

No. 70 of 1998.

Firearms (Amendment) Act 1998.

Certified on: 24.5.99

§ 1.36/99

Operation: 2.99

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1998.

Firearms (Amendment) Act 1998.

ARRANGEMENT OF SECTIONS.

1. Repeal and replacement of Section 27A.

"27A. PROHIBITION OF UNLICENSED PISTOLS AND
HIGH-POWERED FIREARMS".

2. New Section 27B.

"27B. RENEWAL OF PISTOL AND HIGH-POWERED FIREARMS
LICENCE".

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1998.

AN ACT

entitled

Firearms (Amendment) Act 1998,

Being an Act to amend the *Firearms Act* (Chapter 310).

MADE by the National Parliament to come into operation in accordance with a notice published in the National Gazette by the Head of State, acting with, and in accordance with the advice of the Minister.

1. REPEAL AND REPLACEMENT OF SECTION 27A.

Section 27A of the Principal Act is repealed and is replaced with the following:-

"27A. PROHIBITION OF UNLICENSED PISTOLS AND HIGH-POWERED FIREARMS.

(1) On and from 1 October 1999 -

(a) the provisions of this Part relating to the licensing of pistols and high-powered firearms shall cease to apply; and

(b) a person who owns or possesses a pistol or a high-powered firearm and holds a licence in respect of that pistol or high-powered firearm, granted under the provisions referred to under Paragraph (a), shall continue to own and possess that pistol or high-powered firearm, on the coming into operation of the *Firearms (Amendment) Act 1998*; and

(c) a person who owns or possesses a pistol or a high-powered firearm which is unlicensed or of which he is not a licence holder, shall surrender that pistol or a high-powered firearm to an officer of the Police Force in accordance with the provisions of this Act; and

(d) the provisions of Section 27B shall apply.

(2) A person referred to under Subsection (1)(c) shall not be liable to prosecution under this Act arising out of or in connection with his ownership or possession of a pistol or a high-powered firearm.

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“(3) On and from 1 October 1999, a person who owns or has in his possession -

- (a) a pistol or part of a pistol, unless he is the holder of a pistol licence in respect of that pistol; or
- (b) a high-powered firearm or part of a high-powered firearm, unless he is the holder of a high-powered firearm licence in respect of that high-powered firearm,

is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 and imprisonment for a term not exceeding five years.”.

2. NEW SECTION 27B.

The Principal Act is amended by inserting after Section 27A the following new Section:-

“27B. RENEWAL OF PISTOL AND HIGH-POWERED FIREARMS LICENCE.

(1) A pistol licence or a high-powered firearm licence, unless previously revoked, may be renewed from time to time for further periods of 12 months.

“(2) A person referred to in Section 27A(1)(b) may, from time to time, apply to the Registrar for the renewal of a pistol licence or a high-powered firearm licence.

“(3) An application under Subsection (2) shall be accompanied by a certificate by a commissioned officer of the Police Force that the pistol or high-powered firearm has been inspected and is safe and fit for use.

“(4) The Registrar, if he is satisfied -

(a) that the applicant -

- (i) is a person who has a substantial reason for requiring a pistol or a high-powered firearm, as the case may be; and
- (ii) is a person who can reasonably be permitted to have in his possession, to use and to carry a pistol or a high-powered firearm, as the case may be, without danger to the public safety or to the peace; and
- (iii) is a person of or over the age of 18 years; and
- (iv) has not been convicted of an offence against this Act and sentenced to a term of imprisonment; and

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- (v) has not been convicted of an offence, otherwise than under this Act, arising out of or in connection with his possession or use of a firearm and sentenced to a term of imprisonment; and
 - (vi) is a fit and proper person to hold a pistol licence or a high-powered firearm licence, as the case may be; and
- (b) that the pistol or the high-powered firearm in respect of which the application for a licence is made is safe and fit for use,

may, subject to any conditions, restrictions or purposes that he thinks fit, on receipt of the prescribed fee, renew a pistol licence or a high-powered firearm licence in the prescribed form.

“(5) Any conditions, restrictions or purposes of renewal shall be endorsed on the licence.

“(6) Where the Registrar is satisfied that there are substantial reasons, whether arising out of the number of firearms in the locality concerned or otherwise, why an application for the renewal of a pistol licence or a high-powered firearm licence should be refused, he shall refuse the application.

“(7) A pistol licence or a high-powered firearm licence under this Section -

- (a) applies only in respect of one pistol or one high-powered firearm, as the case may be; and
- (b) authorises the person to whom it is issued to have in his possession, to carry and to use that pistol or high-powered firearm for the purposes, and subject to the conditions, specified in the licence.

“(8) A pistol or a high-powered firearm in respect of which a licence has been renewed and is in force under this Act shall be deemed to be a licensed firearm.

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“(9) The fee referred to in Subsection (4), is not required where the pistol or a high-powered firearm in respect of which the application for the renewal of the licence is made, is the property of the State.”

I hereby certify that the above is a fair print of the *Firearms (Amendment) Act 1998* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Firearms (Amendment) Act 1998* was made by the National Parliament on 5 March 1998.

Speaker of the National Parliament.