

SaferAfrica and Saferworld

**Seychelles Firearms and Ammunition Act 1973**

Art. 2 "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;

# The Law of the Gun

**An audit of firearms control legislation in the SADC region****SEYCHELLES****Peter Cross, Rick de Caris,  
Etienne Hennop and Angus Urquhart****June 2003**

**SEYCHELLES**

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# The Law of the Gun:

**An audit of firearms control legislation in the SADC region**

**Peter Cross, Rick de Caris, Etienne Hennop  
and Angus Urquhart**

**SAFERAFRICA AND SAFERWORLD**

**JUNE 2003**



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# Foreword

**THIS COUNTRY STUDY** forms one chapter of a comprehensive study on firearms legislation in Southern Africa, conducted by Saferworld and SaferAfrica which aims to assess the strengths and weaknesses of the firearms control legislation in Southern African Development Community (SADC) member states.

The full study contains an introductory chapter providing an overview of the firearms legislation in 12 of the SADC member states and the regional perspective. Each of the following 12 chapters covers one SADC member state. The chapter provides an in-depth analysis of each state's firearms legislation against the commitments contained in the four key international and regional small arms agreements for the SADC member states:

- '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 Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons' ('Bamako Declaration'); and
- 'SADC Protocol on The Control of Firearms, Ammunition and Other Related Materials' ('SADC Firearms Protocol').

The study is intended as a reference document to assist law-makers and others involved in reviewing national legislation. For every country, the existing national firearms laws are unpacked and their provisions detailed, by issue, alongside the requirements of the international and regional small arms agreements. This analysis is presented in an individual table for each country, in which it is possible to adjudge the level of conformity with the requirements of the international and regional agreements.

## Sources

The information contained in this report was collected through field research. During the research visits to each country the research team consulted a wide range of government departments, including:

- The Ministry of the Interior/Home Affairs
- The Ministry of Justice
- The Ministry of Defence
- The Attorney General's Office
- The Police
- The Army / Defence Forces
- Customs and Immigration
- Wildlife and Parks

Local civil society actors were also consulted.

## Using this document

The country-study reports contain four sections:

- **Overview of the firearms situation and legislation** in the country. The information in this overview was collected during research trips to the country.
- **General Information** about the country is contained in a table following the overview of the firearms situation in the country. This includes information relating to the international and regional agreements that the country has signed up to, information on the current firearms control legislation and information on the number of firearms in the country.
- **Definitions** are contained in a table which presents the definitions contained in the country's national legislation, presenting them alongside the definitions contained in the SADC Firearms Protocol and the UN Firearms Protocol.
- **Legislation Breakdown** is contained in a table which forms the main body of the country study. The breakdown of the legislation is done against 9 analytic categories. The following broad categories were identified in order to facilitate a uniform approach to the analysis of very different pieces of legislation:
  - Controls on civilian possession and use
  - Record keeping and tracing
  - Import, export and transit
  - Brokering
  - Manufacture
  - Trade
  - Seizure, disposal, and enforcement
  - Arms embargoes
  - State-owned firearms

This breakdown of the national legislation is presented alongside the commitments contained in the four key regional and international agreements. A comment on conformity, to these agreements has been included. 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 SADC Firearms Protocol and UN Firearms Protocol, before these are ratified and have entered into force. Full conformity with the provisions of these regional and international small arms agreements is, nonetheless, important in laying the foundations for the effective control of firearms across the SADC region. The presentation of the analysis is intended to

facilitate cross-referencing between the national legislation and the international and regional commitments as well as cross referencing between the various pieces of legislation in the SADC region.

The tables contain the articles specifically relevant to the analytical category and the requirements of the international and regional agreements, however, both in terms of accessibility and due to constraints of space certain articles and/or subsections have been omitted. We have tried, where possible, to limit this to articles containing procedural guidelines. Also, where articles cross-reference other articles within the act, these cross-referenced articles have often not been immediately reproduced, again because of constraints of space. In most cases, however, these cross-referenced articles appear under different sections of the table.

This country study should be used in conjunction with the narrative section of the study which contains a comprehensive overview of the aims and objectives of the study as well as the methodology used. The narrative section includes a table containing the key international and regional agreements broken down against the analytical categories outlined above. The narrative report and the 12 country studies are available online at Saferworld's website: [www.saferworld.org.uk](http://www.saferworld.org.uk), while hard copies are available on request.

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# Seychelles

## Overview of firearms situation

**THE SEYCHELLES HAS A POPULATION OF 85,000** and consists of over 115 islands spread across a territorial area of 1.4 million square kilometres. While the small size of the population works in favour of policing, the spread of so many islands over so great an area makes controlling the trafficking or transportation of goods through the Seychelles territorial waters very difficult. The Seychelles Police have no patrol boats or helicopters, and if there are vessels suspected of smuggling they have to call on the military to act, even though the military's resources are also limited.

There is no civilian possession of firearms with the police and the military being the only bodies that are permitted to keep firearms. In 1977 President René issued a Presidential Decree to withdraw all civilian firearms licences and not to issue any further licences. All civilian-owned firearms were to be surrendered and a weapons collection programme was carried out to collect and destroy all civilian-owned licensed firearms through deep sea dumping.

While the legislation contains provisions for the licensing and registration of civilian-owned firearms, in practice there is no licensing and registration as civilian firearms possession has not been allowed. Only in exceptional circumstances may civilians keep firearms, for example, the Chief Justice has a firearm for personal protection and the owners of some private islands have licensed air-rifles for the control of non-indigenous species. Catapults and spear guns are also not allowed in the country.

Only the Seychelles People's Defence Force is allowed to import firearms or ammunition, this is done through an appointed dealer in France. However, the army reported that it had not imported any new weapons since the early 1980s.

There have been a limited number of firearms-related crimes, involving either illicit firearms or firearms owned by the military or police. In 1997 there was a spate of armed robberies, with a cash-in-transit robbery where a guard was killed. These robberies were carried out with state-issued AK47s and involved members of the security forces.

Visiting dignitaries are provided with VIP security and on occasion they are allowed to bring in their own weapons. These all have to be signed in and have to leave the country when the dignitary does. Visiting private yachts have to surrender all weapons for the duration of their stay in the Seychelles.

During the last five years police indicated that five illegal pistols and two illegal AK47s have been seized.

## Overview of legislation

The current firearms legislation, the 'Firearms and Ammunition Act', was enacted in 1973 and reviewed in 1991. Due to the nature and extent of the firearms situation in the Seychelles the current legislation appears to be sufficient to control the problem. In terms of compatibility with the

international and regional commitments, the legislation largely stands up to the requirements contained in these agreements. One area that will need reviewing is the lack of controls on brokering. While it appears to be possible to charge someone with trading or trafficking in firearms in the Seychelles, and while the law does make allowance for extra-territorial control, the act of arms brokering is not defined in law nor consequently is there a specific criminal offence of arms brokering. In addition, a review of the existing legislation should also ensure that end-user documentation (currently not required) becomes a legal requirement for the import, export or transit of arms shipments.

While civilian possession is non-existent, it is nonetheless necessary to have strong firearms legislation to ensure that the country's legislation is in line with the regional and international requirements. In addition, the moratorium on civilian possession is currently not written into the statute books. It was admitted that if challenged, it is possible that someone applying for a firearm would be legally entitled to possess one. Although this has not happened in practice, it is advisable that this issue be looked into.

## General information Seychelles

<b>International agreements</b>	SADC Firearms Protocol	Signed
	UN Firearms Protocol	
	UN Programme of Action	Signed
	Bamako Declaration	
<b>Primary legislation</b>	'Firearms and Ammunitions Act 1973'	
<b>Last amendment / revisions</b>	Revised in 1991	
<b>Regulations</b>	Firearms and Ammunitions Regulations 1973	
<b>Year of implementation</b>	1973	
<b>Other legislation containing firearms controls</b>	Trade Tax Regulations 1997	
	Fisheries Act Sec 8 – 18 Regulation of 31-3-1987	
<b>Central Firearms Registry</b>	No civilian firearms registry as there are no civilian-owned firearms A Central Firearms Registry is maintained by the military for all state-owned firearms	
<b>Number of registered civilian firearms</b>	None	
<b>Review</b>		

# Definitions in Seychelles' firearms control legislation

## Definitions

Analytical category	SADC Firearms Protocol	UN Firearms Protocol	National legislation
Firearms	<p><b>Article 1</b>  <b>"firearm"</b> means:  <b>(a)</b> any portable lethal weapon that expels, or is designed to expel, a shot, bullet or projectile by the action of burning propellant, excluding antique firearms or their replicas that are not subject to authorisation in the respective State Parties;  <b>(b)</b> any device which may be readily converted into a weapon referred to in paragraph a);  <b>(c)</b> any small arm as defined in this Article; or  <b>(d)</b> any light weapon as defined in this Article</p>	<p><b>Article 3</b>  <b>(a) "Firearm"</b> 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><b>Firearms and Ammunition Act 1973</b>  <b>Art. 2</b> "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;  <b>Art. 24 (1)</b> 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><b>Article 1</b>  <b>"ammunition"</b> means the complete cartridge including the cartridge case, unfired primer, propellant, bullets and</p>	<p><b>Article 3</b>  <b>(c) "Ammunition"</b> shall mean the complete round or its components, including cartridge cases, primers,</p>	<p><b>Firearms and Ammunition Act 1973</b>  <b>Art. 2</b> "ammunition" includes –  <b>(i)</b> every shell, cartridge case, bomb, hand grenade, or</p>

## Definitions

Analytical category	SADC Firearms Protocol	UN Firearms Protocol	National legislation
	projectiles that are used in a firearm, provided those components are themselves subject to authorisation in the respective State Parties;	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;	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; <b>(ii)</b> 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; <b>(iii)</b> every fuse, percussion cap, or priming cap, which could be used for the purpose of exploding any shell, bomb, hand grenade or other projectile; <b>(iv)</b> every bullet or cartridge clip; <b>(v)</b> 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; <b>(vi)</b> 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; "munitions of war" means ammunition for use with arms of war; <b>Art. 24 (2)</b> This Part applies to all ammunition as defined in section 2.
<b>Light weapons / arms of war</b>	<b>Article 1</b> <b>"light weapons"</b> include the following portable weapons designed for use by several persons serving as a crew: heavy machine guns, automatic cannons, howitzers, mortars of less than 100 mm calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder fired rockets, anti-		<b>Firearms and Ammunition Act 1973</b> <b>Art. 2</b> "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;

## Definitions

Analytical category	SADC Firearms Protocol	UN Firearms Protocol	National legislation
	aircraft weapons and launchers, and air defence weapons.		
<b>Small arms</b>	<b>Article 1</b> “ <b>small arms</b> ” include light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles and semi-automatic rifles;		
<b>Other related materials / parts and components</b>	<b>Article 1</b> “ <b>other related materials</b> ” means any components, parts or replacement parts of a firearm that are essential to the operation of the firearm;	<b>Article 3</b> <b>(b) “Parts and components”</b> 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;	

# Breakdown of Seychelles' firearms control legislation

## Controls on civilian possession and use

### Licensing

Analytical category	International & regional agreements	Current national legislative controls	Conformity
Description of licensing process – how firearms licence is obtained	<p><b>SADC Firearms Protocol Art. 5 (3) (a) (j)</b> Requires the prohibition of unrestricted possession of small arms by civilians. Requires the monitoring and auditing of licences held in a person's possession.</p> <p><b>Bamako Declaration Art. 3 A (iii)</b> Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p> <p><b>UN Programme of Action II Art. 3</b> Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p>	<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art. 4 (1)</b> 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><b>Art. 5 (1)</b> An application for the grant of a firearm licence shall be made in the prescribed form to the Licencing Authority, and shall state such particulars as may be required by the said form.</p> <p><b>Art 8 (1)</b> 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><b>Art. 46</b> The President may make regulations –</p> <p><b>(a)</b> 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>(b)</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>	The national legislation conforms to the international and regional agreements.

## 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		<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art. 5 (2)</b> The firearm licence shall be granted by the Licencing 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 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><b>Art. 34 (1)</b> 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><b>(2)</b> 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</p>	

## Controls on civilian possession and use

### Restrictions and conditions

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		is so subject as aforesaid, have a firearm or ammunition in his possession.	
Age restrictions		<b>Firearms and Ammunition Act 1973</b> <b>Art. 30 (1)</b> 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.	
Competency test	<b>SADC Firearms Protocol Art. 5 (3) (i)</b> Requires competency testing		The national legislation does not conform to the SADC Firearms Protocol.
Quantity of weapons	<b>SADC Firearms Protocol Art. 5 (3) (j)</b> Requires restrictions on quantities of weapons held	<b>Firearms and Ammunition Act 1973</b> <b>Art. 5 (3)</b> 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 international and regional agreements as there is no restriction on the quantity of arms that can be held.
Licence required for each arm		<b>Firearms and Ammunition Act 1973</b> <b>Art. 5 (3)</b> 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		<b>Firearms and Ammunition Act 1973</b> <b>Art. 5 (3)</b> 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	<b>SADC Firearms Protocol Art. 5 (3) (b)</b> Requires the total prohibition of civilian possession and use of light weapons.	<b>Firearms and Ammunition Act 1973</b> <b>Art. 25 (1)</b> 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	The national legislation conforms to the SADC Firearms Protocol.

## Controls on civilian possession and use

### Restrictions and conditions

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><i>Gazette</i>, 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 <i>Gazette</i>; or</p> <p>(e) any accessory or attachment, of a kind specified by the President by notice in the <i>Gazette</i>, which is designed or adapted for use with or as part of a firearm.</p>	
Duration of licence and renewal procedure		<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art 5. (4)</b> 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.</p>	
Withholding information or misrepresentation	<p><b>SADC Firearms Protocol Art. 5 (3) (l)</b></p> <p>Requires provisions that prohibit the misrepresentation or withholding of any information given with a view to obtain a licence or permit.</p>	<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art 5 (9)</b> 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>	The national legislation conforms to the SADC Firearms Protocol.
Exemptions		<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art. 7 (1)</b> 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>	

## Controls on civilian possession and use

### **Restrictions and conditions**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<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 therefore 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><b>Art. 44</b> 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>(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
Restrictions on application/ use of firearm – when, where, how? (potential cases include: resisting arrest, injure / endanger person or property, handle firearm under influence of drugs/alcohol, negligent discharge, point gun without good cause, restrictions on carriage of firearm (when, where (public place)), how (holster, concealed etc))	<p><b>SADC Firearms Protocol Art. 5 (3) (e)</b> Requires measures ensuring that proper controls are exercised over the possession and use of firearms, ammunition and other related materials.</p> <p><b>Bamako Declaration Art. 3 A (iii)</b> Recommends establishing as a criminal offence the illegal possession and use of small arms and light weapons.</p> <p><b>UN Programme of Action II Art. 3</b> Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p>	<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art. 5 (7)</b> 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><b>Art. 31</b> 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><b>Art. 32 (1)</b> 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>	The national legislation conforms to the international and regional agreements.
Storage and safekeeping	<p><b>SADC Firearms Protocol Art. 5 (3) (i)</b> Requires effective controls over firearms, including storage.</p>	<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art. 18 (3)</b> 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>	The national legislation conforms with the SADC Firearms Protocol.
Restrictions on / conditions of relinquishing firearms: to whom (authorised person, dealer, licence holder, relations	<p><b>SADC Firearms Protocol Art. 5 (3) (i)</b> Requires restrictions on the owner's rights to relinquish control, use and possession of firearms, ammunitions and other related materials.</p>	<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art. 7 (7)</b> 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>	The national legislation conforms with the SADC Firearms Protocol.

## Controls on civilian possession and use

### Possession and use

Analytical category	International and regional agreements	Current national legislative controls	Conformity
etc)		<b>Art. 30 (1)</b> 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.	
leasing / lending		<b>Firearms and Ammunition Act 1973</b> <b>Art. 16 (2)</b> 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.	
pawning / pledging	<b>SADC Firearms Protocol Art 5 (3) (k)</b> Requires controls over pawning and pledging of firearms, ammunition and other related materials.	<b>Firearms and Ammunition Act 1973</b> <b>Art. 20 (1)</b> No person shall take any firearm or ammunition in pawn from any other person.	The national legislation conforms with SADC Firearms Protocol.
inheritance / death			
others			
Notifying authorities of altered circumstances (death, loss, theft, change of address, weapon to gunsmith, disposal, destruction etc)		<b>Firearms and Ammunition Act 1973</b> <b>Art 16 (2)</b> 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 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. <b>Art. 22</b> 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	

## Controls on civilian possession and use

### Possession and use

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		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.	
Others - carry licence while in possession, civilian maintenance, repair, loading		<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art. 8 (1)</b> 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><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art 4 (2)</b> 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><b>Art. 5 (8)</b> 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><b>(9)</b> 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><b>Art. 16 (4)</b> 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</p>	

## Controls on civilian possession and use

### Offences / penalties

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>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><b>Art. 18 (4)</b> 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><b>Art. 20 (2)</b> 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><b>Art. 25 (2)</b> 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><b>(3)</b> 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><b>(4)</b> 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><b>Art. 30 (2)</b> 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><b>Art. 31</b> 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><b>Art. 32 (1)</b> 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>	

## Controls on civilian possession and use

### Offences / penalties

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Art. 34 (6)</b> 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 tracing

### Marking

Analytical category	International and regional agreements	Current national legislative controls	Conformity
When? (import / export / transit / manufacture etc)	<p><b>SADC Firearms Protocol Art. 5 (3) (g), 9 (1) and (2)</b> Requires provisions for the standardised marking and identification of firearms at the time of manufacture, import or export.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b> Recommends establishing at the national level the responsible management of licit arms.</p> <p><b>UN Firearms Protocol Art 6 (2)</b> Requires the marking of firearms prior to their disposal.</p> <p><b>UN Programme of Action Art. 7</b> Recommends manufacturers apply an appropriate and reliable marking to each small arm and light weapon as an integral part of the production process. This marking should be unique and should identify the country of manufacture and also provide information that enables the national authorities of that country to identify the manufacturer and serial number so that the authorities concerned can identify and trace each weapon.</p> <p><b>Art 8</b> Recommends states adopt and enforce all the necessary measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked small arms and light weapons.</p> <p><b>Art 16</b> Recommends that confiscated, seized and collected small arms and light weapons are destroyed, provided that such weapons have been duly</p>	<p><b>Firearms and Ammunition Act 1973</b> <b>Art. 8 (1)</b> 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><b>Firearms and Ammunition Regulations 1973</b> <b>Art. 4 (1)</b> 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. <b>(2)</b> 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. <b>(3)</b> 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>	The national legislation conforms to the international and regional agreements.

## Record keeping and tracing

### Marking

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	marked and registered.		
How? stamping / engraving?			
where on weapon?			
with what? (unique alpha-numeric symbol / identifying country and manufacturer)	<p><b>SADC Firearms Protocol Art. 9 (1) and (2)</b>  <b>UN Firearms Protocol Art. 8</b>  <b>UN Programme of Action Section II Art. 7</b></p> <p>The agreements 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><b>Firearms and Ammunition Act 1973 Art. 8 (2)</b> 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>The national legislation broadly conform to the international and region agreements, however, they do not provide that the marking must, e.g., identify the country of manufacture, the manufacturer and the serial number.</p>

## Record keeping and tracing

### Record keeping

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of record keeping specifications (what? where? how? by whom? for how long? when must authorities be provided with information?)	<p><b>SADC Firearms Protocol Art. 5 (3) (d)</b>            Requires state parties to incorporate into their national laws as a matter of priority the regulation and centralised registration of all civilian owned firearms in their territories.</p> <p><b>SADC Firearms Protocol Art. 8 (d)</b>            State owned firearms – requires state parties to establish systems to verify the validity and authenticity of documents issued by licensing authorities in the Region.</p> <p><b>UN Firearms Protocol Art. 7 and 9</b>            Requires the maintenance of records of markings and other information for not less than 10 years of firearms, ammunition and components that are necessary to trace illicitly manufactured or trafficked arms. Recommends records be kept of all de-activated firearms.</p> <p><b>UN Programme of Action Section II Art. 9</b>            Recommends ensuring</p>	<p><b>Firearms and Ammunition Act 1973 Art. 13 (1)</b> 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><b>(i)</b> 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><b>(ii)</b> 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><b>Art. 17 (1)</b> 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><b>(2)</b> 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</p>	<p>The national legislation does not conform to Art. 8 (d) of the SADC Firearms Protocol as it does not require the establishment of a system to verify the validity and authenticity of documents issued by licensing authorities in the region.</p> <p>The national legislation does not conform to the UN Firearms Protocol and the UN Programme of Action as it does not specify that records be maintained for up to ten years.</p>

## Record keeping and tracing

### Record keeping

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>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 maintained and organised to facilitate accurate and prompt information retrieval.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b> Recommends establishing at the national level the responsible management of licit arms.</p>	<p>the register.</p> <p><b>(4)</b> Every such person shall make a quarterly return to the Licensing Authority of all firearms and ammunition received and sold by him.</p> <p><b>Art. 46</b> The President may make regulations – <b>(d)</b> providing for the establishment and maintenance of a central registry of firearms and ammunition;</p> <p><b>Firearms and Ammunition Regulations 1973</b> <b>Art. 4 (4)</b> 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><b>(5)</b> 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><b>Art. 5</b> 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 tracing

### Offences / penalties

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Firearms Protocol Art. 5 (1) (a-c) (2) (a + b)</b> Requires the criminalisation of illicit manufacturing of and trafficking in firearms, their parts and components, and of falsifying or illicitly obliterating, removing or altering markings.</p>	<p><b>Firearms and Ammunition Act 1973</b> <b>Art. 17 (5)</b> If any person – <b>(a)</b> fails to comply with any of the provisions of this section; or <b>(b)</b> knowingly makes any false entry in a register required to be kept under this section; or <b>(c)</b> knowingly furnishes any false particular of identification of himself or any other person; or <b>(d)</b> 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><b>Firearms and Ammunition Regulations 1973</b> <b>Art. 6</b> 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 UN Firearms Protocol as it is not an offence to illegally falsify, obliterate or remove or alter the markings on a firearm.</p>

## Import, export and transit

### Licensing

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Description of licensing process (licensing / registration of persons and transactions? Competency? Duration of licences? Offence withhold information? Distinction between civilian and commercial transfers? Specifications of licence – information to be included on licence? Required documentation – end-user certificates etc?)</p>	<p><b>SADC Firearms Protocol Art. 5 (1)</b> Requires state parties to enact the necessary legislation to establish as criminal offences the illicit trafficking in firearms and ammunition.</p> <p><b>UN Firearms Protocol Art 5 (1) (b) Art 10 (1), (2) and (3)</b> Requires state parties to adopt legislative and other 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 licenses and authority for transit. Requires 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"> <li>• Place and date of issuance</li> <li>• Date of expiration</li> <li>• Country of export</li> <li>• Country of import</li> <li>• Final recipient</li> <li>• Description and quantity of goods</li> <li>• Country of transit, where appropriate.</li> </ul> <p><b>UN Programme of Action Section II Art. 2, Art. 11 and Art. 12</b> Requires provisions catering for international transit of firearms. Mention should be made of the requirement for end-user certificates.</p> <p><b>Bamako Declaration Art. 3 A (iii) (vii)</b> 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><b>Firearms and Ammunition Act 1973</b> <b>Art. 26 (1)</b> 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. <b>(5)</b> 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. <b>(6)</b> 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. <b>(8)</b> 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. <b>(9)</b> 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. <b>Art. 29</b> 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>The national legislation conforms to the SADC Firearms Protocol and Bamako Declaration. It does not conform to the UN Firearms Protocol and UN Programme of Action as it does not specify the need for a minimum of details specific information, does not make reference to the requirement for End-User Certificates.</p>

## Import, export and transit

### Marking

Analytical category	International and regional agreements	Current national legislative controls	Conformity
What conditions pertain?	<p><b>SADC Firearms Protocol Art. 5 (3) (g)</b> Requires provisions for the standardised marking and identification of firearms at the time of import or export.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b> Recommends establishing at the national level the responsible management of licit arms.</p> <p><b>SADC Firearms Protocol Art. 9 (1) and (2)</b> <b>UN Firearms Protocol Art. 8</b> <b>UN Programme of Action Section II Art. 7 and Art. 8</b> The agreements require specific provisions for a unique number to be marked on the barrel, frame or slide at the time of import or manufacture. Such information must permit identification of country of manufacture and manufacturer. Require provision prohibiting the manufacture, stockpiling, transfer or possession of unmarked weapons.</p>		The national legislation does not conform to the SADC Firearms Protocol as it does not specify the need to mark a firearm at the time of import or export.

## Import, export and transit

### Restrictions

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Where, how and what? (conditions of carriage)	<p><b>UN Firearms Protocol Art. 11</b> Requires measures to detect, prevent and eliminate the theft, loss or diversion of, as well as manufacturing of and trafficking in, firearms, their parts and components and ammunition. Includes measures to enhance security and measures to increase the effectiveness of import, export and transit controls.</p>	<p><b>Firearms and Ammunition Act 1973</b> <b>Art. 26 (2)</b> 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 <i>Gazette</i>. <b>(4)</b> 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 – <b>(a)</b> the importation or exportation of any arms or ammunitions of war unless the President has sanctioned such importation or exportation; or <b>(b)</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. <b>Art. 27 (1)</b> 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. <b>(2)</b> No person who imports any firearm or</p>	The national legislation conforms to the UN Firearms Protocol.

## Import, export and transit

### Restrictions

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>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><b>(3)</b> 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><b>(5)</b> 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><b>Art. 28 (1)</b> 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><b>(3)</b> 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> <p><b>(4)</b> Nothing in this section shall apply to –</p> <p><b>(a)</b> 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>(b)</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><b>(c)</b> 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><b>(d)</b> 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
What? submission to authorities?	<b>UN Programme of Action Art 9</b> Recommends that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.		The national legislation does not conform to the UN Programme of Action as it does not specify that records be maintained for up to ten years.

## Import, export and transit

### Special conditions

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Temporary import, export? dignitaries, diplomats, tourists?			

## 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
	<b>UN Firearms Protocol Art. 5 (1) (b + c) (2) (a - b)</b> Requires provisions relating to the illicit manufacturing and trafficking in or interfering with markings for firearms and those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.	<b>Firearms and Ammunition Act 1973 Art. 26 (3)</b> 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	The national legislation conforms to the UN Firearms Protocol.

## Import, export and transit

### Offences / penalties

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>to imprisonment for twenty years.</p> <p><b>(7)</b> 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><b>Art. 27 (4)</b> 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><b>Art. 28 (2)</b> 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>	

## Brokering

### Description of brokering controls

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>SADC Firearms Protocol Art. 5 (3) (m)</b></p> <p><b>Bamako Declaration Art. 3 A (vii) B (iv)</b></p> <p><b>UN Firearms Protocol Art. 15</b></p> <p><b>UN Programme of Action Section II Art. 14</b></p> <p>Requires adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering, including shipping and transit agents. This should include measures such as registration of brokers, licensing or authorization of brokering transactions as well as the appropriate penalties for all illicit brokering activities performed within the State's jurisdiction and control.</p> <p><b>UN Firearms Protocol Art. 5 (2) (a) and (b) and Art. 14</b></p> <p>Requires provisions relating to the illicit trafficking in firearms and those acting as accomplices or who organise, direct, aid, abet, facilitate or council the commission of such offences.</p>		<p>The national legislation does not conform to the international and regional agreements.</p>

## Brokering

### Description of brokering controls

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	Requires adequate legislation regulating the activities of those who engage in small arms and light weapons brokering.		

## 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
Description of licensing process (Competency? Duration of licences? Offence withhold information? Specifications of licence – information to be included on licence? distinction between firearm and ammunition manufacturing? limits on quantities produced?)	<p><b>SADC Firearms Protocol Art. 5 (1) and (3) (e)</b> Requires states to enact legislation to establish as criminal offences the illicit manufacturing of firearms, ammunition and other related materials.</p> <p>Requires measures ensuring that proper controls are exercised over the manufacturing of firearms, ammunition and other related materials.</p> <p><b>Bamako Declaration Art. 3 A (iii)</b> Recommends establishing as a criminal offence the illicit manufacturing of small arms and light weapons.</p> <p><b>UN Firearms Protocol Art. 5 (1) + (2)</b> Requires state parties to adopt legislation and other measures making the illicit manufacturing of firearms and ammunition a criminal offence.</p> <p><b>UN Programme of Action II Art. 3</b> Recommends establishing as a criminal offence the illegal manufacture of small arms and light weapons.</p>	<p><b>Firearm and Ammunition Act 1973 Art. 9 (1)</b> 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><b>(2)</b> 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>	The national provisions conform to the international and regional agreements.

## Manufacture

### Marking

Analytical category	International and regional agreements	Current national legislative controls	Conformity
What conditions pertain?	<p><b>SADC Firearms Protocol Art. 5 (3) (g)</b> Requires provisions for the standardised marking and identification of firearms at the time of manufacture.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b> Recommends establishing at the national level the responsible management of licit arms.</p> <p><b>SADC Firearms Protocol Art. 9 (1) and (2)</b> <b>UN Firearms Protocol Art. 6 (2) and 8</b> <b>UN Programme of Action Section II Art. 7</b> The agreements 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>		The national legislation does not conform to the regional and international agreements as it does not specify the need for standardised marking at the time of manufacture.

## Manufacture

### Record keeping

Analytical category	International and regional agreements	Current national legislative controls	Conformity
What? submission to authorities?	<p><b>SADC Firearms Protocol Art. 5 (3) (e) and 9 (1)</b> State parties are required to enact measures to ensure the proper controls are exercised over firearms manufacturing. State Parties undertake to establish agreed systems to keep proper records of firearm markings.</p> <p><b>UN Programme of Action Section II Art. 9</b> 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><b>UN Firearms Protocol Art. 7</b> Requires the maintenance of records for not less than 10 years of information in relation to firearms.</p>		The national legislation does not conform to the international and regional agreements.

## Manufacture

### Premises

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Registration of premises? conditions of storage? restrictions on type / location?	<b>UN Firearms Protocol Art. 11</b> 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 at the time of manufacture.		The national legislation does not conform to the international and regional agreements.

## Manufacture

### Restrictions on sale / transfer

Analytical category	International and regional agreements	Current national legislative controls	Conformity
To whom? what? conditions to be met? (documentation and reporting?)	<b>Bamako Declaration Art. 3 A. (vii)</b> Requires that states take appropriate measures to control arms transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents		The national legislation does not conform to the international and regional agreements.

## Manufacture

### Quality control / standards

Analytical category	International and regional agreements	Current national legislative controls	Conformity

## Manufacture

### Gunsmiths

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Conditions / controls relating to repair and modification (cross reference to deactivation controls)		<b>Firearms and Ammunition Act 1973</b> <b>Art. 12 (1)</b> Subject to the provisions of this section, no person shall, by way of trade or business – <b>(a)</b> sell, transfer, repair, test or prove; or <b>(b)</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. <b>Act. 16 (3)</b> 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	

## Manufacture

### Gunsmiths

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>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><b>Art. 21 (1)</b> 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><b>Art. 34 (5)</b> 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><b>SADC Firearms Protocol Art. 5 (1)</b> Requires state parties to enact legislation and take other measures to establish as a criminal offence under national law the illicit manufacturing of firearms, ammunition and other related materials.</p> <p><b>UN Firearms Protocol Art. 5 (2) (a) and (b)</b> Stipulates including provisions relating to the illicit manufacturing and trafficking in or interfering with markings for firearms and those acting as accomplices or who organise, direct, aid, abet, facilitate or council the commission of such offences.</p> <p><b>Bamako Declaration Art 3 A (iii)</b> Requires state parties to adopt legislative and other measures to establish as a criminal offence under national law, the illicit manufacturing of small arms and light weapons.</p>	<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art. 9 (3)</b> 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><b>Art. 12 (2)</b> 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><b>Art 16 (4)</b> 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><b>Art. 21 (2)</b> 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>The national legislation conforms to the regional and international agreements.</p>

## Trade

## Licensing

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Description of licensing process (Competency? Duration of licences? Offence withhold information? Specifications of licence – information to be included on licence? limits on quantities traded?)</p>	<p><b>SADC Firearms Protocol Art. 5 (3) (f)</b> Requires state parties to enact legislation promoting legal uniformity and minimum standards in the transfer of firearms.</p> <p><b>Bamako Declaration Art. 3 A (vii)</b> Recommends that Member States should take appropriate measures to control arms transfers by traders.</p> <p><b>UN Programme of Action II Art. 3</b> Recommends establishing as a criminal offence the illegal trade in small arms and light weapons.</p>	<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art. 7 (2)</b> 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><b>(3)</b> 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><b>Art. 12 (1)</b> Subject to the provisions of this section, no person shall, by way of trade or business – <b>(a)</b> sell, transfer, repair, test or prove; or <b>(b)</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: 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><b>Art. 14 (1)</b> 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><b>(2)</b> On or before the first day of January in each year, every person for the time being registered as a firearms dealer shall – <b>(a)</b> surrender to the Licensing Authority his certificate of registration; and <b>(b)</b> apply in the prescribed form for a new certificate of registration; and <b>(c)</b> 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><b>(3)</b> 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 in special circumstances allow, shall cause his name to be removed from the register.</p> <p><b>Art. 16 (1)</b> 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:</p>	<p>National legislation conforms to the regional and international agreements.</p>

## Trade

### Licensing

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>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><b>(2)</b> 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><b>Art. 46</b> The President may make regulations –</p> <p><b>(a)</b> 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>(b)</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><b>Firearms and Ammunition Regulations 1973</b></p> <p><b>Art. 4 (1)</b> 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><b>(2)</b> 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><b>(3)</b> 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
What? submission to authorities?	<p><b>Bamako Declaration Art. 3 (vii)</b> Recommends that member states should take appropriate measures to control arms transfers by traders.</p> <p><b>UN Firearms Protocol Art 7</b> Requires the maintenance of records for not less than 10 years of information in relation to firearms.</p>	<p><b>Firearms and Ammunition Act 1973</b> <b>Art. 13 (1)</b> 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 – <b>(i)</b> The Licensing Authority shall not register an applicant who is prohibited to be registered by order of a court made under section 19, and <b>(ii)</b> 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. <b>Art. 17 (1)</b> 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. <b>(2)</b> 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. <b>(4)</b> Every such person shall make a quarterly return to the Licensing Authority of all firearms and ammunition received and sold by him.</p> <p><b>Firearms and Ammunition Regulations 1973</b> <b>Art. 4 (4)</b> 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. <b>(5)</b> 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. <b>Art. 5</b> 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 does not conform to the regional and international agreements as it does not specify that records be kept for at least ten years.</p>

## Trade

**Premises**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Registration of premises? conditions of storage? restrictions on type / location?		<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art. 15 (1)</b> 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><b>(2)</b> 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><b>(3)</b> 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><b>Art. 18 (1)</b> 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><b>(2)</b> 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
To whom? what? conditions to be met? (documentation and reporting?)	<p><b>Bamako Declaration Art. 3 A. (vii)</b> Requires that states take appropriate measures to control arms transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents</p>	<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art. 25 (1)</b> 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 <i>Gazette</i>, to sell, transfer, purchase, acquire or have in his possession-</p> <p><b>(a)</b> 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>	The national legislation conforms to the regional and international agreements.

## Trade

**Restrictions on sale / transfer**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<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 <i>Gazette</i>; or</p> <p>(e) any accessory or attachment, of a kind specified by the President by notice in the <i>Gazette</i>, which is designed</p> <p><b>Art. 34 (5)</b> 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>	

## Trade

**Quality control / standards**

Analytical category	International and regional agreements	Current national legislative controls	Conformity

## Trade

**Pawning / pledging restrictions**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>SADC Firearms Protocol Art 5 (3) (k)</b> Stipulates the prohibition of pawning and pledging</p>	<p><b>Firearms and Ammunition Act 1973</b> <b>Art. 20 (1)</b> No person shall take any firearm or ammunition in pawn from any other person. <b>(2)</b> 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>The national legislation conforms to the SADC Firearms Protocol.</p>

## Trade

**Transfer and possession restrictions**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Restrictions / special conditions for business purposes?			

## Trade

**Offences / penalties**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Firearms Protocol Art. 5 (1) (b) and 5 (2) (a) and (b)</b> Requires state parties to adopt legislative and other measures to establish as a criminal offence the illicit trafficking in firearms. Requires provisions relating to the illicit manufacturing and trafficking in or interfering with markings for firearms and those acting as accomplices or who organise, direct, aid, abet, facilitate or council the commission of such offences.</p>	<p><b>Firearms and Ammunition Act 1973</b> <b>Art. 12 (2)</b> 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. <b>Art 13 (5)</b> 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. <b>Art.14 (4)</b> 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. <b>Art. 15 (4)</b> If – <b>(a)</b> 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 <b>(b)</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. <b>Art. 16 (4)</b> 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</p>	<p>The national legislation conforms to the UN Firearms Protocol.</p>

## Trade

**Offences / penalties**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>and fine.</p> <p><b>Art. 17 (5)</b> 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><b>Art. 18 (4)</b> 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><b>Art. 25 (2)</b> 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><b>Firearms and Ammunition Regulations 1973</b></p> <p><b>Art. 6</b> 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>	

## Seizure, disposal and enforcement

### **Seizure, confiscation, forfeiture**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of controls / provisions	<p><b>SADC Firearms Protocol Art. 5 (3) (h)</b> Requires provisions on seizure, confiscation and forfeiture to the State of all firearms, ammunition and other related materials manufactured or conveyed in transit without or in contravention of licences, permits, or written authority.</p> <p><b>UN Firearms Protocol Art. 6 (1)</b> Requires state parties to adopt measures to enable the confiscation of firearms that have been illicitly manufactured or trafficked.</p>	<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art. 10 (3)</b> 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><b>Art. 34 (1)</b> 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><b>Art. 35 (1)</b> 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 conforms to the SADC Firearms Protocol and UN Firearms Protocol.</p>

## Seizure, disposal and enforcement

### Disposal and destruction

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Description of controls / provisions</p>	<p><b>SADC Firearms Protocol Art. 11 (1)</b>  <b>UN Programme of Action Section II Art. 16</b>  <b>UN Firearms Protocol Art. 6 (2)</b>  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.  If firearms are destroyed or disposed of, the methods of disposal of those firearms and ammo have to be recorded.  <b>Bamako Declaration Art. 3 A (iv)</b>  Recommends that Member States should develop and implement programmes for the identification and destruction of surplus, obsolete and seized stocks.</p>	<p><b>Firearms and Ammunition Act 1973</b>  <b>Art. 19</b> 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 –  <b>(d)</b> 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;  <b>Art. 34 (1)</b> Where any person –  <b>(a)</b> 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  <b>(b)</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 –  <i>(i)</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;  <b>Art. 35 (2)</b> 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.  <b>(3)</b> 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.  <b>Art. 36 (1)</b> 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 –  <i>(i)</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</p>	<p>The national legislation conforms to the regional and international agreements.</p>

## Seizure, disposal and enforcement

### **Disposal and destruction**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>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>	

## Seizure, disposal and enforcement

### **Deactivation**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of controls / provisions	<p><b>UN Firearms Protocol Art. 9</b> Specifies the need for provisions relating to deactivated firearms and for making it an offence to reactivate previously deactivated firearms or provisions for issuing of a certificate of deactivation or the stamping of marks to that effect.</p>		The national legislation does not conform to the UN Firearms Protocol.

## Seizure, disposal and enforcement

### **Inspection / enforcement**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of controls / provisions	<p><b>SADC Firearms Protocol Art. 5 (3) (j)</b> Requires the monitoring and auditing of licences held in a person's possession.</p>	<p><b>Firearms and Ammunition Act 1973 Art. 8 (1)</b> 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</p>	The national legislation conforms to the SADC Firearms Protocol.

## Seizure, disposal and enforcement

### *Inspection / enforcement*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>requirements of subsection (2).</p> <p><b>Art. 10 (1)</b> 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><b>(2)</b> Such demand may be made orally or in writing.</p> <p><b>Art. 11 (1)</b> 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><b>(2)</b> 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><b>(3)</b> A demand under this section may be made orally or in writing.</p> <p><b>Art. 17 (3)</b> 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><b>Art. 38</b> 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>	

## Seizure, disposal and enforcement

### *Offences / penalties*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art. 10 (4)</b> 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><b>Art. 11 (4)</b> If any person fails without reasonable</p>	

## Seizure, disposal and enforcement

### Offences / penalties

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>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> <p><b>Art. 17 (5)</b> 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><b>Art. 39</b> 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><b>Art. 43 (1)</b> 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 <i>prima facie</i> 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 <i>prima facie</i> 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><b>SADC Firearms Protocol Art. 5 (2)</b> Requires specific provision to sanction the violation of UN Security Council arms embargoes.</p> <p><b>Bamako Declaration Art. 3 A (vi)</b> <b>UN Programme of Action Section II Art. 15</b> Requires measures against any activity that violates UN Security Council arms embargoes.</p>		The national legislation does not conform the SADC Firearms Protocol, Bamako Declaration and UN Programme of Action.

## Arms embargoes

### Offences / penalties

Analytical category	International and regional agreements	Current national legislative controls	Conformity

## State-owned firearms

### Overview

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Programme of Action Section II Art. 17</b> Requires controls relating to the management and security of state stocks including:</p> <ul style="list-style-type: none"> <li>• Appropriate locations for stockpiles</li> <li>• Physical security measures</li> <li>• Control of access to stocks</li> <li>• Inventory management and accounting control</li> <li>• Staff training</li> <li>• Security accounting and control of firearms relating to operation units</li> <li>• Controls on theft and loss.</li> </ul>	<p><b>Firearms and Ammunition Act 1973</b></p> <p><b>Art. 44</b> Notwithstanding anything elsewhere contained in this Act a firearm licence shall not be required to be taken out in respect firearms or ammunition by:-</p> <p><b>(a)</b> 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><b>Art. 47 (2)</b> 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>	The national legislation does not fully conform to the UN Programme of Action as it does not include provisions relating to inventory management and accounting control, staff training or security accounting and control of firearms relating to operational units.

## State-owned firearms

### *Possession and use by state employees*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Licensing requirements? special conditions? controls?			

## State-owned firearms

### *Record keeping*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Programme of Action Section II Art. 10</b> Requires provision to ensure responsibility for weapons held and issued by the state and effective measures for tracing such weapons.</p> <p><b>SADC Firearms Protocol Art. 8 (a)</b> Provides for the state to establish and maintain complete national inventories of firearms, ammunition and other related materials held by security forces and other state bodies.</p>		The national legislation does not conform to the SADC Firearms Protocol or UN Programme of Action.

## State-owned firearms

### *Storage*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Stockpile management	<p><b>SADC Firearms Protocol Art. 8 (b)</b> Stipulates the enhancement of capacity to manage and maintain secure storage of state-owned firearms.</p> <p><b>UN Programme of Action Section II Art. 17 and 18</b> Stipulates the need for provisions relating to the management, security and review of state-held stocks. These standards and procedures, inter alia, relate to: appropriate locations for stockpiles, physical security measures, control of access to stocks, inventory management and accounting control.</p>		The national legislation does not conform to the SADC Firearms Protocol or UN Programme of Action.

## State-owned firearms

### *Import, export, transfer, transit*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Controls over import, export, transfer, transit (of state-owned firearms)	<b>UN Firearms Protocol Art. 8 (c)</b> Requires provision for the unique marking of firearms when transferred from government stocks to permanent civilian use.		The national legislation does not conform to the UN Firearms Protocol.

## State-owned firearms

### *Disposal / destruction*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Surpluses, including redundant, obsolete, seized and collected firearms in state possession	<b>SADC Firearms Protocol Art 10 (1)</b> <b>Bamako Declaration Art. 3 A (iv)</b> <b>UN Programme of Action Section II Art. 16 and 18</b> Provide that all confiscated, seized or collected SALW are destroyed subject to any legal constraints. 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.		The national legislation does not conform to the international and regional agreements.

**This report is part of Saferworld's Arms and Security Programme and a project of SaferAfrica's Arms Unit. An earlier draft of this report was presented at a seminar in Brussels in November 2002 entitled: 'Advancing implementation of the SADC Firearms Protocol: Deepening SADC-EU Co-operation'.**

**SaferAfrica is a not-for-profit organisation that assists governments and civil society to implement agreed policy on peace and security. Its headquarters are in Pretoria, South Africa.**

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