

# ORDINANCE OF THE STATES OF ALDERNEY

ENTITLED

## **The Dangerous Weapons (Alderney) Ordinance, 1965 \***

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from the Greffier, The Court of Alderney, Queen Elizabeth II Street, Alderney, GY9 3TB.*

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\* Alderney Ordinance No. II of 1965; as amended by the Fees (Alderney) Law, 2011 (No. XX of 2012); the Dangerous Weapons (Amendment) (Alderney) Ordinance, 1985 (Alderney Ordinance No. I of 1985); the Dangerous Weapons (Amendment) (Alderney) Ordinance, 1992 (Alderney Ordinance No. V of 1992); the Dangerous Weapons (Alderney) (Amendment) Ordinance, 1993 (Alderney Ordinance No. XII of 1993); the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2009 (Alderney Ordinance No. XI of 2009). See also the Police Force (Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Government of Alderney Law, 2004 (No. III of 2005, Ordres en Conseil Vol. XLV, p. 26); the Fees (Alderney) Law, 2011 (No. XX of 2012); the Fees (Alderney) Ordinance, 2018 (Alderney Ordinance No. XVII of 2018).

# ORDINANCE OF THE STATES OF ALDERNEY

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## **The Dangerous Weapons (Alderney) Ordinance, 1965**

### ARRANGEMENT OF SECTIONS

1. Interpretation.
2. Restriction on purchase, acquisition and possession of dangerous weapons and ammunition.
3. Grant, renewal, variation and revocation of weapons certificates.
4. Exemptions from holding a weapons certificate.
5. Restriction on use of dangerous weapons.
6. Restriction on sale, etc., of dangerous weapons and ammunition.
- 6A. Exemption for schools using long-bows.
- 6B. Exemption for clubs using long-bows.
7. Restriction on manufacture of dangerous weapons and ammunition.
- 7A. Grant, renewal, variation and revocation of weapons manufacture certificate.
8. Fees in respect of weapons certificates.
9. Appeals.
10. Production of weapons certificates.
11. Savings.
- 11A. Interpretation.
12. Citation.

SCHEDULE Form of Weapons Certificate.

(Made on 22nd July, 1965.)

## The Dangerous Weapons (Alderney) Ordinance, 1965

**THE STATES**, on the representations of the Agricultural and Estates Committee and in exercise of the powers conferred upon them by section two and section ten of the Dangerous Weapons (Alderney) Law, 1965, and of all other powers thereunto them enabling, hereby order: –

### **Interpretation.**

1. In this Ordinance the following expressions have the meanings hereby respectively assigned to them, that is to say –

**"the Court"** means the Court of Alderney,

**"officer of police"** means a member of the salaried police force of the Island of Guernsey,

**"slaughtering instrument"** means a dangerous weapon 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,

**"weapons certificate"** means a certificate granted under section three of this Ordinance.

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### **NOTE**

*In accordance with the provisions of the Police Force (Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.*

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**Restriction on purchase, acquisition and possession of dangerous weapons and ammunition.**

2. (1) A person shall not purchase, acquire or have in his possession any dangerous weapon or ammunition unless he holds a weapons certificate in force at the time.

(2) If any person –

- (a) purchases, acquires or has in his possession any dangerous weapon or ammunition without holding a weapons certificate in force at the time, or otherwise than as authorised by such a certificate, or, in the case of ammunition, in quantities in excess of those so authorised, or
- (b) fails to comply with any condition subject to which a weapons certificate is held by him,

he shall be guilty of an offence under this Ordinance.

**Grant, renewal, variation and revocation of weapons certificates.**

3. (1) An application for the grant of a certificate under this section shall be made to the Clerk of the States, who may grant the certificate if he is satisfied that the applicant has a good reason for purchasing, acquiring or having in his possession the dangerous weapon or ammunition in respect of which application is made and can be permitted to have in his possession that dangerous weapon or ammunition without danger to the public safety or to the peace:

Provided that certificate shall not be granted –

*Consolidated text*

- (a) to a person whom the Clerk of the States has reason to believe to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a dangerous weapon,
- (b) to be a person under the age of eighteen years.

(2) A weapons certificate shall be in the form set out in the Schedule to this Ordinance, or in a form to the like effect, and shall specify the conditions (if any) subject to which it is held, the nature and number of dangerous weapons to which it relates and, as respects ammunition, the quantities authorised to be purchased and to be held at any one time thereunder.

(3) A weapons certificate shall, unless previously revoked or cancelled, continue in force for three years from the date when it was granted or last renewed, but shall be renewable for a further period of three years by the Clerk of the States and so from time to time, and the foregoing provisions of this section shall apply to the renewal of a certificate as they apply to the grant of a certificate.

(4) The Clerk of the States may at any time by notice in writing vary the conditions subject to which a weapons certificate is held and may by the notice require the holder to deliver up the certificate to him within twenty-one days from the date of the notice for the purpose of amending the conditions specified therein.

(5) A weapons certificate may, on the application of the holder thereof, be varied from time to time by the Clerk of the States.

(6) A weapons certificate may be revoked by the Clerk of the States if –

- (a) he is satisfied that the holder is of intemperate habits or unsound mind, or is otherwise unfitted to be entrusted with a dangerous weapon, or
- (b) the holder fails to comply with a notice under subsection (4) of this section requiring him to deliver up the certificate.

(7) In any case where a weapons certificate is revoked by the Clerk of the States, he shall by notice in writing require the holder to surrender the certificate, and if the holder fails to do so within twenty-one days from the date of the notice, he shall be guilty of an offence under this Ordinance:

Provided that, where an appeal is brought under section nine of this Ordinance 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.

**Exemptions from holding a weapons certificate.**

4. (1) The following provisions of this section shall have effect notwithstanding anything in section two of this Ordinance.

(2) A person approved by the Clerk of the States may, without holding a weapons certificate, have in his possession a slaughtering instrument and ammunition therefor.

(3) A person may, without holding a weapons certificate –

- (a) have in his possession a dangerous weapon or ammunition on board a ship, or a signalling apparatus

or ammunition therefor on board an aircraft or at the States Airport, as part of the equipment of the ship, aircraft or the States Airport, and

- (b) remove a signalling apparatus or ammunition therefor, being part of the equipment of an aircraft, from one aircraft to another at the States Airport, or from or to an aircraft at the States Airport to or from a place appointed for the storage thereof in safe custody at the States Airport, and keep any such apparatus or ammunition at such a place, and
- (c) if he obtained from the Clerk of the States a permit for the purpose, remove a dangerous weapon from or to a ship, or a signalling apparatus from or to an aircraft or the States Airport, to or from such place and for such purpose as may be specified in the permit.

(4) A member of a rifle club or miniature rifle club or cadet corps approved by the Lieutenant-Governor may, without holding a weapons certificate, have in his possession a rifle or pistol and ammunition therefor when engaged as such a member in, or in connection with, drill or target practice.

(5) A person may, without holding a weapons certificate, have a pistol in his possession at an athletic meeting for the purpose of starting races at that meeting.

(6) A person approved by the Clerk of the States may, without holding a weapons certificate, have a dangerous weapon or ammunition in his possession for the purpose of repairing, testing or proving the same.

[ (7) A person who is not ordinarily resident in Alderney and who has not been in Alderney on more than 30 days in the preceding 12 months may have in his possession a shotgun, rifle or pistol without holding a Weapons Certificate, if –

- (a) he has at the same time in his actual possession a currently valid permit (by whatever name called) issued by the appropriate authority in his country of residence and authorising him to possess that shotgun, rifle or pistol in that country, and
- (b) that shotgun, rifle or pistol is in his possession solely for use at a bona fide competition, previously organised and notified to the Clerk of the States by such a club as is mentioned in subsection (4) of this section, at such premises as may be approved by the Clerk of the States.

(8) A person who may lawfully have a shotgun, rifle or a pistol in his possession without holding a Weapons Certificate by virtue of subsection (7) of this section may at the same time have in his possession without holding a Weapons Certificate so much ammunition therefor –

- (a) as is reasonably necessary for the purpose of taking part in the competition referred to in that subsection, and
- (b) as he is authorised to possess by the permit referred to in that subsection,

whichever is the less.]

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**NOTE**

*In section 4, subsection (7) and subsection (8) were inserted by the Dangerous Weapons (Amendment) (Alderney) Ordinance, 1992, section 1, with effect from 15th July, 1992.*

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**Restriction on use of dangerous weapons.**

5. (1) A person shall not use or attempt to use a dangerous weapon so however, that such prohibition shall not apply in relation to the use of –

- (a) a smooth bore gun for sporting purposes,
- (b) a slaughtering instrument for the slaughter of any animal by such person as is mentioned in subsection (2) of the last preceding section,
- (c) a dangerous weapon kept on board a ship as part of the equipment of the ship and where such weapon is used for any purpose for which it is so kept,
- (d) a signalling apparatus kept on board an aircraft or at the States Airport as part of the equipment of the aircraft or the States Airport, as the case may be, and where such apparatus is used for any purpose for which it is so kept,
- (e) a rifle or pistol by a member of such rifle club or miniature rifle club as is mentioned in subsection (4) of the last preceding section in connection with target practice it at such premises as may be approved by the Clerk of the States,
- (f) a rifle or pistol by a member of such cadet corps as is

mentioned in the said subsection (4) in such circumstances as may be approved by the Clerk of the States,

- (g) a pistol at an athletic meeting for the purpose of starting races at that meeting,
- (h) a dangerous weapon by such person as is mentioned in subsection (6) of the last preceding section where such weapon is used for the purpose of testing the same,
- (i) a dangerous weapon by a person who is the holder of a weapons certificate in force at the time for the purpose of slaughtering an animal where it is necessary so to do and it is not reasonably practicable to procure the slaughter of the animal by means of a slaughtering instrument.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence under this Ordinance.

**Restriction on sale, etc., of dangerous weapons and ammunition.**

6. (1) A person shall not sell or transfer to any other person in this Island any dangerous weapon or ammunition unless that other person produces a weapons certificate authorising him to purchase or acquire it:

Provided that this subsection shall not prevent a person parting with the possession of a dangerous weapon or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a person who shows that he is by virtue of this Ordinance entitled to have possession of the dangerous weapon or ammunition without holding such a certificate.

(2) Any person who contravenes or attempts to contravene the provisions of subsection (1) of this section shall be guilty of an offence under this Ordinance.

**Exemption for schools using long-bows.**

**6A.** Notwithstanding the preceding provisions of this Ordinance, a person who does not hold a weapons certificate may have in his possession and may use a long-bow and arrows therefor provided that –

- (a) he is a pupil or a member of the teaching staff of –
  - (i) St Anne's School, Alderney or Ormer House Preparatory School, Alderney, or
  - (ii) another school and in that capacity is a member of a school party visiting either of the schools mentioned in subparagraph (i),
- (b) he uses the bow and arrows only in the course of an activity officially organised by either of the schools mentioned in paragraph (a)(i), being the school to which he belongs or which he is visiting, and
- (c) in the case of a pupil, he uses the bow and arrows only in the presence of, under the immediate supervision and control of and in accordance with any instructions of a member of the teaching staff of either of the schools mentioned in paragraph (a)(i), being the school to which he belongs or which he is visiting,

and a person may also sell, hire, give or lend a long-bow and arrows therefor to a person described in paragraph (a)(i).]

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**NOTE**

*Section 6A was inserted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 1993, section 1, with effect from 17th December, 1993.*

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**[Exemption for clubs using long-bows.]**

**6B.** Notwithstanding the preceding provisions of this Ordinance, a person who does not hold a weapons certificate may have in his possession and may use a long-bow and arrows therefor provided that –

- (a) he is a member of a properly constituted archery club –
  - (i) formed in the Island, or
  - (ii) formed outside the Island and in that capacity is visiting any such club as is described in subparagraph (i),
- (b) he uses the bow and arrows only in the course of an activity officially organised by any such club as is described in paragraph (a)(i), being the club to which he belongs or which he is visiting, and
- (c) in the case of a minor, he uses the bow and arrows only in the presence of, under the immediate supervision and control of and in accordance with any instructions of an adult member of any such club as is described in paragraph (a)(i), being the club to which he belongs or

which he is visiting, such adult member being of sufficient experience and ability in archery to enable him to supervise minors using long-bows and arrows therefor,

and a person may also sell, hire, give or lend a long-bow and arrows therefor to a person described in paragraph (a)(i).]

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**NOTE**

*Section 6B was inserted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 1993, section 1, with effect from 17th December, 1993.*

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**[Restriction on manufacture of dangerous weapons and ammunition.**

7. (1) A person shall not manufacture any dangerous weapon or ammunition unless he holds a weapons manufacture certificate under section 7A in force at the time.

(2) If any person –

- (a) manufactures any dangerous weapon or ammunition without holding a weapons manufacture certificate in force at the time, or otherwise than as authorised by such a certificate, or
- (b) fails to comply with any condition subject to which a weapons manufacture certificate is held by him,

he shall be guilty of an offence under this Ordinance.]

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**NOTE**

*Section 7 was substituted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2009, section 1, with effect from 16th December, 2009.*

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**[Grant, renewal, variation and revocation of weapons manufacture certificate.]**

7A. (1) An application for the grant of a weapons manufacture certificate shall be made to the Clerk of the States, who may, subject to subsection (2), grant the certificate if he is satisfied that the applicant has a good reason for manufacturing weapons or ammunition and can be permitted to do so without danger to the public safety or to the peace.

(2) A weapons manufacture certificate shall not be granted –

- (a) to a person whom the Clerk of the States has reason to believe to be a person of unsound mind or otherwise unfitted to be entrusted with the manufacture of weapons or ammunition, or
- (b) to a person under the age of eighteen years.

(3) A weapons manufacture certificate shall specify the conditions (if any) subject to which it is held, and the nature and quantity of weapons or ammunition authorised to be manufactured thereunder.

(4) A weapons manufacture certificate shall, unless previously revoked or cancelled, continue in force for five years from the date when it was granted or last renewed, but shall be renewable for a further period of five years by the Clerk of the States and so from time to time; and the foregoing provisions of this section shall apply to the renewal of a certificate as they apply to the grant of a certificate.

(5) The Clerk of the States may at any time by notice in writing vary the conditions subject to which a weapons manufacture certificate is held and may by notice require the holder to deliver up the certificate to him within twenty-one days from the date of the notice for the purpose of amending the conditions specified therein.

(6) A weapons manufacture certificate may, on the application of the holder thereof, be varied from time to time by the Clerk of the States.

(7) A weapons manufacture certificate may be revoked by the Clerk of the States if –

- (a) he is satisfied that the holder is of unsound mind, or otherwise unfitted to be entrusted with the manufacture of weapons or ammunition, or
- (b) the holder fails to comply with a notice under subsection (5) requiring him to deliver up the certificate.

(8) Subject to subsection (9), in any case where a weapons manufacture certificate is revoked by the Clerk of the States he shall by notice in writing require the holder to surrender the certificate, and if the holder fails to do so within twenty-one days from the date of the notice, he shall be guilty of an offence under this Ordinance.

(9) Where an appeal is brought under section 9 against the revocation of a weapons manufacture certificate, subsection (8) 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.]

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**NOTE**

*Section 7A was inserted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2009, section 1, with effect from 16th December, 2009.*

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**Fees in respect of weapons certificates.**

8. [ There shall be payable to the States of Alderney on the grant or renewal of a weapons certificate such fee as the States of Alderney may prescribe by Ordinance in accordance with the Fees (Alderney) Law, 2011.]

Provided that such fee shall not be payable –

- (a) on the grant, to any responsible officer of a rifle club or miniature rifle club approved for the purpose by the Lieutenant-Governor, of a certificate in respect of dangerous weapons or ammunition to be used solely for target practice by members of the club, or on the renewal of a certificate so granted,
- (b) on the grant or renewal of a certificate relating solely to a dangerous weapon which is shown to the satisfaction of the Clerk of the States to be kept by the applicant as a trophy of a war.

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**NOTES**

*In section 8, the words in square brackets were substituted by the Fees (Alderney) Law, 2011, section 2, Schedule, Part I, paragraph 2(2), with effect from 1st January, 2019.<sup>1</sup>*

*In accordance with the provisions of the Fees (Alderney) Law, 2011, section 3, Schedule, Part II, paragraph 5, with effect from 1st January, 2019, the fees referred to in this section may be prescribed in accordance with that Law.*

*In accordance with the provisions of the Fees (Alderney) Ordinance, 2018, section 1, Schedule 1, Part I, with effect from 1st January, 2019, the fees payable hereunder are as set out therein.*

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**Appeals.**

9. (1) A person aggrieved by any decision of the Clerk of the States in the exercise of his powers under this Ordinance may appeal therefrom to the Court in accordance with the provisions of this section.

(2) Notice of an appeal, signed by the appellant and stating the general grounds of the appeal, shall be given by him to the Clerk of the Court within fifteen days after the date on which the appellant was notified of the decision by which he is aggrieved.

(3) On receiving notice of an appeal the Clerk of the Court shall give notice to the appellant of the date and time fixed for the hearing, which date shall not be less than seven days after the date when the Clerk of the Court received the notice of appeal.

(4) An appellant may at any time, not less than two days before the date fixed for the hearing, abandon his appeal by giving notice in writing to the Clerk of the Court.

(5) On the hearing of an appeal the Court, whose decision shall be final, may dismiss the appeal or give the Clerk of the States such directions as the Court thinks fit as respects the certificate or other matter which is the subject of the appeal.

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**NOTE**

*In accordance with the provisions of the Government of Alderney Law, 2004,*

*section 20(1), with effect from 1st May, 2005, the person appointed to the office of Greffier is to act as the Clerk of the Court and in accordance with the provisions of section 25(1)(e), with effect from that same date, the functions of the Greffier include the functions assigned by law to the Clerk of the Court.*

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**Production of weapons certificates.**

**10.** (1) An officer of police may demand from any person whom he believes to be in possession of a dangerous weapon or ammunition, the production of his weapons certificate.

(2) If any person upon whom a demand is so made fails to produce the certificate, or to permit the officer of police to read the certificate, or to show that he is entitled by virtue of this Ordinance to have the dangerous weapon or ammunition in his possession without holding a weapons certificate, the officer of police may seize and detain the dangerous weapon or ammunition and may require that person to declare to him immediately his name and address.

(3) If any person refuses so to declare his name and address he shall be guilty of an offence under this Ordinance.

**Savings.**

**11.** (1) Any certificate or permit granted under any enactment repealed by the Dangerous Weapons (Alderney) Law, 1965, shall, if in force immediately before the commencement of that Law, continue in force and have effect as if it was a certificate granted under section three of this Ordinance.

(2) Nothing in this Ordinance shall apply in relation to the possession and use of any dangerous weapon or ammunition by an officer of police in or for the purposes of the execution of his duties.

(3) Nothing in this Ordinance shall apply to an antique weapon

which is sold, transferred, purchased, acquired or possessed as a curiosity or ornament.

**Interpretation.**

**11A.** (1) The Interpretation (Guernsey) Law, 1948 applies to the interpretation of this Ordinance.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.]

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**NOTES**

*Section 11A was inserted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2009, section 2, with effect from 16th December, 2009.*

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.*

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**Citation.**

**12.** This Ordinance may be cited as the Dangerous Weapons (Alderney) Ordinance, 1965.

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**NOTE**

*The Ordinance was made and came into operation on 22nd July, 1965.*

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SCHEDULE  
FORM OF WEAPONS CERTIFICATE

Section three

**THE DANGEROUS WEAPONS (ALDERNEY) LAW, 1965**

This is to certify that .....  
of .....  
is hereby authorised to purchase/acquire/have in his possession the dangerous  
weapon(s) and/or ammunition specified hereunder subject to the following  
conditions:

Dangerous Weapon(s):

Ammunition (stating quantity)

Signed: .....

Clerk of the States

Dated: ..... 19 .. .

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NB: (1) This certificate, unless previously revoked or cancelled, shall continue  
in force for three years from the date specified above and is renewable  
for a further period of three years and so from time to time.

- (2) Under section five of the Dangerous Weapons (Alderney) Ordinance, 1965, no dangerous weapon may be used except a smooth bore gun for sporting purposes or except in certain other cases specified in that section.

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<sup>1</sup> These words were previously amended by the Dangerous Weapons (Amendment) (Alderney) Ordinance, 1985, respectively section 1(a) and section 1(b), with effect from 7th March, 1985.