

PROJET DE LOI

ENTITLED

The Dangerous Weapons (Alderney) Law, 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 Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XX, p. 25; as amended by the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); the Fees (Alderney) Law, 2011 (No. XX of 2012). See also the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 (No. XXIII of 2003, Ordres en Conseil Vol. XLIII(2), p. 617).

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THE STATES, in pursuance of their Resolution of the eighteenth day of November, nineteen hundred and sixty-four, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

Interpretation.

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

"ammunition" means ammunition for any dangerous weapon and includes grenades, bombs and other like missiles, whether capable of use with a dangerous weapon or not, and any ammunition containing, or designed or adapted to contain, any noxious liquid, gas or other thing,

"dangerous weapon" means any weapon of any description designed or adapted for the discharge of any ammunition or for the discharge of any noxious liquid, gas or other thing, and includes any component part of any such weapon and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon,

"premises" includes land.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law and to any Ordinance made under this Law as it applies to

the interpretation of an enactment in force in the Island of Guernsey.

NOTE

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Ordinances.

2. (1) The States may from time to time by Ordinance provide –
- (a) for regulating or prohibiting the importation, manufacture, repair, disposal, acquisition, possession or use of any dangerous weapon or any ammunition,
 - (b) for the entry into and inspection of any premises for any purpose connected with the exercise of powers conferred under this Law,
 - [(ba) for fees or charges to be paid on the making of an application or the granting of a licence, certificate or permit under this Law,]
 - (c) for any incidental and supplementary matters for which the States deem it expedient for the purposes of the Ordinance to provide.

(2) An Ordinance under this Law may prohibit the doing of anything regulated by the Ordinance except under the authority of a licence, permit or certificate granted by such authority or person as may be specified in the Ordinance, and may be made so as to apply either to dangerous weapons or ammunition generally or to any particular dangerous weapon or ammunition or class of dangerous

weapon or ammunition and so as to have effect either generally or in any particular area.

NOTES

In section 2, paragraph (ba) of subsection (1) was inserted by the Fees (Alderney) Law, 2011, section 2, Schedule, Part I, paragraph 2(1), with effect from 1st January, 2019.

The following Ordinances have been made under section 2:

*Dangerous Weapons (Alderney) Ordinance, 1965;
Dangerous Weapons (Amendment) (Alderney) Ordinance, 1992;
Dangerous Weapons (Alderney) (Amendment) Ordinance, 1993;
Dangerous Weapons (Alderney) (Amendment) Ordinance, 2009.*

Forging of documents, etc.

3. (1) A person shall not, with intent to deceive –
- (a) forge or use, or lend to or allow to be used by any other person, any document issued for the purposes of any Ordinance made under this Law, or
 - (b) make or have in his possession any document so closely resembling such a document as aforesaid as to be calculated to deceive, or
 - (c) produce, furnish, send or otherwise make use of for the purposes aforesaid, any book, declaration or other document which is false in a material particular.

(2) A person shall not, in furnishing any information, for the purposes of any Ordinance made under this Law, make any statement which he knows to be false in a material particular or recklessly make any statement which is

false in a material particular.

(3) Any person who contravenes or attempts to contravene any of the provisions of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 2 on the Alderney uniform scale] or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

NOTE

In section 3, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

Obstruction.

4. A person who wilfully obstructs any person exercising any powers or performing any duties conferred or imposed on him under any Ordinance made under this Law shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 1 on the Alderney uniform scale].

NOTE

In section 4, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

Penalty for possessing weapon with intent to injure.

5. A person who has in his possession any dangerous weapon or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property, shall, whether any injury to person or property has been caused or not, be guilty of an offence and liable, on conviction, to imprisonment for a term not exceeding fourteen years.

NOTE

In accordance with the provisions of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003, section 90(2)(b), Schedule 4, Part II, paragraph 5, with effect from 5th April, 2004, offences under this section are always serious arrestable offences for the purposes of the 2003 Law.

Penalty for using firearm to resist arrest.

6. (1) Any person who makes or attempts to make any use whatsoever of a firearm or imitation firearm with intent to resist or prevent the lawful apprehension or detention of himself or any other person shall be guilty of an offence and liable, on conviction, to imprisonment for a term not exceeding fourteen years.

(2) Where any person commits an offence under subsection (1) of this section in respect of the lawful apprehension or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by that subsection in addition to any penalty to which he may be sentenced for that other offence.

(3) In this section –

(a) the expression "**firearm**" means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and includes a weapon of any of the following descriptions whether it is such a lethal weapon as aforesaid or not –

(i) 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,

- (ii) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing,
- (b) the expression "**imitation firearm**" means anything which has the appearance of being a firearm within the meaning of this subsection, other than a weapon of the description set out in sub-paragraph (ii) of paragraph (a) of this subsection, whether it is capable of discharging any shot, bullet or other missile or not.

Offences and penalties.

7. (1) Save as otherwise expressly provided by that Ordinance, any person who contravenes or attempts to contravene or fails to comply with any of the provisions of any Ordinance made under this Law or any direction given or requirement imposed under or by virtue of that Ordinance shall be guilty of an offence under that Ordinance.

(2) Except where the States by Ordinance prescribe a lesser penalty, any person guilty of an offence under any Ordinance made under this Law shall be liable, on conviction, to a fine not exceeding [level 1 on the Alderney uniform scale] or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3) The court before whom any person is convicted of any offence under this Law or of any Ordinance made thereunder may make such order as to the forfeiture or disposal of any dangerous weapon or ammunition in respect of which the offence has been committed and may cancel any licence, permit, or certificate, held

by that person and granted under any Ordinance made under this Law.

(4) If the holder of any licence, permit or certificate as aforesaid which has been cancelled by virtue of the provisions of the last preceding subsection fails to surrender the same within the twenty-one days next following the date on which it was cancelled, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 1 on the Alderney uniform scale].

NOTE

In section 7, the words and figures in square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

Offence by body corporate.

8. Where a person convicted of an offence under any Ordinance made under this Law is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Variation and repeal of Ordinances.

9. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

NOTE

The following Ordinance has been made under section 9:

*Dangerous Weapons (Amendment) (Alderney) Ordinance, 1992;
Dangerous Weapons (Alderney) (Amendment) Ordinance, 2009.*

Repeals.

10. (1) The enactments set out in the Schedule to this Law are hereby repealed:

Provided that the States may by Ordinance make provision for making any savings from the effect of the repeal of any of those enactments in relation to any licence, permit or certificate granted thereunder and which is in force immediately before the commencement of this Law.

(2) Article 29 of the Law entitled "Loi relative à l'Application des Peines, tant au Criminel qu'en Police Correctionnelle" registered on the Records of the Island of Guernsey on the fifth day of July, eighteen hundred and fifty-six^a, shall have effect as if the reference therein to Article 17 of that Law were substituted by a reference to Article 17 of that Law excluding section four thereof.

NOTES

The following Ordinance has been made under section 10:

Dangerous Weapons (Alderney) Ordinance, 1965.

The Loi relative à l'Application des Peines, tant au Criminel qu'en Police Correctionnelle, 1856 has since been repealed by the Summary Offences (Bailiwick of Guernsey) Law, 1982, section 10, Schedule, with effect from 23rd March, 1982.

Citation and commencement.

11. (1) This Law may be cited as the Dangerous Weapons (Alderney) Law, 1965.

^a Ordres en Conseil, Vol. I, p. 249.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

NOTE

The Law was brought into force on 22nd July, 1965 by the Dangerous Weapons (Alderney) Law, 1965 (Commencement) Ordinance, 1965, section 1.

SCHEDULE

Section ten

Enactments repealed

The Law entitled "Loi relative aux Permis de Port d'Armes de Chasse" registered on the Records of the Island of Guernsey on the twenty-eighth day of March, nineteen hundred and fourteen^b.

The Law entitled "Loi ayant rapport aux Armes à Feu" registered on the Records of the Island of Guernsey on the sixth day of May, nineteen hundred and twenty-two^c.

The Firearms (Amendment) (Alderney) Law, 1953^d.

b Ordres en Conseil, Vol. V, p. 33.

c Ordres en Conseil, Vol. VI, p. 386.

d Ordres en Conseil, Vol. XV, p. 513.