

## **CHAPTER 299**

### **THE FIREARMS ACT.**

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## CHAPTER 299

### THE FIREARMS ACT.

*Commencement:* 1 December, 1970.

**An Act to amend and consolidate the law relating to the regulation, control, manufacture, import, export, sale, repair, storage and possession of firearms and ammunition and for other matters connected therewith.**

#### PART I—PRELIMINARY.

##### 1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “acquiring” means hiring, accepting as a gift and borrowing, and the expression “acquire” and “acquisition” shall be construed accordingly;
- (b) “ammunition” includes grenades, bombs and other like missiles and cartridges blank, tracer, explosive, incendiary, observing or signalling cartridges and any ammunition containing or designed or adapted to contain shot, bullet or any noxious liquid, gas or other thing whether capable of use with a firearm or not;
- (c) “ammunition of war” means ammunition for use with arms of war;
- (d) “approved carrier” means a carrier approved by the chief licensing officer;
- (e) “approved servant” means an employee approved by the chief licensing officer;
- (f) “approved warehouseman” means a warehouseman approved by the chief licensing officer;
- (g) “arms of war” means artillery of all kinds, apparatus for the discharge of explosive or gas diffusing projectiles, flame throwers, bombs, grenades, machine guns and rifled small-bore, breech-loading weapons, whether all or any of those arms of war are assembled or in parts, but does not include sporting rifles, or personal or other weapons or apparatus not intended for warlike purpose;
- (h) “cadet unit” means a cadet unit established under any enactment for the time being in force;

- (i) “chief licensing officer” means a person appointed under section 2 to be chief licensing officer;
- (j) “customs officer” has the same meaning as “officer” as defined in the East African Customs and Transfer Tax Management Act;
- (k) “firearm” means any barrelled weapon (other than an imitation firearm) from which any shot, bullet or other missile capable of causing injury can be discharged, adapted for the discharge of any such shot, bullet or other missile, and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing dangerous to human beings, and includes any component part of any such weapon as aforesaid and any accessory to any such weapon designed or adapted to eliminate or diminish the noise or flash caused by firing any such weapon, but does not include any antique firearm which has been rendered incapable of use as a firearm;
- (l) “firearm dealer” means a person who, by way of trade or business, is registered to buy, sell or transfer firearms or ammunition;
- (m) “functions” includes powers and duties;
- (n) “gunsmith” means a person who, by way of profession and qualification, is registered under this Act to repair, test and prove firearms and ammunition;
- (o) “licensing officer” means a person appointed under section 2 to be a licensing officer;
- (p) “police force” means the Uganda Police Force provided for under article 211(1) of the Constitution;
- (q) “police officer” has the same meaning as in the Police Act;
- (r) “prescribed” means prescribed by regulations;
- (s) “prison service” has the same meaning as in the Prisons Act;
- (t) “purchase” and “sale” include exchange, barter, expose for exchange, barter or sale, and any derivative expression shall be construed accordingly;
- (u) “slaughtering instrument” means a firearm which is specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stubbing of animals with a view to slaughtering them;
- (v) “transferring” includes letting on hire, giving, lending and parting with possession, and the expressions “transfer”, “transferee” and “transferor” shall be construed accordingly.

## **2. Appointment of chief licensing officer and other licensing officers.**

(1) The Minister shall, by statutory order, appoint a senior police officer to be the chief licensing officer who shall perform such functions and exercise such powers as are conferred on him or her by this Act.

(2) The Minister shall appoint, in writing from among police officers, a deputy chief licensing officer who shall be under the direction of the chief licensing officer.

(3) For the purposes of this Act, every police commander of a district shall be a licensing officer for that district.

(4) The chief licensing officer, the deputy chief licensing officer and all licensing officers appointed under this Act shall, in the performance of their functions under this Act, be subject to the directions of the Minister.

(5) The functions of the chief licensing officer under this Act may be performed or exercised, subject to the directions of the chief licensing officer, by the deputy chief licensing officer.

## **PART II—REGULATION OF PURCHASE, POSSESSION, MANUFACTURE AND SALE OF FIREARMS AND AMMUNITION AND OF OTHER TRANSACTIONS.**

## **3. Restrictions on purchasing, etc. of firearms or ammunition.**

(1) Subject to this Act, no person shall purchase, acquire or have in his or her possession any firearm or ammunition unless, in respect of each such firearm, he or she holds a valid firearm certificate.

(2) Any person who—

- (a) purchases, acquires or has in his or her possession any firearm or ammunition without holding a valid firearm certificate, or otherwise than as authorised by such a certificate, or, in the case of ammunition, in quantities in excess of those so authorised; or
- (b) fails to comply with any condition, subject to which a firearm certificate is held by him or her,

commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years or to a fine not exceeding twenty thousand shillings or to both.

(3) Notwithstanding subsection (1), no person shall purchase or acquire any ammunition unless he or she is in possession of a permit in the prescribed form issued by a licensing officer.

(4) Any person who contravenes subsection (3) commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings or to both.

#### **4. Issue of firearm certificates.**

(1) A firearm certificate shall entitle the holder to purchase, acquire, have in his or her possession or use the firearm and ammunition described in the certificate.

(2) The chief licensing officer shall keep or cause to be kept a register of firearm certificates and shall cause to be entered in it the name of every person to whom a firearm certificate has been issued.

(3) An application for the issue of a firearm certificate shall be made in the prescribed form to the chief licensing officer and shall contain the prescribed particulars.

(4) The chief licensing officer may, in his or her discretion, refuse to issue a firearm certificate without assigning any reason for the refusal and in any case, he or she shall refuse to issue a firearm certificate unless he or she is satisfied that the person applying for the firearm certificate—

- (a) is not prohibited by any provision of this Act from purchasing, acquiring or having in his or her possession a firearm or ammunition;
- (b) has reasonable cause to purchase, acquire or have in his or her possession a firearm or ammunition;
- (c) is competent to use a firearm of the kind in respect of which the application is made;
- (d) has attained the age of twenty-five years;
- (e) is of sound mind and of temperate habits;
- (f) will take all proper steps to ensure the safe custody of the firearm in respect of which the application is made and will install a minimum safety to the satisfaction of the police officer in charge of the area in which he or she resides;
- (g) is in all other respects a fit and proper person to purchase, acquire or have in his or her possession a firearm.

(5) A firearm certificate in respect of a weapon to be used for sporting purposes shall be subject to the holder obtaining—

- (a) in the case of a shotgun or .22 rifle, a bird licence; and
- (b) in the case of any other rifle or combined rifle/shotgun, a game licence.

(6) The licences referred to in subsection (5) shall be obtained within three months from the date of the issue of the firearm certificate and if no such licences are obtained within that period, the firearm certificate shall cease to have any validity.

(7) The chief licencing officer may in his or her discretion impose conditions subject to which a firearm certificate issued by him or her shall be held.

(8) A firearm certificate issued under this section—

- (a) shall be in the prescribed form;
- (b) shall contain such conditions as may be prescribed;
- (c) shall specify—
  - (i) such other conditions, if any, imposed under subsection (7), subject to which it is held;
  - (ii) the nature, description and mark or number of identification of the firearm in respect of which it is issued;
  - (iii) if it is in relation to ammunition, the quantity and type authorised to be purchased and to be held at any one time;
- (d) shall, unless previously revoked or annulled, continue in force until the 31st day of December in the year in which it was issued;
- (e) shall be renewable for a further period of one year by the licensing officer for the area in which the holder resides; and
- (f) the provisions of this section shall apply to its renewal as they apply to its issue.

(9) The chief licensing officer may, at any time, by notice in writing, vary the conditions, other than the prescribed conditions, subject to which a firearm certificate is held and may by the notice require the holder to deliver up to him or her the firearm certificate, within such time as he or she may specify in the notice, for the purpose of amending the conditions specified in the certificate.

(10) Any person who, for the purpose of procuring, whether for

himself or herself any other person, the issue of a firearm certificate or the renewal of a firearm certificate, makes any statement which he or she knows to be false or does not believe to be true, commits an offence and is liable to imprisonment for a term not exceeding five years or to a fine not exceeding twenty thousand shillings or to both.

## **5. Suspension or revocation of firearm certificate.**

(1) The chief licensing officer may in his or her discretion suspend or revoke a firearm certificate without assigning any reason for the suspension or revocation.

(2) Where—

- (a) a firearm certificate is suspended or revoked under subsection (1); or
- (b) the licensing officer, after consultation with the chief licensing officer, refuses to renew a firearm certificate,

the chief licensing officer shall, by notice in writing, require the holder to surrender to him or her the firearm certificate and to deposit the firearm and ammunition to which it relates in such police station as the chief licensing officer may direct, and the holder who fails so to do within fourteen days from the date of the notice commits an offence and is liable on conviction to a fine not exceeding one thousand shillings.

(3) Where an appeal is made under section 22 against the suspension or revocation, subsection (2) of this section shall not apply unless the appeal is abandoned or dismissed, and, in either such case, it shall have effect as if for reference to the date of the notice there were substituted the date on which the appeal was abandoned or dismissed.

## **6. Fees in respect of firearm certificates.**

(1) Subject to this section, there shall be payable on the issue or renewal or variation of a firearm certificate, or where a firearm certificate has been lost or destroyed, its replacement, such fees as may be prescribed.

(2) No fee shall be payable on the issue of a firearm certificate to any responsible officer of a rifle club approved for the purpose by the Minister, or of a cadet unit, or for the issue of a firearm certificate in respect of any firearm or ammunition intended to be used solely for target practice or drill by the members of the club or unit, or on the variation or renewal of a firearm



certificate so issued.

## **7. Exemption from holding firearm certificates.**

(1) The following provisions of this section shall have effect notwithstanding anything in section 3—

- (a) a person carrying on the business of a firearms dealer or gunsmith, or an approved servant of such a person, may, without holding a firearm certificate, have in his or her possession a firearm or ammunition in the ordinary course of that business;
- (b) a person carrying on the business of an approved carrier or an approved warehouseman, or an approved servant of such a person, may, without holding a firearm certificate, have in his or her possession a firearm or ammunition in the ordinary course of that business;
- (c) a person may, without holding a firearm certificate, have in his or her possession a slaughtering instrument and ammunition for it in any slaughterhouse established under the Public Health Act, if employed in the slaughterhouse;
- (d) any person in charge of any slaughterhouse or a person appointed by him or her to take charge of slaughtering instruments and ammunition for the instruments for the purpose of storing them in safe custody at that slaughterhouse may, without holding a firearm certificate, have in his or her possession a slaughtering instrument or its ammunition for that purpose;
- (e) any person may, without holding a firearm certificate—
  - (i) have in his or her possession a firearm or ammunition on board a ship, or a signalling apparatus or ammunition for it on board an aircraft or at an aerodrome, as part of the equipment of the ship, aircraft or aerodrome;
  - (ii) remove a signalling apparatus or ammunition for it, being part of the equipment of an aircraft, from one aircraft to another at an aerodrome or airfield, or from or to an aircraft at an aerodrome or from a place appointed for the storage of the signalling apparatus or ammunition in safe custody at that aerodrome or airfield, and keep any such apparatus or ammunition at such a place;
  - (iii) if he or she has obtained from a licensing officer a permit for the purpose in the prescribed form, remove a firearm from or to a ship, or signalling apparatus from or to an aircraft or aerodrome or airfield, to or from such place and

for such purpose as may be specified in the permit;

- (f) any person, without holding a firearm certificate, who is accompanied by another person holding a firearm certificate, may, if duly authorised by that other person so to do, carry, but not use a firearm or ammunition to which the firearm certificate relates;
- (g) a member of a rifle club approved by the Minister, or of a cadet unit, may, without holding a firearm certificate, have in his or her possession a firearm licensed in the name of the rifle club or cadet unit and ammunition for it when engaged as such a member in, or in connection with, drill or target practice;
- (h) any person may, without holding a firearm certificate, use a miniature rifle not exceeding .22 and ammunition suitable for it, at a miniature rifle range or shooting gallery approved by the Inspector General of Police;
- (i) any person may, without holding a firearm certificate, have a firearm in his or her possession at an athletic or other sporting meeting for the purpose of starting races at that meeting if the firearm is licensed in the name of any of the organisers of the meeting; but nothing in this subsection shall authorise the use in the firearm of any ammunition other than blank ammunition;
- (j) any person being the servant of a corporation to which a firearm certificate has been issued, and in respect of whom approval in writing of the chief licensing officer has been obtained may, without holding a firearm certificate, have in his or her possession the firearm and ammunition for the firearm to which the firearm certificate relates;
- (k) any person, being the registered owner of a firearm, may deposit or cause to be deposited the firearm and any ammunition for it in a police station or other place appointed by the Inspector General of Police without holding a firearm certificate for the period of the deposit; and
- (l) any person taking part in a theatrical performance or film production or the rehearsal of the performance or production may, without holding a firearm certificate, use a firearm or imitation firearm for the purpose of the performance or production or rehearsal of the performance, on such conditions as the chief licensing officer may impose.

**8. Refusal to issue or renew a firearm certificate unless firearm produced.**

(1) Notwithstanding sections 1 to 7, a licensing officer shall not renew a firearm certificate unless the firearm to which the firearm certificate relates is produced to him or her for his or her inspection or for marking, if necessary, in accordance with the requirements of subsection (2) or for testing.

(2) No firearm certificate shall be issued or, as the case may be, renewed, in respect of a firearm unless the 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 chief licensing officer.

(3) A licensing officer may, before renewing a firearm certificate, satisfy himself or herself that the firearm to which the firearm certificate will, if renewed, relate is in such a condition as to be safe to use.

(4) In case an import permit has been issued to an importer other than a licensed firearms dealer, the importer shall produce the firearm to the licensing officer of the place where he or she resides for inspection within fourteen days of the issue of the firearm certificate in respect of that firearm.

**9. Production of firearm certificate.**

(1) Any police officer or customs officer may demand, from any person in possession of a firearm or ammunition, the production of his or her firearm certificate.

(2) If any person upon whom a demand is so made fails to produce the certificate, or to permit the officer to read the certificate, or to show that he or she is entitled by virtue of this Act to have the firearm or ammunition in his or her possession without holding a firearm certificate, the officer may seize and detain the firearm and ammunition.

**10. Production of firearm and ammunition.**

(1) Any police officer or customs officer may demand, from any person who holds a firearm certificate, the production of the firearm and ammunition to which the certificate relates, at such time and place as the officer may specify, for inspection by himself or herself or such other officer

as he or she may specify.

(2) Any person who fails to comply with a demand made under subsection (1) commits an offence and is liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings or to both.

#### **11. Prohibition of manufacture of firearms or ammunition.**

(1) No person shall manufacture or assemble any firearm or ammunition.

(2) Nothing in this section shall be deemed to prohibit the assembly—

- (a) by a firearms dealer or gunsmith of any firearm; or
- (b) by any person holding a firearm certificate of the firearm to which the certificate relates and which is so constructed by the manufacturer of the firearm as to be capable of being stripped and reassembled.

(3) Any person who contravenes of subsection (1) commits an offence and is liable to imprisonment for life.

#### **12. Prohibition on dealing in firearms without being registered.**

(1) Subject to this section, no person—

- (a) shall sell or transfer or expose for sale or transfer or have in his or her possession for sale, transfer, repair, test or prove any firearm or ammunition unless he or she is registered under this Act as a firearms dealer; or
- (b) shall repair, test or prove any firearm or ammunition unless he or she is registered under this Act as a gunsmith.

(2) Nothing in this section shall be deemed to prohibit the sale, repair, test or proof by any person of any firearm or ammunition in respect of which he or she is the holder of a firearm certificate issued under this Act.

(3) Any person who contravenes any of the provisions of subsection (1) commits an offence and is liable to imprisonment for a term not exceeding five years or to a fine not exceeding twenty thousand shillings or to both.

### **13. Registration of firearms dealers and gunsmiths.**

(1) The chief licensing officer shall continue or cause to be continued in the prescribed form a register of firearms dealers and gunsmiths and shall, subject as hereafter provided, enter or cause to be entered in the register the name of any person who applies to be registered as a firearms dealer or gunsmith and furnishes the particulars prescribed by section 14.

(2) The chief licensing officer may in his or her discretion refuse to register the name of any applicant for registration as a firearms dealer or gunsmith without assigning any reason for the refusal and in any case shall refuse to register the name of any such applicant—

- (a) who is prohibited from being registered by an order of a court made under section 19;
- (b) in respect of whom the chief licensing officer is satisfied that, having regard to the public safety or to the peace, the applicant is not a fit and proper person so to be registered;
- (c) whom the chief licensing officer is satisfied is not sufficiently qualified or competent to carry on the business of a dealer or gunsmith.

(3) There shall be payable in respect of each application for registration as a firearms dealer or gunsmith such fees as may be prescribed.

(4) Any person who, for the purpose of procuring the registration of himself or herself or of any other person as a firearms dealer or gunsmith, makes any statement which he or she knows to be false, or does not believe to be true, commits an offence and is liable to imprisonment for a term not exceeding five years or to a fine not exceeding twenty thousand shillings or to both.

### **14. Registration of business of firearms dealers and gunsmiths.**

(1) Any person who applies to be registered as a firearms dealer or gunsmith under section 13 shall state the particulars of every place of business within the area at which he or she proposes to carry on business as a firearms dealer or gunsmith, and the chief licensing officer shall cause to be entered in the register every such place of business.

(2) Every person registered as a firearms dealer or gunsmith in any

area, who proposes to carry on business as such at any place of business in that area which is not entered in the register, shall notify the chief licensing officer and shall furnish the chief licensing officer with such particulars as may be prescribed, and the chief licensing officer shall cause to be entered that place of business in the register.

(3) If the chief licensing officer is satisfied that any place of business notified to him or her by any person under subsection (1) or any place entered as the place of business of any person in the register of firearms dealers and gunsmiths is a place at which that person cannot be permitted to carry on business as a firearms dealer or gunsmith without danger to the public safety or to the peace, he or she may refuse the entry of that place of business in the register or cause it to be removed from the register, as the case may be.

(4) Any person who—

(a) carries on a business as a firearms dealer or gunsmith at any place which is not entered in the register; or

(b) for the purpose of procuring, whether for himself or herself or any other person, the entry of any place of business in the register of firearms dealers or gunsmiths, makes any statement which he or she knows to be false or does not believe to be true,

commits an offence and is liable to imprisonment for a term not exceeding five years or to a fine not exceeding twenty thousand shillings or to both.

#### **15. Issue of certificate of registration to firearms dealer or gunsmith.**

(1) The chief licensing officer shall, upon payment of the prescribed fees, issue or cause to be issued to each person, registered as a firearms dealer or gunsmith under section 13, a certificate of registration in the prescribed form.

(2) Every firearms dealer or gunsmith shall cause to be exhibited, in a prominent position in his or her principal place of business, the certificate of registration issued under subsection (1).

(3) A certificate of registration shall remain in force, unless the name of the firearms dealer or gunsmith to whom it is issued is removed from the register, until the 31st day of December in the year in which it is issued.

(4) Within seven days from the 1st day of January in each year, every

person registered as a firearms dealer—

- (a) shall surrender to the chief licensing officer his or her certificate of registration; and
- (b) shall apply in the prescribed form for the issue of a new certificate of registration; and
- (c) shall pay such fees as may be prescribed,

and thereafter the chief licensing officer may, subject to section 13(2), issue or cause to be issued to such person a new certificate of registration.

(5) If any firearms dealer or gunsmith fails to comply with any of the provisions of this section, the chief licensing officer shall, by notice in writing, require him or her to comply with those provisions and if he or she fails so to do within twenty-one days of the date of the notice, or within such further time as the chief licensing officer may in special circumstances allow, shall cause his or her name to be removed from the register of firearms dealers and gunsmiths.

#### **16. Removal of name from register of firearms dealers and gunsmiths.**

(1) In addition to any other powers in that behalf conferred by this Act, the chief licensing officer may cause to be removed from the register of firearms dealers and gunsmiths the name of any person who—

- (a) has applied to be removed from the register;
- (b) has ceased to carry on business as a firearms dealer or gunsmith;
- (c) has ceased to carry on business in the place in which he or she was registered; or
- (d) has ceased, in the opinion of the chief licensing officer, to be a fit and proper person, having regard to the public safety or to the peace, to be registered as a firearms dealer or gunsmith.

(2) If, pursuant to any of the provisions of this Act, the chief licensing officer removes or causes to be removed the name of any firearms dealer or gunsmith from the register of firearms dealers or gunsmiths, he or she shall, by notice in writing, require the firearms dealer or gunsmith to surrender his or her certificate of registration.

(3) Any firearms dealer or gunsmith served with a notice under subsection (2) who fails to comply with the notice within fourteen days of the date of the notice commits an offence and is liable to a fine not exceeding one thousand shillings; except that—

- (a) where an appeal is made under section 22 against the removal,

this subsection shall not apply to that removal unless the appeal is abandoned or dismissed, and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed;

- (b) until the firearms dealer or gunsmith surrenders his or her certificate of registration in accordance with this section, or, if he or she fails so to surrender his or her certificate, until the expiration of the fourteen days stipulated in this subsection, the firearms dealer or gunsmith shall be deemed to be registered as a firearms dealer or gunsmith for the purpose only of disposing of the stock in hand of his or her business.

#### **17. Register of transactions in firearms and ammunition.**

(1) Every firearms dealer or gunsmith shall provide and keep at each of his or her places of business a register of all his or her transactions in firearms and ammunition, and shall enter or cause to be entered in the register such particulars as may be prescribed.

(2) In case a registered gunsmith is employed by a registered firearms dealer at the dealer's place of business, the records referred to in subsection (1) shall be kept by the firearms dealer.

(3) Every 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, the firearms dealer shall at the time of the transaction require the purchaser or transferee to furnish particulars sufficient for his or her identification, and shall immediately enter those particulars in the register.

(4) Every firearms dealer shall on demand allow any customs officer or police officer to enter and inspect all firearms and ammunition in hand, and shall on request by any such officer produce for inspection the register required to be kept under subsection (1).

(5) Every firearms dealer shall, within seven days beginning from the day of the sale or transfer of any firearm, notify the chief licensing officer of the sale or transfer.

- (6) Any person who—
  - (a) fails to comply with any of the provisions of this section;



- (b) knowingly makes any false entry in a register required to be kept under this section; or
- (c) knowingly furnishes any false particulars of identification of himself or herself or any other person,

commits an offence and is liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings or to both.

#### **18. Storage of firearms and ammunition by dealers and gunsmiths.**

(1) Every firearms dealer or gunsmith shall provide and maintain at each of his or her places of business a suitable enclosed store for the safe custody of firearms and ammunition in his or her possession and shall at all times keep all such firearms and ammunition securely within the store.

(2) Every store required to be provided and maintained under subsection (1) shall be secure to the satisfaction of the licensing officer of the area in which it is situated, and shall have only one means of entry to it which shall be provided with two different locks of which master keys shall be delivered to the licensing officer who shall keep them in a safe after properly labelling them.

(3) In case a registered gunsmith is employed by a registered firearms dealer at the dealer's place of business, the requirements of this section shall apply only to the dealer.

(4) Any person who fails to comply with any of the provisions of this section commits an offence and is liable to a fine not exceeding five thousand shillings.

#### **19. Powers of court in case of offences by firearms dealers and gunsmiths.**

(1) Where a firearms dealer or gunsmith is convicted of an offence against this Act, or against any law for the time being in force relating to customs in respect of the import or export of firearms or ammunition, the court may order—

- (a) that the name of the firearms dealer or gunsmith be removed from the register;
- (b) that neither the firearms dealer or gunsmith nor any person who acquires the business of that firearms dealer or gunsmith, nor any person who took part in the management of the business, and

who was knowingly a party to the offence, shall be registered as a firearms dealer or gunsmith;

- (c) that any person who, after the date of the order, knowingly employs in the management or conduct of his or her business any such firearms dealer or gunsmith or any person who was knowingly a party to the offence shall not be registered as a firearms dealer or gunsmith or, if so registered, shall be liable to be removed from the register; and
- (d) that any stock in hand of the business shall be disposed of as directed by the Inspector General of Police after consultation with the Minister.

(2) Any person aggrieved by an order made under this section may appeal against the order in the same manner as against the conviction or sentence passed in respect of the order, and the court may, if it thinks fit, suspend the operation of the order pending the appeal.

## **20. Penalty for taking firearms or ammunition as a security.**

(1) No person shall take or accept any firearm or ammunition from any other person as a security for any money lent to that person or for any performance of an action done for that person.

(2) Any person who contravenes this section commits an offence and is liable to imprisonment for a term of not more than six months or to a fine of not more than two thousand shillings or to both.

## **21. Restrictions on other dealings in firearms and ammunition.**

(1) No person shall sell or transfer to any other person, other than a registered firearms dealer, any firearm or ammunition unless that other person produces a firearm certificate authorising him or her to purchase or acquire the firearms or ammunition or show that he or she is entitled, by virtue of this Act, to purchase or acquire the firearms or ammunition without holding a firearm certificate.

(2) Every person who sells or gives a firearm or ammunition to any other person not being a registered firearms dealer shall comply with any of the instructions contained in the firearm certificate produced and in the case of a firearm shall, within forty-eight hours from the transaction—

- (a) send by registered post to the chief licensing officer notice of the

transactions;

- (b) if he or she is not a registered firearm dealer, surrender the firearm certificate held by him or her in respect of the firearm to the chief licensing officer.

(3) No person shall repair, test or prove any firearm or ammunition for any other person unless that other person produces or causes to be produced a firearm certificate authorising him or her to have possession of such a firearm or ammunition or shows that he or she is authorised by this Act to have possession of the firearm or ammunition without holding a firearm certificate.

(4) Any person who—

- (a) contravenes any of the foregoing provisions of this section; or
- (b) for any of the purposes of the foregoing provisions of this section, produces a false firearm certificate, or a firearm certificate in which any false entry or alteration has been made or personates any person to whom a firearm has been issued, or makes any false statement,

commits an offence and is liable to imprisonment for a term not exceeding five years or to a fine not exceeding twenty thousand shillings or to both.

## **22. Appeals under Part II.**

(1) Any person aggrieved by—

- (a) the refusal of the chief licensing officer to issue to him or her a firearm certificate under section 4;
- (b) the refusal by a licensing officer to vary or renew a firearm certificate issued to him or her;
- (c) the suspension or revocation of a firearm certificate issued to him or her;
- (d) the refusal of the chief licensing officer to register him or her as a firearms dealer or gunsmith;
- (e) the removal of his or her name from the register of firearms dealers and gunsmiths by the chief licensing officer other than a removal by order of a court;
- (f) the refusal of the chief licensing officer to enter a place of business in the register of firearms dealers and gunsmiths under section 14; or
- (g) the removal of any such place of business from the register of firearms dealers and gunsmiths,

may appeal in writing to the Minister, whose decision shall be final.

(2) An appeal under this section shall be lodged within fourteen days after the date on which the appellant first received notice, whether written or oral, of the decision by which he or she is aggrieved.

(3) On an appeal under this section the Minister may either dismiss the appeal or give such directions as he or she may think fit to the licensing officer or the chief licensing officer, as the case may be, from whose decision the appeal has been lodged, in relation to the firearm certificate or register which is the subject of the appeal.

### **23. Application of Part II.**

(1) This Part of this Act applies to all firearms as defined in section 1.

(2) This Part of this Act applies to all ammunition as defined in section 1 except ammunition for an airgun or air rifle or air pistol.

### **PART III—MISCELLANEOUS PROVISIONS AS TO FIREARMS AND AMMUNITION.**

### **24. Application of Part III.**

Nothing in this Act shall relieve any person using or carrying a firearm from the obligation to take out a licence to kill game under any law for the time being in force.

### **25. Special provisions relating to certain types of weapons and ammunition.**

(1) It shall not be lawful for any person, other than a person in the service of the Government in his or her capacity as such, or a person authorised in that behalf by the Minister, to sell, transfer, purchase, acquire or have in his or her possession—

- (a) any firearm which is so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or until the magazine containing the missiles is empty;
- (b) any firearm possessing a mechanism which ejects the expended

cartridge and reloads the firearm by manual action other than the pressing and releasing of the trigger;

- (c) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or similar thing dangerous to human beings;
- (d) any ammunition containing, or designed or adapted to contain, any such noxious thing; or
- (e) any firearm or ammunition specified, or any firearm or ammunition of a class or type specified, by the Minister by statutory instrument.

(2) Any person who contravenes subsection (1) commits an offence and is liable to imprisonment for a term not exceeding five years or to a fine not exceeding twenty thousand shillings or to both.

(3) An authority given to any person under this section shall be in writing and shall be subject to such conditions as may be specified in the writing.

(4) The Minister may at any time revoke any authority given by him or her to any person under this section by notice in writing requiring that person to deliver up the authority and the firearm, weapon or ammunition in respect of which the authority was granted, to such police station as may be specified in the notice, within fourteen days from the date of the notice.

(5) Subsections (1) to (4) shall be in addition to and not in derogation of any other provisions of this Act or any other enactment relating to the sale, transfer, purchase, acquisition or possession of firearms or ammunition, but—

- (a) the chief licensing officer shall not refuse to grant and shall not revoke, and a licensing officer shall not refuse to renew, a firearm certificate in respect of a firearm, weapon or ammunition such as is referred to in subsection (1) if the applicant is for the time being authorised by the Minister to have possession of that firearm, weapon or ammunition; and
- (b) the chief licensing officer shall not refuse to enter in the register of firearms dealers and gunsmiths the name of a person for the time being authorised as aforesaid to sell or transfer a firearm, weapon or ammunition such as aforesaid, or remove the name of that person from the register, on the ground that that person cannot be permitted to carry on or continue to carry on business

as a firearms dealer without danger to the public safety or to the peace.

(6) Where any authority to purchase, acquire or have possession of a firearm, weapon or ammunition is revoked under this section, the firearm certificate and any permit relating to that firearm, weapon or ammunition shall be revoked by the chief licensing officer.

(7) Any person who fails to comply—

(a) with any condition subject to which an authority is given under this section; or

(b) with the requirements of any notice given under subsection (4), commits an offence and is liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings or to both.

## **26. Importation and exportation of firearms and ammunition.**

(1) No person shall import or export any firearm or ammunition except at any one or more places designated for the purpose by the Minister by a notice published in the Gazette and under and in accordance with an import permit issued by the chief licensing officer or an export permit issued by a licensing officer.

(2) No person shall import or export any firearm or ammunition, or any firearm or ammunition of a class or type, of which the importation or exportation, as the case may be, is for the time being prohibited by the Minister by statutory order.

(3) Any person who contravenes any of the provisions of subsection (1) or (2) commits an offence and is liable to imprisonment for life.

(4) The chief licensing officer or a licensing officer, as the case may be, may, at his or her discretion, refuse to grant any import or export permit under this section without assigning any reason for the refusal, and shall refuse to grant any such permit authorising—

(a) the importation or exportation of any arms or ammunition of war unless the Minister has sanctioned the importation or exportation;

(b) the importation or exportation of any firearm or ammunition of which the importation or exportation, as the case may be, is for the time being prohibited under subsection (2); and

(c) the importation of any firearm or ammunition which has

previously been exported without having obtained an export permit under this Act.

(5) Import and export permits under this section shall be in the prescribed forms and there shall be payable in respect of the permits such fees as may be prescribed.

(6) The chief licensing officer or a licensing officer, as the case may be, may, without assigning any reason for the revocation, 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.

(7) Any person who, for the purpose of procuring whether for himself or herself or for any other person the issue of an import or export permit under this section, makes any statement which he or she knows to be false or does not believe to be true, commits an offence and is liable to imprisonment for a term not exceeding five years or to a fine not exceeding twenty thousand shillings or to both.

(8) For the purposes of subsection (2), “firearm” includes a safety, toy and alarm pistol, and a rifle which is capable of being converted into, or has the appearance of, a barrelled weapon or which can be used or adapted for the discharge of any noxious liquid, gas or similar substance.

## **27. Removal of imported firearms and ammunition.**

(1) All firearms and ammunition imported under this Act shall be detained in police custody pending their removal in accordance with this section.

(2) Any person who imports any firearm or ammunition by way of trade or business, or for the purpose of any trade or business, or for any purpose other than his or her own personal use, shall not remove that firearm or ammunition or cause it to be removed from police custody, unless he or she has first obtained from the chief licensing officer a removal permit in the prescribed form authorising him or her to remove the firearm or ammunition from the place where they are kept.

(3) Any person who imports a firearm or ammunition for his or her own personal use shall not remove it or cause it to be removed from police custody unless—

- (a) he or she has first obtained a firearm certificate in respect of the firearm or ammunition; or
- (b) he or she shows that he or she is entitled by virtue of this Act to have the firearm or ammunition in his or her possession without holding a firearm certificate.

(4) Any person who contravenes any of the provisions of this section commits an offence and is liable to imprisonment for a period not exceeding six months or to a fine not exceeding two thousand shillings, or to both.

## **28. Firearms and ammunitions in transit.**

(1) A customs officer shall, after consultation with the chief licensing officer and after obtaining approval of the Minister, grant with or without conditions, or refuse, suspend or revoke transit permits for transportation across Uganda of firearms or ammunition to any place outside Uganda.

(2) Any person who fails to comply with any condition subject to which a transit permit is issued commits an offence and is liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings or to both, and the court before which the person is convicted may order the forfeiture of the firearm or ammunition to which the permit relates.

## **29. Appeals under Part III.**

- (1) Any person aggrieved by—
- (a) the refusal of the chief licensing officer or a licensing officer, as the case may be, to issue to him or her an import or export permit under section 26;
  - (b) the revocation of any import or export permit issued to him or her;
  - (c) the refusal by the chief licensing officer to issue to him or her a removal permit under section 27;
  - (d) the refusal by a customs officer to issue to him or her a transit permit under section 28;
  - (e) the imposition of any conditions attached to any transit permit; or
  - (f) the suspension or revocation of any transit permit,

may appeal within three months from the time of the refusal in writing to the Minister, whose decision shall be final.



(2) Section 22(2) and (3) shall apply with all necessary modifications to appeals made under this section.

PART IV—GENERAL.

**30. Safe custody of firearms and ammunition.**

(1) Every person having in his or her possession any firearm or ammunition—

- (a) shall keep the firearm or ammunition at all times securely and in safe custody; and
- (b) shall take all reasonable precautions to ensure that the firearm or ammunition is not lost or stolen and is not at any time available to any person not lawfully entitled to possess it.

(2) Any person having possession of a firearm or ammunition, whether or not he or she holds a firearm certificate for the firearm or ammunition or is entitled to have possession of the firearm or ammunition without holding a firearm certificate shall, if the firearm or ammunition is lost, stolen or destroyed, report the loss, theft or destruction as soon as possible after its occurrence to the police officer in charge of the nearest police station.

(3) Any person who contravenes any of the provisions of this section commits an offence and is liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding five thousand shillings or to both.

**31. Carrying firearm while drunk or disorderly.**

Any person who, whether by reason of drink or otherwise, while carrying a firearm, acts in a dangerous or disorderly manner commits an offence and is liable to imprisonment for a period not exceeding six months or to a fine not exceeding two thousand shillings or to both.

**32. Penalty for use and possession of firearms or imitation firearms in certain cases.**

- (1) Any person who—
  - (a) makes or attempts to make any use of a firearm or imitation firearm with intent to resist or prevent the lawful apprehension or detention of himself or herself or any other person; or

(b) while carrying a firearm or imitation firearm, threatens violence to any person,  
commits an offence and is liable to imprisonment for a term not exceeding fourteen years.

(2) Any person who displays or attempts to display any firearm or imitation firearm in a public place in such manner as to cause alarm to any member of the public commits an offence and is liable to a fine not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both.

(3) Any person who discharges any firearm deliberately or negligently in a public place thereby causing alarm to any member of the public commits an offence and is liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

(4) 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 a dangerous weapon or instrument for the purposes of sections 286 and 287 of the Penal Code Act.

(5) In this section, “imitation firearm” means anything which has the appearance of a firearm whether it is capable of discharging any shot, bullet or other missile or not.

### **33. Provisions as to forfeiture of firearms and ammunition and cancellation of firearms certificates.**

(1) Where a person is convicted of an offence under this Act, the court before which he or she is convicted shall order the forfeiture of any firearm or ammunition found in his or her possession or in respect of which the offence of which he or she is convicted was committed or which was used in the commission of the offence if—

- (a) he or she has never held a firearm certificate in respect of that firearm or ammunition;
- (b) he or she is convicted under section 30(1) or under sections 31 and 32; or
- (c) he or she is sentenced to imprisonment for a term of three years or more.

- (2) Subject to subsection (1), where any person—
  - (a) is convicted of an offence under this Act; or
  - (b) is convicted of an offence for which he or she is sentenced to enter into recognisances to keep the peace or 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 or she shall not possess, use or carry a firearm,

the court before which that person is convicted, or by which the order is made, may make such order as to the forfeiture or disposal of any firearm or ammunition which was found in his or her possession or in respect of which the offence of which he or she is convicted was committed or which was used in the commission of the offence as the court thinks fit, and may cancel any firearm certificate or permit issued under this Act and held by the person convicted.

(3) Where any person is convicted of an offence under the provisions of this Act relating to the unlawful possession of any firearm or ammunition due to his or her failure to renew a firearm certificate by the 31st of January, the court before which he or she is convicted shall cancel the firearm certificate which may have been issued after that date if the person convicted has previously been convicted of an offence of the kind mentioned in this subsection.

(4) Where a court cancels a firearm certificate under this section, it shall cause notice to be sent to the chief licensing officer who shall, by notice in writing addressed to the holder of the firearm certificate, require the holder to surrender the firearm certificate to him or her and to deposit any firearm or ammunition to which the certificate relates in such police station as the chief licensing officer may direct; and any holder served with a notice under this subsection who fails to comply with the notice within fourteen days from the date of the notice commits an offence and is liable to a fine not exceeding one thousand shillings.

#### **34. Power of search and seizure.**

Whenever a police officer has reasonable cause to suspect that any person has contravened any of the provisions of this Act, he or she may—

- (a) enter any premises or place and search the premises or place and every person and any package, container, vehicle, aircraft or boat found in, at or on the premises or place; and

- (b) seize and detain any person, firearm or ammunition found in, at or on the premises or place in respect of which he or she has reasonable cause to suspect that an offence under this Act has been committed.

**35. Power to inspect premises.**

The chief licensing officer may at all reasonable times require any police officer, without a search warrant, to enter upon the premises of any firearms dealer with a view to ascertaining whether or not the provisions of this Act or of any regulations made under it are being observed, and may inspect the premises and any firearm or ammunition, book, account, register, document or thing found in the premises, and may require any person appearing to be in control of or employed in the premises to give such information as the police may require in order to ascertain whether or not the provisions of this Act or of any regulations made under it are being observed.

**36. Penalty for obstructing.**

Any person who—

- (a) obstructs a police officer in the exercise of any of the powers conferred on him or her by or under section 34 or 35;
- (b) fails to give the police officer any information which he or she is lawfully required by the police officer under section 35 to give; or
- (c) gives to any police officer, acting in the exercise of the powers conferred upon him or her by section 35, any information which he or she knows to be false or does not believe to be true,

commits an offence and is liable to imprisonment for a term not exceeding two years or to a fine not exceeding ten thousand shillings or to both.

**37. Arrest without warrant.**

Any police officer may arrest without warrant any person whom he or she suspects on reasonable grounds of having committed or being about to commit an offence against this Act.

**38. Disposal of firearms and ammunition forfeited, etc.**

- (1) Where any firearm or ammunition has been held under police custody for more than six months, the Inspector General of Police may order

the disposal of the firearm or ammunition in any manner which he or she thinks fit if—

- (a) such steps as may be deemed appropriate by the Inspector General of Police have been taken to give notice to the owner of the firearm or ammunition of his or her intention to dispose of the firearm or ammunition and he or she has allowed the owner a period of not less than one month within which to make arrangements for the lawful disposal of the firearm or ammunition;
- (b) in the event of a firearm or ammunition being sold at the direction of the Inspector General of Police, the proceeds of the sale, after deduction of the expenses of and incidental to the sale, have been paid over to the owner or, if the owner cannot be traced, have been held on deposit for three months after which the proceeds shall be paid into the general revenue.

(2) Any owner of the firearm or ammunition who is aggrieved by any act or omission done or made under subsection (1) may, within fourteen days of the receipt of notice or, in the absence of the notice, within thirty days, appeal to the Minister whose decision shall be final.

### **39. Service of notices.**

(1) Any notice required or authorised by this Act to be given to any person may be delivered personally or sent by registered post in a letter addressed to him or her at his or her last known postal address or usual place of abode, or, in the case of a firearms dealer, at any place of business in respect of which he or she is registered.

(2) Service of any notice sent by registered post in accordance with subsection (1) shall, unless the contrary is proved, be deemed to have been effected at the time at which any such registered post would ordinarily be delivered.

### **40. Burden of proof.**

(1) In any prosecution under this Act the burden of proof that any accused person is entitled to purchase, acquire or have in his or her possession any firearm or ammunition by virtue of any certificate or permit or by virtue of any exemption shall lie on the accused person.

(2) For the purposes of this Act, possession of a firearm or ammunition includes—

- (a) actual physical possession;
- (b) any act, circumstance or state which, under any law for the time being in force in Uganda, would constitute constructive possession; or
- (c) the placing or keeping or causing or permitting the keeping of a firearm or ammunition in any house, building, lodging, room or place whether open or enclosed, whether the person so placing or keeping occupies the house, building, lodging or place or not or whether or not the person so placing or keeping does so for his or her own use or benefit or for the use or benefit of any other person.

**41. Power to prohibit carrying or selling of firearms and ammunition.**

- (1) The Minister may, from time to time, by statutory order—
  - (a) prohibit the carrying of firearms and ammunition in any place, district or area of Uganda, subject to any exceptions he or she may think fit;
  - (b) prohibit the sale or transfer by gift or otherwise of firearms and ammunition within any place, district or area of Uganda, for such time as may be specified in the order; and
  - (c) order that within any place, district or area of Uganda specified in the order all firearms and ammunition, subject to any exceptions he or she may think fit, shall be delivered to such person or persons as the Minister may appoint.

(2) Any person who contravenes, refuses or neglects to comply with any order made under subsection (1) commits an offence and is liable to imprisonment for a term not exceeding five years or to a fine not exceeding twenty thousand shillings or to both.

**42. Regulations.**

- (1) The Minister may make regulations—
  - (a) prescribing the form of a firearm certificate and of any register required to be kept under this Act, and of any permit or other document under this Act;
  - (b) prescribing the fees to be paid for anything done or any permit, document or authorisation issued or granted under this Act;

- (c) prescribing any thing to be prescribed under this Act;
- (d) regulating the manner in which the chief licensing officer, deputy chief licensing officer and other licensing officers are to carry out their duties under this Act;
- (e) regulating or controlling the issue, custody or use of firearms and ammunition issued to the police force or the prisons service exempted from the provisions of this Act;
- (f) generally for putting the provisions of this Act into effect.

(2) Any regulations made under subsection (1)(e) may make such supplementary and incidental provisions as appear to the Minister to be necessary or expedient.

#### **43. Exemption from operation of the Act.**

Nothing in this Act shall apply to—

- (a) any member of the Uganda Peoples' Defence Forces;
- (b) subject to section 42, any member of a police force or prisons service in respect of any firearm or ammunition the property of the Government issued to him or her for the performance of his or her duties as such; or
- (c) such other persons as the Minister may, by statutory order, exempt, and any such exemption may be subject to such conditions as the Minister may, in his or her discretion, impose.

#### **44. Savings.**

The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force relating to the manufacture, sale, transfer, purchase, acquisition, possession, use, storage, carriage, transportation, importation or exportation of firearms, ammunitions or explosives.

**History:** Act 23/1970; S.I. 186/1970.

#### **Cross References**

Constitution of 1995.

East African Customs and Transfer Tax Management Act, Laws of the Community, 1970 Revision, Cap. 27.

Penal Code Act, Cap. 120.

Police Act, Cap. 303.

Prisons Act, Cap. 304.  
Public Health Act, Cap. 281.

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