



BRITISH ANTARCTIC TERRITORY

## **THE FIREARMS ORDINANCE 2020**

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# BRITISH ANTARCTIC TERRITORY

Enacted by the Commissioner,  
Ben Merrick,  
XX XXXX 2020

## Ordinance No. 16 of 2020

### THE FIREARMS ORDINANCE 2020

*AN ORDINANCE to regulate dealings with, and the possession and use of, firearms and other related weapons and devices, and to provide for matters incidental thereto.*

Citation and commencement.

1. This Ordinance may be cited as the Firearms Ordinance 2020 and shall come into force on XXXXX.

Interpretation.

2. In this Ordinance, unless the contrary intention appears –

“acquire” means hire, accept as a gift or borrow;

“exempt person” means a person specified in section 4 in the respect so specified;

“firearm” means –

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

(b) any other weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing;

(c) any rocket-launcher, or any mortar, for projecting a stabilised missile, other than a launcher or missile designed for line throwing or pyrotechnic purposes or as signalling apparatus;

(d) any component part of any such lethal or other weapon or of such launcher or mortar; or

(e) any accessory to any such lethal or other weapon, or to such launcher or mortar, designed or adapted to diminish the noise or flash caused by firing it;

and, unless the contrary intention appears, references in this Ordinance to a firearm include references to ammunition for a firearm;

“imitation firearm” means anything which is not a firearm but which has the appearance of being a firearm, whether or not it is capable of discharging any shot, bullet or other missile or any liquid, gas or other thing or of projecting any missile; and

“transfer” includes let on hire, give, lend and part with possession.

General prohibition of purchase, sale or possession, etc., of firearms.

**3.** (1) Subject to section 4, no person may purchase, acquire or be in possession of any firearm in the Territory.

(2) Subject to section 4, no person may –

(a) sell or otherwise transfer any firearm in the Territory; or

(b) expose any firearm in the Territory for sale or other transfer; or

(c) repair, test or prove any firearm in the Territory.

Exempt persons.

**4.** (1) A person may –

(a) have in that person’s possession on board a ship or on board an aircraft a firearm (not being such a firearm as is referred to in paragraph (b) or paragraph (c) of the definition of “firearm” in section 2 or a component part of, or an accessory to, such a firearm as is there referred to) as part of the equipment of the ship or aircraft; or

(b) remove such a firearm, being part of the equipment of an aircraft, from one aircraft to another at an airfield or from or to an aircraft at an airfield to or from a place appointed by a magistrate for the storage thereof in safe custody at that airfield, and keep any such firearm in safe custody at that place; or

(c) repair, test or prove such a firearm (being part of the equipment of a ship or an aircraft) in any place in which that person is authorised by paragraph (a) or paragraph (b) to be in possession of it or to keep it.

(2) A person dealing with a firearm in the circumstances specified in subsection (1)(a) or subsection (1)(b) or subsection (1)(c) is, when and to the extent that the person is so dealing with it, exempt from the operation of section 3 in respect of that firearm.

(3) Each of the following persons, that is to say –

- (a) a member of Her Majesty's forces;
- (b) a public officer,

when in possession of a firearm for the purposes of his or her duties as such and when and to the extent that he or she is dealing with it as authorised by those duties, is exempt from the operation of section 3 in respect of that firearm.

(4) Any public officer may –

- (a) require any person whom the public officer believes to be in possession of a firearm to show that he or she is an exempt person in respect of it; and
- (b) seize and detain any such firearm, or arrange for its detention, pending the order of a court under section 8 or the decision of a court in proceedings under section 9, if the public officer is not satisfied that the person is so exempt.

Prohibition of manufacture, etc., of firearms.

**5.** No person may manufacture any firearm in the Territory or adapt or convert any firearm in the Territory or convert any imitation firearm in the Territory into a firearm.

Offences and penalties.

**6.** (1) Any person who –

- (a) contravenes section 3 or section 5; or
- (b) has possession of any firearm with intent by means thereof to cause, or to enable any other person to cause, injury to person or property, whether or not such injury is in fact caused; or
- (c) makes or attempts to make any use whatever of a firearm or imitation firearm with intent to resist or prevent any lawful arrest or detention,

shall be guilty of an offence under this Ordinance.

(2) A person who is convicted of an offence under this Ordinance shall be liable –

- (a) on conviction for such an offence as is specified in subsection (1)(a), to a term of imprisonment not exceeding 2 years or to a fine not exceeding £10,000 or to both such imprisonment and such fine; and

(b) on conviction for such an offence as is specified in subsection (1)(b) or subsection (1)(c), to a term of imprisonment not exceeding 10 years or to a fine not exceeding £20,000 or to both such imprisonment and such fine.

Search for firearms.

**7.** A magistrate may, if satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Ordinance has been, is being or is about to be committed, grant a search warrant authorising any public officer named therein and any other person named therein if accompanying a public officer so named –

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

(b) to seize and (pending the order of a court under section 8 or the decision of a court in proceedings under section 9) detain, or arrange for the detention of, any firearm or imitation firearm which may be found on the premises or place, or on any such person, in respect of which the public officer has reasonable ground for suspecting that an offence under this Ordinance has been, is being or is about to be committed.

Forfeiture of firearms after conviction.

**8.** When a person is convicted by any court of any offence under this Ordinance, the court may, on application by or with the authority of the Attorney General, order the forfeiture to the Crown (on such terms, if any, as it thinks just) of any firearm or imitation firearm to which the offence related.

Disposal of detained firearms.

**9.** Without prejudice to section 8, when any firearm or imitation firearm is being detained in pursuance of section 4(4) or section 7, a court may, on application by any person claiming to be authorised under this Ordinance to be in possession thereof or on application by or with the authority of the Attorney General, decide whether the firearm or imitation firearm may be given into the possession of that person or how and on what terms it should be retained or disposed of.

Exclusion of law of England on firearms.

**10.** For the avoidance of doubt it is hereby declared –

(a) that the foregoing provisions of this Ordinance (being “specific laws” within the meaning of that term in section 5 of the Administration of Justice Ordinance 2020) exclude the operation as part of the law of the Territory, by virtue of section 5(1)(b) of that Ordinance, of the law of England relating specifically to firearms and imitation firearms; but

(b) that the law of England, as for the time being in force in England, is otherwise in force in the Territory by virtue of the said section 5(1)(b) for the purposes of the administration and

enforcement of this Ordinance.

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