

SUPPLEMENT No. 3
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1607 of 24th January 2011
SUBSIDIARY LEGISLATION

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Supplement which forms part of this Gazette : –*

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FIREARMS AND OTHER WEAPONS REGULATIONS 2011

The Administrator makes the following Regulations in exercise of the powers under section 34(4) of the Firearms and other Weapons Ordinance 2009(a).

Citation and commencement

1. These Regulations may be cited as the Firearms and Other Weapons Regulations 2011 and come into force on 1 March 2011.

Interpretation

2. In these Regulations—

“approved paintball ground” means a paintball ground in respect of which a certificate has been issued under regulation 8(2);

- “collectable gun licence” means an acquisition and possession licence for a collectable gun issued under section 4(7) of the Ordinance;
- “deactivation certificate” means a certificate issued under regulation 12(1) or under the corresponding Republican law;
- “display cabinet” means a cabinet for the purpose of storing guns which meets the requirements of regulation 6(2);
- “Chief Fire Officer” has the same meaning as in the Fire Service Ordinance 2010**(b)**;
- “gun hanger” means a system for the purpose of storing guns which meets the requirements of regulation 6(3);
- “gun rack” means a rack designed for the purpose of storing guns which meets the requirements of regulation 6(1);
- “hire” includes lending free of charge;
- “the Ordinance” means the Firearms and Other Weapons Ordinance 2009;
- “paintball ground” means an area of land used or intended for the use of paintball guns for training, sport or entertainment;
- “paintball gun licence” means an acquisition and possession licence issued under section 10 of the Ordinance in respect of a paintball gun;
- “warning sign” means a sign which measures at least 60 centimetres by 40 centimetres and states clearly that entry to a particular area is prohibited without a protective mask covering the face and neck.

Qualifications for obtaining a gun dealer’s licence

3. (1) An applicant for a gun dealer’s licence must be—

- (a) a citizen of a member State; or
- (b) a person who lawfully resides in the Republic or the Areas.

(2) A gun dealer’s licence issued by the Republic is a relevant professional qualification for the purpose of section 12(5)(b) of the Ordinance.

Safety of gun dealers’ premises

4. (1) A gun dealer must store all weapons, ammunition and parts which are held for the purpose of the undertaking on the business premises.

(2) A gun dealer must have sufficient gun racks, display cabinets and gun hangers on the business premises to store all weapons held there.

(3) A gun dealer must ensure that the business premises satisfy the following requirements—

- (a) the outside walls, the roof and the floor must be made of concrete, or similarly strong material, which is at least 20 centimetres thick;
- (b) any external door, window, display cabinet or other opening must be capable of being locked with a padlock, the shackle of which is least 8 millimetres thick, and must be covered by either—
 - (i) a safety grill made of steel or iron rods of at least 12 millimetres in diameter, with horizontal rods no more than 15 centimetres apart and vertical rods no more than 50 centimetres apart (or vice versa); or
 - (ii) a steel or iron sheet which is at least 2 millimetres thick;
- (c) all external doors must have locks which have at least 2 tongues—
 - (i) each with a thickness of at least 5 millimetres; and
 - (ii) each of which enters a safety opening with a depth of at least 25 millimetres;
- (d) the premises must be detached from any other building;
- (e) the premises must be equipped with—
 - (i) a fire safety system which has been approved by the Chief Fire Officer;

- (ii) a fire alarm siren both inside and outside;
 - (iii) a burglar alarm system which is connected to a police station and which covers all inside areas of the premises and all external doors, windows, display cabinets or other openings; and
 - (iv) a closed circuit surveillance system covering the area in which firearms are stored; and
- (f) the premises must have lighting which in the opinion of the Chief Constable is adequate at all times both inside and outside.

(4) A person who contravenes subsection (1), (2) or (3) commits an offence.

(5) The function placed on the Chief Fire Officer by paragraph (3)(e)(i) is a modified delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007(c) (“the 2007 Ordinance”).

(6) The modification applicable to delegation under paragraph (5) is that section 17 of the 2007 Ordinance does not apply in respect of any member of the police force of the Republic who is also a member of the Fire Service of the Republic.

Conditions of conducting business as a gun dealer

5. (1) A gun dealer must display the gun dealer’s licence in a conspicuous place within the business premises.

(2) A gun dealer must—

- (a) outside business hours, store all firearms and other weapons safely in a gun rack on the business premises; and
- (b) during business hours, ensure that any guns exposed for inspection or sale are either in a locked display cabinet or on a gun hanger.

(3) A person who contravenes subsection (1) or (2) commits an offence.

Requirements for gun racks, display cabinets and gun hangers

6. (1) If a person is required by the Ordinance or by these Regulations to install, maintain or use a gun rack, the gun rack must satisfy the following requirements—

(a) it must be made of—

- (i) iron sheeting at least 3 millimetres thick;
- (ii) steel sheeting at least 2 millimetres thick;
- (iii) concrete at least 20 centimetres thick; or
- (iv) concrete and bricks at least 24 centimetres thick, plastered both inside and outside;

(b) its only opening must be a door which—

- (i) is coated with iron sheeting at least 3 millimetres thick or steel sheeting at least 2 millimetres thick;
- (ii) has a high security lock which secures the door at the top, the bottom, and the point where the lock is; and
- (iii) has its hinges secured with at least 2 bolts when the door is closed; and

(c) it must—

- (i) if it is made of metal, weigh at least 1000 kilograms; or
- (ii) if it is made of any other material, be fixed to the wall or floor with at least 4 bolts which are to be at least 10 centimetres long with a diameter of 10 millimetres.

(2) If a person is required by these Regulations to keep a gun in a display cabinet, the display cabinet must be made of safety glass which—

- (a) is at least 10 millimetres thick; or
- (b) has integrated into it a metallic mesh at least 6 millimetres thick.

- (3) If a person is required by these Regulations to keep a gun on a gun hanger—
 - (a) a metal chain must be placed through the trigger guard;
 - (b) each end of the chain must be locked to a metal ring; and
 - (c) those metal rings must be permanently attached to a wall or some other fixed place.

Paintball gun licences

7. (1) An applicant for a paintball gun licence must—
 - (a) be the occupier of an approved paintball ground; or
 - (b) satisfy the Chief Constable that the paintball gun is for the applicant's own personal use and will only be used in an approved paintball ground.
- (2) A paintball gun licence may be issued to a natural person if they satisfy the conditions in section 5(3) of the Ordinance.
- (3) A paintball gun licence may be issued to a legal person if—
 - (a) that legal person appoints at least one natural person (the "appointed person") to take charge of each approved paintball ground to which the licence relates;
 - (b) the name of the appointed person is submitted with the licence application; and
 - (c) the appointed person satisfies the conditions in section 5(3) of the Ordinance.

Approved paintball grounds

8. (1) A person must not use a paintball gun other than in an approved paintball ground.
- (2) The Chief Constable may issue a certificate of approval for a paintball ground, in the form set out in the Schedule, if the perimeter of the paintball ground is surrounded by—
 - (a) a fence which complies with subsection (3); or
 - (b) a lane which complies with subsection (4).
- (3) A fence complies with this subsection if it is—
 - (a) at least 3 metres high; and
 - (b) made of a material which cannot be penetrated by ammunition from a paintball gun.
- (4) A lane complies with this subsection if it is—
 - (a) at least 35 metres wide;
 - (b) marked along both sides by a visible rope or cord at least 1 metre from the ground; and
 - (c) marked on both sides, and at least every 75 metres on each side, with warning signs which face outwards from the paintball ground;
- (5) A certificate issued under paragraph (2) is valid for 5 years.
- (6) The Chief Constable is not to issue a certificate under paragraph (2) until the applicant pays—
 - (a) a fee of €170 if it is an initial application; or
 - (b) a fee of €85 if it is an application for renewal of an existing certificate.
- (7) A person who holds a certificate issued under paragraph (2) must display in a conspicuous place at the entrance to the approved paintball ground—
 - (a) the certificate; and
 - (b) a notice to all users of the ground explaining their obligations and the consequences of any breach.
- (8) The Chief Constable may, on providing reasonable notice in writing, amend, suspend or revoke a certificate issued under this regulation where the conditions specified in paragraph (2) are no longer met.
- (9) A person who contravenes subsection (1) or (7) commits an offence.

Hiring of paintball guns

9. (1) Subject to subsections (2) and (3), a person who holds a paintball gun licence (a “licence holder”) and is the occupier of an approved paintball ground must not hire a paintball gun to another person (a “user”) unless the user is—

- (a) at least 16 years old; or
- (b) at least 14 years old and accompanied by a responsible adult.

(2) A licence holder may only hire a paintball gun to a user under subsection (1) if the gun is to be used—

- (a) for the purpose of training, sport or entertainment; and
- (b) in the licence holder’s approved paintball ground.

(3) Before hiring a paintball gun to a user under subsection (1), a licence holder must—

- (a) check with a chronograph that the shooting speed is no more than 92 metres per second; and
- (b) give the user adequate information and instruction about safe use of the gun.

(4) A licence holder must keep a record of the following information—

- (a) the name, age, and identity card or passport number of the user;
- (b) the time and date the gun is given to the user; and
- (c) the time and date the gun is returned.

(5) A person who contravenes subsection (1), (2), (3) or (4) commits an offence.

Obligations on holders of paintball gun licences

10. (1) A licence holder must only use paintball guns with gas cylinders which comply with standard CYS EN 12245:2002.

(2) A licence holder must—

- (a) conduct a visual inspection of all gas cylinders in the licence holder’s control on an annual basis in accordance with—
 - (i) standard CYS EN 1968:2002 in the case of steel cylinders; or
 - (ii) standard CYS EN 1802:2002 in the case of aluminium cylinders; and
- (b) keep a record of all such inspections.

(3) A person who contravenes subsection (1) or (2) commits an offence.

Obligations on occupiers of approved paintball grounds

11. (1) The occupier of an approved paintball ground must—

- (a) ensure that all persons entering the ground wear a protective mask covering the face, eyes and neck; and
- (b) maintain a safe area, into which no loaded paintball gun may be brought, where gun users and members of the public can be given information and rest.

(2) The occupier of an approved paintball ground must install, maintain and use a gun rack for the storage of all paintball guns used at the approved paintball ground.

(3) An occupier of an approved paintball ground must display in a conspicuous place at the entrance to the ground—

- (a) the relevant paintball gun licence;
- (b) the terms of operation of the paintball ground; and
- (c) a warning sign.

(4) An occupier of an approved paintball ground must ensure that, at all times when it is in use, the ground is supervised by a person who—

- (a) is at least 18 years of age;

- (b) satisfies the conditions in section 5(3) of the Ordinance; and
- (c) holds a recognised first aid certificate.

(5) An occupier of an approved paintball ground must ensure that paintball guns are not used in the field between sunset and sunrise unless there is adequate lighting.

(6) A person who contravenes subsection (1), (2), (3), (4) or (5) commits an offence.

Certification of deactivated guns

12. (1) If the Chief Constable is satisfied that a gun has been deactivated so that it cannot operate, he may issue a deactivation certificate for that gun.

(2) The Chief Constable is not to issue a certificate under paragraph (1) until the applicant pays, in respect of each item to which the application relates, a fee of €17.

Acquisition and possession licences for collectable guns

13. (1) The Chief Constable may issue a collectable gun licence in respect of a deactivated gun to a person who—

- (a) satisfies the conditions in section 5(3) of the Ordinance;
- (b) holds a deactivation certificate in respect of that gun; and
- (c) in the opinion of the Chief Constable, is a collector of guns.

(2) The Chief Constable may impose such conditions on a collectable gun licence issued under paragraph (1) as are necessary for the safe keeping of the gun.

Criminal offences and penalties

14. (1) A person who commits an offence under regulation 4 (safety of gun dealers' premises) or regulation 5 (conditions of conducting business as a gun dealer), is liable to a fine of €5,000 or to imprisonment for 5 years or both.

(2) A person who commits an offence under regulation 9 (hiring of paintball guns) or 11 (obligations on occupiers of approved paintball grounds) is liable to a fine of €3,000.

(3) A person who commits an offence under regulation 8 (approved paintball grounds) or 10 (obligations on holders of paintball gun licences) is liable to a fine of €1,700 or to imprisonment for 6 months or both.

Schedule /.....

**Schedule
(Regulation 8(2))**

FORM



SOVEREIGN BASE AREAS OF AKROTIRI AND DHEKELIA

No

CERTIFICATE OF APPROVAL FOR A PAINTBALL GROUND
APPROVAL/ RENEWAL OF AN APPROVAL

(The Firearms and Other Weapons Regulations 2011, Regulation 8(2))

It is certified that the area of land at:

Address:
.....
.....
.....

Occupied by:

Name:
ID no:

has been inspected and satisfies the relevant regulations for use as a paintball ground.

Validity of approval: 5 years from the date of this approval.

Fee paid: €170 (one hundred and seventy euros)

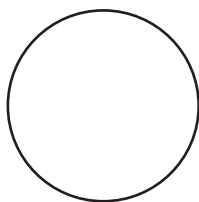
€85 (eighty five euros)

Date:

Signature

For Chief Constable

Seal



.....
Name, surname, rank, number

Police Division

Dated this 20th day of January 2011.

By the Administrator's Command,

J. S. Wright,

Chief Officer,

Sovereign Base Areas.

(SBA/AG/2/CR/169/1)

-
- (a) Ordinance 21/09.
 - (b) Ordinance 04/10.
 - (c) Ordinance 17/07.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

1. This explanatory note relates to the Firearms and Other Weapons Regulations 2011 (the “Regulations”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Regulations. It does not form part of the Regulations.
2. The note should be read in conjunction with the Regulations. It is not, and is not meant to be, a comprehensive description of the Regulations. So when a regulation or part of a regulation does not seem to require any explanation or comment, none is given.
3. The Regulations are made under section 34(4) of the Firearms and Other Weapons Ordinance 2009 (the “Ordinance”) and replicate the Republican Firearms and Other Weapons Regulations 2005 (PI 356/2005).
4. Regulation 3 provides that a gun’ dealer’s licence issued by the Republic is a relevant professional qualification for a gun dealer who wishes to operate in the Areas.
5. Regulation 6 specifies the requirements for gun cabinets which must be fitted to comply with sections 5(9) and 9(9) of the Ordinance.
6. Regulations 7 to 11 deal with the issue of paintball gun licences and the licensing of paintball grounds.
7. Regulations 12 and 13 deal with the deactivation of guns and the issue of acquisition and possession licences for collectable guns.

FIREARMS AND OTHER WEAPONS ORDINANCE (COMMENCEMENT) ORDER 2011

The Administrator makes the following Order exercising the power under section 44(2) of the Firearms and other Weapons Ordinance 2009(a).

Citation

1. This Order may be cited as the Firearms and Other Weapons Ordinance (Commencement) Order 2011.

Commencement

2. Sections 5(9) and 9(9) of the Firearms and Other Weapons Ordinance 2009 come into force on 1 March 2011.

Dated this 20th day of January 2011.

By the Administrator's Command,

J. S. Wright,

Chief Officer,

Sovereign Base Areas.

(SBA/AG/2/CR/169/1)

(a) Ordinance 21/09.

EXPLANATORY NOTE

(This note does not form part of the Order)

1. This explanatory note relates to the Firearms and Other Weapons Ordinance (Commencement) Order 2011 (the “Order”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Order. It does not form part of the Order.
2. The Order commences sections 5(9) and 9(9) of the Firearms and Other Weapons Ordinance 2009 (the “Ordinance”) on 1 March 2011.
3. In general terms, sections 5(9) and 9(9) of the Ordinance require the occupier of a residence having more than 10 firearms (section 5(9)) or airguns (section 9(4)) to either have fitted a burglar alarm which is connected to a police station or to have installed and use a gun rack for the storage of the weapons in question. Gun racks must be of a type prescribed in regulations made under the Ordinance. Such regulations (the Firearms and Other Weapons Regulations 2011) have now been made and come into force on 1 March 2011.