L.N. 56 of 2004

ARMS ORDINANCE
(CAP. 66)

Firearms and Ammunition (Movement in Member States and other Matters) Regulations, 2004

IN exercise of the powers conferred by article 31 of the Arms Ordinance, the Minister for Justice and Home Affairs has made the following regulations:-

Citation and commencement.

1. The title of these regulations is the Firearms and Ammunition (Movement in Member States and other Matters) Regulations, 2004 and they shall come into force on the 1st May, 2004.

Definitions.

2. In these regulations, unless the context otherwise requires:

"ammunition" means that ammunition required for use in a firearm;

"the Commissioner" means the Commissioner Police;

"Member States" are those states which are members of the European Union as on the date of the coming into force of these regulations;

"firearm" has the same meaning assigned to it by article 2 of the Ordinance, but for the purposes of these regulations shall be limited to black powder guns, air weapons fifteen foot pound maximum calibre and shotguns;

"Firearms Pass" is equivalent to a licence in terms of the Ordinance and such pass shall be applicable as between Member States, containing such information as is listed in Schedule I hereof;

"the Ordinance" means the Arms Ordinance;

"possession", for the purposes of these regulations, is the right of a non-resident national of a Member State to keep, carry and use a firearm in Malta for the purpose indicated in the Firearm Pass.

Licence for export by non-resident nationals of Member States.

3. (1) A licence may be issued by the Commissioner to a national of a Member State residing in a Member State other than Malta, for the acquisition of a firearm or ammunition, for export to the applicant's country of residence provided such national:-

a. fulfils the conditions for the acquisition of a licence under the Ordinance;

b. obtains authorization for the acquisition of the firearm or ammunition from his country of residence;

c. submits to the Commissioner all requested details including the details listed in regulation 5(1) of these regulations on the prescribed form.

(2) The Commissioner shall, prior to authorising the acquisition of a firearm or ammunition for transfer to another Member State under articles 3 and 4 of the Ordinance, examine all conditions for transfer, in particular with respect to security.

Licence for possession of firearms in Malta by a non-resident national of a Member State.

4. (1) A licence may be issued by the Commissioner to a national of a Member State residing in a Member State other than Malta for the possession of that firearm or ammunition in Malta, provided such national:

a. fulfils the conditions for a licence under the Ordinance;

b. submits to the Commissioner a written declaration testifying to, and justifying his intention to, possess the firearm or ammunition in Malta.

(2) Where a licence for the acquisition and possession of firearm or ammunition is issued in terms of this regulation, the Commissioner shall inform the applicant's country of residence.

Transfer of firearms to Member States.

5. (1) An application for a licence under articles 3 and 4 of the Ordinance for the transfer of a firearm or ammunition to a Member State shall include the following details:-

a. the names and addresses of the person selling or disposing of the firearm or ammunition and of the person purchasing or acquiring it or, where appropriate, of the owner;

b. the address to which the firearm or ammunitions are to be consigned or transported;

c. the number of firearms to be consigned or transported;

d. the particulars enabling the firearm or ammunition to be identified and also an indication that the firearm has undergone a check in accordance with the Convention of the 1st July, 1969 on the Reciprocal Recognition of Proofmarks on Small Arms;

e. the means of transfer;

f. the date of departure and the estimated date of arrival.

(2) Before issuing the licence, the Commissioner shall examine the conditions under which the transfer is to be carried out, in particular with respect to security.

(3) The Commissioner shall forward all information received by him pursuant to regulation 5(1) hereof, to the Member State of destination and, where applicable, to the Member State of transit, prior to the transfer.

Dealers transferring to other dealers in Member States.

6. (1) The Commissioner may grant a licence to a dealer licensed under the Ordinance authorising the dealer to transfer firearms or ammunition to dealers in other Member States without applying for a licence under articles 3 and 4 of the Ordinance.

(2) A licence under articles 3 and 4 may, for the purposes of these regulations, be issued for a maximum period of three years and may be suspended or revoked on reasonable grounds by the Commissioner at any time.

(3) The Commissioner shall notify dealers licensed under the Ordinance, with a list of firearms and ammunition notified to it by the other Member States, which list shall indicate the firearms and ammunition that can only be transferred to these Member States with their prior authorisation.

(4) A dealer shall submit the information referred to in regulation 5(1) (a) to (f) to the Commissioner prior to the transfer of a firearm to another Member State in terms of this regulation.

(5) The Commissioner shall forward all information received by him pursuant to paragraph (4) hereof to the Member State of destination or where applicable to the Member State of transit, prior to the transfer.

Importation of firearms from another Member State.

7. Notwithstanding article 4 of the Ordinance, a licence to import a firearm or ammunition into Malta from another Member State shall not be required where:-

a. the transfer is licensed by the competent authority of the Member State from where the firearm or ammunition is transferred;

b. the transfer takes place between a dealer established in a Member State and a local dealer, and the former is licensed by the competent authority in his state to transfer firearms to other dealers in Member States, without requiring specific authorisation for such transfer:

Provided that the aforementioned licences issued by the competent authorities of the Member State from where the firearm or ammunition is to be transferred, shall in the case of a transfer under regulation 7(a) contain all the details listed in regulation 5(1), whilst in the case of transfers under regulation 7(b), they shall contain the details referred to in regulation 5(l) (a) to (f):

Provided further that the licence authorising its transfer accompanies the firearm or ammunition transferred to Malta.

Commissioner's right to inspect licences.

8. (1) The Commissioner shall have the right to request inspection of all licences accompanying firearms and ammunition transferred to or from Malta in accordance with these regulations.

(2) The Commissioner shall have the right to prohibit a transfer of a firearm to or from Malta where a licence is not so produced.

Firearms Pass.

9. (1) The Commissioner shall, on an application made to him on the prescribed form, issue a Firearms Pass to a licence holder licensed under the Ordinance.

(2) The Firearms Pass shall be valid for a period of five years from date of issue but may be further extended for another period of five years.

(3) The Firearms Pass shall contain the basic information set out in Schedule I hereof.

(4) When a Firearms Pass is issued with respect to a firearm that is prohibited by a Member State, or requires prior authorization of a Member State for its possession in such Member

State, and the Commissioner has been duly notified of such prohibition or requirement for prior authorisation, a statement to this effect shall be included in the said pass.

(5) A Firearms Pass shall be non-transferable and must always be in possession of the person using the firearm to which the Firearm Pass relates.

(6) Changes in the possession or characteristics of firearms indicated on a Firearm Pass, as well as the loss or theft of such firearm shall always be indicated on the Firearms Pass.

Marksmen and hunters.

10. Marksmen and hunters shall not require a licence under the Ordinance with respect to any firearms or ammunition brought into Malta and to be used for target shooting or hunting, provided they are in possession of a European Firearms Pass that is validly issued and generally contains the information referred to in Schedule I, and provided further they are able to substantiate the reasons for their presence in Malta by producing an invitation for participation in a target shooting or hunting activity:

Provided that the Commissioner has been informed of, and has consented to, the holding of such activity.

Prohibited firearms and prior authorizations.

11. (1) These regulations shall not apply to firearms other than black powder guns, air weapons fifteen foot pound maximum calibre and shotguns and ammunition relating to such firearms.

(2) Notwithstanding the provisions of these Regulations, the Commissioner may require that a licence be obtained under the Ordinance for the entry or transfer to Malta of specific firearms and ammunition that the Commissioner may indicate from time to time.

Penalties.

12. Any person found guilty of infringing any of these regulations shall be liable to the penalty listed in article 26 of the Ordinance.

Book of stock account.

13. Any licence which, after the coming into force of these regulations, is issued to a person to act as a dealer in arms proper other than firearms, including a renewal of the licence in terms of subarticle (3) of article 4 of the Ordinance, shall keep the books mentioned in subarticle (2) of article 7 thereof for a minimum period of five years even if the dealer renounces to or loses the licence, provided that the provisions of this regulation shall be deemed to

have been complied with if the said books are, on such renunciation or loss, delivered to the Commissioner for safe-keeping, in which case the Commissioner shall keep the said books for the period mentioned herein.

SCHEDULE I

(Regulation 9)

FIREARMS PASS

The pass shall include the following sections:

(a) identity of the holder;

(b) identification of the arm or firearm, including a reference to the category within the meaning of the Council Directive 91/447/EEC of 18 June 1991 on Control of the acquisition and possession of weapons;

(c) period of validity of the pass;

(d) section for use by the Member State issuing the pass (type and references of authorizations);

(e) section for entries by other Member States (authorizations to enter territory)

(f) the statements:

"The right to travel to another Member State with one or more of the firearms in categories B, C or D mentioned in the pass shall be subject to one or more prior corresponding authorizations from Member State visited. This or these authorizations may be recorded on the pass.

The prior authorization referred to above is not in principle necessary in order to travel with a firearm in categories B, C or D for the purpose of taking part in target shooting or hunting, on condition that the traveller is in possession of the firearms pass and can establish the reason for the journey.".

Where a Member State has informed the other Member States, in accordance with Article 8 (3) of the Directive, that the possession of certain firearms in categories B, C or D is prohibited or subject to authorization, one of the following statements shall be added:-

"A journey to ..... (State(s) concerned) with the firearm .....(identification) shall be prohibited.", or

"A journey to ..... (State(s) concerned) with the firearm ..... (identification) shall be subject to authorization".

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