

CHAPTER 10:09

FIREARMS ACT

Acts 17/1956, 42/1959, 73/1959, 14/1961, 14/1962 (s.2), 13/1966, 57/1972 (s.19), 39/1973 (s.52), 37/1977 (s.21), 41/1978 (s.33), 29/1981 (s.59), 37/1981, 44/1983, 22/2001 (s. 4), 5/2014 (s. 33); R.G.N.s 500/1962, 801/1963, 214/1964, 217/1970, 698/1970, 414/1972.

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AN ACT to make provision for regulating and controlling the possession, sale, repair and manufacture of firearms and ammunition; and to provide for matters connected therewith and incidental thereto.

[Date of commencement: 1st January, 1957.]

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Firearms Act [*Chapter 10:09*].

2 Interpretation

In this Act—

“acquiring” means hiring, accepting as a gift and borrowing;

“ammunition” means—

(a) ammunition for any firearm;

(b) grenades, bombs and any other like missiles, whether capable of use with a firearm or not;

but does not include any signalling apparatus or missiles therefor, other than missiles for the type of signalling apparatus known as a Verey Pistol;

“Controller” means the Controller of Firearms appointed in terms of section *thirty-eight* and includes any person to whom the Controller has, in terms of subsection (2) of that section, delegated his functions;

“firearm” means—

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

(b) the barrel, bolt and chamber or any other essential component part of any such weapon as aforesaid;

but does not include any signalling apparatus, other than the type of signalling apparatus known as a Verey Pistol;

“firearm certificate” means a firearm certificate granted under section *six*;

“firearms dealer” means a person who by way of trade or business sells, transfers, repairs, tests or proves firearms or ammunition;

“Minister” means the Minister of Home Affairs or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“signalling apparatus” means a device which is designed or customarily used for safety purposes or to signal distress;

“slaughtering instrument” means a firearm which is specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them;

“transferring” includes letting on hire, giving, lending and parting with possession.

PART II

REGULATION OF PURCHASE, POSSESSION MANUFACTURE AND SALE OF FIREARMS AND AMMUNITION AND OTHER TRANSACTIONS

3 Firearms and ammunition to which Part II applies

(1) This Part shall apply to all firearms as defined in section *two*, except an air-gun, air-rifle or air-pistol which is not of a type declared by the Minister, by statutory instrument, to be specially dangerous and the component parts of any such weapon.

(2) This Part shall apply to all ammunition as defined in section *two*, except ammunition for an air-gun or air-rifle or air-pistol which is not of a type declared by the Minister in terms of subsection (1) to be specially dangerous.

4 Penalty for purchasing firearms or ammunition without firearm certificate

(1) Subject to this Act, no person shall purchase, acquire or have in his possession any firearm or ammunition unless he holds a firearm certificate in respect thereof in force at the time.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level ten or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

[Subsection substituted by section 4 of Act No. 22 of 2001]

(3)

[Subsection repealed by section 4 of Act No. 22 of 2001]

(4) If any person—

(a) purchases, acquires or has in his possession any ammunition without holding a firearm certificate in respect thereof in force at the time or in quantities in excess of those authorized by such firearm certificate; or

(b) has in his possession any firearm or ammunition otherwise than as authorized by a firearm certificate in respect thereof in force at the time; or

(c) fails to comply with any conditions subject to which a firearm certificate is held by him;

he shall, subject to this Act, be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

(5) In any prosecution for an offence in terms of subsection (2), it shall be presumed, unless the contrary is shown, that the firearm in respect of which the offence was committed was manufactured on or after the 1st January, 1900.

(6) Notwithstanding any other enactment, a court of a regional, provincial or senior magistrate shall have special jurisdiction on summary trial or on remittal by the Prosecutor-General of the case for trial or sentence, to impose any sentence required or permitted to be imposed by this section.

5 Grant of firearm certificate

(1) An application for the grant of a firearm certificate shall be made in such manner as may be prescribed.

(2) The firearm certificate shall be granted by the Controller if he is satisfied that the applicant 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 can be permitted to have in his possession that firearm or ammunition without danger to the public safety or to the peace:

Provided that a firearm certificate shall not be granted to a person whom the Controller has reason to believe to be prohibited by or under this Act from possessing a firearm or to be of intemperate habits or unsound mind or to be for any reason unfitted to be entrusted with such firearm.

(3) A firearm certificate granted under this section shall be in the prescribed form and shall specify the conditions, if any, subject to which it is held, the nature and the number of the firearm to which it relates, and, as respects ammunition, the quantities authorized to be purchased and to be held at any one time thereunder.

(4) One certificate may be issued for both a firearm and the ammunition for such firearm, but a separate firearm certificate shall be required for each firearm.

(5) Unless previously revoked in terms of subsection (8) or cancelled by order of court, a firearm certificate shall be valid for three years, calculated from the first day of the month in which it was issued, and may, on application to the Controller, be renewed from time to time for further such three-year periods.

(6) Any person who applies for the renewal of a firearm certificate in terms of subsection (5) shall, if so required, produce the firearm to which the firearm certificate relates for inspection or testing by the Controller or any person specified by the Controller.

(7) A firearm certificate may, on the application of the holder thereof, be varied from time to time by the Controller.

(8) A firearm certificate may be revoked by the Controller if he is satisfied that the holder thereof is of intemperate habits or of unsound mind or is otherwise unfitted to be entrusted with the firearm to which the firearm certificate relates or no longer has a good reason for possessing that firearm.

(9) In any case where a firearm certificate is revoked by the Controller he shall, by notice in writing, require the holder to surrender the firearm certificate, and if the holder fails to do so within fourteen days from the date of the notice he shall be guilty of an offence and liable to a fine not exceeding fifty dollars:

Provided that, where an appeal is brought against the revocation, this subsection shall not apply to that revocation unless the appeal is abandoned or dismissed, and shall in that case have effect as if, for the reference to the date of the notice, there were substituted a reference to the date on which the appeal was abandoned or dismissed.

(10) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a firearm certificate under this section or the variation or renewal of a firearm certificate, he shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

6 Holder of firearm certificate to notify change of address or occupation

- (1) Any person who holds a firearm certificate shall notify the Controller of—
- (a) any change in his address; or
 - (b) any change in his occupation, unless the change does not materially alter the circumstances in which he is likely to use the firearm concerned;

within twenty-one days of any such change.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level three or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

7 Fees in respect of firearms certificates

- (1) Subject to this section, there shall be payable on the—
- (a) grant or renewal of a firearm certificate, such fee as may be prescribed not exceeding—
 - (i) one hundred dollars where the firearm certificate is granted or renewed in respect of a firearm described in section *twenty-four*;
 - (ii) twenty dollars where the firearm certificate is granted or renewed in respect of a firearm other than a firearm described in section *twenty-four*;
 - (iii) ten dollars where the firearm certificate is granted or renewed in respect of ammunition only;
 - (b) replacement of a firearm certificate which has been lost or destroyed, such fee, not exceeding four dollars, as may be prescribed.

(2) No fee shall be payable on the grant to any responsible officer of a gun club, rifle club or miniature rifle club of a firearm certificate in respect of firearms or ammunition to be used solely for target practice by the members of the club or on the renewal of any such firearm certificate.

(3) No fee shall be payable on the grant or renewal of a firearm certificate if the Controller is satisfied that the firearm certificate relates solely to a slaughtering instrument or ammunition therefor which the applicant requires for the purpose of the slaughter of animals.

8 Exemptions from holding firearm certificate

- (1) In this section—
 “harbour” means a place or area designated as a harbour in terms of section 56 of the Inland Waters Shipping Act [*Chapter 13:06*].

(2) This section shall have effect notwithstanding anything in section *four*.

(3) A person carrying on the business of a firearms dealer and registered as such under this Act or an employee of such a person may, without holding a firearm certificate, purchase, acquire or have in his possession a firearm or ammunition in the ordinary course of that business.

(4) A person carrying on the business of an auctioneer, carrier or storage contractor or an employee of such a person may, without holding a firearm certificate, have in his possession a firearm or ammunition in the ordinary course of that business.

(5) A person may, without holding a firearm certificate, have in his possession a slaughtering instrument and ammunition therefor in any abattoir if employed in such abattoir.

(6) The proprietor of an abattoir or a person employed by him to take charge of slaughtering instruments and ammunition therefor for the purpose of storing them in safe custody at that abattoir may, without holding a firearm certificate, have in his possession a slaughtering instrument or ammunition therefor for that purpose.

- (7) Any person may, without holding a firearm certificate—
- (a) have in his possession a signalling apparatus of the type known as a Verey Pistol or ammunition therefor on board an aircraft or at an aerodrome as part of the equipment of the aircraft or aerodrome; and
 - (b) remove a signalling apparatus of the type known as a Verey Pistol or ammunition therefor, being part of the equipment of an aircraft, from one aircraft to another at an aerodrome or from or to an aircraft at an aerodrome to or from a place appointed for the storage thereof in safe custody at that aerodrome, and keep any such apparatus or ammunition at such a place; and
 - (c) if he has obtained from the Controller a permit for the purpose in the prescribed form, remove a signalling apparatus of the type known as a Verey Pistol from or to an aircraft or aerodrome to or from such place and for such purpose as may be specified in the permit.

(8) Any person may, without holding a firearm certificate—

- (a) have in his possession a signalling apparatus of the type known as a Verey Pistol, and missiles therefor, on board a boat on Lake Kariba or at a harbour at Lake Kariba as part of the equipment of the boat or harbour; and
- (b) remove a signalling apparatus of the type known as a Verey Pistol, and missiles therefor, being part of the equipment of a boat on Lake Kariba, from one boat to another at a harbour at Lake Kariba or from or

to a boat at such a harbour to or from a place appointed for the storage thereof in safe custody at that harbour, and keep any such apparatus and missiles at such a place; and

- (c) if he has obtained from the Controller a permit for the purpose in the prescribed form, remove a signalling apparatus of the type known as a Verey Pistol from or to a boat on Lake Kariba or harbour at Lake Kariba to or from such place and for such purpose as may be specified in the permit.

(9) A person carrying a firearm or ammunition belonging to another person holding a firearm certificate relating thereto may, without himself holding a firearm certificate, have in his possession that firearm or ammunition under instructions from and for the use of that other person for sporting purposes only.

(10) A member of a gun club, rifle club or miniature rifle club may, without holding a firearm certificate, have in his possession a firearm and ammunition therefor when engaged as such a member in or in connection with target practice.

(11) Any person may, without holding a firearm certificate, use a miniature rifle not exceeding five comma five nine millimetres calibre, commonly known as “two-two”, and ammunition suitable therefor at a miniature rifle range or shooting gallery.

(12) A person taking part in a theatrical performance or any rehearsal thereof or in the production of a cinematograph film may, without holding a certificate, have a firearm in his possession during and for the purpose of the performance, rehearsal or production.

(13) Any person may, without holding a firearm certificate, have a firearm in his possession at an athletic or other sporting meeting for the purpose of starting races at that meeting.

(14) A person who is employed for the purpose of safeguarding persons or property and who is a member of a class of persons prescribed for the purposes of that subsection may, without holding a firearm certificate and subject to such conditions as may be prescribed, have in his possession any firearm and ammunition belonging to his employer and for which his employer holds a firearm certificate when he is engaged on his duties.

(15) An immigrant or *bona fide* visitor to Zimbabwe who has obtained from a customs officer a certificate in the prescribed form relating to any firearm or ammunition that he has brought with him into Zimbabwe may, without holding a firearm certificate, have in his possession any firearm or ammunition described in that certificate for such period, not exceeding three months, as may be specified in that certificate:

Provided that such an immigrant or visitor may at any time have the validity of a certificate issued in terms of this subsection extended by the Controller.

(16) A person may, without holding a firearm certificate, have in his possession within his residence or place of business a firearm and ammunition in respect of which his spouse holds a firearm certificate.

(17) A person may, without holding a firearm certificate, have in his possession a firearm and ammunition issued to him by a municipal council, town council, local board or rural district council for the purpose of vermin control.

(18) The executor of a deceased estate may, without holding a firearm certificate, have in his possession any firearm and ammunition belonging to the deceased person.

(19) A client of a tour operator who—

(a) conducts hunting safaris for tourists; and

(b) is licensed in terms of the Tourism Act [*Chapter 14:20*];

may, without holding a firearm certificate, have in his possession during a hunting safari any firearm or ammunition in respect of which the tour operator holds a firearm certificate, if the client is accompanied by and uses the firearm and ammunition under the direction of the person who holds the firearm certificate.

(20) A person who, in accordance with a written agreement with the State, has been provided with a firearm and ammunition belonging to the State may, without holding a firearm certificate, possess the firearm and ammunition in accordance with the terms and conditions of the agreement.

(21) A person who has obtained from the Controller a permit for the purpose in the prescribed form may, without holding a firearm certificate, have in his possession a firearm and ammunition in accordance with the terms of the permit:

Provided that no such permit shall be issued in respect of or be valid for a period exceeding three months and any such permit may at any time be revoked by the Controller if he is satisfied that the holder would not, on application, be granted a firearm certificate in respect of such a firearm or ammunition.

(22) Where the Controller revokes a permit under subsection (21), he shall, by notice in writing, require the holder of the permit to surrender it, and if the holder fails to surrender it within fourteen days from the date of the notice he shall be guilty of an offence and liable to a fine not exceeding level three or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment:

Provided that, where an appeal is brought against the revocation, this subsection shall not apply to that revocation unless the appeal is abandoned or dismissed, and shall in that case have effect as if, for the reference to the date of the notice, there were substituted a reference to the date on which the appeal was abandoned or dismissed.

(23) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant or renewal of a permit under subsection (21), he shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

(24) Any person referred to in subsection (14) who contravenes any conditions referred to in that subsection shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

9 Power to refuse firearm certificate or permit unless firearm produced for inspection and marking

(1) Notwithstanding anything in sections *three to eight*, the Controller may refuse to grant a firearm certificate or a permit in terms of subsection (21) of section *eight* unless the firearm to which such firearm certificate or permit will, if granted, relate is produced to him or to a person specified by him for inspection or testing and for marking if necessary in accordance with the requirements of subsection (2).

(2) No firearm certificate and no permit in terms of subsection (21) of section *eight* shall be granted in respect of a firearm unless such firearm bears a mark or number of identification or is first marked with such a mark or number by or under and in accordance with the directions of the Controller.

10 Restrictions on manufacture of ammunition

(1) No person shall manufacture any ammunition or any explosive component of ammunition unless—

(a) he is the holder of a written authority granted by the Controller and he complies with the conditions of that authority; and

(b) he is the holder of such licences as may be required by the Explosives Act [*Chapter 10:08*].

(2) Any authority in terms of subsection (1) may limit the description and quantity of the ammunition or any explosive component of the ammunition which may be manufactured under the authority and may impose such other conditions relating to the manufacture, marking, handling, storage and disposal of ammunition or any explosive component of ammunition, including conditions relating to the keeping of registers and the rendering of returns, as the Controller may consider desirable.

(3) The Controller may at any time, if he thinks fit, revoke or vary any authority granted under subsection (1).

(4) If any person contravenes subsection (1) or fails to comply with any conditions of an authority mentioned in that subsection, he shall be guilty of an offence and liable to a fine not exceeding level ten or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

11 Restrictions on manufacturing of firearms

(1) No person shall manufacture any firearm except—

(a) in a factory registered under section 10 of the Factories and Works Act [*Chapter 14:08*]; and

(b) under a written authority granted by the Minister and in accordance with the conditions of that authority.

(2) Any authority in terms of subsection (1) may impose such conditions relating to the manufacture, marking, handling, storage and disposal of firearms, including conditions relating to the keeping of registers and the rendering of returns, as the Minister may consider desirable.

(3) The Minister may at any time, if he thinks fit, revoke or vary any authority granted under subsection (1).

(4) If any person contravenes subsection (1) or fails to comply with any condition of an authority mentioned in that subsection, he shall be guilty of an offence and liable to a fine not exceeding level ten or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

12 Production of firearm certificate

(1) Any police officer may demand from any person whom he believes to be in possession of a firearm or ammunition his name and address and the production of his firearm certificate relating thereto.

(2) If any person upon whom a demand is made in terms of subsection (1) fails, within seven days thereafter, to produce the certificate or to permit the officer to read the certificate or to show that he is entitled by virtue of this Act to have the firearm or ammunition in his possession without holding a firearm certificate, the officer may seize and detain the firearm or ammunition.

(3) If any person refuses to declare his name and address or fails to give his true name and address, he shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

13 Production of firearms and ammunition

(1) Any police officer may demand from any person who holds a firearm certificate or a permit under subsection (21) of section *eight* the production of any firearm or ammunition to which such certificate or permit relates at

such time and place as such officer may specify for his own inspection or for the inspection of such other police officer as he may specify.

(2) If any person fails to comply with a demand in terms of subsection (1), he shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

14 Penalty for dealing in firearms without being registered

(1) Subject to this section, no person shall, by way of trade or business—

- (a) sell, transfer, repair, test or prove; or
 - (b) accept for sale or transfer or have in his possession for sale, transfer, repair, test or proof;
- any firearm or ammunition unless he is registered under this Act as a firearms dealer:

Provided that it shall be lawful for an auctioneer to sell by auction, and have in his possession for sale by auction, a firearm or ammunition without being registered as aforesaid if he has obtained from the Controller a permit for that purpose in the prescribed form and complies with the terms of the permit.

(2) If any person contravenes subsection (1) or makes any statement which he knows to be false for the purpose of procuring, whether for himself or for any other person, the grant of a permit under subsection (1), he shall be guilty of an offence and liable to a fine not exceeding level nine or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

15 Registration of firearms dealers

(1) The Controller shall keep in the prescribed form a register of firearms dealers and shall enter therein the names of those persons who are registered to carry on business as firearms dealers.

(2) A person who intends to carry on business as a firearms dealer shall apply to the Controller for registration and shall—

- (a) furnish him with such particulars as are prescribed; and
- (b) submit with such application an application in terms of section *seventeen* for the registration of the place or places where he proposes to carry on such business.

(3) The Controller shall register a person who has made an application in terms of subsection (2) unless—

- (a) the applicant is prohibited by order of a court under section *twenty* from being registered; or
- (b) he is satisfied that—
 - (i) the applicant cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace; or
 - (ii) the premises in which the applicant proposes to carry on business as a firearms dealer are not suitable or reasonably safe for the keeping of firearms and ammunition.

(4) The Controller may, when registering a person in terms of subsection (3), impose such conditions as he may think fit relating to the type and quantity of firearms and ammunition the person may deal in.

(5) On the registration of an applicant as a firearms dealer and thereafter annually, on the anniversary of the registration, there shall be payable such fee, not exceeding one hundred dollars, as may be prescribed.

(6) If the Controller, after giving reasonable notice to any person whose name is on the register, is satisfied that—

- (a) that person is no longer carrying on business as a firearms dealer; or
- (b) that person has failed to pay the annual fee prescribed in terms of subsection (5); or
- (c) that person has failed to comply with any condition imposed on his registration by the Controller in terms of subsection (4); or
- (d) that person cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or to the peace; or
- (e) the premises in which that person is carrying on business as a firearms dealer are not suitable or reasonably safe for the keeping of firearms and ammunition;

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

(7) The Controller shall also cause the name of any person to be removed from the register if that person so desires.

(8) If any person, for the purpose of procuring the registration of himself or any other person as a firearms dealer, makes any statement which he knows to be false, he shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

16 Certificate of registration

(1) The Controller shall grant or cause to be granted to any person who is registered as a firearms dealer under section *fifteen* a certificate of registration and shall endorse thereon any conditions he may have imposed in terms of subsection (4) of that section.

(2) Where the Controller causes the name of any firearms dealer to be removed from the register, he shall, by notice in writing, require the dealer to surrender his certificate of registration, and if the dealer fails to do so within twenty-one days of the date of the notice he shall be guilty of an offence and liable to a fine not exceeding level three or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment:

[Subsection as amended by section 4 of Act No. 22 of 2001]

Provided that—

- (i) where an appeal is brought against the removal, this subsection 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 the notice, there were substituted a reference to the date on which the appeal was abandoned or dismissed;
- (ii) until the dealer surrenders his certificate of registration in accordance with this subsection or, if he fails so to surrender his certificate, until the expiration of the aforesaid period of twenty-one days, the dealer shall be deemed to be registered as a firearms dealer for the purpose only of disposing of the stock in hand of his business.

17 Registration of places of business of firearms dealers

(1) Subject to subsection (3), the Controller shall enter in the register of firearms dealers the address of every place of business at which a registered firearms dealer carries on business.

(2) A person who—

- (a) is applying for registration as a firearms dealer; or
- (b) is registered as a firearms dealer and wishes to carry on business as such at a place which is not entered in the register;

shall apply to the Controller for the registration of his intended place of business and shall furnish the Controller with such particulars as are prescribed.

(3) If, on receipt of an application in terms of subsection (2), the Controller is satisfied that—

- (a) the applicant could not be permitted to carry on business as a firearms dealer at the place concerned without danger to the public safety or the peace; or
- (b) the premises at the place concerned are not suitable or reasonably safe for the keeping of firearms and ammunition;

he shall refuse to enter that place in the register of firearms dealers.

(4) If—

- (a) any person, being a registered firearms dealer, has a place of business which is not entered on the register and carries on business as a firearms dealer at that place; or
- (b) any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the entry of any place of business in the register of firearms dealers;

he shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

18 Restrictions on sale and repair of firearms and ammunition

(1) No person shall sell or transfer to any other person in Zimbabwe, other than a registered firearms dealer, any firearm or ammunition unless that other person produces a firearms certificate authorizing him to purchase or acquire it or shows that he is, by virtue of this Act, entitled to purchase it or, as the case may be, to acquire it by means of such transfer without holding such a certificate:

Provided that this subsection shall not be construed so as to prevent—

- (a) 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 a 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 a firearm certificate; or
- (b) the delivery of a firearm or ammunition by a carrier or storage contractor or an employee of a carrier or a storage contractor in the ordinary course of his business or employment as such.

(2) Every person who sells, lets on hire, gives or lends a firearm or ammunition to any other person in Zimbabwe other than a registered firearms dealer shall, unless that other person shows that he is, by virtue of this Act, entitled to purchase or, as the case may be, to hire, accept as a gift or borrow the firearm or ammunition without holding a firearm certificate, comply with any instructions contained in the certificate produced, and in the case of a firearm shall, within seven days from the date of the transaction, send by registered post notice of the transaction to the Controller.

(3) No person shall undertake the repair, test or proof of a firearm or ammunition for any other person in Zimbabwe, other than a registered firearms dealer as such, unless that other person produces or causes to be produced a firearm certificate authorizing him to have possession of the firearm or ammunition or shows that he is, by virtue of this Act, entitled to have possession of the firearm or ammunition without holding such a certificate.

(4) No person who is registered as a firearms dealer in terms of section *fifteen* shall, in the course of his business, purchase or acquire a firearm or ammunition from any other person apart from the manufacturer or importer of the firearm or ammunition unless that other person produces a firearm certificate authorizing that other person to possess or dispose of the firearm or ammunition or shows that he is, by virtue of this Act, entitled to possess or dispose of the firearm or ammunition without a firearm certificate.

(5) No person carrying on or employed in the business of an auctioneer, carrier or storage contractor shall, in the course of his business, take possession of a firearm or ammunition from any other person apart from the manufacturer or importer of the firearm or ammunition unless that other person produces a firearm certificate authorizing that other person to possess or dispose of the firearm or ammunition or shows that he is, by virtue of this Act, entitled to possess or dispose of the firearm or ammunition without a firearm certificate.

(6) If any person—

(a) contravenes this section; or

(b) with a view to purchasing, acquiring, selling or transferring or procuring the repair, test or proof of a firearm or ammunition, produces a false firearm certificate or a firearm certificate in which any false entry has been made or personates a person to whom a firearm certificate has been granted or makes any false statement;

he shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

19 Register of transactions for firearms and ammunition

(1) Any person who, by way of trade or business, deals in, sells or transfers firearms or ammunition shall provide and keep a register of transactions in the prescribed form and shall enter or cause to be entered therein such particulars as may be prescribed.

(2) Any such entry shall be made within twenty-four hours after the transaction to which it relates took place and, in the case of a sale or transfer, the person referred to in subsection (1) shall, at the time of the transaction, require the purchaser or transferee to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the register.

(3) Any person referred to in subsection (1) shall, on demand, allow any police officer to enter and inspect all stock in hand, and shall on request by any such police officer produce for inspection the register required to be kept in terms of subsection (1).

(4) When any person who has been required by subsection (1) to keep a register ceases for any reason to carry on the trade or business concerned, he shall, within one month of ceasing to carry on that trade or business, surrender the register kept by him in terms of subsection (1) to the Controller.

(5) If any person—

(a) fails to comply with this section; or

(b) knowingly makes any false entry in a register required to be kept under this section; or

(c) knowingly furnishes any false particular of identification of himself or any other person;

he shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

20 Powers of court in case of offence by registered firearms dealers

Where a registered firearms dealer is convicted of an offence under this Act or of an offence under any law in respect of the import or export of firearms or ammunition, the court may order—

(a) that the name of the registered firearms dealer be removed from the register; and

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

(c) that any person who after the date of the order knowingly employs in the management or conduct of his business the dealer convicted of the offence shall not be registered as a firearms dealer 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:

Provided that a person aggrieved by an order made under this section may appeal against the order 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.

21 Penalty for taking in pawn firearms or ammunition

(1) No person shall take any firearm or ammunition in pawn from any other person.

(2) If any person contravenes subsection (1) he shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

22 Provisions as to converting imitation firearms into firearms

(1) No person shall—

(a) convert into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through the barrel thereof; or

(b) convert any firearm in such a manner that if pressure is applied to the trigger missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty; or

(c) fit onto any firearm a silencing device; or

(d) alter the length or bore of any firearm; or

(e) destroy any firearm;

without having obtained the written permission of the Controller.

(2) If any person contravenes subsection (1) he shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

23 Savings

Nothing in this Part shall relieve any person using or carrying a firearm from the obligation to take out a licence to kill game under any law for the time being in force relating to such licences.

PART III

MISCELLANEOUS PROVISIONS AS TO FIREARMS AND AMMUNITION

24 Special provisions relating to certain types of weapons and ammunition

(1) Subject to subsection (7), it shall not be lawful for any person other than a person in the service of the State in his capacity as such or a person authorized in writing in that behalf by the Minister or a person of a class for the time being authorized in that behalf by the Minister, by notice in a statutory instrument, to sell, transfer, purchase, acquire or have in his possession—

(a) any firearm which is so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty; or

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

(c) any ammunition containing or designed or adapted to contain any such noxious thing; or

(d) any firearm or ammunition specified or any firearm or ammunition of a class or type specified by the Minister, by notice in a statutory instrument; or

(e) any silencing device for a firearm.

(2) If any person contravenes subsection (1) he shall be guilty of an offence and liable to a fine not exceeding level ten or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

(3) An authority given under subsection (1) shall be subject to such conditions as may be specified therein and if any person authorized thereby fails to comply with any such condition, he shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

(4) The Minister may at any time, if he thinks fit, revoke any individual authority given by him to any person under subsection (1) by notice in writing requiring that person to deliver up the authority to such person as may be specified in the notice within fourteen days from the date of the notice, and if that person fails to comply with that requirement he shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

(5) An authority given by the Minister under subsection (1) to any class of persons may at any time be revoked or varied by the Minister by notice in a statutory instrument.

(6) Subsections (1) to (5) shall be in addition to, and not in derogation from, any other provisions of this Act, but the Controller—

- (a) shall not refuse to grant and shall not revoke a firearms certificate in respect of a firearm, weapon or ammunition such as is referred to in subsection (1) if the applicant is for the time being authorized as aforesaid to have possession of that firearm, weapon or ammunition; and
- (b) shall not refuse to enter in the register of firearms dealers the name of a person for the time being authorized as aforesaid to sell or transfer a firearm, weapon or ammunition such as aforesaid or remove the name of such a person from the register on the ground that he cannot be permitted to carry on or to continue to carry on business as a firearms dealer without danger to the public safety or to the peace;

and where any authority to purchase, acquire or have possession of a firearm, weapon or ammunition is revoked under this section the firearm certificate relating to that firearm, weapon or ammunition shall be revoked or varied accordingly by the Controller.

(7) Subsection (1) shall not apply to a person who—

- (a) has, in accordance with a written agreement with the State, been provided with a firearm and ammunition belonging to the State; and
- (b) possesses the firearm and ammunition in accordance with the terms and conditions of the written agreement referred to in paragraph (a).

25 Removal and transportation of firearms and ammunition within Zimbabwe

(1) In this section—

“firearm” and “ammunition” mean, respectively, a firearm and ammunition to which Part II applies.

(2) Subject to subsection (4), no person shall remove or transport or cause to be removed or transported any firearm or ammunition from one place to another in Zimbabwe unless that firearm or ammunition is accompanied—

- (a) by the firearm certificate granted in respect of the firearm or ammunition; or
- (b) where a permit has been issued in respect of the firearm or ammunition in terms of subsection (21) of section *eight*, by the permit; or
- (c) where the firearm or ammunition is the subject of a written agreement referred to in subsection (20) of section *eight*, by the written agreement.

(3) If any person contravenes subsection (2), he shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

(4) Nothing in this section shall apply to—

- (a) a person carrying on the business of a carrier or an employee of such a person in respect of the removal or transportation of any firearms or ammunition in the ordinary course of that business; or
- (b) the removal or transport by a registered firearms dealer of any firearm or ammunition in his possession in the ordinary course of his business as such from one of his places of business to another in the same district or from or to his own place of business or to or from the place of business of another registered firearms dealer in the same district.

26 Restrictions on possession of firearms and ammunition by young persons

(1) No person under the age of sixteen years shall purchase or hire any firearm or ammunition, and no person shall sell or let on hire any firearm or ammunition to any other person whom he knows or has reasonable grounds for believing to be under the age of sixteen years.

(2) No person under the age of fourteen years shall accept as a gift or borrow any firearm or ammunition to which Part II applies, and no person shall give or lend any such firearm or ammunition to any other person whom he knows or has reasonable grounds for believing to be under the age of fourteen years.

(3) No person under the age of fourteen years shall have in his possession any firearm or ammunition to which Part II applies except in circumstances where he is entitled to have possession thereof without holding a firearm certificate by virtue of subsection (9), (10) or (11) of section *eight*, and no person shall part with the possession of any such firearm or ammunition to any other person whom he knows or has reasonable grounds for believing to be under the age of fourteen years except in circumstances where that other person is entitled to have possession thereof as aforesaid.

(4) If any person contravenes this section, he shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

27 Penalties for improper use of firearms

Any person who—

- (a) while carrying a firearm, is under the influence of alcohol or drugs to such an extent as to be incapable of having proper control of such firearm or behaves in a disorderly manner; or

(b) knowingly and without lawful cause, points a firearm at any other person; or
(c) negligently or recklessly discharges a firearm or causes or permits a firearm to be discharged; or
(d) knowingly and without lawful cause, discharges a firearm in or upon a public place;
shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

28 Safeguarding of firearms and ammunition

(1) In this section—

“unauthorized person”, in relation to any firearm or ammunition, means any person other than the person lawfully entitled under this Act to possess that particular firearm or ammunition.

(2) Any person having in his possession any firearm or ammunition shall take all such precautions as may be reasonably necessary to prevent such firearm or ammunition falling into the possession of any unauthorized person and shall comply with such security measures, both with regard to the safekeeping thereof and the condition in which it may be kept, as may be prescribed.

(3) When in any prosecution under this section it is alleged in any indictment, summons or charge that all such precautions as were reasonably necessary to prevent a firearm or ammunition from falling into the possession of an unauthorized person were not taken or that any security measure prescribed was not complied with, it shall be presumed, unless the contrary is proved, that all such precautions were not taken or that such security measure was not complied with, as the case may be.

(4) Where any firearm or ammunition is lost or stolen, it shall be presumed, unless the contrary is proved, that it has fallen into the possession of an unauthorized person.

(5) If any person fails to comply with this section, he shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

29 Loss of firearm or ammunition to be reported

(1) Any person having possession of a firearm or ammunition, whether or not he holds a firearm certificate therefor or is entitled to have possession thereof without holding a firearm certificate, shall, if such firearm or ammunition becomes lost, stolen or destroyed, report such loss, theft or destruction, as the case may be, as soon as is reasonably practicable and in any event within twenty-four hours after its occurrence, at the nearest police station.

(2) If any person fails to comply with subsection (1), he shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

30 Safeguarding stocks of firearms and ammunition in possession of dealers

(1) In the interests of public safety the Minister may at any time direct that the stocks of firearms and ammunition in the possession of firearms dealers or authorized manufacturers in any district or of any firearms or ammunition in transit within Zimbabwe, be taken possession of by the police for the purpose of safe storage.

(2) If the Minister has, in terms of subsection (1), issued any direction with reference to any district, each firearms dealer or authorized manufacturer within that district shall, on being informed by a police officer of the intention to take possession of his stock of firearms and ammunition, take immediate steps for the packing of all firearms and ammunition in his possession for removal to a place of safety.

(3) A receipt shall be given by a police officer who receives firearms or ammunition in terms of this section to the person from whom the firearms or ammunition are received for the number of packages of firearms or ammunition taken possession of in terms of this section.

(4) Any firearms or ammunition taken possession of in terms of this section shall be returned to the persons from whom they were received at such time as the Minister may determine.

(5) Any person who fails to comply with any direction issued under this section shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

PART IV

GENERAL

31 Provision as to forfeiture of firearms and cancellation of certificates

(1) Where any person is convicted of an offence under this Act, the court by which he is convicted may make such order as to the forfeiture or disposal of any or all firearms or ammunition found in his possession as the court thinks fit, and may cancel any or all firearm certificates held by the person convicted.

(2) Where the court cancels a firearm certificate in terms of subsection (1), it shall cause notice to be sent to the Controller who shall, by notice in writing, require the holder of the certificate to surrender it.

(3) If the holder of a firearm certificate fails to surrender such certificate within twenty-one days from the date of the notice referred to in subsection (2), he shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

32 Power to search for and dispose of firearms and ammunition

(1) If a magistrate or justice of the peace is satisfied, on information given on oath, that there are reasonable grounds for suspecting that an offence under this Act has been, is being or is about to be committed, he may grant a search warrant authorizing any police officer named therein—

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises and place and every person found therein; and
- (b) to seize and detain any firearm 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; and
- (c) if the premises are those of a registered firearms dealer, 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 to be guilty of an offence under this Act.

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

33 Information regarding firearms

Any police officer may require any person appearing to be in control of any premises on which such police officer has reason to believe that any firearm or ammunition is kept, or any person employed on such premises, to give him such information as he may require in order to ascertain whether section *twenty-eight* is being complied with.

34 Power to enter premises and obtain information

Any police officer and additionally, or alternatively, any other person authorized by the Minister for the purpose may at any time enter and inspect any premises used for—

- (a) the storage of ammunition or firearms; or
- (b) the storage of raw materials or component parts used in the manufacture of ammunition or firearms; or
- (c) the manufacture of ammunition, any explosive component of ammunition or any firearm;

and may require any person appearing to be in control of, or employed on, such premises to give him such information as he may require in order to ascertain whether section *ten* or *eleven* or the conditions of any authority granted under either of these sections are being complied with.

35 Penalty for obstructing police officer

Any person who—

- (a) obstructs a police officer or authorized person in the exercise of any of the powers conferred upon him by or under section *thirty-two* or *thirty-four*; or
- (b) fails to give to a police officer or authorized person any information which he is lawfully required by such police officer or authorized person to give to him under section *thirty-two*, *thirty-three*, or *thirty-four* or gives to such police officer or authorized person information which he knows to be false or which he does not know or believe to be true;

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

36 Appeals under Parts II and III

(1) Subject to this section, any person may appeal to the Minister if he is aggrieved—

- (a) by the refusal of the Controller to grant him a firearm certificate under section *six*; or
- (b) by the revocation of a firearm certificate; or
- (c) by the refusal of the Controller to grant him a permit under subsection (21) of section *eight* or by the revocation of such permit; or

- (d) by the refusal of the Controller to issue written authority in terms of paragraph (a) of subsection (1) of section *ten*; or
- (e) by the refusal of the Controller to register him as a firearms dealer; or
- (f) by the imposition of any conditions by the Controller in terms of subsection (4) of section *fifteen*; or
- (g) by the removal of his name from the register of firearms dealers by the Controller; or
- (h) by the refusal of the Controller to enter a place of business in the register of firearms dealers under section *seventeen*; or
- (i) by the removal of any such place of business from the register of firearms dealers under section *seventeen*.

(2) The Minister may, on an appeal in terms of subsection (1), confirm, vary or set aside the decision of the Controller which is the subject of the appeal.

(3) An appeal from a decision of the Minister in terms of subsection (2) shall lie to a judge of the High Court who may refer the matter to the court for argument.

(4) On appeal in terms of subsection (3), a judge of the High Court or the court, as the case may be, may dismiss the appeal or give such directions as he or it may think fit to the Controller as respects the firearm certificate, permit or register which is the subject of the appeal.

(5) The decision of the judge of the High Court or the court, as the case may be, on any appeal in terms of subsection (3) shall be final and without appeal.

37 Keeping of central register

(1) The Controller shall cause to be maintained a register containing particulars of all firearm certificates and permits issued under this Act.

38 Appointment of Controller and delegation of powers

(1) The Commissioner of Police shall, for the purposes of this Act, appoint a police officer to be the Controller of Firearms.

(2) The Controller may, with the approval of the Commissioner of Police, by notice in the *Gazette*—

- (a) delegate any of his functions in terms of this Act to such persons as may be specified in that notice, subject to such conditions as may be specified therein;
- (b) withdraw any delegation or vary any conditions imposed in terms of paragraph (a).

39 Service of notices

Any notice required or authorized by this Act to be given to any person may be sent by registered post in a letter addressed to him at his last or usual place of abode or, in the case of a registered firearms dealer, at any place of business in respect of which he is registered.

40 Reciprocal recognition of certificates issued in neighbouring countries or territories

The President may, if he is satisfied that reciprocal provisions have been made in the laws in force in any neighbouring country or territory for the recognition by and under the law in force in such country or territory of firearm certificates granted under this Act, by proclamation, declare that an arms licence or certificate corresponding to a firearm certificate under this Act and issued under such law shall, on being endorsed by the Controller, have the same effect in Zimbabwe as if it were a firearm certificate granted under this Act.

41 Savings

(1) The provisions of this Act relating to ammunition shall be in addition to, and not in derogation from, any other enactment relating to the keeping and sale of explosives.

(2) Nothing in this Act shall apply to—

- (a) an antique or other firearm which is or has been rendered permanently incapable of discharging any shot, bullet or other missile and which is sold, transferred, purchased, acquired, transported or possessed as a souvenir, curiosity or ornament; or
- (b) an antique firearm or ammunition which belongs to or is kept in a museum, and in respect of which the Minister has given a certificate that he is satisfied that proper and adequate precautions have been taken for preventing the firearm or ammunition falling into the hands of any person not lawfully entitled under this Act to possess that firearm or ammunition.

42 State not bound

This Act shall not bind the State:

Provided that nothing in this section shall be construed so as to render lawful the possession by any employee of the State of a firearm or ammunition on any occasion or in any circumstances not authorized by the State.

43 Regulations

(1) The Minister may make such regulations as may reasonably be necessary effectively to administer this Act.

(2) Regulations may—

- (a) prescribe the form of a firearm certificate and of any register required to be kept under this Act, and of any other permit or document under this Act;
 - (b) prescribe the fees to be paid for anything done or for any firearm certificate, permit, document or authorization issued, granted, replaced or renewed under this Act;
 - (c) prescribe the safety measures to be adopted for the safekeeping of firearms and ammunition;
 - (d) notwithstanding any provisions of this Act—
 - (i) exempt from compliance with all or any of the provisions of this Act, persons who possess, use, purchase, acquire, sell, transfer or dispose of any class or type of firearm or ammunition which is specified in the regulations and which, in the opinion of the Minister, is designed wholly or mainly for the destruction of vermin; and
 - (ii) regulate the possession, use, purchase, acquisition, sale, transfer or disposal of any firearm or ammunition referred to in subparagraph (i);
 - (e) prescribe the procedure for appeals in terms of subsection (1) of section *thirty-six*;
 - (f) prescribe any other thing which under this Act is to be prescribed.
- (3) Regulations made for matters referred to in paragraph (c) of subsection (2) may make different provision as respects different classes of persons or different classes or descriptions of firearms or ammunition or as respects the same class or description of firearms or ammunition in different circumstances.