



**Tuvalu**

## **ARMS AND AMMUNITION ORDINANCE**

**6 of 1964, 8 of 1971, 3 of 1972, Cap. 74 of 1973), L.N.  
16/74, L.N. 30/76, L.N. 19/85**





Tuvalu

## ARMS AND AMMUNITION ORDINANCE

### Arrangement of Sections

#### Section

<b>PART I - PRELIMINARY</b>	<b>5</b>
1 Short title.....	5
2 Interpretation.....	5
<b>PART II - LICENCES TO MANUFACTURE ARMS OR AMMUNITION</b>	<b>6</b>
3 Prohibition on the manufacture of arms and ammunition.....	6
<b>PART III - LICENCES TO POSSESS USE OR CARRY ARMS OR AMMUNITION</b>	<b>7</b>
4 Possession of arms and ammunition prohibited except under licence.....	7
5 Period of exemption in certain cases .....	8
6 Licences: how obtained.....	8
7 Marking of arms.....	9
8 Lost licences .....	9
9 Arms or ammunition lost or destroyed .....	10
<b>PART IV - ALTERATION ETC., OF ARMS</b>	<b>10</b>
10 Provisions as to shortening arms and converting imitation arms into arms.....	10
<b>PART V - PURCHASE, TRANSFER, IMPORT AND EXPORT OF ARMS AND AMMUNITION</b>	<b>10</b>
11 Licence for purchase or transfer .....	10
12 Licence to import .....	11

13 Arms and ammunition sent by post.....12  
 14 Licence to export.....12  
 15 Ports and places of import and export .....12  
 16 Declaration of arms and ammunition on importation.....12  
 17 Penalty for unlawful importation or exportation.....12  
 18 Arms and ammunition in transit.....12  
 19 Concealing unlawfully imported arms and ammunition .....13  
 20 Minister may prohibit importation or exportation.....13  
 21 Penalty, in respect of vessel used for illegal importation or exportation .....13

**PART VI - MISCELLANEOUS 14**

22 Prohibition of arms in certain areas.....14  
 23 Licence may be refused.....15  
 24 Penalty for taking in pawn arms or ammunition or selling arms or  
 ammunition by auction.....15  
 25 Search for arms or ammunition under warrant of magistrate.....15  
 26 Detention of arms or ammunition by the police .....16  
 27 Entry on place where there are arms or ammunition.....16  
 28 Deposit of arms and ammunition at police station .....16  
 29 Disposal of detained arms and ammunition .....17  
 30 Ownership .....17  
 31 Rewards to informers .....17  
 32 Forfeitures .....17  
 33 Security of arms and ammunition .....18  
 34 General penalty .....18  
 35 Search of vessels .....18  
 36 Persons conveying arms or ammunition may be apprehended without  
 warrant.....19  
 37 Person arrested to be taken to police station .....19  
 38 Power to stop and search for arms and ammunition in the street .....19  
 39 Presumption.....20  
 40 Regulations.....20  
 41 Power to exempt.....20  
 42 Provisions of this Ordinance to be additional to other Ordinances .....20

**Supporting Documents**

**ENDNOTES 22**

Table of Legislation History .....22  
 Table of Renumbered Provisions.....22  
 Table of Endnote References.....22



Tuvalu

## ARMS AND AMMUNITION ORDINANCE

6 of 1964, 8 of 1971, 3 of 1972, Cap. 74 of 1973), L.N. 16/74, L.N. 30/76, L.N. 19/85

**AN ORDINANCE TO MAKE PROVISION FOR CONTROLLING THE POSSESSION, MANUFACTURE, SALE, REPAIR, STORAGE, IMPORT AND EXPORT OF ARMS AND AMMUNITION AND FOR MATTERS RELATING AND INCIDENTAL THERETO**

ENACTED BY THE PARLIAMENT OF TUVALU

Commencement [17th February 1964]

### PART I - PRELIMINARY

#### 1 Short title

This Ordinance may be cited as the Arms and Ammunition Ordinance.

#### 2 Interpretation

In this Ordinance, unless the context otherwise requires —

“**ammunition**” means ammunition for any arm as hereinafter defined and includes bullets, cartridges, shells or anything designed or adapted for or capable of use with any arm, or designed or adapted to contain any noxious liquid, gas or other thing but does not include spears discharged from an arm solely for the purpose of killing fish;

“**arm**”- means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, or which can be adapted for the discharge of any such shot, bullet or other missile, any air gun or air pistol of whatever description, and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing dangerous to persons, 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, but does not include articles designed or adapted solely to discharge spears for spearing fish;

“**licenced arms dealer**” means the holder of a valid licence to deal in arms and ammunition and to repair arms and ammunition issued under the provisions of this Ordinance;

“**officer in charge of police**” means the police officer appointed by the Chief of Police to be in charge of the police stationed in any place, or where such an officer has not been appointed, the highest ranking administrative officer for the time being stationed in the district in which such place is situated;

“**pistol**” means an arm or other weapon of any description from which any shot, bullet, or other missile can be discharged and of which the length of barrel not including any revolving, detachable or magazine breech does not exceed 9 inches;

“**prohibited area**” means an area in which the Minister has prohibited the possession, use or carrying of arms:

“**vessel**” includes aircraft.

## **PART II - LICENCES TO MANUFACTURE ARMS OR AMMUNITION**

### **3 Prohibition on the manufacture of arms and ammunition**

- (1) No person shall manufacture any arm or ammunition except at an arsenal established with the approval of the Minister and in accordance with instructions to be issued by him.
- (2) In this section, the word “manufacture”, in relation to arms, does not include the repair of arms, the conversion into an arm of anything which has the appearance of an arm which is so constructed as to be incapable of discharging any missile through the barrel thereof, or the alteration, substitution or replacement of any component part of an arm.

- (3) If any person manufactures any arm or ammunition other than at an arsenal established under the provisions of subsection (1) of this section, he shall be liable to imprisonment for 10 years and to a fine of \$2000.
- (4) Any person who fails or neglects to comply with any instructions given by the Minister under the provisions of subsection (1) shall be liable to a fine of \$100 and to imprisonment for 6 months.

## **PART III - LICENCES TO POSSESS USE OR CARRY ARMS OR AMMUNITION**

### **4 Possession of arms and ammunition prohibited except under licence**

- (1) No person shall possess, use or carry any arm or ammunition except under a licence in respect of each arm and such ammunition so possessed, used or carried and in accordance with the prescribed conditions of such licence.
- (2)
  - (a) Any person who shall possess, use or carry any arm or ammunition without such licence shall be liable in respect of every such arm or the total of ammunition so possessed, used or carried —
    - (i) if the offence was committed in a prohibited area, to imprisonment for 10 years and to a fine of \$2000;
    - (ii) if the offence was committed elsewhere, to imprisonment for 2 years and to a fine of \$400.
  - (b) Any person who shall possess, use or carry any arm or ammunition otherwise than in accordance with the prescribed conditions of such licence shall be liable to imprisonment for a term of 1 year and to a fine of \$200.
- (3) The following persons shall be exempted from the operation of this section to the extent specified —
  - (a) carriers and their servants having in their possession in the ordinary course of business of such carriers and not for use arms or ammunition for which a licence has been issued and is in force in respect of such arms or ammunition only;
  - (b) any member of a rifle club or association or a miniature rifle club or association approved by the Minister in respect of any arms used by a member of such club or association solely for the lawful purposes of such club or association;

- (c) any member of a recognised Naval or Military or Air Force or any police officer or any person employed in the Prisons Staff or in the Customs Staff in respect of any arm or ammunition possessed, used or carried in the course of his lawful duties;
  - (d) the crew and passengers of any vessel, other than a vessel solely engaged in carrying goods or passengers within Tuvalu, in respect of arms or ammunition which are part of the ordinary armament of such vessel, or which are in or upon such vessel and required for the service thereof;
  - (e) any public officer specifically exempted in writing from the operation of this section by the Minister, acting in his discretion, in respect of the arms or ammunition specified in the exemption;
  - (f) any person engaged in the construction of buildings in respect of any nail gun;
  - (g) the Tuvalu Co-operative Society in respect of arms or ammunition in its possession for sale in the ordinary course of business.
- (4) Persons exempt under paragraph (b) of subsection (3) shall furnish annually in writing to the Chief of Police particulars of all arms and ammunition in their possession in respect whereof no licence is in force, with the name of the maker of such arms and the number, if any marked thereon for purposes of identification.

## 5 Period of exemption in certain cases

No person shall be deemed guilty of any contravention of this Ordinance by reason only of the fact that during the months of January and February in any year he has in his possession or custody any arm or ammunition in respect of which no licence is in force, if such person had such arm or ammunition in his possession or custody on the 31st day of December of the previous year under a licence issued in that behalf under this Ordinance.

## 6 Licences: how obtained

- (1) A licence for an arm and ammunition under this Ordinance may be obtained by application made in writing to the Chief of Police accompanied by the prescribed fee subject to the issue thereof being expressly approved by him.
- (2) No licence shall be issued in the name of any partnership, company or corporation.
- (3) No licence shall be issued or renewed unless the arm and ammunition in respect of which its issue or renewal is applied for be produced to a police

officer and such officer is satisfied that the arm and ammunition are serviceable.

- (4) Every licence shall expire on the 31st day of December next following the date of issue or renewal.
- (5) Every officer who issues, renews or endorses as effective any licence under this Ordinance shall enter particulars thereof in a register to be kept at every police station where such issue, renewal or endorsement takes place.
- (6) The Chief of Police may by endorsement thereon require as a condition of any licence that the photograph of the person named in such licence be kept attached thereto, and that the person named therein shall carry on his person such licence whenever carrying the arm in respect of which the same is issued.

## **7 Marking of arms**

- (1) Whenever application is made for a licence for any arm not marked with letters or figures or in such other manner so that the same may be readily identified, the officer to whom application is made may, before issuing the licence applied for, cause such arms to be marked with some permanent mark whereby the same may be afterwards known and identified, but in such manner as far as possible not to injure or disfigure the same; and any person who wilfully obliterates, defaces, alters, counterfeits or forges any such mark, or fraudulently marks any arm with any mark resembling or intended to resemble any mark used for marking arms under this section, shall be liable to imprisonment for 2 years and to a fine of \$400.
- (2) Any person who wilfully obliterates, defaces, alters, counterfeits or forges a manufacturer's serial number on any arm shall be liable to imprisonment for 2 years and to a fine of \$400.

## **8 Lost licences**

If a licence issued under section 4 is destroyed, defaced or lost, the person named therein may, on application to any officer authorised to issue licences and on satisfying him that the application is made in good faith, obtain from him on payment of the prescribed fee a new licence in lieu of that destroyed, defaced or lost.

## **9 Arms or ammunition lost or destroyed**

Whenever any arm or ammunition in respect whereof a licence is in force is lost or destroyed, the person named in the licence and any other person who may have been in possession of such arm or ammunition immediately, before the loss or destruction thereof shall, within 14 days after becoming aware of such loss or destruction, make a report thereof to the police station nearest to the place where such persons normally reside.

## **PART IV - ALTERATION ETC., OF ARMS**

### **10 Provisions as to shortening arms and converting imitation arms into arms**

- (1) No person shall shorten the barrel of an arm to a length less than 20 inches.
- (2) No person other than a licensed arms dealer or his servant in the ordinary course of business of such licensed arms dealer shall convert into an arm anything which, though having the appearance of being an arm, is so constructed as to be incapable of discharging any missile through the barrel thereof.
- (3) If any person contravenes any of the foregoing provisions of this section he shall be liable to imprisonment for 2 years and to a fine of \$400.
- (4) If any person purchases or has in his possession an arm which has been shortened to a length less than 20 inches or an arm which has been converted as aforesaid without holding a licence authorising him to purchase or possess it in such shortened or converted condition, he shall be liable to imprisonment for 2 years and to a fine of \$400.

## **PART V - PURCHASE, TRANSFER, IMPORT AND EXPORT OF ARMS AND AMMUNITION**

### **11 Licence for purchase or transfer**

- (1) No person shall take delivery of any arm or ammunition on purchase or transfer without first obtaining a licence authorising the purchase or transfer thereof; and such licence shall have force for 1 month from the date of issue and no longer.

- (2) No person shall deliver to any other person any arm or ammunition on sale or transfer except upon production to him of a licence authorising the purchase or transfer thereof.
- (3) The purchaser or transferee of any, arm or ammunition shall endorse the said licence with the date of delivery and particulars of the arms and ammunition purchased or transferred, and shall return such licence within 1 month from such date to the officer by whom the same was issued.
- (4) Any person who contravenes or fails to comply with any of the provisions of this section shall be liable to a fine of \$20.
- (5) Licences for the purchase or transfer of arms and ammunition which shall be in the prescribed form may be issued by the Chief of Police on payment of the prescribed fee.

## 12 Licence to import

- (1) No person shall import any arm or ammunition or part of arms and ammunition unless he holds a licence in that behalf:

Provided that when any arm is imported without an import licence or interim licence under this section having been obtained authorising the importation thereof, such importation shall not be deemed to contravene the provisions of this section while such arm on importation is left in the possession of the Customs Staff.

- (2) Such licence may be obtained on application to the Chief of Police on payment of the prescribed fee and shall be in the prescribed form.
- (3) Every holder of such licence shall endorse thereon descriptive particulars of all arms and ammunition or parts of arms and ammunition imported thereunder, and shall return such licence to the officer in charge of the police for the place where he resides within 3 days from the expiration of the term allowed thereby.
- (4) Bona fide travellers arriving in Tuvalu may, on application to the officer in charge of police at the place of arrival, obtain an interim licence to import their personal arms and ammunition for such arms, which licence shall be in the prescribed form and shall remain in force in the first instance for a period of 14 days from the date of issue.
- (5) Where bona fide traveller leaves arms and ammunition in the possession of the Customs Staff under the provisions of this section, such arms and ammunition shall be transported from the port or airport where they were imported to any other port of first entry or customs airport in Tuvalu at the request of such traveller, made in writing to the Minister, and on payment of the prescribed fee.

**13 Arms and ammunition sent by post**

Arms or ammunition sent through the post from outside Tuvalu shall not be delivered to the consignee unless or until an import licence for such arms or ammunition is produced at the post office of delivery.

**14 Licence to export**

- (1) No person shall export any arms or ammunition from Tuvalu to a place without Tuvalu unless he holds a licence in that behalf.
- (2) Such licence may be obtained on application to the Chief of Police on payment of the prescribed fee and shall be in the prescribed form.

**15 Ports and places of import and export**

The Minister may from time to time by notice declare that arms or ammunition or particular classes of arms or ammunition shall not be imported into or exported from Tuvalu from or to any place without Tuvalu except at ports or places specified in such notification, and no arms or ammunition shall be imported into or exported from Tuvalu contrary to the terms of such notification.

**16 Declaration of arms and ammunition on importation**

Every person entering Tuvalu who has in his possession or among his baggage any arm or ammunition and every consignee receiving any arm or ammunition imported into Tuvalu shall make a declaration thereof to a customs officer on arrival and before clearing such arm or ammunition through the customs shall produce to such customs officer a licence issued under section 12.

**17 Penalty for unlawful importation or exportation**

- (1) Any person who contravenes the provisions of section 12 (1) or of section 14 or 15 shall be liable to imprisonment for 12 months and to a fine of \$200.
- (2) Any person who contravenes the provisions of section 12 (3) or of section 16 shall be liable to a fine of \$100.

**18 Arms and ammunition in transit**

Notwithstanding any provisions of this Ordinance. the Chief of Police may, at his discretion, grant with or without conditions, refuse, suspend or revoke transit licences covering the importation into, removal within, transportation across,

and exportation from Tuvalu of any arm or ammunition in transit through Tuvalu to any place outside Tuvalu, and the importation, exportation, removal, transportation and possession of any such arm or ammunition under and in accordance with the permission of any such transit licence shall be lawful and shall not constitute an offence under this Ordinance.

## **19 Concealing unlawfully imported arms and ammunition**

Whoever knowingly conceals any arm or ammunition imported without a licence shall be liable to imprisonment for 2 years and to a fine of \$400.

## **20 Minister may prohibit importation or exportation**

- (1) The Minister may from time to time by notice prohibit for a period to be mentioned in such notification either the importation or the exportation of any arms or ammunition parts of arms or ammunition or of particular kinds of arms or ammunition or parts of arms or ammunition without a special licence signed by himself which may be subject to such conditions as he may think fit.
- (2) Any such prohibition of exportation may either be absolute or may relate to such place or places as shall be specified in the notification, and any person who takes or sends any such article out of Tuvalu with the intention that it shall ultimately reach a particular place either directly or indirectly, shall, for the purposes of this section, be deemed to export such article to such place.
- (3) Any person who imports into or exports from Tuvalu any arms or ammunition or parts of arms or ammunition in contravention of any notice under this section or in breach of the conditions subject to which any special licence is issued, shall be liable to imprisonment for 12 months and to a fine of \$200.

## **21 Penalty, in respect of vessel used for illegal importation or exportation**

- (1) If any vessel is used for the importation or exportation of any arms or ammunition or parts of arms or ammunition in contravention of a notification under section 20, or for the receipt or storage of any arm or ammunition or parts of an arm or ammunition imported in contravention of any such notification, the owner or master thereof shall be liable to a fine of \$2000 unless it is proved to the satisfaction of the court that the owner or master was not implicated in the placing of such arm or ammunition or parts of an arm or ammunition on board the vessel and that

the offence in question was committed without his knowledge, consent or connivance, and the vessel may be detained by order of the court until security has been given for such sum as the court orders not exceeding \$2000.

- (2) The finding of any arm or ammunition or part of any arm or ammunition which are subject to a prohibition under section 20 on board any vessel shall be prima facie evidence that the vessel has been used for the importation or exportation of arms or ammunition or parts of arms or ammunition contrary to the provisions of this Ordinance or for the receipt or storage of arms or ammunition or parts of arms or ammunition imported contrary thereto.
- (3) For the purposes of this section the expression “master” shall include every person except a marine pilot having command or charge of the vessel.

## **PART VI - MISCELLANEOUS**

### **22 Prohibition of arms in certain areas**

- (1) Notwithstanding any of the other provisions of this Ordinance, the Minister, if he deems it expedient on account of the prevalence of crimes involving the use of arms in any area in Tuvalu, may by notice —
  - (a) prohibit in such area and after a specified date and subject to such exceptions as he may specify the possession, use or carrying of arms and ammunition;
  - (b) order that all arms and ammunition within such area shall be delivered up on demand to any police officer before a specified date.
- (2) Any person who without reasonable cause, proof whereof shall lie upon him, refuses or neglects to comply with the provisions of such notice shall be liable to a fine of \$100 and to imprisonment for 6 months.
- (3) Arms and ammunition delivered up or seized in consequence of a notice under this section may be detained as long as such notice is in force and for such reasonable period thereafter as may be necessary to enable the owners to collect or re-licence them.

**23 Licence may be refused**

- (1) Subject to the provisions of the last preceding section, the Chief of Police may refuse any application for issue or renewal of any licence without assigning any reason for such refusal, and may for reasons of public safety to be duly recorded by him, or when the licensee has been convicted of an offence under this Ordinance, or on breach of a condition of a licence, or on other prescribed grounds, cancel or suspend the licence.
- (2) No licence shall be issued or renewed to any person under the age of 21 years.

**24 Penalty for taking in pawn arms or ammunition or selling arms or ammunition by auction**

- (1) No person shall take any arm or ammunition in pawn from any other person or sell any arm or ammunition by auction.
- (2) If any person contravenes the provisions of this section, he shall be liable to imprisonment for 6 months and to a fine of \$100.

**25 Search for arms or ammunition under warrant of magistrate**

- (1) Whenever a magistrate or island magistrate has reason to believe that any person residing within the limits of his jurisdiction —
  - (a) has in his possession any arm or ammunition without a licence or in contravention of the conditions upon which any licence is issued or for any unlawful purpose; or
  - (b) has in his possession any arm or ammunition whereof he cannot be left in possession without danger to the public peace,such magistrate or island magistrate may by warrant directed to any police officer authorise such officer by day or by night —
  - (i) to enter and search the house or premises occupied by such person or any house or premises wherein the magistrate or island magistrate has reason to believe that such arm or ammunition is to be found; and
  - (ii) to seize and take before a court such arm or ammunition; and
  - (iii) to arrest any person found in such house or on such premises whom such officer has reason to suspect to have committed an offence punishable under this Ordinance,
- (2) In the execution of such warrant any person to whom such warrant is directed may employ, such assistants as may be necessary.



- (3) Every person licensed to possess arms and ammunition under this Ordinance shall, upon leaving Tuvalu unless he exports such arms or ammunition on so leaving, transfer the same to some person authorised under section 11 to take delivery thereof or deposit them for safe keeping at a police station.
- (4) It shall be a defence for any person charged with unlawfully possessing, using or carrying an arm or ammunition to prove that he carried or possessed such arm or ammunition with the intention of depositing it or producing it for inspection at a police station, and that he acted reasonably and without unreasonable delay' in all the circumstances of the case, and that either —
  - (a) a licence to possess, use or carry such arm or ammunition or to import such arm or ammunition was in force within 7 days before the date of the alleged offence or,
  - (b) that, if such a licence was not in force, it was not through his default.

## **29 Disposal of detained arms and ammunition**

Arms and ammunition detained by any police officer under the provisions of sections 22 and 26 shall, at the expiry of the period of detention, unless previously brought before any court, be returned to the persons lawfully authorised to receive the same; and if there is no such person, such arms and ammunition shall be disposed of in the prescribed manner.

## **30 Ownership**

The occupier of any house or premises in which any arm or ammunition is found shall be deemed until the contrary is proved to be the possessor of such arm or ammunition for the purposes of this Ordinance.

## **31 Rewards to informers**

Any court before whom a conviction may be had under this Ordinance may direct that any sum not exceeding one-half of any fine recovered upon such conviction shall be paid to any person upon whose information or evidence such conviction was obtained.

## **32 Forfeitures**

All arms and ammunition with regard to which there shall have been any offence against the provisions of this Ordinance or any breach of any condition subject

to which any licence shall have been granted, may be seized by any police officer or officer of customs and, together with the receptacles containing the same, shall be liable to forfeiture by order of the court.

### **33 Security of arms and ammunition**

- (1) Every person having in his possession any arm or ammunition shall keep the same at all times securely and in safe custody and in a serviceable and safe condition, and shall take all reasonable precautions to ensure that such arm or ammunition is not lost or stolen and is not at any time available to any person not lawfully entitled to possess the same.
- (2) If any person fails to comply with any of the provisions of this section he shall be liable to imprisonment for 6 months and to a fine of \$100.

### **34 General penalty**

Any person who is guilty of any offence against the provisions of this Ordinance for which no penalty is otherwise expressly provided shall be liable to a fine of \$50.

### **35 Search of vessels**

- (1) If —
  - (a) any vessel in any port is suspected of having on board any article the importation or exportation of which into or from Tuvalu is absolutely prohibited by a notification under section 20 and which is not exempted by this Ordinance or by any special licence thereunder; or
  - (b) any vessel about to leave any port bound for any particular place is suspected of having on board any article the exportation of which from Tuvalu to such place is so prohibited and which is not exempted as aforesaid, the Minister or a magistrate may issue a search warrant directed to any customs officer or police officer.
- (2) In the execution of such warrant any person to whom such warrant is directed may —
  - (a) board any vessel in such warrant named or described either with or without assistants; and
  - (b) forcibly enter every part of such vessel; and
  - (c) arrest any person reasonably suspected of being guilty of an offence against this Ordinance.

- (3) If upon any search made under this section —
- (a) any article the importation or exportation of which is absolutely prohibited by any notification under section 20 and which is not exempted by this Ordinance or by any special licence thereunder is found on board any vessel in any port: or
  - (b) any article the exportation of which to any particular place is so prohibited and which is not exempted as aforesaid is found on board any vessel about to leave any port for such place,

it shall be presumed unless and until the contrary be proved that there was an attempt to import or export such article as the case may be contrary to the provisions of this Ordinance, and such vessel may be detained for the purpose of removing any such article therefrom and the same may be removed therefrom.

### **36 Persons conveying arms or ammunition may be apprehended without warrant**

- (1) If any person is found carrying or conveying any arm or ammunition in such a manner or under such circumstances as to afford reasonable grounds for suspicion that the same may be used for any unlawful purpose dangerous to the public peace, any person may without warrant apprehend such person so found and detain him in custody.
- (2) If any person be apprehended by a person not being a police officer, he shall be forthwith taken to a police station or be handed over to a police officer.

### **37 Person arrested to be taken to police station**

Every person arrested by virtue of any power given by this Ordinance shall, together with any article as to which any offence may have been committed or attempted to be committed, be taken to a police station and conveyed as soon as conveniently may be before a court to be dealt with according to law.

### **38 Power to stop and search for arms and ammunition in the street**

It shall be lawful for any police officer to stop and to search for arms or ammunition any person whom he may find in any street or other public place at any hour of the day or night who acts in a suspicious manner or whom he may suspect of having any arms or ammunition in his possession.

### **39 Presumption**

Every person who is proved to have had in his possession or under his control anything whatever containing any arm or ammunition shall, until the contrary is proved, be deemed to have been in possession of such arm or ammunition.

### **40 Regulations**

The Minister may make regulations for any of the following purposes —

- (a) to prescribe the form of all licences and other documents required under this Ordinance;
- (b) to provide for the marking of arms for the possession of which a licence is issued;
- (c) to regulate the manner in which applications for licences shall be made;
- (d) to regulate the conditions subject to which licences shall be granted, and the issue of licences generally, and the grounds on which they may be suspended or cancelled;
- (e) to provide for the furnishing of information in respect of arms and ammunition by persons in possession thereof;
- (f) to prescribe the fees to be paid for anything done, or any licence or document issued or granted under this Ordinance and to direct by whom and in what manner such fees are to be collected and accounted for;
- (g) to regulate the disposition, destruction or sale of articles forfeited, detained or deposited under the provisions of this Ordinance;
- (h) generally to give effect to the provisions of this Ordinance, and may restrict the operation of any such regulations to particular areas.

### **41 Power to exempt**

The Minister may by notice exempt any arms or ammunition or classes of arms or ammunition within Tuvalu or within any part of Tuvalu from the operation of all or any of the provisions of this Ordinance.

### **42 Provisions of this Ordinance to be additional to other Ordinances**

The provisions of this Ordinance shall be in addition to and not in derogation of the provisions of any other law for the time being in force relating to the manufacture, sale, transfer, purchase, acquisition, possession, use, storage,

carriage, transportation, importation or exportation of firearms, ammunition or explosives.

**ENDNOTES****Table of Legislation History**

<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>

**Table of Renumbered Provisions**

<b>Original</b>	<b>Current</b>

**Table of Endnote References**