



Isle of Man

Ellan Vannin

AT 2 of 1994

**SHOT GUNS, AIR WEAPONS AND CROSS-
BOWS ACT 1994**



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**Isle of Man***Ellan Vannin*

SHOT GUNS, AIR WEAPONS AND CROSS-BOWS ACT 1994

Received Royal Assent: 16 March 1994
Passed: 16 March 1994
Commenced: See endnotes

AN ACT to regulate the possession, sale, use, etc., of shot guns, air weapons and cross-bows; and for connected purposes.

1 Requirement of certificate for possession of shot guns, air weapons and cross-bows

- (1) This Act shall apply in respect of the following weapons —
- shot guns;
 - air weapons;
 - cross-bows,
- and in this Act they are referred to as “**regulated weapons**”.
- (2) It is an offence for a person to have in his possession, or to purchase or acquire, a regulated weapon or ammunition without holding a certificate under this Act authorising him to possess regulated weapons.¹
- (3) Subsection (2) shall not prohibit the possession of regulated weapons or ammunition by any person while under the supervision of a person who is of or over the age of 21 years and is the holder of a certificate.
- (4) It is an offence to sell, let on hire, give, lend or part with possession of —
- a regulated weapon to a person who is not the holder of a certificate; or
 - ammunition to a person who is not the holder of a certificate nor a permit under section 6.²
- (5) It is an offence for a person to fail to comply with a condition subject to which a certificate is granted to him.
- (6) Without prejudice to section 25 of the *Firearms Act 1947* (in this Act referred to as “**the 1947 Act**”), where any person is convicted of an

offence under this section in respect of a regulated weapon, the court before whom he is convicted may make such order as to the forfeiture or disposal of any regulated weapon and any ammunition found in his possession as the court thinks fit, and may cancel any certificate held by the person convicted.

- (7) This section is subject to any exceptions or exemptions under the following provisions of this Act.

2 Application for, and grant of, certificates

[P1968/27/26]

- (1) An application for the grant of a certificate shall be made in the prescribed form to the Chief Constable and shall state such particulars as may be required by the form.
- (2) A certificate shall, unless previously revoked or cancelled, continue in force for 10 years from the date when it is granted.
- (3) A person aggrieved by the refusal of the Chief Constable to grant a certificate may appeal against the refusal, and section 2(8) of, and the First Schedule to, the 1947 Act shall apply in relation to certificates as they apply in relation to firearms certificates under that section.
- (4) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a certificate.

3 Special provisions about certificates

[P1968/27/28]

- (1) A certificate shall be granted by the Chief Constable unless he has reason to believe that the applicant —
 - (a) is under the age of 17 years;
 - (b) is prohibited by any statutory provision from possessing a regulated weapon; or
 - (c) cannot be permitted to possess a regulated weapon without danger to the public safety or to the peace; or
 - (d) is for any other reason unfitted to be entrusted with a regulated weapon.
- (2) A certificate shall be in the prescribed form and shall —
 - (a) have a photograph of the holder affixed to it;
 - (b) be granted subject to any prescribed conditions and no others; and
 - (c) specify the conditions, if any, subject to which it is granted.

- (3) Except when on land owned or occupied by him, the holder of a certificate shall, when carrying any regulated weapon or ammunition, carry his certificate.³
- (4) It is an offence to fail to comply with subsection (3).

4 Revocation of certificates

[P1968/27/30]

- (1) A certificate may be revoked by the Chief Constable if he is satisfied that the holder —
 - (a) is prohibited by any statutory provision from possessing a regulated weapon; or
 - (b) cannot be permitted to possess a regulated weapon without danger to the public safety or to the peace; or
 - (c) is for any other reason unfitted to be entrusted with a regulated weapon.
- (2) A person aggrieved by the revocation of a certificate may appeal against the refusal and section 2(8) of, and the First Schedule to, the 1947 Act shall apply in relation to certificates as they apply in relation to firearms certificates under that section.
- (3) Where a certificate is revoked under this section, the Chief Constable shall by notice in writing —
 - (a) require the holder to deliver forthwith all regulated weapons and ammunition in the holder's possession to any constable, or to any police station specified in the notice, to be detained until the weapons and ammunition —
 - (i) are returned to the holder following a successful appeal under subsection (2);
 - (ii) are sold or otherwise disposed of by or on behalf of the holder; or
 - (iii) become the property of the Department of Home Affairs under subsection (5); and
 - (b) subject to subsection (7), require the holder to surrender the certificate within 21 days from the date of the notice.
- (4) Where a person fails to deliver regulated weapons or ammunition when required to do so under subsection (3)(a), any constable may require that person to surrender all regulated weapons and ammunition in his possession to the constable who may seize and detain them.
- (5) If, within 3 months from the date of the abandonment or dismissal of an appeal under subsection (2), the person who was the holder of the certificate fails to arrange for the sale or disposal of any regulated weapon or ammunition detained under subsection (3)(a) or (4), the

weapon and ammunition shall become the property of the Department, freed and discharged from all right, title or interest possessed in respect thereof by any person.

- (6) It is an offence for a person —
- (a) to fail to deliver regulated weapons or ammunition when required under subsection (3)(a) or (4); or
 - (b) to fail to surrender his certificate when required under subsection (3)(b).
- (7) If an appeal is brought against a revocation, subsection (3)(b) shall not apply in relation to that revocation unless the appeal is abandoned or dismissed, and shall then apply with the substitution, for the reference to the date of the notice, of a reference to the date on which the appeal was abandoned or dismissed.

5 Loss, theft, etc of weapons

- (1) Whenever a regulated weapon is lost or stolen the owner shall give notice in writing to the police within 24 hours of the loss or theft coming to his knowledge.
- (2) It is an offence to fail to comply with subsection (1).

6 Visitors' permits

- (1) The holder of a visitors' permit may, without holding a certificate, have in his possession any regulated weapon, and may have in his possession, purchase or acquire any ammunition.
- (2) The Chief Constable may, on an application in the prescribed form made either by —
- (a) the person specified in the application; or
 - (b) a person resident in the Island on behalf of the person specified in the application,

grant a permit under this section in respect of the person specified in the application if satisfied —

- (i) that he is visiting or intending to visit the Island;
- (ii) that he has good reason for having the weapon and ammunition to which the permit will relate in his possession, or, as respects ammunition, for purchasing or acquiring it, while he is a visitor to the Island;
- (iii) that his possession of the weapons or ammunition in question would not represent a danger to the public safety or peace; and
- (iv) that he is not prohibited by any statutory provision from possessing them.

- (3) Sections 1(5) and (6), 2(1), (3) and (4), 3(2) (with the exception of paragraph (a)), (3) and (4), 4 and 7 shall apply in relation to visitors' permits as they apply in relation to certificates.
- (4) A permit under this section shall come into force and expire on such dates as are specified in it but shall not in any case expire later than 3 months after it comes into force.
- (5) A single application may be made under this section for the grant of not more than 20 permits in respect of persons specified in the application.

7 Production of certificates

- (1) Any constable may demand from any person whom he believes to be in possession of a regulated weapon or ammunition, the production of his certificate.⁴
- (2) If any person upon whom such a demand is made fails to produce the certificate, or to show that he is entitled under this Act to have the regulated weapon in his possession, the constable may seize and detain the regulated weapon or ammunition and may require that person to declare to him his name and address.⁵
- (3) If any person refuses to declare his name and address when required under subsection (2), he shall be guilty of an offence.⁶
- (4) If a constable has reasonable cause to believe that a document produced to him under subsection (1) is —
 - (a) a certificate in relation to which an offence has been committed under section 2(4) or 4(4); or
 - (b) a document which purports to be a certificate but is not,he may seize the certificate or, as the case may be, purported certificate and any regulated weapon or ammunition in the possession of the person producing the certificate or purported certificate.⁷
- (5) A court of summary jurisdiction may on the application of the Chief Constable, order any regulated weapon seized and detained by a constable under this section to be destroyed or otherwise disposed of.⁸

8 Power of entry

- (1) If a justice of the peace is 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, he may grant a warrant authorising any constable named in the warrant —
 - (a) to enter at any time any premises or place named in the warrant, if necessary by force, and search the premises or place and every person found therein; and

- (b) to seize and detain any regulated weapon 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 grounds for suspecting that an offence under this Act has been, is being, or is about to be committed.
- (2) A court of summary jurisdiction may on the application of the Chief Constable, order any regulated weapon or ammunition seized and detained by a constable under this section to be destroyed or otherwise disposed of.

9 Fees

- (1) There shall be payable —
 - (a) on the grant of a certificate or permit; and
 - (b) on the replacement of a certificate or permit which has been lost or destroyed,such fees as may be prescribed under the *Fees and Duties Act 1989*.
- (2) No fee shall be payable under subsection (1)(a) in respect of regulated weapons or ammunition which are to be used solely for target practice or drill by members of —
 - (a) a firearms club; or
 - (b) a cadet corps,which is approved under section 3(2) of the 1947 Act.

10 Penalties

- (1) Any person who is guilty of an offence under section 1, 2 or 4(6)(a) shall be liable on summary conviction to a fine not exceeding £5,000 or to a term of imprisonment not exceeding 6 months, or to both.
- (2) Any person who is guilty of an offence under section 5 or 7 shall be liable on summary conviction to a fine of £2,500.
- (3) Any person who is guilty of an offence under section 3 or 4(6)(b) shall be liable on summary conviction to a fine of £1,000.

11 Public documents

- (1) The Department of Home Affairs (in this Act referred to as “**the Department**”) may make regulations —
 - (a) requiring an application for a certificate to be accompanied by 2 photographs of the applicant and requiring the verification in the prescribed manner of the likeness of any such photographs to the applicant;

- (b) requiring the verification in the prescribed manner of any prescribed particulars;
 - (c) providing for exemptions from this Act;
 - (d) prescribing anything which is to be prescribed under this Act.
- (2) Before making any regulations under this Act, the Department shall consult with such organisations as appear to it to be representative of interests likely to be affected by the regulations.
- (3) Regulations under this section shall not come into operation unless they are approved by Tynwald.

12 Interpretation

In this Act —

“**the 1947 Act**” has the meaning given in section 1(6);

“**air weapon**” means such a weapon as is specified in section 16(1)(b) of the 1947 Act;

“**ammunition**” means ammunition for a regulated weapon;

“**certificate**” means a certificate granted by the Chief Constable under this Act and authorising a person to possess regulated weapons;

“**cross-bow**” means a cross-bow with a draw weight of 1.4 kilograms or more;

“**permit**” means a permit granted under section 6;

“**regulated weapons**” has the meaning given by section 1(1);

“**shot gun**” means such a weapon as is specified in section 16(1)(a) of the 1947 Act.

13 Amendments

(1) [Amends section 16 of the *Firearms Act 1947*.]

(2) [Amends section 26 of the *Game Act 1882*.]

14 Repeals

The enactments specified in the Schedule are repealed to the extent specified in column 3 of that Schedule.

15 Saving and transitional

(1) Nothing in this Act relieves any person using or carrying a firearm from his obligation to take out a game licence under the *Game Act 1882*.

(2) Where, immediately before this Act comes into operation, a person under the age of 17 years is in possession of —

- (a) a shotgun or air weapon and holds a gun licence or a game licence under the *Game Act 1882*; or
 - (b) a crossbow,
- section 3(1)(a) shall not apply in respect of such person.
- (3) This Act is additional to the Firearms Acts 1947 to 1968 and does not affect the operation of those Acts.

16 Short title and commencement

- (1) This Act may be cited as the Shot Guns, Air Weapons and Cross-bows Act 1994.
- (2) This Act shall come into operation on such day as may be appointed by order made by the Department of Home Affairs, and different days may be so appointed for different provisions and for different purposes.
- (3) An order under subsection (2) may contain transitional provisions.⁹

SCHEDULE

REPEAL OF ENACTMENTS

Section 14

[Sch repeals the following Act wholly —

Game Amendment Act 1901

and the following Acts in part —

Game Act 1882

Firearms Act 1968

Air Guns and Shot Guns etc., Act 1968

Animal Offences Act 1976

Statute Law Revision Act 1986.]

ENDNOTES

Table of Endnote References

¹ Subs (2) amended by Criminal Justice Act 1996 Sch 2.

² Subs (4) amended by Criminal Justice Act 1996 Sch 2.

³ Subs (3) amended by Criminal Justice Act 1996 Sch 2.

⁴ Subs (1) amended by Criminal Justice Act 1996 Sch 2.

⁵ Subs (2) amended by Criminal Justice Act 1996 Sch 2.

⁶ Subs (3) amended by Police Powers and Procedures Act 1998 Sch 5.

⁷ Subs (4) amended by Criminal Justice Act 1996 Sch 2.

⁸ Subs (5) added by Criminal Justice Act 1996 Sch 2.

⁹ ADO (ss 1(1), 2 to 5, 6(1) and (2), 6(3) (except the words '1(5) and (6)'), 6(4) and (5), 7 to 9, 10(1) in relation to offences under ss 2 and 4(6) of the Act, 10(2) and (3), 11, 12, 13(1), 14 to 16, in the Schedule the entry relating to s 8(1) of the Firearms Act 1968) 1/1/1996; (the remaining provisions of the Act) 1/4/1996 (SD555/95).