



THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

No. 9,657 — TUESDAY, JANUARY 28, 1947.

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PART II.—LEGAL.

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

L.D.—O. 35/46.

An Ordinance to amend the Firearms Ordinance.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1. This Ordinance may be cited as the Firearms (Amendment) Ordinance, No. of 1947.

2. Section 22 of the Firearms Ordinance (hereinafter referred to as the "principal Ordinance") is hereby amended in sub-section (3) by the substitution for the word "Ordinance", of the following :—

" Ordinance punishable as provided in section 43 ;

Provided, however, that where the offence consists of having the custody or possession of, or of using, any gun other than a smooth-bore shot gun, the offence shall be, punishable with a fine not exceeding one thousand rupees, or with imprisonment of either description for a term not exceeding one year, or with both such fine and imprisonment."

3. The following new section shall be inserted immediately after section 28, and shall have effect as section 28A of the principal Ordinance :—

28A. (1) The Governor may from time to time by Proclamation published in the Gazette and declared applicable either to the whole Island or any specified area thereof, direct every person who has any unlicensed gun in his custody or possession to deliver that gun to the officer-in-charge of the nearest police station within such period as may be specified for that purpose in the Proclamation.

Chapter 139,
Vol. III.,
p. 627.

Short title.

Amendment of
section 22 of
Chapter 139.

Insertion of new
section 28A in the
principal
Ordinance.

Delivery and
confiscation
of guns not
lawfully
possessed.

(2) Every person who has an unlicensed gun in his custody or possession in any area to which the Proclamation published under sub-section (1) applies, shall deliver that gun to the officer-in-charge of the nearest police station within the period specified in the Proclamation. Every gun so delivered shall be kept in deposit in the police station at which it is delivered.

(3) Where before the expiry of three months from the date of delivery of any gun under sub-section (2) the person by whom the gun was delivered obtains a licence to possess and use that gun under the provisions of this Ordinance and produces such licence to the officer-in-charge of the police station at which that gun is kept in deposit, the gun shall be returned to such person. The provision in sections 23 and 25 as to the production of the gun before the licensing authority shall not apply in the case of any gun kept in deposit at a police station.

(4) Where within the period of three months referred to in sub-section (3) no licence is produced in respect of any gun kept in deposit at a police station, that gun shall be forfeited to His Majesty.

(5) Where a gun is delivered by any person in accordance with the provisions of sub-section (2), such person shall not, by reason of his having had that gun in his custody, or possessed or used that gun, prior to the date of such delivery, be liable to any prosecution or punishment for any offence against section 22.

Objects and Reasons.

Under sub-section 3 of section 22 of the Firearms Ordinance (Chapter 139) the possession or use by any person of a gun without a licence is, except as provided in sub-section (2) of that section, an offence, and such an offence is punishable with the penalties prescribed in section 43 for offences against the Ordinance. The object of Clause 2 of this Bill is to amend section 22 so as to provide higher penalties for the offence of possessing or using without a licence any gun other than a smooth-bore shot gun.

2. There is reason to believe that there is at the present time a large number of guns for which licences have not been obtained by the persons possessing them. It is proposed to give such persons an opportunity to absolve themselves from liability to prosecutions under the Ordinance by delivering these guns at the nearest police stations within a specified period. A person so delivering a gun will be at liberty thereafter to apply for a licence in respect of that gun, and if he obtains such a licence within three months, the gun will be restored to him.

Effect will be given to this proposal by the new section 22A which is to be inserted in the Ordinance by Clause 3. The new section is so drafted that it can be availed of in the future if a similar contingency arises.

A. MAHADEVA,
Minister for Home Affairs.

Colombo, January 22, 1947.