Mauritius

Firearms Act

Act 2 of 2006

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Firearms Act
Contents

1. Short title 1
2. Interpretation 1
3. Prohibited firearms 2
4. Licence for firearm or ammunition 2
5. Identification of firearm 3
6. Competency Certificate 3
7. Application for licence 4
8. Grant of licence or employee permit 5
9. Refusal of licence or employee permit 5
10. Production of firearm and ammunition 5
11. Form and conditions of licence 5
12. Duration and renewal of licence 5
13. Variation of conditions of licence 6
14. Cancellation or refusal to renew licence 6
15. Private security service provider 7
15A. Prohibited possession and use of firearms 7
16. Game licence 7
17. Hunting and game shooting organisations 8
18. Temporary licence for non-citizens 8
19. Replacement of licences 8
20. Import licence 8
21. Export licence 9
21A. Transit of firearms and ammunition 9
22. Safekeeping of firearms and ammunition 9
23. Central Firearms Index 9
24. Weapons which discharge noxious materials 10
25. Dealers and gunsmiths to register 10
26. Registration of dealers and gunsmiths 11
27. Cessation of business 12
28. Dealers and gunsmiths to keep registers 12
29. Appeal to Minister 12
30. Transfers and repairs 13
31. Control during serious disturbances 13
32. Prohibition of brokering activities 13

33. Pawn of firearm or ammunition prohibited 14
34. Prohibition on person convicted of crime 14
35. Possession of firearm with intent 14
36. Trespassers in possession of firearm 14
37. Use of firearms to intimidate 14
38. Persons under the influence of alcohol or drugs 15
39. Use of firearms to prevent arrest 15
40. Loss or theft of firearms 15
41. Powers of officers 15
42. Duty to give information 16
43. Power to require production of firearm 16
44. Surrender of firearm 16
45. Search and seizure 16
46. Other offences and penalties 17
47. Powers of Courts 17
48. Regulations 18
49. *** 18
50. *** 18
51. Savings and transitional provisions 18
52. *** 18
Second Schedule (Sections 8 (2), 16 (4), 19, 20 (3) (b), 21 (5) (b), 22 (2)) 19
Third Schedule (Section 47) 20

Mauritius

Firearms Act

Act 2 of 2006

Commenced on 1 September 2007

[This is the version of this document at 30 June 2017.]

1. Short title

This Act may be cited as the Firearms Act.

2. Interpretation

In this Act—

"**acquire**" includes hire, accept as a gift or borrow;

"**air gun, air rifle or air pistol**" means any device manufactured to discharge a bullet or any projectile of a calibre of less than 5.6 millimetres (.22 calibre) by means of a compressed gas or spring and not by means of burning propellant;

"**ammunition**"—

(a) means ammunition for any firearm, except ammunition for an air gun, air rifle, or air pistol; and

(b) includes the ammunition referred to in section 24;

"**antique firearm**" means any muzzle loading firearm manufactured before 1 January 1900 or any replica of such a firearm;

"**CFI**" means the Central Firearm Index referred to in section 23;

"**Commissioner**" means the Commissioner of Police;

"**Competency Certificate**" means a certificate issued by the Commissioner under section 6;

"**dangerous drug**" has the same meaning as in the Dangerous Drugs Act;

"**dealer in firearms**" means any person who manufactures, sells, transfers, repairs, tests or proves firearms or ammunition for the purpose of trade or business;

"**employee permit**" means a permit authorising an employee of a person to be in possession of the person's firearms;

"**firearm**"—

(a) means any barrelled weapon of any description which is lethal and from which any shot, bullet or other missile can be discharged; and

(b) includes—

(i) any component part of any such lethal weapon, and any accessory to any such lethal weapon designed or adapted to diminish the noise or flash caused by firing the weapon;

(ii) any air gun, air rifle or air pistol, and every part of such air gun, air rifle or air pistol;

(iii) a laser gun; but

(c) does not include—

(i) any toy gun or toy pistol from which any shot, bullet or missile is discharged by the force of a spring alone; or

(ii) any antique firearm kept solely as a curiosity, ornament or trophy, which is not used or carried and for which no ammunition is purchased or acquired;

"**firearm licence**" means a licence issued under section 8;

"**firearm licensee**" means the holder of a firearm licence;

"**guidelines**" means guidelines issued by the Commissioner—

(a) setting out the requirements, the applicable law and the procedure for an application for a permit under section 20 or 21 or for an authorisation for a transit of firearms and ammunition in Mauritius under section 21A;

[Came into operation on 21 December 2013, except in respect of the authorisation for a transit of firearms and ammunitions.]

(b) available for consultation at the Mauritius Police Force; and

[Not in operation.]

(c) posted on the website of the Mauritius Police Force;

[Not in operation.]

"**gunsmith**" means a person who repairs, tests or proves firearms;

"**laser gun**" means a hand-held battery operated gun which produces intense burst of light capable of burning holes in most materials;

"**Minister**" means the Minister to whom responsibility for the subject of home affairs is assigned;

"**next of kin**", in relation to a person, means his spouse, child, father, mother, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or any person under whose responsibility or control a person is placed;

"**private security service**" means the business of providing, for remuneration or reward, a security service, the services of a security guard, and the secure transportation and delivery of property, as regulated under the Private Security Service Act;

"**prohibited firearm**" means any firearm specified in the First Schedule;

"**security guard**" has the same meaning as in the Private Security Service Act;

"**shotgun**" means a smooth bore gun, either single or double barrelled, not less than 60 centimetres in length (24 inches);

"**transfer**" includes let on hire, give, lend, and part with possession;

"**transit**", in relation to firearms and ammunition, means transit in Mauritius under section 21A.

[S. 2 amended by s. 7A (a) of Act 2 of 2008 w.e.f. 1 July 2008; s. 20 (a) of Act 27 of 2013 partly w.e.f. 21 December 2013 and partly not in operation.]

3. Prohibited firearms

No person shall import, have in his possession, transport or otherwise deal in any prohibited firearm.

4. Licence for firearm or ammunition

(1) Subject to subsections (2), (3) and (4), no person shall purchase, acquire or have in his possession any firearm or ammunition unless he holds a firearm licence in respect of every firearm or the ammunition.

(2) No individual shall hold licence for more than 2 firearms at any time.

(3) No person shall carry a revolver, pistol or other firearm capable of being carried in the pocket or concealed about the person, unless the firearm licence held by that person is endorsed with a permission to do so by the Commissioner.

(4) No firearm licence shall be required of—

(a) a police officer having in his possession a firearm in the performance of his duties;

(b) an officer of the Mauritius Prisons Service having in his possession a firearm in the performance of his duties;

(c) a person carrying on the business of dealer in firearms and registered as such.

(5) Any person living in the house at the time of death of a firearm licensee, or in the absence of such a person, his next of kin, shall forthwith inform the Commissioner of the death of the firearm licensee.

(6) On being informed of the death of a firearm licensee under subsection (5), the Commissioner shall secure and transfer any firearm and ammunition held by the firearm licensee to the Police Armoury.

(7) The Commissioner may deliver the firearm and ammunition to any person who produces—

(a) documentary evidence of his property rights on the firearm and ammunition; and

(b) a firearm licence.

5. Identification of firearm

(1) No firearm licence shall be issued in respect of a firearm unless it bears the manufacturer's serial number or any other mark by which the firearm may be identified.

(2) The Commissioner may direct that any firearm in respect of which an application for a licence is made and be marked and stamped in such manner as may be prescribed with such additional identification mark as he may determine.

(3) No person shall erase, alter or in any manner tamper with—

(a) the manufacturer's serial number or any other identification mark on a firearm; or

(b) any mark, stamp, or additional mark directed by the Commissioner to be made on a firearm.

(4) A person who is in possession of a firearm of which the manufacturer's serial number or other identification mark, or the Commissioner's additional identification mark, is erased, altered or in any other manner tampered with or becomes illegible, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year.

6. Competency Certificate

(1) (a) An application for a Competency Certificate shall be made to the Commissioner in such form as may be prescribed.

(b) No application under paragraph (a) shall be entertained by the Commissioner unless he is satisfied that—

(i) the Competency Certificate is required for the purposes of an application for a firearm licence or a game licence, or its renewal, or an employee permit, or an application for registration as dealer in firearms or gunsmith, under this Act;

(ii) the applicant, in the case of a firearm licence, also meets the criteria specified in section 8 (1) (a) and (b).

(2) Subject to subsections (5) and (6), the Commissioner may issue a Competency Certificate to an applicant who—

(a) has successfully completed the prescribed training course and passed the tests conducted by the Commissioner regarding the safe and efficient handling of a firearm of the type in respect of which a firearm licence, or registration, as the case may be, is sought by the applicant;

(b) is 18 years of age or more;

(c) is a citizen of Mauritius;

(d) is a fit and proper person to possess a firearm, to trade in firearms or to conduct business as a gunsmith, as the case may be;

(e) is physically fit, of stable mental condition and is not inclined to violence;

(f) is not dependent on any substance which has an intoxicating or narcotic effect;

(g) has not been convicted of any offence under this Act; or

(h) has not been convicted, whether in or outside Mauritius, of—

(i) an offence involving the use, or a threat to use, or the handling of, a firearm or ammunition;

(ii) an offence under the Protection from the Domestic Violence Act;

(iii) an offence involving dangerous drugs.

(3) A Competency Certificate shall specify whether it relates to—

(a) possession of a firearm;

(b) dealing in firearms; or

(c) conducting business as a gunsmith.

(4) A Competency Certificate shall be valid for a period of 5 years from the date of issue of the certificate.

(5) Subject to subsection (6), subsection (2) (a) and (b) shall not apply to a corporate body.

(6) Before the Commissioner issues a Competency Certificate to a corporate body, he shall satisfy himself that any person designated by the corporate body as the person who would be in charge of any firearm satisfies the requirements of subsection (2).

7. Application for licence

(1) An application for the grant of a firearm licence shall be made in the prescribed form, accompanied by the relevant Competency Certificate, to the Commissioner and shall include such particulars as may be required in the form.

(2) Where a corporate body holding a firearm licence wishes that any of its employees be allowed to be in possession of any firearm in respect of which the licence has been issued, the corporate body shall apply for an employee permit in respect of that employee, accompanied by a Competency Certificate in the name of the employee, to the Commissioner in the prescribed form.

(3) No employee shall have in his possession any firearm unless—

(a) he holds an employee permit; and

(b) his employer holds a firearm licence in respect of the firearm.

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8. Grant of licence or employee permit

(1) Subject to section 9, the Commissioner may grant an application made under section 7 where he is satisfied that the applicant—

(a) has a good reason for purchasing, acquiring or having in his possession the firearm or ammunition in respect of which the application is made; and

(b) can be allowed to have in his possession that firearm and ammunition without danger to the public safety or to the public order.

(2) Where an application has been granted under subsection (1), the Commissioner shall issue a firearm licence or employee permit, upon payment by the applicant of the fee specified in the Second Schedule.

9. Refusal of licence or employee permit

The Commissioner shall refuse a firearm licence or employee permit to any person who—

(a) is prohibited by this Act from possessing a firearm; or

(b) by reason of non-compliance with any other criteria specified in section 6 (2), is considered by the Commissioner as being unfit to be entrusted with a firearm.

10. Production of firearm and ammunition

(1) Upon the first issue of a firearm licence, the licensee shall, within—

(a) one month of the date on which the firearm licence is issued; or

(b) 7 days of the date on which the firearm and ammunition are purchased,

whichever is earlier, produce to the Commissioner, or, in the case of Rodrigues, the Chief of Police, the firearm and any ammunition in his possession in respect of which the firearm licence has been granted.

(2) Where a person to whom a firearm licence has been granted fails to comply with subsection (1), the firearm licence shall lapse.

11. Form and conditions of licence

(1) A firearm licence granted under this section shall be in the prescribed form and shall specify—

(a) the conditions subject to which it is held;

(b) the nature of the firearm to which the firearm licence relates; and

(c) in respect of ammunition, the quantities authorised to be purchased and to be held at any one time under the firearm licence.

(2) (a) Any holder of a firearm licence who acts in breach of any of the conditions subject to which it is held shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 2 years.

(b) Paragraph (a) shall not apply to a condition relating to the renewal of a firearm licence.

12. Duration and renewal of licence

(1) A firearm licence shall, unless, previously suspended or cancelled, continue to be in force until 31 December next following the date when it was issued or last renewed, but shall, subject to subsection (3), be renewable for yearly periods ending 31 December.

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(2) On every application for renewal of a firearm licence, the applicant shall produce—

(a) the firearm and any ammunition in respect of which the firearm licence was granted;

(b) such firearm licence book as may be issued by the Commissioner; and

(c) his Competency Certificate.

(3) Subject to subsection (1), a person who fails to renew a firearm licence before the expiry of his licence shall, on renewal, be liable to a surcharge equivalent to 50 per cent of the fee payable in respect of such licence.

(4) Where a person fails to renew a firearm licence within 15 days of the expiry of his licence, the licence shall lapse and he shall forthwith surrender the firearm and ammunition in respect of which the licence was granted to the Commissioner.

(5) Any firearm and ammunition surrendered pursuant to subsection (4) shall remain in the custody of the Commissioner until a new firearm licence is issued in respect of the firearm and ammunition.

(6) Any person who fails to produce his firearm and ammunition in compliance with subsection (4) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 2 years.

(7) Where any firearm or ammunition surrendered under subsection (4) has remained unclaimed for a period of 3 years from the date of expiry of the licence, the firearm shall become the property of the State and be disposed of in such manner as the Commissioner deems fit.

13. Variation of conditions of licence

(1) The Commissioner may, by notice in writing, vary the conditions subject to which a firearm licence is held, except such conditions as are prescribed, and may, by notice, require the firearm licensee to surrender the licence to him, within 8 days from the date of the notice, for the purpose of amending the conditions specified in it.

(2) Any holder of a firearm licence who fails to comply with a notice under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.

(3) A firearm licence may, on the application of the licensee, be varied by the Commissioner.

14. Cancellation or refusal to renew licence

(1) Subject to subsection (6), the Commissioner may cancel, or refuse to renew, a firearm licence—

(a) where in his opinion, the person to whom a firearm licence has been granted—

(i) had no sufficiently good reason at the time of his application for the grant of a firearm licence, to purchase, acquire or have in his possession the firearm in respect of which such firearm licence has been granted; or

(ii) has, since the issue of the licence, for any of the reasons specified in section 6 (2), ceased to be a fit and proper person to be allowed to continue being in possession of the firearm in respect of which such firearm licence has been granted;

(b) where he has reason to believe that the firearm licensee is of intemperate habits or is otherwise unfit to purchase, acquire or have in his possession a firearm;

(c) where he considers it necessary to do so for the maintenance of public safety or public order.

(2) In the case provided for in subsection (1) (b) or (c), the Commissioner may, instead of cancelling the licence, suspend such firearm licence for such period not exceeding one year as he thinks fit.

(3) (a) Where a firearm licence is cancelled or suspended under this section, the Commissioner shall by notice in writing inform the firearm licensee of such cancellation or suspension.

(b) The firearm licensee shall, within 48 hours of receipt of such notice, surrender to the Commissioner or such other police officer as the Commissioner may direct, the firearm licence and the firearm and ammunition in respect of which the licence has been granted.

(4) Where the owner of such firearm and ammunition does not, within 3 years from the date of cancellation of the firearm licence or from the date of expiry of the period of suspension of such firearm licence, as the case may be, apply for its return and produce a firearm licence authorising him or some other person to be in possession of the firearm and ammunition, such firearm and ammunition shall become the property of the State and be disposed of in such manner as the Commissioner thinks fit.

(5) Subsections (3) and (4) shall apply where the renewal of a firearm licence is refused under this section in the same manner as it applies to a cancellation of a licence.

(6) Before cancelling or refusing to renew a firearm licence, the Commissioner shall, by notice, require, within such reasonable time as he may fix, the firearm licensee to show cause why his licence ought not to be cancelled, suspended, or renewed.

15. Private security service provider

(1) Every firearm licence granted to a private security service provider shall be subject to such conditions as the Commissioner thinks fit, which shall include—

(a) a requirement that every security guard in the employment of the firearm licensee to whom it is intended to give possession of a firearm and ammunition for the purpose of carrying and using the firearm or ammunition, holds the appropriate employee permit under this Act;

(b) the type of firearm that may be used by the firearm licensee in the course of his duties;

(c) a condition as to whether the firearm licensee may issue the firearm to a security guard for the purposes set out at paragraph (a);

(d) the surrender of the firearm and ammunition immediately upon cessation of business, suspension or cancellation of the firearm licence.

(2) The Commissioner may direct any private security service provider to provide and maintain—

(a) such armouries or other storage facility for firearms, ammunition, and other related equipment, to be kept safe;

(b) a register of all firearms and ammunition in his possession containing such information as may be prescribed.

15A. Prohibited possession and use of firearms

Notwithstanding section 15 or any other enactment, no security guard on duty at the premises of—

(a) a nightclub, discotheque, private club, restaurant, café, pub or bar; or

(b) any licensee under the Gambling Regulatory Authority Act,

shall hold, use or possess a firearm.

[S. 15A inserted by s. 7A (b) of Act 2 of 2008 w.e.f. 1 July 2008.]

16. Game licence

(1) An application for a game licence referred to in section 19 of the Wildlife and National Parks Act shall be made in the prescribed form, accompanied by the relevant Competency Certificate, to the Commissioner.

(2) The Commissioner may require from the applicant such additional information as he thinks fit.

(3) After considering the application, the Commissioner may grant the application, subject to such conditions as he may impose, or refuse it.

(4) Where an application has been granted under subsection (3), the Commissioner may issue a game licence upon payment of the fee specified in the Second Schedule.

17. Hunting and game shooting organisations

The Minister may make regulations in respect of hunting associations or game shooting organisations providing for—

(a) their registration with the Commissioner;

(b) keeping by such associations or organisations of a register which shall contain such information as may be prescribed;

(c) submission of an annual report to the Commissioner containing such information as may be prescribed.

18. Temporary licence for non-citizens

(1) Notwithstanding section 4 (1), the Commissioner may issue a temporary game licence for a period not exceeding 3 months to any non-citizen on the application of the non-citizen in the prescribed form, accompanied by a statement under oath of the Chairperson, or any other person responsible for the management of a hunting association or sports-shooting organisation, registered in Mauritius that the applicant—

(a) is engaged in hunting or sport-shooting with dedication;

(b) is a registered member and an invitee of the association, or organisation, as the case may be.

(2) For the purposes of hunting game under a temporary game licence issued under subsection (1), and notwithstanding section 20, the Commissioner may, subject to such conditions as he may impose, authorise a non-citizen to bring his firearm into Mauritius.

19. Replacement of licences

Where a firearm licence or game licence has been destroyed, defaced or lost, the person to whom it was granted may report the fact to the Commissioner, and where the Commissioner is satisfied that the licence has been destroyed, defaced or lost, he shall grant to the person a duplicate in the prescribed form against payment of the fee specified in the Second Schedule.

20. Import licence

(1) Notwithstanding the Freeport Act, any person who wishes to import any firearm or ammunition into Mauritius may do so only under the authority of an import permit.

(2) Every application for an import licence shall be made—

(a) in such form as may be prescribed; and

(b) prior to the importation of the firearm or ammunition.

(3) An import permit shall be issued—

(a) subject to such conditions as may be prescribed or imposed by the Commissioner; and

(b) on payment to the Commissioner of the fee specified in the Second Schedule.

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21. Export licence

(1) No person shall export a firearm or ammunition, unless he holds an export permit.

(2) Every application for an export permit shall be made—

(a) in such form as may be prescribed; and

(b) prior to the export of the firearm or ammunition.

(3) The Commissioner shall not issue an export permit unless the firearm licensee—

(a) intends to hunt in a foreign country where he is invited; or

(b) is sending the firearm to the manufacturer of the country of origin for repairs.

(4) No export permit shall be granted to a non-citizen for the export of a new firearm.

(5) An export permit shall be issued—

(a) subject to such conditions as the Commissioner may impose or as may be prescribed; and

(b) on payment to the Commissioner of the fee specified in the Second Schedule.

21A. Transit of firearms and ammunition

(1) The Commissioner may, on such terms and conditions as he may determine, authorise the transit in Mauritius of firearms and ammunition to be used for security purposes on board commercial, fishing and passenger vessels or for hunting purposes.

(2) An application for the transit of firearms and ammunition referred to in subsection (1) shall be made in accordance with relevant guidelines.

[S. 21A inserted by s. 20 (d) of Act 27 of 2013 w.e.f. 21 December 2013.]

22. Safekeeping of firearms and ammunition

(1) The Commissioner shall provide a safekeeping service for firearms and ammunition belonging to private parties.

(1A) (a) The safekeeping service referred to in subsection (1) shall be provided on such terms and conditions and for such period, subject to paragraph (b), as the Commissioner may determine.

(b) Any firearm and ammunition in transit shall be kept for safekeeping at the Police Armoury for a period not exceeding 90 days.

(c) Where any person fails to collect his firearm and ammunition within the period determined by the Commissioner under paragraph (a) or the period specified in paragraph (b), as the case may be, the Commissioner may impound the firearm and ammunition.

(2) There shall be paid for the safekeeping of firearms and ammunition at the Police Armoury the appropriate fees specified in the Second Schedule.

[S. 22 amended by s. 20 (e) of Act 27 of 2013 w.e.f. 21 December 2013.]

23. Central Firearms Index

(1) The Commissioner shall set up and maintain a Central Firearms Index.

(2) The CFI shall be based at the Police Headquarters.

(3) The Commissioner shall designate a Police Officer to be the CFI Officer.

(4) The CFI Officer shall maintain a register which shall be called the Central Firearms Register.

(5) The Central Firearms Register shall consist of—

(a) the Central Firearms Database;

(b) the Central Dealers Database;

(c) the Central Game Database;

(d) the Central Gunsmiths Database;

(e) the Central Importers/Exporters Database;

(f) the Government Departments Database;

(g) the Hunting and Gameshooting Database.

(6) Every database specified in subsection (5) shall contain, in respect of every category of persons, a record of—

(a) every firearm and ammunition in the firearm licensee's possession;

(b) any Competency Certificate, licence, renewal of licence issued or the cancellation of any certificate or licence;

(c) any application for a Competency Certificate, licence, or renewal which has been refused;

(d) every transfer of a firearm or ammunition;

(e) any import or export of a firearm or ammunition;

(f) any loss, recovery, theft or destruction of any firearm or ammunition.

24. Weapons which discharge noxious materials

(1) No person shall, without the authority of the Commissioner, manufacture, sell, transfer, purchase, acquire or have in his possession any weapon, designed or adapted for the discharge of any noxious liquid, gas, or other thing, or any ammunition containing, or designed or adapted to contain, any such noxious thing.

(2) Any authority granted by the Commissioner shall be subject to such conditions as he may impose, including—

(a) the number of weapons that an individual may have in his possession at any one time;

(b) the surrender of weapons whose mark or stamp referred to in subsection (3) has been defaced, altered or erased.

(3) The Commissioner may direct that any weapon referred to in subsection (1) and authorised by him be marked or stamped in such manner as he deems fit.

25. Dealers and gunsmiths to register

(1) No person shall, by way of trade or business—

(a) manufacture, sell, transfer, repair, test or prove; or

(b) expose for sale or transfer, or have in his possession for sale, transfer, repair, test or proof,

any firearm or ammunition unless he is registered as a dealer in firearms.

(2) No person shall—

(a) repair, test or prove;

(b) have in his possession for repairs, test or proof,

any firearm or ammunition, as the case may be, unless he is registered as a gunsmith.

26. Registration of dealers and gunsmiths

(1) (a) For the purposes of this Act, the Commissioner shall keep in the prescribed form—

(i) a register of dealers in firearms; and

(ii) a register of gunsmiths,

and, subject to this section, shall enter in the registers the name of any person who applies to be registered as a dealer in firearms, or gunsmith as the case may be, and furnishes to him the relevant Competency Certificate and all the prescribed particulars.

(b) The Commissioner shall issue to any person who is registered under paragraph (a) a certificate of registration.

(2) Where the Commissioner is satisfied that an applicant as dealer in firearms or gunsmith cannot be permitted to carry on business as such without danger to the public safety or to the public order, he may refuse to register such applicant.

(3) Where the Commissioner, after giving reasonable opportunity to make representations to a person whose name is on the register, is satisfied that such person—

(a) is no longer carrying on business as a dealer in firearms or gunsmith;

(b) has ceased to have a place of business; or

(c) cannot be allowed to continue to carry on business as a dealer in firearms without danger to the public safety or to public order,

he shall cause the name of such person to be removed from the register.

(4) (a) Where the Commissioner causes the name of any dealer in firearms or gunsmith to be removed from the register, he shall, by notice in writing, require the dealer or gunsmith to surrender his certificate of registration.

(b) Where the dealer or gunsmith fails to comply with the notice referred to in paragraph (a) within 8 days of its receipt, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.

(5) Where an appeal under section 29 is brought against the removal of a registration, subsection (4) 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 receipt of the notice referred to in subsection (4) there were substituted a reference to the date on which the appeal was abandoned or dismissed.

(6) Where a registered dealer in firearms or gunsmith is convicted of an offence under this Act, the Court may order—

(a) that the name of the registered dealer in firearms or gunsmith be removed from the register and that he be prohibited from any subsequent registration;

(b) that neither the dealer nor the gunsmith nor any person who acquires the business of that dealer or gunsmith, nor any person who took part in the management of the business and who knowingly was a party to the offence, shall be registered as a dealer in firearms or gunsmith;

(c) that any person who, after the date of the order, knowingly employs in the management of his business such dealer or gunsmith, or any person who was knowingly a party to the offence, shall not be registered as a dealer in firearms 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 by sale or otherwise in accordance with such directions as may be contained in the order.

(7) Any person aggrieved by an order made under subsection (6) may appeal against the order to the Supreme Court in the same manner as against the conviction, and the Court may, if it thinks fit, suspend the operation of the order pending the appeal.

27. Cessation of business

Where a body corporate referred to in section 7 (2) or a person referred to in section 15 holds a firearm licence ceases to carry on business for any reason, the firearms and ammunition in possession of that person must be surrendered to the Commissioner together with the firearm licence and firearm licence book within 24 hours.

28. Dealers and gunsmiths to keep registers

(1) (a) Every registered dealer in firearms or gunsmith shall keep a register of his transactions in firearms and ammunition in the prescribed form.

(b) Such registers shall be supplied by the Commissioner on payment of a prescribed fee.

(2) Every entry shall be made forthwith after the transaction to which it relates.

(3) (a) Every dealer in firearms or gunsmith shall, on demand, allow any police officer not below the rank of Inspector of Police, duly authorised in writing in that behalf by the Commissioner, to enter and inspect all stock in hand, and shall on request by such police officer produce for inspection the register referred to in subsection (1).

(b) The authority referred to in paragraph (a) shall be produced on demand.

(4) Where a dealer in firearms sells ammunition to a firearm licensee, he shall record, on the verso of the firearm licence held by the purchaser, the amount and type of ammunition sold and shall initial such entry.

(5) Every dealer in firearms or gunsmith shall, on or before the fifth day of each month, submit to the Commissioner a return in such form as may be prescribed showing the stock of firearms and ammunition held by him at the end of the preceding month.

(6) Every dealer in firearms or gunsmith who fails to comply with this section, or knowingly makes any false entry in the register required to be kept under subsection (1), shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment not exceeding 6 months.

29. Appeal to Minister

(1) Any person aggrieved by the refusal of the Commissioner—

(a) to grant, renew or vary a firearm licence, or by the cancellation of, or refusal to renew, a firearm licence;

(b) to register him as a dealer in firearms or gunsmith, or by the removal of his name from the register referred to in section 26,

may, within one month after the date on which he has received notice of the order or refusal, cancellation or removal by which he is aggrieved, appeal to the Minister whose decision shall be final.

(2) Any appeal against the Commissioner from his decision to cancel, or not to renew a firearm licence, or to vary a firearm licence or the removal of the name of a dealer or gunsmith from the register shall not operate as a stay of execution of the Commissioner's decision.

30. Transfers and repairs

(1) (a) No person shall sell or transfer to any other person, other than a registered dealer in firearms, any firearm or ammunition, unless that other person produces a firearm licence authorising him to purchase or acquire it.

(b) This subsection shall not prevent a person parting with the possession of a firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a person who shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding such a licence.

(2) No person shall—

(a) alter the mechanism of a firearm so as to enable the discharging of more than one shot with a single depression of the trigger;

(b) alter the calibre of a firearm;

(c) alter the barrel length of a firearm;

(d) alter or remove the serial number or any other identifying mark of a firearm.

(3) No person shall sell or transfer any firearm or ammunition to, or repair, prove, or test any firearm or ammunition for, any other person whom he knows, or has reasonable ground for believing, to be under the influence of intoxicating liquor or a dangerous drug or is of unsound mind.

(4) (a) Subject to paragraphs (b) and (c), every person, other than a registered dealer in firearms or gunsmith, who intends to part with the possession of any firearm or ammunition by way of sale, letting on hire, pledge, gift, or loan for use, to any other person, shall, 15 days prior to such parting with possession, give to the Commissioner a notice of such parting with possession, stating his name and address and the name and address of that other person, the type and calibre of the firearm, the maker's name, the identification number or other distinguishing mark and the quantity of ammunition.

(b) The period of 15 days may be reduced to such shorter period as the Commissioner may approve according to the circumstances.

(c) This subsection shall not apply to members of the Police Force in the discharge of their duties.

31. Control during serious disturbances

Where the President of the Republic of Mauritius has issued a Proclamation declaring that a state of public emergency exists, any person, who, while the Proclamation remains in force—

(a) parts with the ownership or possession of any firearm or ammunition by way of sale, letting on hire, pledge, gift, loan for use, or in any other way to any other person;

(b) obtains ownership or possession of any firearm or ammunition, by way of purchase, hire, pledge, gift, loan for use, or in any other way,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 15 years.

32. Prohibition of brokering activities

(1) Notwithstanding the Brokers Act, no person shall act on behalf of another, whether in return for a fee, commission or other consideration, or not, to negotiate any contract or other arrangement in connection with any activities specified in subsection (2).

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(2) The activities referred to in subsection (1) include manufacturing, exporting, importing, financing, mediating, purchasing, selling, transferring, transporting, freight-forwarding, supplying and delivering firearms, their parts or components or ammunition or any other act performed by a person, that lies outside the scope of his regular business activities and that directly facilitates the brokering activities.

33. Pawn of firearm or ammunition prohibited

No pawnbroker shall take any firearm or ammunition in pawn.

34. Prohibition on person convicted of crime

(1) A person who has been sentenced to penal servitude or to imprisonment for a term of 3 months or more for any crime shall not, at any time during a period not exceeding 5 years from the date of his release, have a firearm or ammunition in his possession.

(2) No person who—

(a) is subject to the supervision of the Police;

(b) has been bound over to keep the peace and be of good behaviour under section 23 of the District and Intermediate Courts (Criminal Jurisdiction) Act;

(c) is subject to a recognisance to be of good behaviour, a condition of which is that he shall not possess, use or carry a firearm,

shall have a firearm or ammunition in his possession.

(3) No person shall sell or transfer a firearm or ammunition to, or repair, test or prove a firearm or ammunition for, any person whom he knows, or has reasonable ground for believing, to be a person prohibited by this section from having a firearm or ammunition in his possession.

35. Possession of firearm with intent

Any person who has in his possession any firearm, imitation firearm or ammunition with intent to endanger life or cause serious injury to property or to commit an offence or to enable any other person to endanger life or cause serious injury to property or to commit an offence, shall whether any injury to person or property has been caused or not, commit an offence and shall, on conviction, be liable to penal servitude.

36. Trespassers in possession of firearm

Any person who enters or is found in any building as a trespasser and has in his possession a firearm or imitation firearm, without reasonable excuse or justification, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 15 years.

37. Use of firearms to intimidate

(1) Any person who uses, displays, loads, aims or fires a firearm with intent to intimidate another person shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and imprisonment for a term not exceeding 15 years.

(2) It shall be a defence for any person prosecuted under subsection (1) to establish that he was acting in lawful defence of himself or of another person.

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38. Persons under the influence of alcohol or drugs

(1) A person who handles, or uses, a firearm while under the influence of intoxicating liquor or a dangerous drug to such an extent as to be incapable of exercising effective control of the firearm shall commit an offence where—

(a) a round is in the breech or chamber or the magazine of the firearm; or

(b) the person is handling or is carrying with him ammunition that can be used in the firearm.

(2) A person who transfers possession of a firearm to a person who is under the influence of intoxicating liquor or a dangerous drug to such an extent as to be incapable of exercising effective control of the firearm shall commit an offence where—

(a) a round is in the breech or chamber or the magazine of the firearm; or

(b) the person to whom possession of the firearm has been transferred is handling or is carrying with him ammunition that can be used in the firearm.

(3) Without limiting subsection (1) or (2), a person is incapable of exercising effective control of a firearm where, owing to the influence of intoxicating liquor or a dangerous drug, the use of any mental or physical faculty of that person is lost or appreciably impaired.

(4) A person found guilty of an offence under subsection (1) or (2) shall be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 5 years.

39. Use of firearms to prevent arrest

Any person who makes or attempts to make any use of a firearm or imitation firearm with intent to resist or prevent the lawful apprehension of his body, or detention, or of any other person, shall commit an offence and shall, on conviction, be liable to penal servitude.

40. Loss or theft of firearms

(1) Where a firearm is lost by, or stolen from, a person in whose possession it was, such person shall, within 48 hours of its disappearance, report the loss or theft to the nearest police station.

(2) Any person who fails to report a loss or theft as required by subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.

(3) Where it is established that the firearm was lost or stolen as a result of negligence or recklessness of a firearm licensee or the person in whose possession the firearm was, the firearm licence relating to the firearm shall be cancelled, and the firearm licensee and person in whose possession the firearm was, whether he was the licensee or not, shall not be granted a firearm licence unless the Commissioner directs otherwise.

41. Powers of officers

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

(2) Where any person to whom a demand is so made fails to produce the licence, or to allow such officers to read the licence, or to establish that he is entitled under this Act to have the firearm or ammunition in his possession without holding a licence, the officer may seize and detain the firearm or ammunition, and may require such person to give him his name and address.

(3) The police officer may arrest without a warrant any person who so refuses to declare his name and address, or whom such officers suspect of giving a false name and address, or of intending to abscond.

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(4) Any person who refuses to declare his name and address or gives a false name and address to a police officer acting under this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.

42. Duty to give information

(1) Any person carrying a firearm or ammunition shall, at the request of a police officer, declare his name and address and furnish full information regarding the purpose for which such firearm or ammunition is being carried.

(2) The police officer may arrest without a warrant any person who fails to comply with subsection (1).

(3) Any person who fails to comply with subsection (1) or who wilfully furnishes wrong information shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 6 months.

43. Power to require production of firearm

(1) The Commissioner may, by notice in the press or otherwise, request all persons in Mauritius or in a particular district or area in Mauritius who may have one or more firearms or ammunition in their possession to produce such firearm or firearms and ammunition to the police station nearest to their place of residence.

(2) Any person in possession of a firearm or ammunition who fails to comply with the request of the Commissioner under this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 6 months.

44. Surrender of firearm

(1) The Commissioner may, whenever he has reasonable ground to believe that—

(a) the holder of a firearm licence, other than a dealer in firearms, leaves Mauritius frequently or intends to leave Mauritius for a period exceeding 3 months; and

(b) any firearm or ammunition in his possession may not be kept in safe custody or such safe custody as the Commissioner thinks fit during the period of his absence from Mauritius,

request the holder of the licence—

(i) to surrender the firearm and any ammunition to the commissioner during the period of such absence; or

(ii) to give to the Commissioner such information as he may require regarding the safe custody of the firearm and any ammunition.

(2) Any person who fails to comply with a request of the Commissioner made under subsection (1) shall commit an offence and shall, on conviction, be liable to pay a fine not exceeding 50,000 rupees.

45. Search and seizure

(1) Where a Magistrate is satisfied upon 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 search warrant authorising any police officer—

(a) to enter at any time any premises or place named in the warrant, and, if necessary by force, and to search the premises or place and every person found there;

(b) to seize and detain any firearm or ammunition which he may find on the premises or place, or on any person, in respect of which or whom or in connection with which or whom he has reasonable grounds for suspecting that an offence under this Act has been, is being, or is about to be committed; and

(c) where the premises are those of a registered dealer in firearms, to examine any books relating to the business.

(2) The police officer making the search may arrest without warrant any person found on the premises whom he has reason to believe has committed an offence under this Act.

46. Other offences and penalties

(1) Any person who contravenes—

(a) section 3, 4 (1), (2) and (3), 20 (1), 21 (1), 24 (1) or 25 (1) and (2) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 15 years;

(b) section 4 (5), 5 (3), 7 (3), 14 (3) (b), 27, 30, 32 (1), 33 or 34 shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years,

and the firearm and ammunition in respect of which the offence was committed shall be liable to forfeiture.

(2) Any person who—

(a) for the purpose of procuring, whether for himself or any other person, the grant of a firearm licence or import licence, export licence or permit under this Act or the registration of himself or any other person as a dealer in firearms or gunsmith, makes any statement which he knows to be false;

(b) with a view to purchasing, acquiring or procuring the repair, test or proof of a firearm or ammunition produces a false firearm licence or a firearm licence in which a false entry has been made; or

(c) personates a person to whom a firearm licence has been granted,

shall commit an offence, and, shall be liable, on conviction, to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 12 months.

47. Powers of Courts

(1) Where any person—

(a) is convicted of an offence under this Act, or is convicted of any crime for which he is sentenced to penal servitude or imprisonment, or is convicted of an offence under any enactment specified in the Third Schedule; or

(b) has been ordered to be subject to police supervision, or has been bound over to keep peace and be of good behaviour under section 23 of the District and Intermediate Courts (Criminal Jurisdiction) Act, or has been ordered to enter into a recognisance to be of good behaviour, a condition of which is that the offender shall not possess, use or carry a firearm,

the Court before which he is convicted, or bound over, or by which the order is made, may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the Court thinks fit, and may cancel any firearm licence held by the person convicted, or bound over, or against whom the order is made.

(2) Where the Court cancels a firearm licence under this section—

(a) the Court shall cause notice of its order to be sent to the Commissioner;

(b) the Commissioner shall by notice in writing require the firearm licensee to surrender his licence; and

(c) where the firearm licensee fails to surrender the licence within 8 days from the date of the notice under paragraph (b), he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees.

(3) A Magistrate may, on the application of the Commissioner, order any firearm or ammunition seized and detained by a police officer under this Act to be destroyed or otherwise disposed of.

48. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Any regulations made under subsection (1) may provide—

(a) for the levying of fees and charges;

(b) for the amendment of the Schedules;

(c) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 3 months.

49. ***

50. ***

51. Savings and transitional provisions

(1) Any licence or permit issued under the repealed Firearms Act which has not expired on the coming into operation of this Act shall remain valid until the date of its expiry.

(2) Subject to subsection (1), any registration made under the repealed Firearms Act shall be deemed to be a registration under this Act.

(3) Where this Act does not make provision for the necessary transition from the repealed Act to this Act, the Minister may make necessary regulations for such transition.

52. ***

First Schedule (Section 3)

Prohibited firearms

Anti-personnel and anti-tanks systems

Any firearm equipped with a silencer device Assault rifles

Hand-held, under-barrel and mounted grenade launchers Heavy machine guns

Landmines

Light machine guns

Mobile containers with missiles or shells for single action anti-aircraft and anti-tanks systems

Mortars with a calibre of less than 100 mm Portable anti-craft guns

Portable anti-tank guns and recoilless rifles Portable launchers of anti-aircraft missile systems

Portable launchers of anti-tank missile and rocket systems Shells and missiles for light weapons

Sub-machine guns

Second Schedule (Sections 8 (2), 16 (4), 19, 20 (3) (b), 21 (5) (b), 22 (2))

		Free (Rs)
1.	Firearm licence in respect of a firearm, a shot gun, an air gun or an air rifle, or renewal for each such	
	Firearm licence in respect of a pistol or revolver	2,000
3.	Import licence in respect of firearms	10,000
4.	Export licence in respect of firearms	4,000
5.	Employee permit	750
6.	Game licence	2,500
7.	Issuing duplicate firearm licence	1,000
8.	Issuing duplicate firearm licence booklet	1,000
9.	Safekeeping of firearms owned by private parties at the Police Armoury, for each such firearm, per month	100
10.	Safekeeping at the Police Armoury of firearms in transit—	
	(a) for the first 60 days, for each such firearm, per day	200

	(b) for the next 30 days up to a maximum of 90 days, for each such firearm, per day	400

[Second Sch. repealed and replaced by GN 220 of 2012 w.e.f. 1 January 2013; amended by s. 20 (f) of Act 27 of 2013 w.e.f. 21 December 2013; GN 209 of 2014 w.e.f. 22 November 2014.]

Third Schedule (Section 47)

Criminal Code (Supplementary) Act, section 28 (1) (d) Public Gatherings Act

Prevention of Terrorism Act

Protection from Domestic Violence Act