

ORDINANCE OF THE STATES OF ALDERNEY

ENTITLED

The Dangerous Weapons (Alderney) Ordinance, 1965 *

[CONSOLIDATED TEXT]

NOTE

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* Alderney Ordinance No. II of 1965; as amended by the: Fees (Alderney) Law, 2011 (No. XX of 2012); Dangerous Weapons (Amendment) (Alderney) Ordinance, 1985 (Alderney Ordinance No. I of 1985); Dangerous Weapons (Amendment) (Alderney) Ordinance, 1992 (Alderney Ordinance No. V of 1992); Dangerous Weapons (Alderney) (Amendment) Ordinance, 1993 (Alderney Ordinance No. XII of 1993); Dangerous Weapons (Alderney) (Amendment) Ordinance, 2009 (Alderney Ordinance No. XI of 2009); Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022 (Alderney Ordinance No. V of 2022). See also the: Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); Government of Alderney Law, 2004 (No. III of 2005, Ordres en Conseil Vol. XLV, p. 26); Fees (Alderney) Law, 2011 (No. XX of 2012); 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.
- 1A. Meaning of "adequate public liability insurance".
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.
- 4A. Disposal of dangerous weapons kept for safekeeping and public safety.
5. Restriction on use of dangerous weapons.
- 5A. Permit to shoot vermin or pests with smooth-bore gun, rifle or air rifle.
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.
- 8A. Approvals.
9. Appeals.
10. Production of weapons certificates.
- 10A. Power of search with warrant.
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 –

["**antique weapon**" means a weapon –

- (a) manufactured before 7th May 1945, and
- (b) purchased, acquired or (as the case may be) possessed solely as a curiosity or ornament,]

["**approved club**" means a rifle club, miniature rifle club or shooting club, approved by the Clerk of the States for the purposes of this Ordinance,]

["**approved range**" means a shooting range or other premises approved by the Clerk of the States for the purposes of this Ordinance,]

["**Clerk of the States**" means the Chief Executive of the States of Alderney,]

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

["**deactivated firearm**" means a firearm that bears a mark approved by the Secretary of State under section 8 of the Firearms (Amendment) Act 1988 –

- (a) made by either of the proof houses of the Master, Wardens and Society of the Mystery of Gunmakers of the City of London or of the guardians of the Birmingham proof house, and
- (b) denoting the fact that the firearm has been rendered incapable of discharging any shot, bullet or other missile,]

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

["**pistol**", for the avoidance of doubt, includes revolver,]

"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,

["**States Armourer**" or "**Armourer**" means a person appointed by the Clerk of the States as a States Armourer,]

["**States Armoury**" means the place designated by the Clerk of the States for safe custody of dangerous weapons or ammunition for the purposes of this Ordinance,]

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

NOTES

In section 1, the definitions of the expressions "antique weapon", "approved club", "approved range", "Clerk of the States", "deactivated firearm", "pistol", "States Armourer" or "Armourer" and "States Armoury" were inserted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022, section 2, with effect from 21st July, 2022.

In accordance with the provisions of the Police Force (Bailiwick of 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.

[Meaning of "adequate public liability insurance".

1A. For the purposes of this Ordinance, a person is to be regarded as holding adequate public liability insurance in respect of a dangerous weapon only if the person holds a policy of insurance that –

- (a) is issued by a recognised insurer (within the meaning given by Schedule 5 to the Insurance Business (Bailiwick of Guernsey) Law, 2002), and
- (b) subject to any restrictions or conditions specified in it, insures the person in an amount of not less than £1,000,000 in respect of any liability which may be incurred by that person in respect of the death of or bodily injury to any person or for loss of or any damage to property in any one occurrence or series of occurrences arising out of any one event caused by or arising out of the use of the dangerous weapon.]

NOTE

Section 1A was inserted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022, section 3, with effect from 21st July, 2022.

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[, and that the

applicant holds adequate public liability insurance for the dangerous weapon (except in the case of an antique weapon or a deactivated firearm)]:

Provided that certificate shall not be granted –

- (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.

[(1A) Despite subsection (1)(b), a certificate may be granted to a person over the age of 15 years to purchase, acquire or have in the person's possession a smooth bore gun if the person is a member of an approved club.]

(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.

NOTE

In section 3, first, the words in square brackets in subsection (1) and, second,

subsection (2) were inserted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022, section 4, respectively paragraph (a) and paragraph (b), with effect from 21st July, 2022.

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.

[(1A) A States Armourer may, without holding a weapons certificate, purchase, acquire or have in the Armourer's possession a dangerous weapon or ammunition, on behalf of the Clerk of the States, where the Armourer, acting in the execution of the Armourer's duties –

- (a) considers it necessary to do so for the purposes of safekeeping and public safety,
- (b) keeps the weapon or (as the case may be) ammunition in the Armourer's possession for a period not exceeding two weeks, and
- (c) keeps the weapon or (as the case may be) ammunition in safe custody in the States Armoury, except where that weapon or ammunition is being moved to or from the States Armoury or being repaired, tested or proven.]

(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 an approved club may, without holding a weapons certificate, have in his possession a smooth bore gun, rifle, pistol, air rifle or air pistol and ammunition therefor when engaged as such a member in, or in connection with, target practice or other shooting activities carried out on or at an approved range.]

(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 [...] without holding a Weapons Certificate, [...] –

(a) he has [a shotgun, rifle or pistol, if] 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 [that weapon is in his possession solely for use at a *bona fide* competition, previously organised and notified to the Clerk of the States by an approved club and carried out on or at an approved range,]

[(b) a shotgun, if he –

(i) 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 a shotgun of the same kind or description,

(ii) has borrowed the shotgun from a person ("**the lender**") who holds a weapons certificate for it,

(iii) possesses and uses that shotgun in compliance with any conditions as to those matters specified

in the lender's weapons certificate,

- (iv) holds adequate public liability insurance for the use of that shotgun, and
- (v) is in the presence of the lender at all times while in possession of that shotgun.]

(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 [subsection (7)(a) or (as the case may be) for any permitted use of the weapon falling within subsection (7)(b)(iii), or]
- (b) as he is authorised to possess by the permit referred to in [subsection (7)],

whichever is the less.]

NOTES

In section 4,

first, subsection (1A) was inserted, second, subsection (4) was substituted, third, the words omitted in the first and, fourth, second pairs of square brackets within subsection (7) were repealed, fifth, the words in the first and, sixth, second pairs of square brackets in subsection (7)(a) were both inserted, seventh, paragraph (b) of that subsection was substituted and, eighth and ninth, the words in the first and second pairs of square brackets in subsection (8) were substituted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022, section 5, respectively paragraph (a),

paragraph (b), paragraph (c)(i)(A), paragraph (c)(i)(B), paragraph (c)(i)(A), paragraph (c)(ii)(B), paragraph (c)(iii), paragraph (d)(i) and paragraph (d)(ii), with effect from 21st July, 2022;

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

[Disposal of dangerous weapons kept for safekeeping and public safety.]

4A. (1) This section applies to any dangerous weapon or ammunition kept by a States Armourer in the States Armoury for the purposes of safekeeping or public safety in the course of the execution of the Armourer's duties.

(2) The States Armourer or the Clerk of the States may destroy or otherwise dispose of the weapon or (as the case may be) ammunition with the consent of the owner.

(3) Without limiting subsection (2), on an application by the Clerk of the States, the Court may make an order for the destruction or disposal of the weapon or (as the case may be) ammunition in any manner the Court sees fit.]

NOTE

Section 4A was inserted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022, section 6, with effect from 21st July, 2022.

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, low-poundage air pistol or low-poundage air rifle, for sporting purposes or for the purpose of vermin or pest control, in and across land

other than a public place, where the person –

- (i) is the occupier of the land,
 - (ii) has obtained the prior written consent of the occupier of the land, or
 - (iii) is unable to identify the occupier of the land despite making reasonable inquiries,
- (aa) in any case where paragraph (a) does not apply, a smooth bore gun, rifle or air rifle, for the purpose of vermin or pest control, in and across any land (whether or not a public place) in accordance with a permit issued under section 5A,]
- (b) a slaughtering instrument for the slaughter of any animal by such person as is mentioned in [section 4(2),]
 - (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 smooth bore gun, rifle, pistol, air pistol or air rifle –

- (i) by a member of an approved club in connection with target practice or other shooting activities on or at an approved range, or
- (ii) by a person who holds a weapons certificate for it, on or at an approved range,]
- (f) ...
- (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 [section 4(6)] 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 [and]
- [(j) a speargun for fishing.]

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

[(3) Nothing in subsection (1)(a) or (aa) or section 5A limits the Protection of Wild Birds (Alderney) Ordinance, 2005.

- (4) In subsection (1) –

"low-poundage air pistol" means an air pistol capable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy which is no more than six foot-pounds,

"low-poundage air rifle" means an air rifle capable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy which is no more than 12 foot-pounds, and

"public place" includes any road, street, lane and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise.

- (5) For the avoidance of doubt –

- (a) in subsection (1)(a), the reference to sporting purposes includes the shooting of game, and
- (b) the reference in subsection (1)(a) or (aa) to using a rifle or an air pistol or air rifle in and across any land for the purpose of vermin or pest control includes shooting or otherwise using the rifle, air pistol or air rifle in or across the land for the purpose of zeroing in order to shoot vermin or pests.]

NOTE

In section 5, first, subsection (1)(a) was substituted and subsection (1)(aa) inserted, second, the words in square brackets in subsection (1)(b) were substituted, third, subsection (1)(e) was substituted, fourth, subsection (1)(f) was repealed, fifth, the words in square brackets in subsection (1)(h) were substituted, sixth, subsection (1)(j) and the word in square brackets

immediately after subsection (1)(i) were inserted and, seventh, subsection (3), subsection (4) and subsection (5) were inserted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022, section 7, respectively paragraph (a)(i), paragraph (a)(ii), paragraph (a)(iii), paragraph (a)(iv), paragraph (a)(v), paragraph (a)(vi) and paragraph (b), with effect from 21st July, 2022.

[Permit to shoot vermin or pests with smooth-bore gun, rifle or air rifle.]

5A. (1) On application, the Clerk of the States may issue a permit for the purposes of section 5(1)(aa) to authorise a person who holds a weapons certificate for a smooth bore gun, rifle or air rifle to use it to shoot vermin or pests on any land for the purpose of vermin or pest control ("**culling**").

(2) The Clerk of the States must not issue a permit unless the person satisfies the Clerk that –

(a) in any case where the land into or across which the weapon will be fired is not a public place, the person –

(i) is the occupier of the land,

(ii) has obtained the written consent of the occupier of the land to carry out the culling during the days and times specified in the permit, or

(iii) is unable to identify the occupier of the land despite making reasonable inquiries, and

(b) the person holds adequate public liability insurance for the weapon.

(3) A permit –

- (a) must be issued in writing,
- (b) must specify the land in and across which, and the days and times during which, the person may carry out the culling,
- (c) is subject to the conditions specified in subsection (4) and any other condition (including, without limitation, conditions as to the locations, occasions, circumstances and purposes for which the permit is valid) specified in the permit by the Clerk of the States,
- (d) may be revoked or suspended at any time by notice in writing given to the person, if the Clerk of the States is of the opinion, based on reasonable grounds, that—
 - (i) the person has contravened a condition of the permit or a provision of this Ordinance,
 - (ii) the person has allowed or permitted any other person to contravene a condition of the permit or a provision of this Ordinance,
 - (iii) any requirement of subsection (2) is not or is no longer complied with or would not be complied with if an application for such a permit were then being made, or
 - (iv) the permit should be revoked or suspended for any other good reason, and

- (e) unless earlier revoked, expires on the anniversary of its issue or any earlier expiry date specified in the permit.
- (4) The person –
 - (a) must take reasonable steps to ensure public safety when carrying out the culling, and
 - (b) must not fire the weapon beyond the land specified in the permit under subsection (3)(b).]

NOTE

Section 5A was inserted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022, section 8, with effect from 21st July, 2022.

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[, other than the States Armourer,] 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.

NOTE

In section 6, the words in square brackets in subsection (1) were inserted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022, section 9, with effect from 21st July, 2022.

[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
 - (ii) another school and in that capacity is a member of a school party visiting [the school] mentioned in subparagraph (i),
- (b) he uses the bow and arrows only in the course of an activity officially organised by [the school] 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 [the school] 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).]

NOTES

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

In section 6A, first, the words omitted in square brackets in paragraph (a)(i) were repealed and, second, the words "the school" in square brackets, wherever occurring in paragraphs (a)(ii), (b) and (c) were substituted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022, section 10, respectively paragraph (a) and paragraph (b), with effect from 21st July, 2022.

[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).]

NOTE

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

[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.]

NOTE

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

[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.]

NOTE

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

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 [an approved club], of a certificate in respect of dangerous weapons or ammunition to be used solely for target practice [or other shooting activities] 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 [, or]
- [(c) 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 an antique weapon or

deactivated firearm, and to be kept as such by the applicant, if no certificate is sought or granted for ammunition for that weapon.]

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;¹

first, the words in the first pair of square brackets in paragraph (a) were substituted, second, those in the second pair of square brackets therein were inserted and, third, paragraph (c) and the word in square brackets immediately after paragraph (b) were inserted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022, section 11, respectively paragraph (a)(i), paragraph (a)(ii) and paragraph (b), with effect from 21st July, 2022.

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.

[Approvals.]

8A. An approval given to any person by the Clerk of the States under any provision of this Ordinance –

- (a) must be given in writing,
- (b) is subject to any conditions or restrictions specified in writing by the Clerk of the States, and
- (c) may be revoked or suspended at any time by notice in writing given to the person, if the Clerk of the States is

of the opinion, based on reasonable grounds, that –

- (i) the person has contravened a condition or restriction of the approval or a provision of this Ordinance,
- (ii) the person has allowed or permitted any other person to contravene a condition or restriction of the approval or a provision of this Ordinance, or
- (iii) the approval should be revoked or suspended for any other good reason.]

NOTE

Section 8A was inserted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022, section 12, with effect from 21st July, 2022.

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.

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.

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 [–

(a) require that person to declare to the officer immediately

his name and address,

- (b) seize and detain the dangerous weapon or ammunition, and
- (c) for the purpose of exercising the powers in paragraph (b), enter any premises or place in or on which the officer reasonably believes that weapon or ammunition to be (exercising reasonable force if necessary).]

[(2A) The officer of police must not enter a dwelling under subsection (2)(c) except under the authority of a warrant granted under section 10A.]

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

NOTE

In section 10, first, the words in square brackets in subsection (2) were substituted and, second, subsection (2A) was inserted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022, section 13, respectively paragraph (a) and paragraph (b), with effect from 21st July, 2022.

[Power of search with warrant.]

10A. (1) This section applies if the Chairman of the Court is satisfied by information on oath that there are reasonable grounds for suspecting that –

- (a) a person upon whom a demand under section 10(1) is made has failed to produce the certificate, permit the officer of police to read the certificate, or show that the person is entitled by virtue of this Ordinance to have the dangerous weapon or ammunition in his possession

without holding a weapons certificate, or

- (b) an offence under this Ordinance has been, is being, or is about to be committed.

(2) Where this section applies, the Chairman of the Court may grant a search warrant authorising an officer of police named therein –

- (a) to enter at any time any premises or place named in the warrant, if necessary by reasonable force,
- (b) to search the premises or place and every person found there,
- (c) to seize and detain any dangerous weapon or ammunition which the officer may find in or on the premises or place, or on any such person, in respect of which or in connection with which that officer has reasonable ground for suspecting that –
 - (i) no weapons certificate is held, or
 - (ii) an offence under this Law has been, is being, or is about to be committed.]

NOTE

Section 10A was inserted by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022, section 14, with effect from 21st July, 2022.

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) ...

NOTE

In section 11, subsection (3) was repealed by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022, section 15, with effect from 21st July, 2022.

[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.]

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.

Citation.

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

NOTE

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

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

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 [5] of the Dangerous Weapons (Alderney) Ordinance, 1965, no dangerous weapon may be used [...] except in certain [...] cases specified in that section.

NOTE

In the Schedule, first, the figure in square brackets in paragraph (2) was substituted and the words omitted in, second, the second and, third, the third pairs of square brackets therein were repealed by the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022, section 16, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 21st July, 2022.

¹ 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.