

ACT

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THE ARMS AND AMMUNITION ACT, 2012

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SIGNED this 23rd day of August , 2012.

DR. ERNEST BAI KOROMA,
President.

No. 9



2012

Sierra Leone

(LS)

The Arms and Ammunition Act, 2012.

Short title.

Being an Act to repeal and replace the Arms and Ammunition Act, 1955, to provide for the control of the transfer of small arms and light weapons, their ammunitions and other related materials from, to or through Sierra Leone; to provide for the regulation of the manufacture of small arms and light weapons, to provide for institutional and operational capacities to regulate possession and use of small arms and light weapons within Sierra Leone and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I- PRELIMINARY

Interpretation **1.** In this Act, unless the context otherwise requires–

“ammunition” includes any device destined to be shot or projected through the means of firearms, cartridges, projectiles and missiles for light weapons, mobile containers with missiles or projectiles for anti-aircraft or anti-tank single action systems;

“brokering” means any intermediary activity between any manufacturer, supplier or distributor of small arms and light weapons and any buyer or user including the provision of financial support and the transportation of small arms and light weapons;

“ECOWAS” means the Economic Community of West African States comprising Heads of State and Government of the Member States of the ECOWAS Treaty;

“ECOWAS Convention on Small Arms and Light Weapons” means the ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials, ratified by the Parliament of Sierra Leone in June, 2007;

“ECOWAS Commission” means the secretariat of ECOWAS;

“light weapon” includes any portable arms designed to be used by several persons working together in a team, heavy machine guns, portable grenade launchers; mobile or mounted, portable anti-aircraft cannons, portable anti-tank cannons, non-recoil guns, portable anti-tank missile launchers or rocket launchers, portable anti-aircraft missile launchers, mortars with a calibre of less than 100 millimetres;

“illicit” means anything done in violation of this Act and the ECOWAS Convention on Small Arms and Light Weapons;

“marking” means inscriptions permitting the identification of arms covered by this Act and the ECOWAS Convention on Small Arms and Light Weapons;

“National Small Arms and Light Weapons Register” means the National Small Arms and Light Weapons Register referred to in section 3;

“other related materials” means all components, parts or spare parts for small arms or light weapons or ammunition necessary for its functioning or any chemical substance serving as active material used as propelling or explosive agent;

“Registrar” means the Registrar of Small Arms and Light Weapons referred to in section 3;

“small arm” includes any arm used by one person, firearms and other destructive arms or devices such as an exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile, a missile system or landmine, revolvers and pistols with automatic loading, rifles and carbines, machine guns, assault rifles, light machine guns;

“small arm and light weapon” include ammunition and other related materials;

“tracing” means the systematic monitoring of the movements of small arms and light weapons and their ammunition and other related materials, from the manufacturer until the end user to detect illicit manufacture and trading;

“Minister” means the Minister responsible for internal affairs;

“transfer” includes import, export, transit, trans-shipment and transport or any other movement whatsoever of small arm or light weapon, ammunition and other related materials from, to and or through Sierra Leone.

PART II – THE REGISTRAR OF SMALL ARMS AND LIGHT WEAPONS

Responsibility to regulate.

2. The National Commission on Small Arms and Light Weapons established by the National Commission on Small Arms and Light Weapons Act, 2010 shall be responsible for the regulation and licensing, transfer, manufacture, sale, possession and use of small arms and light weapons throughout Sierra Leone.

Registrar of Small Arms and Light Weapons.

3. The Commissioner, National Commission on Small Arms and Light Weapons appointed under section 3 of the National Commission on Small Arms and Light Weapons Act, 2010, shall be the Registrar of Small Arms and Light Weapons.

National Register of Small Arms and Light Weapons.

4. (1) The Registrar of Small Arms and Light Weapons referred to in section 3, shall establish and maintain a National Register of Small Arms and Light Weapons.

(2) The Registrar shall, in addition to the establishment of a register, establish corresponding Small Arms and Light Weapons registries in any part of Sierra Leone as he may think fit.

Registration of small arms and light weapons.

5. (1) The Registrar shall record or cause to be recorded, in the National Register of Small Arms and Light Weapons, information relating to the transfer, manufacture, sale, possession and use of all small arms and light weapons throughout Sierra Leone.

(2) Information relating to small arms and light weapons to be recorded in the Register of Small Arms and Light Weapons under subsection (1) shall include–

(a) description stating type or model, caliber and quantity (if it concerns a batch);

(b) details relating to marking;

(c) names and addresses of former and current owners and, where applicable, successive owners; and

(d) date of registration.

(3) Information relating to small arms and light weapons to be recorded in the Register of Small Arms and Light Weapons under subsection (1) shall be permanently kept in the Register.

6. The Registrar shall be assisted by the Deputy Staff. Commissioner, National Commission on Small Arms and Light Weapons and such other additional technical and administrative staff, as may be required for the efficient performance of his functions under this Act

7. Public officers, including officers of the Sierra Leone Police, may, at the instance of the Registrar, be seconded or otherwise render assistance to the Registrar, in the performance of his functions under this Act. Secondment of public officers.

8. No officer or employee, acting on the directions of the Registrar, shall be liable in respect of any matter or thing done by him in good faith under this Act. Protection of staff.

PART III – MANAGEMENT AND SECURITY OF STOCKPILES

9. (1) The Registrar shall take all necessary measures to ensure the safe and effective management, storage and security of all stocks of small arms and light weapons throughout Sierra Leone and shall ensure that stockpiles of small arms and light weapons by manufacturers, dealers as well as individuals are securely stored in accordance with prescribed standards and procedures. Management and security of stockpiles.

(2) In furtherance of subsection (1), the Registrar shall establish effective standards and procedures for stockpile management, storage and security, including-

- (a) identifying and securing appropriate sites;
- (b) ensuring physical security measures of storage facilities;
- (c) inventory management and record keeping;
- (d) staff training;
- (e) maintaining security during manufacture and transportation; and
- (f) imposing sanctions in case of theft or loss.

(3) Very essential Public Buildings must be fitted with screening equipments manned by accepted security officials.

Collection and destruction of small arms.

10. (1) The Registrar shall regularly review the storage facilities and conditions of small arms and light weapons in order to identify, for disposal-

- (a) surplus and obsolete stocks of small arms and light weapons held by armed and security forces and other authorised bodies;
- (b) seized small arms and light weapons;
- (c) unmarked small arms and light weapons; and
- (d) illicitly held small arms and light weapons;
- (e) small arms and light weapons collected in the implementation of peace accords or programmes for the voluntary handing in of weapons.

(2) All small arms and light weapons so collected under subsection (1), shall be registered and securely stored or destroyed.

PART IV – POSSESSION AND USE WITHIN SIERRALEONE

11. (1) No person shall have in his possession, custody or control any small arm or light weapon unless that person holds a Small arms licence.
licence issued by the Registrar under this Act.

(2) A person who wishes to possess a small arm or light weapon licence shall make a written application to the Registrar for that purpose.

(3) Subject to this Act, the Registrar may grant a small arm or light weapon licence to an applicant under subsection (2), if he is satisfied that the applicant-

- (a) has good reason for having in his possession, custody or control or for carrying and using the small arm or light weapon in respect of which the application is made; and
- (b) can be issued with a small arm or light weapon licence without being a danger to public safety or public interest.

(4) A small arm or light weapon licence issued by the Registrar under subsection (3), shall be in such form as may be prescribed and shall specify-

- (a) the conditions and restrictions subject to which the licence is held;
- (b) the nature and number or other identification marks on the small arm or light weapon;
- (c) the quantity of ammunition authorised to be held at any one time; and
- (d) such other matters as may be prescribed.

(5) A small arm or light weapon licence shall, unless previously revoked or cancelled, shall be valid for a period of 12 months from the date on which it was issued and may be renewed by the Registrar on such terms and conditions as may be prescribed

(6) The particulars of every small arm or light weapon licence granted or renewed shall be entered in the National Small Arms and Light Weapons Register in such form as may be prescribed.

Restriction on small arms licence. **12.** (1) A small arm and light weapon licence shall not be granted to an applicant under section 11, unless—

- (a) he is over the age of 21;
- (b) he has not been convicted of any crime of violence to the person or drug and human trafficking;
- (c) he does not have a history of family violence whether or not it resulted in a criminal conviction;
- (d) he is medically certified as mentally fit;
- (e) he is physically fit;
- (f) he has a record of good behavior duly testified by any person of note in his community, and in the case of applicants in the Provinces by the Paramount Chief of the chiefdom to which the application relates;
- (g) he has been cleared by both the Sierra Leone Police and the Office of National Security as a fit and proper person to be issued a small arm or light weapon licence;
- (h) the small arm or light weapon is to be used for hunting, whether professionally, for sport or pleasure or that the applicant has a legitimate reason to possess, carry or use each small arm or light weapon;

(i) the applicant has undergone safety and competency training including training in the relevant laws relating to small arm and light weapon as may be prescribed by the Registrar; and

(j) that there is proof that the small arm or light weapon will be stored in a safe place and separately from its ammunition.

(2) Any person aggrieved by the refusal of the Registrar to grant a licence may appeal in writing to the High Court whose decision shall be final.

13. The Registrar may, in his discretion, revoke any small arm and light weapon licence granted to an applicant under section 11 if— Revocation of small arm licence.

- (a) the small arm and light weapon licensee is convicted of an offence under this Act;
- (b) he is satisfied that the small arm and light weapon licensee is of intemperate habits or unsound mind or is otherwise unfit to be entrusted with such small arm or light weapon in the licence; or
- (c) the small arm and light weapon licensee is convicted of any crime of violence to the person or under investigation for any domestic violence related offence.

14. Where a licence issued under this Act, is lost or stolen, the holder of the licence shall inform the Registrar or report to the nearest police station of such loss or theft within 7 days of the discovery of the loss or theft. Duty to report loss of small arm.

15. The Registrar may, after being satisfied as to the loss, destruction or misplacement of a licence granted to an applicant under section 11, issue another licence in replacement thereof, upon the payment by the applicant, subject to such terms and conditions as may be prescribed. Replacement of small arms licence.

Disposal of small arm or light weapon of deceased person. **16.** (1) A person who takes possession of any small arm or light weapon which belonged to a deceased person shall deposit such small arm or light weapon together with any licence relating to the same at the National Small Arms and Light Weapons Registry or to the nearest police station.

(2) The Registrar shall not grant an authorization for the release of any small arm or light weapon deposited in a Small Arms and Light Weapons Registry or police station under subsection (1), except with the written consent of the person administering the estate of such deceased person.

Deposit of small arms. **17.** Any person who is in possession of small arm or light weapon which –

- (a) has become unlawful in consequence of the expiry, suspension or revocation of a licence;
- (b) has become unserviceable or which that person no longer wishes to retain; or
- (c) has been found but the owner has not been identified,

shall, within such time as may be prescribed, deposit the small arm or light weapon at the National Small Arms and Light Weapons Registry or the nearest police station.

PART V–TRANSFER OF SMALL ARMS AND LIGHT WEAPONS

Licence to transfer from, to or through Sierra Leone. **18.** (1) No person shall transfer any small arm and light weapon or their manufacturing materials from, to or through Sierra Leone, except on a valid licence issued by Registrar for that purpose.

(2) An application for a licence to transfer small arms and light weapons or their manufacturing materials from, to or through Sierra Leone shall be in such form as may be prescribed by the Registrar and shall–

- (a) be supported by an exemption certificate for armstransfer issued by the ECOWAS Commission; and
- (b) specify details of the arms to be transferred including details of –
 - (i) the quantity, exact type and kind of arms, including all serial numbers and other marks;
 - (ii) the supplier including full details of the name, address and other contact details of all companies, individuals or representatives involved, including brokers and agents;
 - (iii) the supply process including the number and period of shipments, the routes, transit locations, type of transport to be used, all companies involved in importing, freight forwarding and handling, details of the storage and management of the weapons whilst being transferred, the time period covered by the activity for which the application is made;
 - (iv) the final end user including the name of individual, company, institution or representative responsible; and
 - (v) the end use including written confirmation from relevant national authority that the end user is authorised to import weapons.

(3) Every licence granted under this section shall be valid for a period of 12 months from the date on which it was issued, and may be renewed by the Registrar on such terms and conditions as may be prescribed.

(4) The particulars of every licence granted or refused under this section shall be entered in the National Small Arms and Light Weapons Register and in such form and as may be prescribed.

Registrar not
to issue
transfer
licence.

19. A licence to transfer small arms and light weapons or their manufacturing materials from, to or through Sierra Leone under section 18, shall not be issued by the Registrar unless—

- (a) a written authorization relating to the export, import, transit, transshipment or brokering of the small arms and light weapons their manufacturing materials has been obtained from all states directly concerned with the transfer;
- (b) all required information relating to the export, import, transit, transshipment or brokering of the small arms and light weapons and their manufacturing materials have been supplied to the ECOWAS Commission;
- (c) the small arms and light weapons and their manufacturing materials have been marked as required under this Act;
- (d) there is evidence that the small arms and light weapons and their manufacturing materials are not to be used—
 - (i) for the violation of international humanitarian law or infringement of human and peoples' rights and freedoms, or for the purpose of oppression;
 - (ii) for the commission of serious violations of international humanitarian law including, genocide or crimes against humanity and war crimes;

- (iii) to worsen the internal situation in the country of final destination, in terms of provoking or prolonging armed conflicts, or aggravating existing tensions;
- (iv) to carry out terrorist acts or support or encourage terrorism;
- (v) other than, for the legitimate defense and security needs of the beneficiary country;
- (vi) to facilitate the commission of violent or organised crime;
- (vii) to adversely affect regional security; endanger peace, contribute to destabilising or uncontrolled accumulations of arms or military capabilities into a region, or otherwise contribute to regional instability;
- (viii) to hinder or obstruct sustainable development and unduly divert human and economic resources to armaments, of the states involved in the transfer;
- (ix) for corrupt practices at any stage, from the supplier, through any middlemen or brokers, to the recipient.

20. (1) Where the Registrar decides to refuse an application to transfer small arm and light weapons and their manufacturing materials from or through Sierra Leone under section 19, he shall issue a written statement to the applicant stating the reasons for his decision.

Refusal of
application to
transfer.

(2) Where an applicant is aggrieved by the decision of the Registrar under subsection (1), he may appeal to the High Court whose decision shall be final

Brokering

21. (1) All persons including companies incorporated in Sierra Leone, financial agents and transportation agents that are engaged in the brokering of small arms and light weapons shall register their operations with the Registrar.

(2) All registered small arms and light weapons brokering companies and agents shall obtain a licence for each individual transaction in which they are involved irrespective of where the arrangements take place.

(3) All registered small arms and light weapons brokering companies and agents shall provide full disclosure or relevant import or export licences or associated documents, the names and locations of all brokering and shipping agents involved in the transaction and the transit routes and points of shipments.

PART VI—MANUFACTURE AND SALE WITHIN SIERRA LEONE

Licence to manufacture or sell within Sierra Leone.

22. (1) No person shall manufacture or offer for sale any small arm or light weapon within Sierra Leone except on a valid licence issued by the Registrar for that purpose.

(2) An application for a licence under subsection (1), shall not be granted unless the applicant provides adequate information to the Registrar, including the quantity, exact type and kind of small arms or light weapons to be manufactured, sold or offered for sale, including evidence of the manufacturer or dealer's commitment to adhere to the use of the marking and classification system prescribed under this Act in every small arms or light weapon manufactured, sold or offered for sale, including all serial numbers and other markings.

(3) A licence to manufacture, sell or offered for sale, small arms and light weapons within Sierra Leone issued by the Registrar under subsection (1), shall state—

- (a) the name and address of the licensee;
- (b) the place of business in respect of which it is granted and the conditions and restrictions subject to which the licence is to be held;

- (c) the procedure for marking;
- (d) the procedure for entering details of each small arm and light weapon into the National Small Arms and Light Weapons Register; and
- (d) information on the storage and management of the weapons after manufacture.

(4) Every licence granted under this section shall be valid for a period of 12 months from the date on which it was issued, and may be renewed by the Registrar on such terms and conditions as may be prescribed.

(5) The particulars of every licence granted under this section shall be entered in the National Small Arms and Light Weapons Register which shall be kept by the Registrar in such form and manner and as may be prescribed.

23. (1) Where the Registrar decides to refuse an application to manufacture small arm and light weapons within Sierra Leone under this section, he shall issue a written statement to the applicant stating the reasons for his decision. Refusal of application to manufacture.

(2) Where an applicant is aggrieved by the decision of the Registrar under subsection (1), he may appeal to the High Court whose decision shall be final.

24. The Registrar may in his discretion revoke any manufacturer's licence granted under this Act if- Revocation of manufacturer's Licence.

- (a) the licenced manufacturer is convicted of an offence under this Act;
- (b) he is satisfied that the licensed manufacturer is of intemperate habits or unsound mind or is otherwise unfit to be entrusted with a small arms and light weapons manufacturer's licence; or

- (c) the licenced manufacturer has been convicted of any crime of violence to the person or under investigation for any domestic violence related offence.

Marking of small arms.

25. For identification purposes, every manufacturer shall assign a unique and specific marking on all small arms and light weapons, their ammunition and other materials in such manner as may be prescribed by the Registrar including the following—

- (a) “Classic marking” shall consist of a legible unique serial number, including the manufacturer’s identity, country and year of manufacture, information on the purchaser’s identity and the country of destination, expressed alphanumerically and featured in a maximum number of essential or important parts of the small arm or light weapon;
- (b) “Security marking” which shall be applied to all weapons produced after the entry into force of this Act, for the identification of small arms in the event that classic markings have been destroyed or falsified, made on component parts that are not easily manipulated after the small arm’s manufacture, and the falsification of which would render the small arm unusable.

Marking of ammunition.

26. For identification purposes, every manufacturer shall assign a unique and specific marking on all ammunition or explosives, a unique lot number expressed alphanumerically, including the manufacturer’s identity and year of manufacture, information on the purchaser’s identity and the country of destination, featured at least once on the jacket or cartridge containing the powder or liquid used in the ammunition or explosive in such manner as may be prescribed by the Registrar.

27. No person shall willfully obliterate, deface, alter, counterfeit or forge any mark which is used for the identification of any small arm or light weapon by the manufacturer or dealer or by which any small arm or light weapon may be identified in accordance with any licence issued under this Act. Obliteration.

28. A licenced manufacturer shall keep books and records in such manner and containing such particulars as may be prescribed by the Registrar and shall on demand produce the same for inspection. Manufacturer to keep record.

PART VII—MISCELLANEOUS

29. (1) The Registrar shall have such powers as may be necessary to enforce the provisions of this Act, including the power to inspect any premises, vehicle or place in which he believes small arms and light weapons prohibited under this Act may be found, seize, confiscate collect or destroy any small arm or light weapon prohibited under this Act. Enforcement and penalty.

(2) Any person who contravenes any of the provisions of this Act commits an offence and shall be liable on conviction to a fine of not less than five million Leones or to a term of imprisonment of not less than twelve months.

(3) Any person who conspires to or knowing or wilfully attempt, aids, abets, counsels, procures or commands the commission of an offence under this Act, commits an offence and shall be liable on conviction to a fine or term of imprisonment as a principal offender.

30. This Act shall not apply to any small arm or light weapon intended for use by the Government of Sierra Leone or which are required for any purpose which may be specified by order of the President. Exemption.

Power to
make rules.

31 . (1) The Minister may make rules for the further, better or more convenient carrying out of any of the provisions or purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make rules in respect of all or any of the following matters—

- (a) the prescription of anything which under this Act requires to be prescribed including the imposition of penalty for the contravention of any of the provisions of the Act;
- (b) the marking of any small arm or light weapon which do not bear the manufacturer's name and the manufacturer's number on the metal portion thereof;
- (c) the books and forms to be used for any purpose under this Act or rules made thereunder;
- (d) prescribing fees to be charged for the issue of licences under this Act;
- (e) the duties and powers of any person engaged or employed in the administration of this Act;
- (f) the rents to be charged and payable and the method of payment thereof in respect of small arms and light weapons deposited under this Act;

- (g) the grant of licences under this Act;
- (h) the duties of any person to whom any licence is granted under this Act;
- (i) the landing, storage, packaging and transport of small arms and light weapons under this Act;
- (j) the management, use and control of public and private warehouse and withdrawal therefrom;
- (k) the keeping and examination of books, records and registers in connection with the administration of this Act or rules made thereunder;
- (l) the manufacture of small arms and light weapons;
- (m) the custody and maintenance of small arms and light weapons and the fees payable under this Act;
- (n) the limitation of the liability of public officers for small arms and light weapons lost or damaged while in their custody;
- (o) the structural requirements and appointments of public and private warehouse;
- (p) the disposal of unclaimed small arms and light weapons in any public warehouse;

- (q) the control of small arms and light weapons in transit;
- (r) prescribing standards with which any specified small arms and light weapons must comply before being imported into, manufactured or used in Sierra Leone;
- (s) the destruction of small arms and light weapons declared to be dangerous by the Commissioner, National Commission on Small Arms and Light Weapons;
- (t) the maximum quantity of small arms and light weapons that the holder of a licence may keep in a private warehouse or have in his possession at any one time;
- (u) the packing of small arms and light weapons for sale;
- (v) the maximum quantity of ammunition that the holder of licence issued under this Act may own and use or have in his possession at any one time;
- (w) the renewal of licences under this Act and the conditions of such renewal either generally or in any particular case or cases; and
- (x) the information to be supplied to the Registrar by an applicant under this Act.

32. (1) The Arms and Ammunition Act 1955 is hereby repealed.

Repeal of Act
No. 14 of
1955 and
savings

(2) Notwithstanding subsection (1) any rules or other statutory instrument made under the Act repealed, in force immediately before the commencement of this Act, shall continue to be in force until revoked.

Passed in Parliament this *31st day of July*, in the year of our Lord two thousand and twelve.

IBRAHIM S. SESAY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

IBRAHIM S. SESAY,
Clerk of Parliament.