</p> <p>Require the establishment as criminal offences under the national law the illicit trafficking in small arms and light weapons, including home made weapons.</p> <p>UN Firearms Protocol Art. 5 (2) (a) and (b)</p> <p>Requires a provisions relating to the illicit trafficking and for those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p> <p>Protocol for the GLR and HoA Art. 3 (a) (i)</p> <p>Requires the establishment as a criminal offence the illicit trafficking of small arms and light weapons.</p> | <p>Firearms and Ammunition Act 1973 Art. 26</p> <p>(3) Any person who contravenes any of the provisions of subsections (1) and (2) of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000, or to both such imprisonment and fine: Provided that where any person imports or exports arms or ammunitions of war in contravention of any of the provisions of this section he shall be guilty of an offence and liable to imprisonment for twenty years.</p> <p>(7) Any person who makes any statement which he knows to be false for the purpose of procuring, whether for himself or for any other person, the issue of an import or export permit under this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000, or to both such imprisonment and fine.</p> <p>Art. 27</p> <p>(4) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000, or to both such imprisonment and fine.</p> <p>Art. 28</p> <p>(2) Any person who contravenes any of the provisions of subsection (1), or who makes any statement which he knows to be false for the purpose of procuring for himself or any other person the issue of a removal permit under this section, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000 or to both such imprisonment and fine.</p> | <p>The national legislation broadly conforms to the regional and international agreements but falls short in one key area.</p> <p>It is an offence to import, export or transfer arms without a licence.</p> <p>Organising, aiding, abetting, facilitating and counselling the commission of offences are not, however, stipulated as offences.</p> |

Brokering**Description of brokering controls**

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|--|---------------------------------------|--|
| | <p>Co-ordinated Agenda for Action Art. 3.2.3 and Implementation Plan Art. 3.2.3</p> <p>Require regulations for the effective control of manufacturers, traders, brokers, financiers and transporters of small arms and light weapons.</p> <p>Protocol for the GLR and HoA Art. 1</p> <p><i>Definitions</i></p> <p>"broker" is a person who acts:</p> <p>(a) for a commission, advantage or cause, whether pecuniary or otherwise;</p> <p>(b) to facilitate the transfer, documentation and/or payment in respect of any transaction relating to the buying or selling of small arms and light weapons; or</p> <p>(c) as an intermediary between any manufacturer, or supplier of, or dealer in small arms and light weapons and any buyer or recipient thereof.</p> <p>"brokering" means acting:</p> <p>(a) for a commission, advantage or cause, whether pecuniary or otherwise;</p> <p>(b) to facilitate the transfer, documentation and/or payment in respect of any transaction relating to the buying or selling of small arms and light weapons; or</p> | | <p>The national legislation does not conform to the regional and international agreements.</p> |

Brokering: Description of brokering controls *continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---|---------------------------------------|------------|
| | <p>(c) thereby acting as intermediary between any manufacturer, or supplier of, or dealer in small arms and light weapons and any buyer or recipient thereof.</p> <p>Art. 3 (c) (xii) Requires provisions regulating brokering in the individual State Parties.</p> <p>Art. 11 Requires a national system for regulating dealers and brokers of small arms and light weapons, which includes:</p> <p>(ii) registering all brokers operating within their territory;</p> <p>(iii) ensuring all registered brokers seek and obtain authorisation for each individual transaction taking place;</p> <p>(iv) ensuring that all brokering transactions provide full disclosure on import and export licences or authorisation and accompanying documents of the names and locations of all brokers involved in the transaction;</p> <p>(v) licensing, registering and checking regularly and randomly all independent manufacturers, dealers, traders and brokers.</p> <p>Bamako Declaration Art. 3 A (vii) B (iv), UN Firearms Protocol Art. 15 and UN Programme of Action Section II Art. 14 Require provisions for the control of brokers, including shipping and transit agents.</p> <p>UN Firearms Protocol Art. 5 (2) (a) and (b) and Art. 14 Requires provisions relating to the illicit trafficking in firearms and those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p> <p>Requires adequate legislation regulating the activities of those who engage in small arms and light weapons brokering.</p> | | |

Brokering: Offences/penalties

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---------------------------------------|---------------------------------------|------------|
| | | | |

Manufacture**Licensing**

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|--|---|--|--|
| <p>Description of licensing process:</p> <ul style="list-style-type: none"> ■ competency testing of manufacturers? ■ duration of licences? ■ offence to withhold information? | <p>Co-ordinated Agenda for Action Art. 3.1, 3.2.2, 3.2.3 and Implementation Plan Art. 3.1, 3.2.2, 3.2.3 Require minimum standards to govern and regulations regarding the manufacture of small arms and light weapons.</p> | <p>Firearm and Ammunition Act 1973 Art. 9 (1) No person shall manufacture any firearm or ammunition save on behalf of the Government and at a place established and designated for the purpose by, and in accordance with the directions of, the Licensing Authority.</p> | <p>The national legislation fully conforms to the regional and international agreements.</p> |

Manufacture: Licensing *continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|---|--|--|
| <ul style="list-style-type: none"> ■ specifications of licence – information to be included on licence? ■ distinction made between small arm and ammunition manufacturing? ■ limits on quantities produced? ■ restrictions on types of arms/ ammunition produced? | <p>Protocol for the GLR and HoA Art. 1</p> <p><i>Definitions</i></p> <p>“illicit manufacturing” shall mean the manufacturing or assembly of small arms and light weapons:</p> <p>(b) without a licence or authorisation from a competent authority of the State Party where the manufacture or assembly takes place; or</p> <p>Art. 3 (a) (ii) and (c) (iv)</p> <p>Require establishing as a criminal offence illicit manufacturing of small arms and light weapons and establishing controls over the manufacturing of small arms and light weapons.</p> <p>Bamako Declaration Art. 3 A</p> <p>(iii) Recommends establishing as a criminal offence the illicit manufacturing of small arms and light weapons.</p> <p>UN Firearms Protocol Art. 3</p> <p>(d) “Illicit manufacturing” shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:</p> <p>Art. 5 (1) (a)</p> <p>Requires state parties to adopt legislation making the illicit manufacturing of firearms and ammunition a criminal offence.</p> <p>UN Programme of Action II Art. 2</p> <p>Requires establishing adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms</p> <p>Art. 3</p> <p>Recommends establishing as a criminal offence the illegal manufacture of small arms and light weapons.</p> | <p>(2) In this section, “manufacture”, in relation to firearms or ammunition includes the filling, refilling and other processing of ammunition, but does not include the repair of firearms or ammunition, or the conversion into a firearm of anything that has the appearance of a firearm but is so constructed so as to be incapable of discharging any missile through the barrel thereof, or the alteration, or substitution or replacement of any component part, of a firearm.</p> | <p>Arms may only be manufactured on behalf of the Government and in accordance with directions from the Licensing Authority.</p> |

Manufacture: Marking

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------------------|---|---------------------------------------|--|
| <p>What conditions pertain?</p> | <p>Protocol for the GLR and HoA Art. 1</p> <p><i>Definitions</i></p> <p>“illicit manufacturing” shall mean the manufacturing or assembly of small arms and light weapons:</p> <p>(c) without marking the small arms and light weapons at the time of manufacture, in accordance with Article 7 of this Protocol.</p> <p>Art. 3 (c) (vi)</p> <p>Requires the standardized marking and identification of small arms and light weapons at the time of manufacture.</p> <p>Art. 7 (a)</p> <p>Requires the marking of each small arm and light weapon at the time of manufacture, with a unique marking</p> | | <p>The national legislation does not conform to the regional and international agreements.</p> |

Manufacture: Marking *continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|--|---------------------------------------|------------|
| | <p>providing the name of the manufacturer, the country of place of manufacture and the serial number. The marking should be on the barrel, frame and, where applicable, the slide.</p> <p>Bamako Declaration Art. 3 A (iv) Recommends establishing at the national level the responsible management of licit arms.</p> <p>Protocol for the GLR and HoA Art. 7 (a), UN Firearms Protocol Art. 8 and UN Programme of Action Section II Art. 7 Require specific provisions for a unique number to be marked on the barrel, frame or slide at the time of manufacture or import. Such information must permit identification of country of manufacture and manufacturer.</p> | | |

Manufacture: Record keeping

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|---|---------------------------------------|--|
| <p>What records should be kept?</p> <p>What records should be submitted to authorities, and when?</p> | <p>Protocol for the GLR and HoA Art. 7 (d) Requires the maintenance, for not less than ten years, of information in relation to small arms and light weapons that is necessary to trace and identify those small arms and light weapons which are illicitly manufactured and to prevent and detect such activities.</p> <p>UN Programme of Action Section II Art. 9 Requires ensuring that accurate records are kept for as long as possible on the manufacture of small arms and light weapons. Records should be maintained and organised to ensure accurate and prompt retrieval of information.</p> | | <p>The national legislation does not conform to the regional and international agreements.</p> |

Manufacture: Premises

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|--|--|---|--|
| <p>Registration of premises?</p> <p>Conditions of storage?</p> <p>Restrictions on type of premises and location?</p> | <p>UN Firearms Protocol Art. 11 Requires state parties to take appropriate measures to ensure the security of firearms, their parts and components and ammunition to prevent theft, loss and diversion.</p> <p>Protocol for the GLR and HoA Art. 3 (c) (viii) Requires provisions for effective control of small arms and light weapons including storage.</p> | <p>Firearm and Ammunition Act, 1973 Art. 9 (1) No person shall manufacture any firearm or ammunition save on behalf of the Government and at a place established and designated for the purpose by, and in accordance with the directions of, the Licensing Authority. (2) In this section, "manufacture", in relation, to firearms or ammunition includes the filling, refilling and other processing of ammunition, but does not include the repair of firearms or ammunition, or the conversion into a firearm of anything that has the appearance of a firearm but is so constructed so as to be incapable of discharging any missile through the barrel thereof, or the alteration, or substitution or replacement of any component part, of a firearm.</p> | <p>The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps are evident.</p> <p>Arms can only be manufactured in premises designated for this purpose by the Licensing Authority, however the legislation does not specify any specific measures that must be taken to ensure the security and safe storage of manufactured small arms.</p> |

Manufacture: Restrictions on sale/transfer

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|--|--|---------------------------------------|---|
| <p>To whom can manufacturer transfer arms?</p> <p>What arms can manufacturer transfer?</p> <p>Conditions to be met in transferring arms?</p> <p>What documentation and reporting of transfers is required?</p> | <p>Bamako Declaration Art. 3 A. (vii)</p> <p>Requires that states take appropriate measures to control arms transfers by manufacturers.</p> | | <p>The national legislation does not conform to the Bamako Declaration.</p> |

Manufacture: Quality control/standards

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|---------------------------------------|---------------------------------------|------------|
| <p>Conditions relating to quality of arms/ammunition produced</p> | | | |

Manufacture: Gunsmiths

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|--|---------------------------------------|---|------------|
| <p>Conditions/controls relating to repair and modification</p> | | <p>Firearms and Ammunition Act 1973</p> <p>Art. 12</p> <p>(1) Subject to the provisions of this section, no person shall, by way of trade or business –</p> <p>(a) sell, transfer, repair, test or prove; or</p> <p>(b) expose for sale or transfer, or have in his possession for sale, transfer, repair, test or prove, and firearm or ammunition, unless he is registered under this Act as firearms dealer:</p> <p>Art. 16</p> <p>(3) No person shall undertake the repair, test or proof of a firearm or ammunition for any other person in Seychelles, other than a registered firearms dealer as such, unless that other person produces or causes to be produced a firearm licence authorizing him to have possession of the firearm or ammunition, or shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding such a licence.</p> <p>Art. 21</p> <p>(1) No person other than a registered firearms dealer shall convert into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through the barrel thereof.</p> <p>Art. 34</p> <p>(5) No person shall sell or transfer a firearm or ammunition to, or repair, test or prove a firearm or ammunition for, any person whom he knows, or has reasonable ground for believing to be prohibited by this section or by any order made thereunder from having a firearm or ammunition in his possession.</p> | |

Manufacture: Offences/penalties

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---|--|--|
| | <p>UN Firearms Protocol Art. 5 (2) (a) and (b)</p> <p>Stipulates including provisions relating to the illicit manufacturing of firearms and for those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p> | <p>Firearms and Ammunition Act 1973</p> <p>Art. 9</p> <p>(3) If any person contravenes any of the provisions of subsection (1) of this section, he shall be guilty of an offence and liable to imprisonment for a term not exceeding five years or to a fine not exceeding Rs 10,000, or to both such imprisonment and fine.</p> | <p>The national legislation broadly conforms to the regional and international agreements but falls short in one key area.</p> |

Manufacture: Offences/penalties *continued*

| International and regional agreements | Current national legislative controls | Conformity |
|--|---|---|
| <p>Protocol for the GLR and HoA Art. 1</p> <p><i>Definitions</i></p> <p>“illicit manufacturing” shall mean the manufacturing or assembly of small arms and light weapons:</p> <p>(a) from parts and components illicitly trafficked;</p> <p>(b) without a licence or authorisation from a competent authority of the State Party where the manufacture or assembly takes place; or</p> <p>(c) without marking the small arms and light weapons at the time of manufacture, in accordance with Article 7 of this Protocol.</p> <p>Art. 3 (a) (ii)</p> <p>Requires establishing as a criminal offence illicit manufacturing of small arms and light weapons.</p> | <p>Art. 12</p> <p>(2) If any person contravenes any of the provisions of this section, or makes any statement which he knows to be false for the purpose of procuring, whether for himself or for any other person, the grant of a permit under this section, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000 or to both such imprisonment and fine.</p> <p>Art. 16</p> <p>(4) If any person contravenes any of the provisions of this section; or with a view to purchasing or acquiring, or procuring the repair, test or roof of, a firearm or ammunition produces a false firearm licence or a firearm licence in which any false entry has been made, or personates a person to whom a firearm licence has been granted, or makes any false statement, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs.2,000, or to both such imprisonment and fine.</p> <p>Art. 21</p> <p>(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000, or to both such imprisonment and fine.</p> | <p>It is an offence to illicitly manufacture arms.</p> <p>However, the legislation does not stipulate as specific offences the organising, aiding abetting, facilitating, counselling or commissioning of offences.</p> |

Trade**Licensing**

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|--|--|---|--|
| <p>Description of licensing process:</p> <ul style="list-style-type: none"> ■ competency testing of those licensed to trade? ■ duration of licences? ■ offence to withhold information? ■ specifications of licence – information to be included on licence? ■ limits on quantities traded? | <p>Nairobi Declaration Art. iv</p> <p>Urges states to monitor and effectively control all transactions relating to small arms and light weapons to licensed entities.</p> <p>Co-ordinated Agenda for Action Art. 3.1, 3.2.2 and Implementation Plan Art 3.1, 3.2.3</p> <p>Promote minimum standards and regulations for the governing and control of the transfer of small arms and light weapons.</p> <p>Co-ordinated Agenda for Action 3.2.3</p> <p>Requires regulations for the effective control of traders of small arms and light weapons.</p> <p>Protocol for the GLR and HoA Art. 3 (a) (i)</p> <p>Requires establishing as a criminal offence the illicit trafficking in small arms and light weapons.</p> <p>(c) (v) Requires minimum standards regarding the control and transfer of small arms and light weapons.</p> <p>Bamako Declaration Art. 3 A (vii)</p> <p>Recommends that Member States should take appropriate measures to control arms transfers by traders.</p> <p>UN Programme of Action II Art. 3</p> <p>Recommends establishing as a criminal offence the illegal trade in small arms and light weapons.</p> | <p>Firearms and Ammunition Act 1973 Art. 7</p> <p>(2) A person carrying on the business of a firearms dealer and registered as such under this Act, or an approved servant of such a person, may, without holding a firearms licence, purchase, acquire or have in his possession a firearm or ammunition in the ordinary course of that business.</p> <p>(3) A person carrying on the business of an auctioneer or an approved carrier or an approved servant of such a person or of a bank licensed under section 5 of the Financial Institutions Act, may, without holding a firearm licence, have in his possession a firearm or ammunition in the ordinary course of that business.</p> <p>Art. 12</p> <p>(1) Subject to the provisions of this section, no person shall, by way of trade or business –</p> <p>(a) sell, transfer, repair, test or prove; or</p> <p>(b) expose for sale or transfer, or have in his possession for sale, transfer, repair, test or prove, any firearm or ammunition, unless he is registered under this Act as firearms dealer: Provided that it shall be lawful for an auctioneer to sell by auction and have in his possession for sale by auction, a firearm or ammunition without being registered as aforesaid if he has obtained from the Licensing Authority a permit for that purpose in the prescribed form, and complies with the terms of the permit.</p> <p>Art. 14</p> <p>(1) The Licensing Authority shall grant or cause to be granted to any person who is registered as a firearms dealer under section 13 a certificate of registration, and such certificate shall be prominently displayed at the firearms dealer's principal place of business.</p> <p>(2) On or before the first day of January in each year, every person for the time being registered as a firearms dealer shall –</p> | <p>The national legislation fully conforms to the regional and international agreements.</p> <p>Only registered small arms dealers may trade in small arms, and registered dealers must reapply for their licences every year.</p> |

Trade: Licensing *continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---------------------------------------|--|------------|
| | | <p>(a) surrender to the Licensing Authority his certificate of registration; and</p> <p>(b) apply in the prescribed form for a new certificate of registration; and</p> <p>(c) pay such fee as may be prescribed in the Schedule in addition to any other fee which he is liable to pay for general trading or otherwise, and thereupon the Licensing Authority shall, subject to the provisions of subsection (3) of section 13 grant him a new certificate of registration.</p> <p>(3) If any such person fails to comply with all or any of the requirements of subsection (2) on or before the first day of January in any year, the Licensing Authority shall by notice in writing require him to comply therewith, and, if he fails to do so within twenty-one days from the date of the notice, or within such further time as the Licensing Authority may be special circumstances allow, shall cause his name to be removed from the register.</p> <p>Art. 16</p> <p>(1) No person shall sell or transfer to any other person in Seychelles, other than a registered firearms dealer, any firearm or ammunition unless that other person produces a firearm licence authorizing him to purchase or acquire it or shows that he is by virtue of this Act entitled to purchase it, or, as the case may be, to acquire it by means of such transfer, without holding such a licence: Provided that this subsection shall not prevent a person parting with the possession of a firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan to a person who shows that he is by virtue of this Act entitled to have possession of the firearms or ammunition without holding a firearm licence.</p> <p>(2) Every person who sells, lets on hire, gives or lends a firearm or ammunition to any other person in Seychelles, other than a registered firearms dealer, shall, unless that other person shows that he is by virtue of this Act entitled to purchase or, as the case may be, to hire, accept as a gift or borrow the firearm or ammunition without holding a firearm licence, comply with any instructions contained in the licence produced, and in the case of a firearm, shall, within forty-eight hours from the transaction, send by registered post, or personally deliver, notice of the transaction to the Licensing Authority.</p> <p>Art. 46</p> <p>The President may make regulations –</p> <p>(a) prescribing the form of a firearm licence, of any register required to be kept under this Act, of a firearms dealer's certificate of registration and of any other permit or document under this Act;</p> <p>(b) prescribing the fees other than those in the Schedule to be paid for anything done, or any permit, document or authorization issued or granted under this Act;</p> | |

Trade: Marking

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|--------------------------|---------------------------------------|--|------------|
| What conditions pertain? | | <p>Firearms and Ammunition Regulations 1973</p> <p>Art. 4</p> <p>(1) No firearms dealer shall sell, issue or return to any person, except another firearms dealer, any firearm, or any barrel, bolt or chamber of a firearm, unless such firearm or part bears a mark or number of identification.</p> <p>(2) Every firearms dealer shall maintain equipment for the purpose of stamping marks and numbers of identification on firearms and parts of firearms in accordance with this regulation.</p> <p>(3) Every firearms dealer shall comply with any directions given by the Licensing Authority concerning the firearms or parts to be stamped, the manner in which such stamping is to be effected and the marks or numbers to be used.</p> | |

Trade: Record keeping

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|---|--|--|
| <p>What records should be kept?</p> <p>What records should be submitted to authorities?</p> | <p>Protocol for the GLR and HoA Art. 7 (d) and UN Firearms Protocol Art. 7</p> <p>Require the maintenance of records for not less than ten years of firearms, ammunition and components that are necessary to trace illicitly trafficked arms.</p> | <p>Firearms and Ammunition Act 1973 Art. 13</p> <p>(1) For the purposes of this Act, the Licensing Authority shall keep in the prescribed form a register of firearms dealers in which, subject as hereinafter provided, he shall cause to be entered the name of every person who applies to be registered as a firearms dealer and furnishes the prescribed particulars: Provided that –</p> <p>(i) The Licensing Authority shall not register an applicant who is prohibited to be registered by order of a court made under section 19, and</p> <p>(ii) the Licensing Authority may refuse to register an applicant if he is satisfied that the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace.</p> <p>Art. 17</p> <p>(1) Every person who by way of trade or business deals in, sells or transfers firearms or ammunition shall provide and keep a register of transactions, and shall enter or cause to be entered therein such particulars as may be prescribed.</p> <p>(2) Every such entry shall be made within twenty-four hours after the transaction to which it relates took place, and, in the case of a sale or transfer, every such person as aforesaid shall at the time of the transaction require the purchaser or transferee to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the register.</p> <p>(4) Every such person shall make a quarterly return to the Licensing Authority of all firearms and ammunition received and sold by him.</p> <p>Firearms and Ammunition Regulations 1973 Art. 4</p> <p>(4) Every firearms dealer shall maintain securely under lock and key an accurate register of marks in the form prescribed, and shall record therein every mark or number of identification stamped by him, together with the make, type and calibre of the firearms or part stamped, the name and address of the person to whom it is issued and the mark or number of the firearm, if any, to which a part so stamped is affixed.</p> <p>(5) Every firearms dealer shall endorse upon the firearm licence of every person who purchases any firearm or ammunition from him the number and other details of, including any mark made on, any such firearm and the number, quantity and calibre of such ammunition.</p> <p>Art. 5</p> <p>Every person required under the Act and these regulations to keep a dealer's register of transactions shall comply with any directions which may be given to him by the Licensing Authority concerning the manner in which the register shall be kept and entries made therein.</p> | <p>The national legislation broadly conforms to the regional and international agreements but falls short in one key area.</p> <p>Small arms dealers must maintain records of all transactions and submit these records to the Licensing Authority.</p> <p>However, the national legislation does not state that these records must be maintained for not less than ten years.</p> |

Trade: Premises

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|--|--|--|--|
| <p>Registration of premises?</p> <p>Conditions of storage?</p> <p>Restrictions on type of premises and location?</p> | <p>Protocol for the GLR and HoA Art. 3 (c) (viii)</p> <p>Requires provisions for effective control of small arms and light weapons including storage.</p> | <p>Firearms and Ammunition Act 1973 Art. 15</p> <p>(1) The prescribed particulars which a person applying to be registered as a firearms dealer under section 13 is required to furnish shall include particulars of every place of business at which he proposes to carry on business as a firearms dealer, and the Licensing Authority shall, subject as hereinafter provided, enter in the register every such place of business.</p> <p>(2) Every person registered as a firearms dealer who proposes to carry on business as such at any place of business which is not entered in the register shall notify the Licensing Authority and furnish him with such particulars as may be prescribed, and the Licensing Authority shall, subject as hereinafter provided, enter that place of business in the register.</p> | <p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> <p>All premises used for the purpose of trading in small arms must be registered as such and must satisfy the standards of the Licensing Authority.</p> <p>The Licensing Authority retains a master key for all such premises.</p> |

Trade: Premises *continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---------------------------------------|---|------------|
| | | <p>(3) The Licensing Authority, if he is satisfied that any place of business notified to him by any person under subsection (1) or subsection (2) of this section, or any place entered as the place of business of any person in the register of firearms dealers, is a place at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, may refuse to enter that place of business in the register or remove it from the register, as the case may be.</p> <p>Art. 18</p> <p>(1) Every registered firearms dealer shall maintain at each of his places of business a suitable enclosed store, approved by the Licensing Authority, for the safe custody of firearms and ammunition in his possession.</p> <p>(2) Each such store as aforesaid shall be, and be maintained constantly, secure to the satisfaction of the Licensing Authority, and shall have only one means of entry thereto, which shall be provided with two locks, of which master-keys shall be delivered to, and retained by, the Licensing Authority.</p> | |

Trade: Restrictions on sale/transfer

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|--|--|---|--|
| <p>To whom can a licensed trader transfer arms?</p> <p>What arms can a licensed trader transfer?</p> <p>Conditions to be met in transferring arms?</p> <p>What documentation and reporting of transfers is required?</p> | <p>Bamako Declaration Art. 3 A. (vii)</p> <p>Requires that states take appropriate measures to control arms transfers by traders.</p> | <p>Firearms and Ammunition Act 1973</p> <p>Art. 16</p> <p>(1) No person shall sell or transfer to any other person in Seychelles, other than a registered firearms dealer, any firearm or ammunition unless that other person produces a firearm licence authorizing him to purchase or acquire it or shows that he is by virtue of this Act entitled to purchase it, or, as the case may be, to acquire it by means of such transfer, without holding such a licence: Provided that this subsection shall not prevent a person parting with the possession of a firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan to a person who shows that he is by virtue of this Act entitled to have possession of the firearms or ammunition without holding a firearm licence.</p> <p>(2) Every person who sells, lets on hire, gives or lends a firearm or ammunition to any other person in Seychelles, other than a registered firearms dealer, shall, unless that other person shows that he is by virtue of this Act entitled to purchase or, as the case may be, to hire, accept as a gift or borrow the firearm or ammunition without holding a firearm licence, comply with any instructions contained in the licence produced, and in the case of a firearm, shall, within forty-eight hours from the transaction, send by registered post, or personally deliver, notice of the transaction to the Licensing Authority.</p> <p>Art. 25</p> <p>(1) It shall not be lawful for any person, other than a person in the service of the Republic acting in his capacity as such a person authorised in writing in that behalf by the President or a person of a class for the time being authorised in that behalf by the President by notice in the Gazette, to sell, transfer, purchase, acquire or have in his possession –</p> <p>(a) any firearm which is so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until the pressure is removed or until the magazine containing the missiles is empty; or</p> <p>(b) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or similar thing; or</p> <p>(c) any ammunition containing, or designed or adapted to contain, any such noxious thing, or</p> <p>(d) any firearm or ammunition specified, or of a class or type specified, by the President by notice in the Gazette; or</p> <p>(e) any accessory or attachment, of a kind specified by the President by notice in the Gazette, which is designed</p> | <p>The national legislation fully conforms to the Bamako Declaration.</p> <p>There are limits on the types of arms that can be transferred and the people whom arms can be transferred to.</p> |

Trade: Restrictions on sale/transfer *continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---------------------------------------|--|------------|
| | | Art. 34 (5) No person shall sell or transfer a firearm or ammunition to, or repair, test or prove a firearm or ammunition for, any person whom he knows, or has reasonable ground for believing to be prohibited by this section or by any order made thereunder from having a firearm or ammunition in his possession. | |

Trade: Quality control/standards

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|--|---------------------------------------|---------------------------------------|------------|
| Conditions relating to quality of arms/ammunition produced | | | |

Trade: Pawning/pledging restrictions

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---|--|--|
| | Protocol for the GLR and HoA Art. 3 (c) (x) Requires provisions prohibiting the pawning and pledging of small arms and light weapons. | Firearms and Ammunition Act 1973 Art. 20 (1) No person shall take any firearm or ammunition in pawn from any other person. (2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs 2,000, or to both such imprisonment and fine. | The national legislation fully conforms to the Protocol for the GLR and HoA. |

Trade: Transfer and possession restrictions

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|---------------------------------------|---------------------------------------|------------|
| Restrictions/special conditions for traders for business purposes? <ul style="list-style-type: none"> ■ Eg possessing/transferring arms without a licence in the course of business | | | |

Trade: Offences/penalties

| Analytical category | International and regional agreements | International and regional agreements | Conformity |
|---------------------|---|--|--|
| | UN Firearms Protocol Art. 5 (2) (a) and (b) Requires provisions relating to the illicit trafficking and for those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences. Protocol for the GLR and HoA Art. 3 (a) (i) Requires the establishment as a criminal offence the illicit trafficking of small arms and light weapons. | Firearms and Ammunition Act 1973 Art. 12 (2) If any person contravenes any of the provisions of this section, or makes any statement which he knows to be false for the purpose of procuring, whether for himself or for any other person, the grant of a permit under this section, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000 or to both such imprisonment and fine. Art. 13 (5) If any person, for the purpose of procuring the registration of himself or any other person as a firearms dealer, makes any statement which he knows to be false, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs.2,000, or to both such imprisonment and fine. Art. 14 (4) In any case where the Licensing Authority causes the name of a firearms dealer to be removed from the register, he shall by notice in writing require the dealer to surrender his certificate of registration, and if the dealer fails to do so within twenty-one days from the date of the notice he shall be guilty of an offence and liable to a fine not exceeding Rs.1,000. | The national legislation broadly conforms to the regional and international agreements but falls short in one key area. It is an offence to trade in arms without a licence, to use an unlicensed premises for the purpose of trading in arms, to provide false information, to trade in prohibited items or to sell small arms to those not eligible to receive, and to fail to ensure the safe storage of arms. |

Trade: Offences/penalties *continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---------------------------------------|---|--|
| | | <p>Art. 15</p> <p>(4) If –</p> <p>(a) any person, being a registered firearms dealer, has a place of business which is not entered on the register and carries on business as a firearms dealer at that place; or</p> <p>(b) any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the entry of any place of business in the register of firearms dealers, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000, or to both such imprisonment and fine.</p> <p>Art. 16</p> <p>(4) If any person -contravenes any of the provisions of this section; or with a view to purchasing or acquiring, or procuring the repair, test or roof of, a firearm or ammunition produces a false firearm licence or a firearm licence in which any false entry has been made, or personates a person to whom a firearm licence has been granted, or makes any false statement, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs.2,000, or to both such imprisonment and fine.</p> <p>Art. 17</p> <p>(5) If any person –</p> <p>(a) fails to comply with any of the provisions of this section; or</p> <p>(b) knowingly makes any false entry in a register required to be kept under this section; or</p> <p>(c) knowingly furnishes any false particular of identification of himself or any other person; or</p> <p>(d) fails to comply with any regulations made under this Act,</p> <p>he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs.2,000 or to both such imprisonment and fine.</p> <p>Art. 18</p> <p>(4) Any person who fails to comply with any of the provisions of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs.5,000, or to both such imprisonment and fine.</p> <p>Art. 25</p> <p>(2) Any person who does any of the things prohibited by subsection (1) of this section shall be guilty of an offence and liable to imprisonment for a term not exceeding three years or to a fine not exceeding Rs. 5,000 or to both such imprisonment and fine.</p> <p>(3) Any authority given under this section shall be subject to such conditions as may be specified therein, and, if any person authorised thereby fails to comply with any such condition, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000 or to both such imprisonment and fine.</p> <p>(4) The President may at any time, if he thinks fit, revoke any individual authority given by him to any person under this section, by notice in writing requiring that person to deliver up the authority to such person as may be specified in the notice within fourteen days from the date of the notice, and if that person fails to comply with that requirements, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000, or to both such imprisonment and fine.</p> <p>Firearms and Ammunition Regulations 1973</p> <p>Art. 6</p> <p>Every person who contravenes any of the provisions of regulations 4 and 5, or any of directions given thereunder, shall be guilty of an offence and liable, in addition to any action which may be taken under subsection (3) of section 13 of the Act, to a fine not exceeding two thousand rupees.</p> | <p>However, the legislation does not stipulate as specific offences the organising, aiding abetting, facilitating, counselling or commissioning of offences.</p> |

Seizure, disposal and enforcement

Seizure, confiscation, forfeiture

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|------------------------------------|---|--|---|
| Description of controls/provisions | <p>Co-ordinated Agenda for Action Art. 3.2.4 and Implementation Plan Art. 3 and Protocol for the GLR and HoA Art. 3 (c) (vii)</p> <p>Require provisions for the seizure, confiscation and forfeiture to the State of all small arms manufactured or conveyed in transit and transport without or in contravention of licences, permits or written authority.</p> <p>Protocol for the GLR and HoA Art. 9 (a) and UN Firearms Protocol Art. 6 (1)</p> <p>Require measures to enable the confiscation of small arms and light weapons that have been illicitly manufactured or trafficked.</p> | <p>Firearms and Ammunition Act 1973 Art. 10</p> <p>(3) If any person upon whom a demand is so made fails to produce any licence granted to him, or to allow the Licensing Authority or the officer to read the same, or to show that he is entitled by virtue of this Act to have a firearm or ammunition in his possession without holding a firearm licence, the Licensing Authority or the officer may seize and detain the firearm or ammunition, and may require that person to declare to him immediately his name and address.</p> <p>Art. 34</p> <p>(1) Where any person –</p> <p>(a) is convicted of an offence under this Act or is convicted of an offence for which he is sentenced to imprisonment, or to detention of any description; or</p> <p>(b) has been ordered to be subject to police supervision, or to enter into a recognizance to keep the peace or to be of good behaviour a condition of which is that the offender shall not possess, use or carry a firearm or is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm, the following provisions shall apply –</p> <p>(i) the court before whom such person is convicted or by whom the order is made may make such order as to forfeiture or disposal of any firearm or ammunition which was found in his possession or in respect of which the offence of which he is convicted was committed or which was used in the commission of such offence as the court thinks fit, and may cancel any firearm licence held by the person convicted;</p> <p>Art. 35</p> <p>(1) A Court, if satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act, has been, is being or is about to be committed, may grant a search warrant authorizing a police officer or other person therein named –</p> <p>(a) to enter at anytime any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein; and</p> <p>(b) to seize and detain any firearm or ammunition which he may find on the premises or place, or on any such person, in respect of which or in connection with which he has reasonable ground for suspecting that an offence under this Act has been, is being or is about to be committed; and</p> <p>(c) if the premises are those of a registered firearms dealer, to examine any books relating to the business.</p> | <p>The national legislation fully conforms to the regional and international agreements.</p> <p>The national legislation contains extensive provisions for the seizure, confiscation and forfeiture of small arms in connection with which an offence has been committed.</p> |

Seizure, disposal and enforcement: *Disposal/destruction*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|------------------------------------|---|--|--|
| Description of controls/provisions | <p>Protocol for the GLR and HoA: Art. 8</p> <p>(a) Requires effective programmes for the collection, safe-storage, destruction and responsible disposal of small arms and light weapons rendered surplus, redundant or obsolete, in accordance with domestic laws.</p> <p>(b) requires that small arms and light weapons rendered surplus, redundant or obsolete through the implementation of a peace process, the re-equipment or re-organisation of armed forces and/or other state bodies are securely stored, destroyed or disposed of in a way that prevents them from entering the illicit market or flowing into regions in conflict or any other destination that is not fully consistent with agreed criteria for restraint.</p> | <p>Firearms and Ammunition Act 1973 Art. 19</p> <p>Where a registered firearms dealer is convicted of an offence under this Act, or under any law for the time being in force in Seychelles relating to customs in respect of the import or export of firearms or ammunition, the court may order –</p> <p>(d) that any stock in hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order:</p> <p>Art. 34</p> <p>(1) Where any person –</p> <p>(a) is convicted of an offence under this Act or is convicted of an offence for which he is sentenced to imprisonment, or to detention of any description; or</p> <p>(b) has been ordered to be subject to police supervision, or to enter into a recognizance to keep the peace or to be of good behaviour a condition of which is that the offender shall not possess, use or carry a firearm or is</p> | <p>The national legislation broadly conforms to the regional and international agreements but falls short in a few key areas.</p> <p>Whilst in some cases, provisions exist for the destruction of small arms, in other cases the national legislation calls for their disposal.</p> |

Seizure, disposal and enforcement: *Disposal/destruction* continued

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|--|---|---|
| | <p>UN Programme of Action Section II Art. 16 and UN Firearms Protocol Art. 6 (2)</p> <p>Specify the need for provisions to ensure the destruction of confiscated, seized or collected firearms where no other form of disposition or use has been officially sanctioned.</p> <p>Bamako Declaration Art. 3 A (iv)</p> <p>Recommends that Member States should develop and implement programmes for the identification and destruction of surplus, obsolete and seized stocks.</p> | <p>subject to a probation order containing a requirement that he shall not possess, use or carry a firearm, the following provisions shall apply –</p> <p>(i) the court before whom such person is convicted or by whom the order is made may make such order as to forfeiture or disposal of any firearm or ammunition which was found in his possession or in respect of which the offence of which he is convicted was committed or which was used in the commission of such offence as the court thinks fit, and may cancel any firearm licence held by the person convicted;</p> <p>Art. 35</p> <p>(2) A Court shall have power, on the application of the Licensing Authority, a police officer or a customs officer, to order any firearm or ammunition seized and detained under this Act to be destroyed or otherwise disposed of.</p> <p>(3) Any firearm or ammunition in the hands of the police or in customs control and unclaimed for a period in excess of six months may, if the owner thereof is unknown, or cannot be traced, or fails, when required, or is not entitled under this Act or any other law for the time being in force, to take possession thereof, be disposed of at any time after the expiration of the period aforesaid in such manner as the Licensing Authority may direct, and no compensation shall be payable to any person in respect of any firearm or ammunition so disposed of as aforesaid.</p> <p>Art. 36</p> <p>(1) Where any firearm or ammunition, together with any case, holster, strap, lanyard, cleaning equipment, spare part or other accessory packed, carried or stored with such firearm or ammunition, has been held for a period exceeding three months in a firearms store maintained by the Seychelles Police Force, the Commissioner of Police may order the destruction or other disposal of such firearm or ammunition: Provided that –</p> <p>(i) before any such destruction or disposal the Commissioner of Police shall take such steps as he deems possible and appropriate to give notice to the owner of the firearm or ammunition (if known) of his intention so to act, and subject as aforesaid shall allow the owner a period of not less than two months within which to make arrangements to the satisfaction of the Commissioner of Police for the disposal of the firearm or ammunition; and</p> <p>(ii) in the event of a firearm or ammunition being sold by the Commissioner of Police or any person or body on his behalf, the proceeds of the sale, after deduction of the expenses of and incidental to the sale, shall be paid over to the owner or, if the owner cannot by the exercise of reasonable diligence be traced, shall be held on deposit for a period of three months and shall then be paid into the consolidated fund;</p> <p>(iii) where the firearm or ammunition has been sold in bulk together with other firearms or ammunition in circumstances which prevent the actual proceeds and expenses aforesaid from being separately identified, the proportions of the bulk proceeds and expenses attributable to the owner aforesaid shall be assessed and determined by or under the directions of the Commissioner of Police.</p> <p>(2) No compensation shall be payable to any person in respect of any act or omission done or made in good faith under this section.</p> | <p>However, the national legislation does not contain specific provisions for disposal and destruction of small arms rendered surplus, redundant or obsolete.</p> |

Seizure, disposal and enforcement: *Deactivation*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|------------------------------------|--|---------------------------------------|---|
| Description of controls/provisions | <p>UN Firearms Protocol Art. 9</p> <p>Specifies the need for provisions relating to: deactivated firearms; making it an offence to re-activate deactivated firearms; issuing a certificate of deactivation; and stamping deactivated firearms with stamps to that effect.</p> | | <p>The national legislation does not conform to the UN Firearms Protocol.</p> |

Seizure, disposal and enforcement: *Inspection/enforcement*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|------------------------------------|--|--|---|
| Description of controls/provisions | <p>Protocol for the GLR and HoA Art. 3 (c) (ix)</p> <p>Requires provisions for the monitoring and auditing of licences.</p> | <p>Firearms and Ammunition Act 1973 Art. 8</p> <p>(1) Notwithstanding anything contained in any of the foregoing sections the Licensing Authority may refuse to grant, renew or vary firearm licences unless and until a firearm to which such firearm licence if granted, renewed or varied, relates to is produced for inspection and for marking, if necessary, in accordance with the requirements of subsection (2).</p> <p>Art. 10</p> <p>(1) Any police officer, customs officer or the Licensing Authority may demand from any person whom he believes to be in possession of a firearm or ammunition the production of any firearm licence at or before such time, at such place and to such police officer, customs officer or to the Licensing Authority as he may specify.</p> <p>(2) Such demand may be made orally or in writing.</p> <p>Art. 11</p> <p>(1) Any police officer, customs officer or the Licensing Authority may demand from any person who holds a firearm licence the production of any firearm or ammunition to which it relates at or before such time, at such place and to such police officer, customs officer, or to the Licensing Authority as he may specify.</p> <p>(2) The Licensing Authority or any such officer may demand from any person who has within the last preceding five years held a firearm licence the production of any firearm or ammunition to which it relates, or an account of its whereabouts, at or before such time, at such place and to such police officer, customs officer or to the Licensing Authority as he may reasonably specify.</p> <p>(3) A demand under this section may be made orally or in writing.</p> <p>Art. 17</p> <p>(3) Every such person as aforesaid shall, on demand, allow any police officer or the Licensing Authority to enter and inspect all stock in hand, and shall on request by any such police officer or the Licensing Authority produce for inspection the register so required to be kept as aforesaid.</p> <p>Art. 38</p> <p>Any police officer may at all reasonable time enter upon any premises with a view to ascertaining whether or not the provisions of this Act are being complied with, and may inspect such premises and any firearm or ammunition, book, account, register, document or thing found therein, and may require any person appearing to be in control thereof or employed therein to give such information as such police officer may require in order to ascertain whether or not the provisions of this Act are being complied with.</p> | <p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> <p>The Licensing Authority has the power to demand the inspection of small arms licences and registers of small arms dealers.</p> |

Seizure, disposal and enforcement: *Offences/penalties*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---------------------------------------|---|------------|
| | | <p>Firearms and Ammunition Act 1973 Art. 10</p> <p>(4) If any person upon whom a demand is so made fails, without reasonable cause, to produce any licence granted to him, or to allow the Licensing Authority or the officer to read the same, or refuses so to declare his name and address, or fail to give his true name and address, he shall be guilty of an offence and liable to a fine not exceeding Rs. 1,000.</p> <p>Art. 11</p> <p>(4) If any person fails without reasonable cause to comply with such a demand as aforesaid, he shall be guilty of an offence and liable to a fine not exceeding Rs. 1,000.</p> | |

Seizure, disposal and enforcement: *Offences/penalties* continued

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---------------------------------------|--|------------|
| | | <p>Art. 17</p> <p>(5) If any person –</p> <p>(a) fails to comply with any of the provisions of this section; or</p> <p>(b) knowingly makes any false entry in a register required to be kept under this section; or</p> <p>(c) knowingly furnishes any false particular of identification of himself or any other person; or</p> <p>(d) fails to comply with any regulations made under this Act,</p> <p>he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs.2,000 or to both such imprisonment and fine.</p> <p>Art. 39</p> <p>Any person who obstructs a police officer in the exercise of any of the powers conferred on him by or under section 35 or section 38, or who fails to give to such police officer any information which he is lawfully required by such police officer under the said section to give to him, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding Rs. 2,000 or to both such imprisonment and fine.</p> <p>Art. 43</p> <p>(1) Where any person fails or refuses to produce a firearm licence to a police officer, customs officer or the Licensing Authority on demand made under section 10 such failure or refusal shall be held as prima facie evidence that such person has not obtained the necessary firearm licence or has not paid the licence fee as the case may be.</p> <p>(2) Wherever any person is charged under this Act with doing or omitting to do anything for which a firearm licence, a firearms dealer's certificate of registration or a permit is required under this Act, the burden of proof as to his having been granted such licence, certificate of registration or permit shall rest with him. If he declares that he had such licence, certificate of registration or permit and has lost it, reference shall be made to the Licensing Authority to ascertain whether or not such licence, certificate of registration or permit has been granted to him.</p> <p>(3) A certificate in writing signed by the Licensing Authority to the effect that a person has or has not been granted a firearm licence, a firearms dealer's certificate of registration or a permit shall be prima facie evidence before any court of the fact that such person had or had not a firearm licence, a firearms dealer's certificate of registration or a permit, as the case may be, at the time specified in such certificate.</p> | |

Arms embargoes**Overview**

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|--|---------------------------------------|---|
| Relevant provisions | <p>Co-ordinated Agenda for Action Art. 3.4 and Implementation Plan Art. 3.4</p> <p>Require measures to enforce adherence to international sanctions that prohibit the export of weapons to conflict zones and/or countries.</p> <p>Protocol for the GLR and HoA Art. 3 (b)</p> <p>Requires measures to sanction criminally, civilly or administratively under their national law the violation of arms embargoes mandated by the Security Council of the United Nations and/or regional organisations.</p> | | The national legislation does not conform to the regional and international agreements. |

Arms embargoes: Overview *continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|--|---------------------------------------|------------|
| | <p>Bamako Declaration Art. 3 A (vi) and UN Programme of Action Section II Art. 15</p> <p>Require provisions to prevent the breaching of UN Security Council arms embargoes.</p> | | |

Arms embargoes: Offences/penalties

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---|---------------------------------------|--|
| | <p>Protocol for the GLR and HoA Art. 3 (b)</p> <p>Requires measures to sanction criminally, civilly or administratively under their national law the violation of arms embargoes mandated by the Security Council of the United Nations and/or regional organisations.</p> | | The national legislation does not conform to the Protocol for the GLR and HoA. |

State-owned small arms**Overview**

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---------------------------------------|---|------------|
| General provisions | | <p>Firearms and Ammunition Act 1973 Art. 44</p> <p>Notwithstanding anything elsewhere contained in this Act a firearm licence shall not be required to be taken out in respect of firearms or ammunition by:</p> <p>(a) any person in the Defence Force or in the police force or prison service of the Republic, and by any member of any rifle association approved by the Minister in respect of any firearm kept, or carried, or used exclusively for the purposes of such force, service or association;</p> <p>Art. 47</p> <p>(2) Notwithstanding any rule of law where under the provisions of this Act do not bind the Republic, the provisions of section 16 subsections (3) and (4) of section 18, section 31 and section 32 shall apply to persons in the service of the Republic in their capacity and in the course of their duty as such.</p> | |

State-owned small arms: Possession and use by state employees

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|--|---------------------------------------|---|
| Licensing requirements? Special conditions? Controls? | <p>Protocol for the GLR and HoA Art. 3</p> <p>(a) Requires the establishment as criminal offences the (iii) illicit possession and misuse of small arms and light weapons</p> | | The national legislation does not conform to the draft EAPCCO Protocol. |

State-owned small arms: Record keeping

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|--|---------------------------------------|---|
| | <p>Protocol for the GLR and HoA Art. 6 (a) and (b)</p> <p>Requires the establishment and maintenance of complete national inventories of small arms and light weapons held by security forces and other state bodies and strict national accountability of all small arms and light weapons owned and distributed by the state.</p> | | The national legislation does not conform to the regional and international agreements. |

State-owned small arms: Record keeping *continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---|---------------------------------------|------------|
| | <p>UN Programme of Action Section II Art. 10</p> <p>Requires provision to ensure responsibility for weapons held and issued by the state and effective measures for tracing such weapons.</p> <p>Protocol for the GLR and HoA Art. 7 (a)</p> <p>Requires all small arms and light weapons in the possession of the state to be marked with a unique mark.</p> | | |

State-owned small arms: Storage

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|----------------------|--|---------------------------------------|---|
| Stockpile Management | <p>Protocol for the GLR and HoA Art. 6</p> <p>Stipulates that States Parties must maintain secure storage of state-owned small arms and light weapons.</p> <p>UN Programme of Action Section II Art. 17 and 18</p> <p>Requires controls relating to the management and security of state stocks including:</p> <ul style="list-style-type: none"> ■ Appropriate locations for stockpiles ■ Physical security measures ■ Control of access to stocks ■ Inventory management and accounting control ■ Staff training ■ Security accounting and control of firearms relating to operation units ■ Controls on theft and loss <p>Art. 29</p> <p>Encourage States to promote safe, effective stockpile management and security, in particular physical security measures, for small arms and to implement, regional and subregional mechanisms in this regard.</p> <p>Co-ordinated Agenda for Action Art. 5.2 and 5.3</p> <p>Requires the safe storage of arms in possession of the state and strict accountability and the effective tracing of all weapons owned by the state.</p> | | The national legislation does not conform to the regional and international agreements. |

State-owned small arms: Import, export, transfer, transit

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|---|---------------------------------------|--|
| Documentation required? Licensing/authorisation? | <p>UN Firearms Protocol Art. 8 (c)</p> <p>Requires provision for the unique marking of firearms when transferred from government stocks to permanent civilian use.</p> | | The national legislation does not conform to the UN Firearms Protocol. |

State-owned small arms: Disposal/destruction

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---|--|---------------------------------------|---|
| General conditions Provisions relating to surplus stocks of arms and ammunition? | <p>Protocol for the GLR and HoA Art. 8</p> <p>(a) Requires effective programmes for the collection, safe-storage, destruction and responsible disposal</p> | | The national legislation does not conform to the regional and international agreements. |

State-owned small arms: Disposal/destruction *continued*

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---|---------------------------------------|---|
| | <p>of small arms and light weapons rendered surplus, redundant or obsolete, in accordance with domestic laws.</p> <p>(b) requires that small arms and light weapons rendered surplus, redundant or obsolete through the implementation of a peace process, the re-equipment or re-organisation of armed forces and/ or other state bodies are securely stored, destroyed or disposed of in a way that prevents them from entering the illicit market or flowing into regions in conflict or any other destination that is not fully consistent with agreed criteria for restraint.</p> <p>UN Programme of Action Section II Art. 16 and 18</p> <p>Requires that all confiscated, seized or collected SALW are destroyed subject to any legal constraints.</p> <p>Stipulates the need for provisions to regularly review state held stocks, to identify surpluses and have procedures in place for the responsible disposal, preferably through destruction of such surpluses.</p> | | <p>Crucially, there is no provision for the designation of small arms as surplus and thus no provision for the destruction of surplus stocks.</p> |

State-owned small arms: Offences/penalties

| Analytical category | International and regional agreements | Current national legislative controls | Conformity |
|---------------------|---------------------------------------|---------------------------------------|------------|
| | | | |

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