

No. 16 of 2022.

Firearms (Amendment) Act 2022.

Certified on : 16 MAY 2022



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ARRANGEMENT OF SECTIONS.

1. Prohibition or restriction of certain firearms and ammunition (Amendment of Section 5).
2. Firearms not to be owned except by licensed owner (Amendment of Section 6).
3. Use, carriage and possession of firearms (Amendment of Section 7).
4. Manufacture of firearms (Amendment of Section 7A).
5. Owner's licence (Amendment of Section 10).
6. Buyer or hirer of firearm must give permit to seller, etc. (Amendment of Section 16).
7. Person not to own, etc., pistol or high-powered firearm without licence (Amendment of Section 27).
8. Using or carrying firearms registered or licensed by approved club (Amendment of Section 36).
9. Ammunition dealer's licences (Amendment of Section 38).
10. Ammunition dealers to keep records, etc. (Amendment of Section 44).
11. Sale of ammunition by gun dealer, etc. (Amendment of Section 45A).
12. New Section 45B.

“45B. PURCHASE OF AMMUNITIONS, ETC.”.

13. Revoked licences to be returned (Amendment of Section 46).
14. Use of silencers (Amendment of Section 52).
15. Possession of silencers (Amendment of Section 53).
16. Repeal and replacement of Section 55.
17. Possession of firearm whilst under influence etc. (Amendment of Section 57).
18. Repeal and replacement of Section 58.
19. Discharge of firearm (Amendment of Section 59).
20. Threat to use firearm (Amendment of Section 60).
21. Possession of certain firearms, etc. (Amendment of Section 61).
22. Repeal and replacement of Section 62.
23. Transfer etc., of firearms (Amendment of Section 65).
24. Unauthorised possession of ammunition (Amendment of Section 65A).
25. Threat to use a firearm, etc. (Amendment of Section 65B).
26. Information to be supplied (Amendment of Section 78).



No. 16 of 2022.

AN ACT

entitled

Firearms (Amendment) Act 2022,

Being an Act to amend the *Firearms Act* (Chapter 310), and for related purposes,

MADE by the National Parliament.

1. PROHIBITION OR RESTRICTION OF CERTAIN FIREARMS AND AMMUNITION (AMENDMENT OF SECTION 5).

Section 5 of the Principal Act is amended in Subsection (2) by repealing the penalty provision and replacing it with the following new penalty:

“Penalty: A fine not exceeding K10,000.00, or imprisonment for life.”.

2. FIREARMS NOT TO BE OWNED EXCEPT BY LICENSED OWNER (AMENDMENT OF SECTION 6).

Section 6 of the Principal Act is amended by repealing the penalty provision and replacing it with the following new penalty:

“Penalty: A fine not exceeding K10,000.00, or imprisonment for life.”.

3. USE, CARRIAGE AND POSSESSION OF FIREARMS (AMENDMENT OF SECTION 7).

Section 7 of the Principal Act is amended by repealing Subsections (1) and (2) and replacing them with the following new subsections:

- “(1) Subject to this Act, a person shall not use a firearm unless the person -
- (a) is the holder of a licence in respect of the firearm under Part IV; or
 - (b) has bought or hired the firearm within the last seven days under a permit to buy or hire the firearm under Part V, which was in force when he bought or hired the firearm; or
 - (c) has a permit to carry the firearm under Part VI and is using the firearm in accordance with the conditions (if any) of that permit; or
 - (d) is a member of an approved club and is using that firearm in accordance with Section 36.

- (2) A person who contravenes Subsection (1), is guilty of an offence.

Penalty: Imprisonment for life.

- (3) Subject to this Act, a person shall not carry or be in possession of a firearm unless the person -

- (a) is the holder of a licence in respect of the firearm under Part IV; or

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- (b) has bought or hired the firearm within the last seven days under a permit to buy or hire the firearm under Part V, which was in force when he bought or hired the firearm; or
- (c) has a permit to carry the firearm under Part VI and is carrying or in possession of the firearm in accordance with the conditions (if any) of that permit; or
- (d) is a member of an approved club and is carrying or in possession of that firearm in accordance with Section 36.

(4) A person who contravenes Subsection (3), is guilty of an offence.

Penalty: Imprisonment for a term not exceeding 50 years.”.

4. MANUFACTURE OF FIREARMS (AMENDMENT OF SECTION 7A).

Section 7A of the Principal Act is amended by repealing the penalty provisions in Subsections (1) and (2) and replacing them with the following new penalty:

“Penalty: Imprisonment for life for a natural person or K1,000,000.00 fine for a body corporate.”.

5. OWNER’S LICENCE (AMENDMENT OF SECTION 10).

Section 10 of the Principal Act is amended by repealing the penalty provision in Subsection (2) and replacing it with the following new penalty:

“Penalty: A fine not exceeding K25,000.00 or imprisonment for a term not exceeding 20 years.”.

6. BUYER OR HIRER OF FIREARM MUST GIVE PERMIT TO SELLER, ETC. (AMENDMENT OF SECTION 16).

Section 16 of the Principal Act is amended by repealing the penalty provision and replacing it with the following new penalty:

“Penalty: (a) In the case of a natural person a fine not exceeding K50,000.00 or imprisonment for a term not exceeding 20 years; or
(b) In case of a body corporate, a fine not exceeding K500,000.00.

7. PERSON NOT TO OWN ETC., PISTOL OR HIGH-POWERED FIREARM WITHOUT LICENCE (AMENDMENT OF SECTION 27).

Section 27 of the Principal Act is amended by repealing the penalty provision in Subsections (1) and (2) and replacing them with the following new penalty:

“Penalty: a fine not exceeding K100,000.00 or imprisonment for a term not exceeding 50 years.

8. USING OR CARRYING FIREARMS REGISTERED OR LICENSED BY APPROVED CLUB (AMENDMENT OF SECTION 36).

Section 36 of the Principal Act is amended by repealing the penalty provision in Subsection (2) and replacing it with the following new penalty:

“Penalty: A fine not less than K25,000.00 or imprisonment for a term not exceeding 10 years.”.

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9. AMMUNITION DEALER'S LICENCES (AMENDMENT OF SECTION 38).

Section 38 of the Principal Act is amended by repealing the penalty provision and replacing it with the following new penalty:

“Penalty: A fine not exceeding K100,000.00 or imprisonment for a term not exceeding 50 years.”.

10. AMMUNITION DEALERS TO KEEP RECORDS, ETC. (AMENDMENT OF SECTION 44).

Section 44 of the Principal Act is amended by repealing the penalty provision in Subsection (1) and replacing it with the following new penalty:

“Penalty: A fine not exceeding K10,000.00.”.

11. SALE OF AMMUNITION BY GUN DEALER, ETC. (AMENDMENT OF SECTION 45A).

Section 45A of the Principal Act is amended by repealing the penalty provision in Subsection (2) and replacing it with the following new penalty:

“Penalty: A fine not exceeding K100,000.00 or imprisonment for a term not exceeding 50 years.”.

12. NEW SECTION 45B.

The Principal Act is amended by inserting immediately after Section 45A the following new section:

“45B PURCHASE OF AMMUNITIONS, ETC.

(1) The ammunition of a calibre or gauge of a firearm or high-powered firearm or pistol under Subsection (2), as the case may be, must be designated in the licence.

(2) Subject to Subsection (1), a person shall not purchase ammunition of a calibre or gauge of a firearm, high-powered firearm or pistol, unless the person is the holder of a:

- (a) firearm licence under this Act; or
- (b) high-powered firearm licence under this Act; or
- (c) pistol licence under this Act.

Penalty: Imprisonment for a term not exceeding 25 years.”.

13. REVOKED LICENCES TO BE RETURNED (AMENDMENT OF SECTION 46).

Section 46 of the Principal Act is amended by repealing the penalty provision and replacing it with the following new penalty:

“Penalty: A fine not exceeding K5,000.00.”.

14. USE OF SILENCERS (AMENDMENT OF SECTION 52).

Section 52 of the Principal Act is amended by repealing the penalty provision and replacing it with the following new penalty:

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“Penalty: A fine not less than K100,000.00 or imprisonment for a term not less than 50 years and for life.”.

15. POSSESSION OF SILENCERS (AMENDMENT OF SECTION 53).

Section 53 of the Principal Act is amended by repealing the penalty provision and replacing it with the following new penalty:

“Penalty: A fine not exceeding K100,000.00 or imprisonment for a term not exceeding 50 years.”.

16. REPEAL AND REPLACEMENT OF SECTION 55.

The Principal Act is amended by repealing Section 55 and replacing it with the following new section:

“55. CONVERTING TOY GUN, ETC., INTO FIREARMS.

(1) A person who converts a toy gun or an article of a similar nature, into a firearm is guilty of an offence.

Penalty: A fine not exceeding K50,000.00, or imprisonment for a term not exceeding 25 years.

(2) A person who, after converting into a firearm, a toy gun or an article of a similar nature, uses it to commit a crime, is guilty of an offence.

Penalty: Imprisonment for life.”.

17. POSSESSION OF FIREARM WHILST UNDER INFLUENCE, ETC. (AMENDMENT OF SECTION 57).

Section 57 of the Principal Act is amended by repealing the penalty provision and replacing it with the following new penalty:

“Penalty: A fine not exceeding K100,000.00, or imprisonment for a term not exceeding 50 years.

18. REPEAL AND REPLACEMENT OF SECTION 58.

The Principal Act is amended by repealing Section 58 and replacing it with the following new section:

“58. CARRYING FIREARM EXPOSED TO VIEW IN PUBLIC PLACE.

(1) For purposes of this provision, “public place” includes visual representation, or visual representation uploaded on a public website.

(2) A person who, without reasonable excuse (proof of which is on him), carries a firearm exposed to the public view in a public place within the boundaries of a town, is guilty of an offence.

Penalty: A fine not exceeding K50,000.00 or imprisonment for a term not exceeding 20 years.

(3) A person who, recklessly carries a firearm exposed to the public view in a public place, is guilty of an offence.

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Penalty: A fine not exceeding K25,000.00 or imprisonment for a term not exceeding 10 years.”.

19. DISCHARGE OF FIREARM (AMENDMENT OF SECTION 59).

Section 59 of the Principal Act is amended by -

- (a) repealing the penalty provisions in Subsections (1), (2), (3) and (4) and replacing them with the following new penalty:

“Penalty: A fine not exceeding K50,000.00 or imprisonment for a term not exceeding 25 years.”; and

- (b) inserting immediately after Subsection (4) the following new subsection:

“(5) A person who, without reasonable excuse (proof of which is on him) or recklessly, discharges a firearm -

- (a) in or over any place within the boundaries of a town; or
(b) in or over any occupied land without the consent of the owner of the land; or
(c) from a motor vehicle on any roadway; or
(d) on or over any roadway,

which results in causing harm to a person or any crime, is guilty of an offence.

Penalty: Imprisonment for life.”.

20. THREAT TO USE FIREARM (AMENDMENT OF SECTION 60).

Section 60 of the Principal Act is amended by repealing the penalty provision and replacing it with the following new penalty:

“Penalty: Imprisonment for a term not exceeding 25 years.”.

21. POSSESSION OF CERTAIN FIREARMS, ETC., (AMENDMENT OF SECTION 61).

Section 61 of the Principal Act is amended by repealing the penalty provision and replacing it with the following new penalty:

“Penalty: A fine not less than K100,000.00 or imprisonment for a term not less than 50 years.”.

22. REPEAL AND REPLACEMENT OF SECTION 62.

The Principal Act is amended by repealing Section 62 and replacing it with the following new section:

“62. MACHINE GUNS, ETC.

A person who uses, carries or discharges or has in his possession a machine gun, bomb or telescopic gun, is guilty of an offence.

Penalty: Imprisonment for life.”.

23. TRANSFER, ETC., OF FIREARMS (AMENDMENT OF SECTION 65).

Section 65 of the Principal Act is amended by repealing the penalty provision and replacing it with the following new penalty:

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“Penalty: A fine not less than K50,000.00 or imprisonment for a term not less than 25 years.”.

24. UNAUTHORISED POSSESSION OF AMMUNITION (AMENDMENT OF SECTION 65A).

Section 65A of the Principal Act is amended by repealing the penalty provision and replacing it with the following new penalty:

“Penalty: A fine not exceeding K100,000.00 or imprisonment for a term not exceeding 50 years.”.

25. THREAT TO USE A FIREARM, ETC. (AMENDMENT OF SECTION 65B).

Section 65B of the Principal Act is amended by repealing the penalty provision and replacing it with the following new penalty:

“Penalty: Imprisonment for a term not exceeding 50 years.”.

26. INFORMATION TO BE SUPPLIED (AMENDMENT OF SECTION 78).

Section 78 of the Principal Act is amended by repealing the penalty provision and replacing it with the following new penalty:

“Penalty: A fine not exceeding K50,000.00 or imprisonment for a term not exceeding 25 years.”.

I hereby certify that the above is a fair print of the *Firearms (Amendment) Act 2022*, which has been made by the National Parliament.



Clerk of the National Parliament.

16 MAY 2022

I hereby certify that the *Firearms (Amendment) Act 2022*, was made by the National Parliament on 21 April 2022.



Speaker of the National Parliament.

16 MAY 2022