

Naghti l-kunsens tieghi.

(L.S.)

EDWARD FENECH ADAMI
President

2 ta' Awissu, 2005

ATT Nru. XIV ta' l-2005

ATT biex iħassar u jilleġizla mill-ġdid b'emendi l-liġi dwar l-armi

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:-

1. It-titolu ta' dan l-Att hu Att dwar l-Armi, 2005, u dan l-Att għandu jibda jsehh f'dik id-data jew dawk id-dati li l-Ministru responsabbli għall-Pulizija jista' b'avviz fil-Gazzetta jistabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti ta' dan l-Att.

Titolu fil-qosor u bidu fis-sehh.

TAQSIMA I - ĠENERALI

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx tehtieg xort'oħra -

Tifsir.

“arma antika” tfisser kull arma regolari manifatturata qabel l-1 ta' Jannar, 1946 jew dik is-sena li tiġi aktar tard skond ma l-Ministru jista' minn żmien għal żmien jistabbilixxi;

“arma artistika” tfisser arma regolari li jkollha abbelliment jew disinn tali li jmur oltre l-htiġijiet purament funzjonali tagħha u li tkun inghatat għarfien bħala tali mill-Bord;

“arma rari” tfisser arma regolari li ma tkunx ghadha aktar tiġi manifatturata u li d-disponibilità tagħha tkun daqstant limitata li ssir arma rari, inklużi l-mudelli sperimentali tal-privattiva, kif ċertifikata bhala tali mill-Kummissarju bil-parir tal-Bord;

“arma storika” tfisser arma regolari li tintuża f’xi avveniment storiku importanti jew minn xi persunaġġ storiku u klassifikata bhala tali mill-Kummissarju bil-parir tal-Bord;

“arma ta’ l-arja” tfisser arma tan-nar qasira jew arma tan-nar twila rispettiva, li minnha l-isparatura tohroġ permezz ta’ l-arja jew kompressjoni ta’ gass.

“arma ta’ l-arti marzjali” tfisser kull arma li tintuża f’xi arti marzjali u li tkun tehtieg li tiġi reġistrata skond id-disposizzjonijiet ta’ dan l-Att;

“arma tan-nar” tinkludi arma tan-nar tkun ta’ liema għamla tkun u kull tip iehor ta’ pistola, azzarin jew kanun li minnha jista’ jiġi sparat xi tir, balla jew missili, u l-kanna, il-kulatta u *receiver* tagħhom:

“arma tan-nar awtomatika” tfisser arma tan-nar li terġa’ tikkarga awtomatikament kull darba li jiġi sparat skartoċċ jew balla u li tista’ tispara aktar minn tir wiehed meta l-grillu jingibed darba wahda biss;

“arma tan-nar b’ripetitur” tfisser arma tan-nar li wara li jkun sparat tir minnha tkun hekk iddisinjata biex terġa’ tikkarga minn magazzin jew ċilindru billi ssir azzjoni kaġunata minn ċaqliq ta’ l-id;

“arma tan-nar li ma tiffunzjonax” tfisser arma tan-nar li tkun intgħamlet permanentement mhux tajba biex tintuża u li tkun ġiet ċertifikata bhala tali mill-Kummissarju kif stipulat f’dan l-Att;

“arma tan-nar qasira” tfisser arma tan-nar b’kanna li ma tkunx aktar minn tletin ċentimetru twila jew li jkollha tul li b’kollox ma jgibx aktar minn sittin ċentimetru;

“arma tan-nar semi-awtomatika” tfisser arma tan-nar li terġa’ tikkarga awtomatikament kull meta tispara tir u li tista’ tispara biss tir wiehed meta jingibed il-grillu għal darba;

“arma tan-nar ta’ sparatura wahda” tfisser arma tan-nar li ma jkollhiex magazzin u li tiġi kkargata qabel kull sparatura billi jiġi ikkargat bl-idejn skartoċċ jew balla fir-rukkell jew mill-kulatta fuq wara tal-kanna;

“arma tan-nar twila” tfisser arma tan-nar li jkollha kanna twila aktar minn tletin ċentimetru jew li jkollha tul li b’kollox ma jgibx aktar minn sittin ċentimetru;

“armi regolari” għandu jkollha l-istess tifsira mogħtija lilha bl-artikolu 64 tal-Kodiċi Kriminali u għandha tinkludi arma tan-nar kif imfissra f’dan l-artikolu;

“attività sportiva” tinkludi l-kaċċa, sparar bil-mira u attività ta’ *paintball*;

“attività ta’ *paintball*” tfisser attività fejn armi bi skop speċjali li joperaw b’arja jew gass kompressati, speċifikament iddisinjati biex jitfgħu projettili li meta jinkisru jkun fihom żebgħa mlewna u li jintużaw għall-immarkar jew turija fuq *targets*;

“il-Bord” tfisser il-Bord dwar l-Armi kostitwit u mahtur skond l-artikolu 49 ta’ dan l-Att;

“fabbrikant ta’ l-armi” tfisser min ikollu s-sengħa jew in-negozju li jiffabbrika, isewwi, jirrestawra, jimmanifattura, jagħmel tibdil, jimmodifika jew jikkonverti armi tan-nar;

“fond” tinkludi kull bini li jappartjeni lil dak il-fond;

“klabb” tfisser organizzazzjoni li torganizza u twettaq attivitajiet ta’ sparar bil-mira u li jkun rikonoxxut bħala tali mill-Bord u li jkollu liċenzja mahruġa mill-Kummissarju għall-finijiet ta’ dan l-Att;

“kollettur” tfisser min ikollu liċenzja għaldaqshekk skond l-artikolu 11 ta’ dan l-Att;

“il-Kummissarju” tfisser il-Kummissarju tal-Pulizija;

“il-Ministru” tfisser il-Ministru responsabbli għall-Pulizija ;

“munizzjon” tfisser il-biċċiet immuntati ta’ skartoċċ, jiġifieri l-pretkuni jew il-balla, il-kaps u l-propellent għal kull arma tan-

nar iżda teskludi l-pretkuni għal arma ta' l-arja, munizzjon inerti u balal ta' l-artillerija;

“munizzjon bi proġettili li jespandu” tfisser munizzjon li jkun intiż jew adattat sabiex jespandi ma' l-impatt;

“munizzjon bi proġettili li jisplodu” tfisser munizzjon fejn il-proġettili jkollu ikkargar hekk li jisplodi meta jagħmel impatt, kemm jekk intiż jew iddisinjat għal użu militari kemm xort'ohra;

“munizzjon bi proġettili li jinharqu” tfisser munizzjon fejn il-proġettili jkollu tahlita kimika li taqbad fi fjamma hekk kif dan jiġi f'kontatt ma' l-arja jew meta jagħmel impatt, kemm jekk intiż jew iddisinjat għal użu militari kemm xort'ohra;

“negozjant” tfisser persuna li l-kummerċ jew negozju tagħha jkun jikkonsisti għal kollox jew f'parti minnu fix-xiri, bejgħ, importazzjoni, esportazzjoni, wiri, immuntar, manutenzjoni, hażna, trasport, ġarr b'kull mezz, distribuzzjoni, kunsinna, skambju jew kiri ta' xi arma tan-nar jew armi regolari inkluż il-munizzjon, u, jew li jkollu pussess bil-hsieb li jbiegħ, jimporta, jesporta, juri, jimonta, iżomm, jażen, jittrasporta, iġorr b'kull mezz, jiddistribwixxi, jiskambja u, jew jikri xi arma tan-nar jew armi regolari inkluż il-munizzjon;

“porvli” tinkludi porvli, porvli sewda, porvli li ma jagħmilx duhhan u kull tip iehor ta' propellent;

“proġettili li jinfed kisja korazzata” tfisser munizzjon li jintuza bi skop militari hekk li l-proġettili jkun mġhotti u iżolat, u jkollu centru iebes li jinfed;

“pussess” tinkludi l-ġarr, iż-żamma, l-użu, il-kontroll u, jew li persuna jkollha l-kontroll effettiv;

“residenti” tfisser min ikun ordinarjament residenti f'pajjiż, u persuna titqies li tkun ordinarjament residenti fil-pajjiż indikat skond l-indirizz li jkun jidher fuq dokument ufficjali li jkun jistabbilixxi l-post fejn tkun toqghod, bhalma hu passaport jew dokument ta' l-identità;

“sparar bil-mira” tfisser kull sport li fih isiru sessjonijiet ta' sparar bl-armi tan-nar f'kampijiet ta' l-isparar approvati sew ġewwa sew barra iżda teskludi l-kaċċa, kif imsemmija f'dan l-Att;

TAQSIMA II – ARMI REGOLARI U MUNIZZJON PROJBIT

3. Minghajr preġudizzju għad-disposizzjonijiet ta' dan l-Att -Projbizzjoni
generali.

(a) l-akkwist, il-pussess għal-liema għan ikun, iż-żamma jew l-importazzjoni ta' l-armi regolari u l-munizzjon imsemmija fi Skeda I li tinsab ma' dan l-Att huma projbiti; u

(b) il-manifattura, it-tnehhija taht liema titolu jkun, il-kiri, l-offerta għall-bejgħ jew kiri, jew is-self jew l-ghoti lil persuna ta' xi wahda mill-armi regolari elenkati fi Skeda I huma wkoll projbiti.

4. Minkejja d-disposizzjonijiet ta' artikolu 3, il-Kummissarju jista', f'ċirkostanzi speċjali, johroġ liċenzja għall-akkwist, il-pussess jew l-importazzjoni ta' armi regolari jew munizzjon elenkat fi Skeda I, jekk fid-diskrezzjoni assoluta tiegħu huwa jqis li l-hruġ ta' dik il-liċenzja jkun mehtieġ fl-interess pubbliku jew għall-harsien tal-hajja u s-sigurtà pubblika.

Awtorizzazzjoni
speċjali.

TAQSIMA III – LIĊENZJI

Liċenzja għaż-żamma, pussess, importazzjoni jew esportazzjoni ta' armi tan-nar u munizzjon

5. (1) Minghajr preġudizzju għad-disposizzjonijiet l-oħra ta' dan l-Att, hadd ma għandu jżomm f'xi fond jew ikollu fil-pussess tiegħu, taht il-kontroll tiegħu jew iġorr barra minn xi fond jew fid-dintorni tiegħu xi arma tan-nar, jew munizzjon elenkati fi Skeda II li tinsab ma' dan l-Att minghajr ma jkollu liċenzja taht dan l-Att.

Liċenzja għaż-
żamma, pussess,
esportazzjoni jew
importazzjoni ta'
armi tan-nar, armi u
munizzjon.

(2) Minghajr preġudizzju għad-disposizzjonijiet ta' l-Ordinanza tad-Dwana jew ta' kull liġi oħra, hadd ma għandu, minghajr il-liċenzja jew il-permess tal-Kummissarju, jimporta jew idahhal ġewwa Malta jew jesporta minn Malta xi arma tan-nar jew munizzjon skond ma hemm imsemmi fis-subartikolu ta' hawn qabel:

Kap. 37.

Iżda meta arma tasal Malta hadd ma għandu jiehu pussess tagħha qabel ma tinghata l-approvazzjoni għaldaqstant mill-Kummissarju tal-Pulizija:

Iżda wkoll il-Kummissarju jista' jagħti permess temporanju għall-esportazzjoni u, jew l-importazzjoni ta' armi tan-nar u munizzjon bħal dawk imsemmija fis-subartikolu (1) taht dawk il-kondizzjonijiet li huwa jista' jqis adatti.

(3) (a) Applikazzjoni għal liċenzja taht din it-Taqsima biex jinżammu f'xi fond armi tan-nar jew munizzjon għandhom jispeċifikaw liema jkun dak il-fond fejn ikunu ser jinżammu dawk l-armi tan-nar u munizzjon u l-liċenzja tinghata biss bil-kondizzjoni li l-armi tan-nar u munizzjon approvati jinżammu maqfulin b'mod sigur u separat f'dak il-fond u li dawk l-armi tan-nar jinżammu skargati.

(b) Kull kambjament fil-fond approvat għandu jigi avzat lill-Kummissarju fi żmien hmistax-il ġurnata mid-data ta' dak il-kambjament.

(4) (a) Bla hsara għat-tieni proviso ta' l-artikolu 11(1), liċenzja mogħtija lil persuna biex ikollha fil-pussess jew taht il-kontroll tagħha jew biex iġġorr barra minn xi fond jew mid-dintorni tiegħu xi arma tan-nar jew munizzjon taht l-artikolu 5(1) għandha tinghata biss sabiex dik l-arma jew dak il-munizzjon jintużaw għal attivitajiet sportivi; u

(b) liċenzja biex tiġi importata jew mdahhla f'Malta xi arma tan-nar jew munizzjon taht l-artikolu 5(2) għandha tinghata biss sabiex dik l-arma jew dak il-munizzjon jintużaw għal attivitajiet sportivi:

Iżda qabel ma tinhareġ liċenzja bhal dik hawn qabel imsemmija għall-fini ta' sparar bil-mira, il-Kummissarju għandu jiżgura li jkun hemm faċilitajiet ta' l-isparar skond il-liġi ġewwa Malta għal dak l-ghan u jista' iktar minn hekk iżomm limitat l-għadd ta' armi tan-nar li tista' tinharġilhom liċenzja kif hawn qabel imsemmi f'isem xi persuna wahda:

Iżda wkoll meta liċenzja tkun inghatat mill-Kummissarju dwar xi attività sportiva, dik il-liċenzja għandha tkun mingħajr preġudizzju għal kull htieġa jew kondizzjoni ohra imposta taht xi liġi ohra.

(5) Il-Kummissarju jista', f'ċirkostanzi speċjali johroġ liċenzja lil xi persuna sabiex iżzomm arma tan-nar elenkata fi Skedi II u III għal finijiet li ma humiex biss dawk ta' attivitajiet sportivi jekk fid-diskrezzjoni assoluta tiegħu huwa jqis li l-hruġ ta' dik il-liċenzja jkun meħtieġ fl-interess pubbliku jew għall-harsien tal-hajja u s-sigurtà ta' persuni.

(6) Arma tan-nar li dwarha tinhareġ liċenzja taht dan l-artikolu għal sparar bil-mira:

(a) tkun tista' biss tingarr waqt attività ta' sparar ġewwa kamp jew faċilità ta' l-isparar li jkollhom liċenzja kif ukoll lejn u

minn dak il-kamp jew faċilità f' dak il-perjodu ta' żmien skond ma jista' jiġi stabbilit, qabel u wara dik l-attività sportiva;

(b) għandha tinżamm skargata u b' mod sigur filwaqt li tkun qieghda tingarr lejn u minn kamp jew faċilità kif hawn qabel imsemmi.

(7) Meta jsir reat volontarju taht xi liġi li ma tkunx dan l-Att minn detentur ta' liċenzja taht dan l-Att permezz ta' xi arma tan-nar li jkollha liċenzja taht din it-Taqsima, meta dak id-detentur jinsab hati l-piena għal dak ir-reat għandha tiżdied bi grad sa żewġ gradi kemm-il darba l-liġi ma tkunx diġà tipprowdi għal piena akbar meta r-reat isir b' arma tan-nar jew arma regolari.

Liċenzja biex jinżammu jew jinġarru armi regolari minbarra armi tan-nar

6. Salvi d-disposizzjonijiet ta' l-artikolu 8 hadd ma għandu jgħorr 'il barra minn xi fond jew id-dintorni tiegħu xi sikkina jew strument li jaqta' jew bil-ponta ta' liema xorta jkun minghajr ma jkollu liċenzja jew permess mingħand il-Kummissarju.

Liċenzja għall-garr ta' skieken.

7. Id-disposizzjonijiet ta' l-artikolu 6 ma jghoddux għal:-

Eżenzjonijiet għall-artikolu 7.

(a) mus li jkollu xafra li tohroġ mhux aktar minn tmien ċentimetri mill-maqbad u li jista' raġonevolment jitqies li jkun qed jinġarr bil-għan li jsir dak l-użu minnu bħal dak li soltu jsir minn mus;

(b) sikkina li tintuża minn xi persuna bil-għan tat-twettiq tas-sengħa jew għall-fini ta' l-istudji tagħha, jew għal għanijiet ta' għads meta, wara li tqis il-hin, il-post u ċirkostanzi ohra, il-qorti tkun sodisfatta li dik is-sikkina kienet qieghda attwalment tingarr għal dawk il-finijiet.

8. Minkejja kull disposizzjoni ohra ta' dan l-Att jew ta' kull liġi ohra, ma tkun mehtieġa ebda liċenzja għall-pussess jew iż-żamma għal xi fond ta' sikkina jew arma li taqta' jew bil-ponta li ma tkunx arma projbita skond l-artikolu 3 jew li jakkwista sikkina jew strument bħal dawk għall-istess għan.

Armi b' xifer ġewwa xi fond.

Liċenzja biex jiġu operati kampi ta' l-isparar sew ġewwa sew barra

Liċenzja biex jiġi operat kamp ta' l-isparar.

9. Hadd ma ghandu jhaddem kamp ta' l-isparar bil-mira minghajr ma jkollu liċenzja mahruġa mill-Kummissarju li jista' johroġ dik il-liċenzja bil-parir tal-Bord.

Permess ghal kamp ghall-okkażjoni.

10. (1) Il-Kummissarju jista' jaghti permess dwar kamp ta' l-isparar ghall-okkażjoni temporanja bir-rakkomandazzjoni tal-Bord.

(2) Il-Ministru jista' jaghmel regolamenti dwar il-hruġ ta' liċenzji ghal kampi ta' l-isparar.

Liċenzja ghall-akkwist, tiżmim jew pussess ta' armi antiki, artistici, storiċi jew rari

Liċenzja ta' kollettur.

11. (1) Hadd ma jista' jkollu ghal finijiet ta' kollezzjoni xi arma tan-nar jew armi regolari li jkunu antiki, artistici, storiċi jew rari, sew jekk dawn jitqiesu jew ma jitqisux bhala arma tan-nar jew arma projbita taht Skeda I, kemm-il darba ma jkollux il-liċenzja mehtieġa:

Izda ma ghandha tinhareġ ebda liċenzja ghall-partita 1 fit-Taqsima I ta' Skeda I li tinsab ma' dan l-Att sakemm dik l-arma ma tkunx wahda inert:

Izda wkoll kull min ikollu liċenzja bhala kollettur taht dan l-artikolu jista' jiġi awtorizzat taht il-liċenzja li jzomm dak l-ghadd ta' armi tan-nar, li jiġi stabbilit taht dan l-Att, bhal dawk elenkati fi Skeda II, ukoll jekk dawn ma jkunux armi tan-nar li jitqiesu li huma antiki, artistici, storiċi jew rari.

(2) Il-Kummissarju jista' johroġ liċenzja taht is-subartikolu (1) ta' dan l-artikolu lil kull persuna bir-rakkomandazzjoni tal-Bord sakemm dik il-persuna:

(a) tkun tissodisfa l-htigijiet ta' l-artikolu 23 ta' dan l-Att;

(b) tkun tifhem fl-istorja u l-karatteristiċi ta' dawk l-armi tan-nar jew armi u tal-munizzjon li jintuza magghom;

(c) tkun ikkonformat ruhha ma' dawk il-htigijiet l-oħra li jistgħu jiġu stabbiliti b'regolamenti dwar kemm tkun tifhem f'dawk l-armi, armi tan-nar u munizzjon kif hawn qabel imsemmi, u dwar kemm tkun qieghda żzommhom f'post sigur.

(3) Liċenzja mahruġa taht dan l-artikolu ghandha tkun tipprovdi dwar l-ispezzjon minn ufficjal tal-pulizija ta' mhux inqas mill-grad ta' spettur, jew minn kull ufficjal iehor tal-pulizija skond ma dan jista' jkun awtorizzat minnu, ta' l-arma tan-nar jew munizzjon u tal-fond fejn ikunu ser jinzammu dik l-arma tan-nar u munizzjon, u dak l-ispezzjon ghandu jsir skond il-liġi u skond regolamenti li jistgħu jiġu stipulati.

12. Meta reat volontarju taht liġi li ma tkunx dan l-Att isir minn detentur ta' liċenzja taht dan l-Att permezz ta' xi arma tan-nar li jkollha liċenzja taht l-artikolu 11, il-piena ghad-detentur meta jinsab hati ghandha tiżdied bi grad sa żewġ gradi sakemm il-liġi ma tkunx diġà tipprovdi għal piena akbar meta r-reat isir b'arma tan-nar jew arma regolari.

Reati aggravati.

13. (1) Kollettur ma ghandux jittrasporta jew juri pubblikament il-kollezzjoni ta' l-armi li jkollu jew parti minnha minghajr permess għaldaqstant minghand il-Kummissarju taht dawk il-pattijiet u l-kondizzjonijiet li l-Kummissarju jista' jqis li jkunu adatti.

Trasport jew turija ta' armi.

(2) Ma ghandhiex tinghata liċenzja taht is-subartikolu (1) ta' dan l-artikolu sakemm min japplika ma jgħibx prova għas-sodisfazzjon tal-Kummissarju li dak it-trasport jew turija jkunu unikament intiżi għal xi wirja f'esibizzjoni jew għal finijiet ta' reċtar ta' xi avveniment, u jiġu implimentati dawk il-mizuri ta' harsien u ta' sigurtà mehtieġa.

Liċenzja lil negozjanti ta' armi regolari

14. Hadd ma ghandu jahdem fil-kummerċ jew negozju ta' negozjant jekk ma jkollux liċenzja li tinhariġlu mill-Kummissarju bil-parir tal-Bord sakemm dik il-persuna:

Liċenzja li tinghata lil negozjant.

(a) tkun tissodisfa l-htigijiet ta' l-artikolu 23 taht dan l-Att;

(b) tkun tissodisfa l-kondizzjonijiet stipulati fit-Taqsima V ta' dan l-Att, u tissodisfa wkoll lill-Kummissarju bl-integrità privata u professjonali tagħha;

(c) meta min japplika jkun persuna legali, il-Kummissarju ghandu jkun sodisfatt bl-integrità privata u professjonali tad-diretturi, azzjonisti u kull persuna ohra li jeżerċitaw direzzjoni jew kontroll fuq il-persuna legali. Kull trasferiment ta' ishma sew *inter vivos* sew *causa mortis* u, jew hatra ta' diretturi ghandha tkun tehtieġ l-approvazzjoni tal-Kummissarju;

(d) tkun ikkonformat ruhha ma' dawk il-htigijiet l-oħra li jistgħu jiġu stipulati b'regolamenti jew mal-kondizzjonijiet ta' dik il-liċenzja dwar kemm tkun tifhem u tkun taf iżżomm dawk l-armi, armi tan-nar u munizzjon f'post sigur.

In-negozjant għandu jżomm reġistru.

15. (1) Kull min ikollu liċenzja taht dan l-artikolu għandu jżomm reġistru b'inventarju ta' kull arma tan-nar u munizzjon u ta' kull darba li jirċievi jew inehhi, taht liema titolu jkun, xi arma tan-nar jew munizzjon għal-liema raguni tkun, huwa għandu jniżżel jew jara li jitniżżel bil-miktub fir-reġistru dan il-fatt billi jispeċifika:

(a) l-isem, il-kunjom, in-numru tal-karta ta' l-identità, x'ikun ix-xogħol u l-post ta' residenza tal-persuna li minn għandha jkun irċieva l-armi regolari jew il-munizzjon jew lil min dawn ikunu ser jiġu kkunsinnati;

(b) l-ghadd jew il-kwantità ta' armi regolari jew munizzjon u d-data meta jirċevihom jew inehhahom;

(ċ) id-deskrizzjoni ta' l-armi regolari tal-munizzjon u t-tip, l-ghamla, il-mudell, il-kalibru u n-numru ta' serje ta' kull arma regolari u ta' kull modifika li tista' tkun saritilhom;

(d) in-numru tal-liċenzja li jkollha l-persuna li lilha jiġu trasferiti l-armi regolari jew il-munizzjon.

(2) Id-detentur ta' liċenzja għandu jżomm u jikkonserva r-reġistru għal daqstant żmien sakemm huwa jibqa' jkollu dik il-liċenzja, liema reġistru għandu, fid-data meta jiġi depożitat, ikun iffirmit kif imiss mid-detentur tal-liċenzja u kontrorenjat mill-Kummissarju jew minn uffiċjal li jkun gie awtorizzat għaldaqstant minnu.

(3) Kull uffiċjal tal-Pulizija jista' f'kull waqt raġonevoli jitlob l-ispezzjon tar-reġistru, jispezzjona kull fond u mahzen ta' negozjant, u jivverifika r-reġistrazzjonijiet hawn qabel imsemmija, sabiex isir jaf il-kwantità li jkun fadal fid-depożt, u biex jiżgura konformità mad-dmirijiet u l-obbligi tan-negozjant taht dan l-artikolu.

Liċenzja biex persuna tagħmilha ta' fabbrikant ta' l-armi

Liċenza li tinghata lil fabbrikant ta' l-armi.

16. (1) Persuna ma għandhiex teżercita s-sengħa jew in-negozju ta' fabbrikant ta' l-armi mingħajr ma jkollha liċenzja maħruġa mill-Kummissarju bil-parir tal-Bord.

(2) Liċenzja taht dan l-artikolu tista' tinhareg biss jekk ikunu gew sodisfatti l-kondizzjonijiet provduti fil-paragrafi (a) sa (d), it-tnejn inkluzi, ta' l-artikolu 14.

17. (1) Kull min ikollu liċenzja taht l-artikolu 16 għandu jzomm registru b'inventarju ta' l-armi regolari u l-munizzjon u għandu, ta' kull darba li jirċievi jew inehhi taht liema titolu jkun xi armi regolari jew munizzjon, għal-liema raguni tkun, inizzel jew jara li jitnizzel bil-miktub fir-registru dan il-fatt billi jispeċifika d-dettalji stipulati fil-paragrafi (a) sa (d), it-tnejn inkluzi, ta' l-artikolu 15(1).

Il-fabbrikant ta' l-armi għandu jzomm registru.

(2) Id-disposizzjonijiet tas-subartikoli (2) u (3) ta' l-artikolu 15 għandhom ikunu *mutatis mutandis* japplikaw dwar liċenzja maħruġa taht l-artikolu 16(1).

Bejgh b'irkant ta' armi regolari

18. (1) Ebda irkantatur ma għandu jirċievi biex jirkanta xi arma regolari jew munizzjoni kemm-il darba sidhom ma jkunx kiseb il-permess jew liċenzja mehtieġa wara li jkun għarraf lill-Kummissarju b'dik il-haġa, ikun ta d-dettalji ta' l-irkant u jissodisfa lill-Kummissarju li l-armi regolari jkunu ser jiġu maħzuna jew murijin b'mod sigur.

Bejgh b'irkant ta' armi regolari.

(2) Il-bejgh b'irkant ta' arma regolari jew munizzjon għandu jsir bla hsara għax-xerrej li jkollu jew li jikseb il-liċenzja jew il-permess mehtieġa taht dan l-Att.

(3) Wara li jsir il-bejgh bl-irkant ta' arma regolari jew munizzjon kif hawn qabel imsemmi lil xi persuna, l-irkantatur għandu jgħarraf lill-Kummissarju b'dak il-fatt u għandu jagħmilha ta' xhud fuq il-formola adatta li għandha tiġi ipprezentata mid-detentur ta' liċenzja lill-Kummissarju għal dak it-trasferiment dwar dak it-trasferiment, liċenzja jew permess.

(4) Il-formola għandha tiġi ipprezentata lill-Kummissarju fi żmien hmistax-il għnata minn tmiem-il bejgh bl-irkant u għandu jkollha d-dettalji kollha tat-trasferiment propost u tax-xerrej propost kif ukoll il-partikolaritajiet ta' l-arma regolari jew munizzjon sabiex dawn ikunu jistgħu jiġu identifikati, inkluzi b'mod partikolari, l-għamla, il-mudell, il-kalibru u n-numru ta' serje ta' l-arma tan-nar irkantata.

(5) Kull arma regolari jew munizzjon li jiġu irkantati ma għandhomx jingħataw lix-xerrej qabel ma dak ix-xerrej jirreġistra ruhu mal-Kummissarju skond l-artikolu 23 ta' dan l-Att.

(6) Armi regolari jew munizzjon li jibqghu ma jinbieghux wara l-irkant għandhom jiġu mreggħin lura lis-sid detentur ta' liċenzja u l-Kummissarju għandu jiġi mgharraf b'dan.

TAQSIMA IV - NEGOZJU U TRASFERIMENTI TA' ARMI REGOLARI

Negozju fi
trasferimenti.

19. L-ebda negozjant jew haddiehor ma għandu jbiegh jew xort'ohra jinneozja, inehhi jew jittrasferixxi taht ebda titolu li jkun xi arma regolari jew munizzjon jew iżomm jew jesponi għall-bejgħ jew xort'ohra xi arma regolari jew munizzjon mingħajr ma jkollu liċenzja jew permess tal-Kummissarju.

Trasferiment ta'
armi tan-nar, eċċ. lil
persuni mhux
awtorizzati.

20. (1) L-ebda negozjant jew haddiehor ma għandu jbiegh, jittrasferixxi jew jikkunsinna taht ebda titolu li jkun xi arma regolari jew munizzjon lil xi persuna li ma jkollhiex liċenzja tal-Kummissarju għal dik l-arma regolari jew munizzjon skond dan l-Att.

(2) Negozjant jew haddiehor li jittrasferixxi jew jikkunsinna xi arma regolari skond is-subartikolu (1) għandu jirreġistra dak il-bejgħ u għandu jinforma lill-Kummissarju b'dak il-bejgħ, trasferiment jew kunsinna skond il-każ fi żmien hmistax-il ġurnata minn meta dan jiġri.

Projbizzjoni ta'
bejgħ ta' skieken lil
minuri eċċ.

21. Ebda negozjant jew persuna ohra ma għandha tbiegħ jew tikkunsinna ebda sikkina jew strument iehor li jaqta' jew bil-ponta lil min ikun taht l-età ta' tmintax-il sena.

Trasferiment
temporanju ta' armi
regolari, armi tan-
nar eċċ.

22. (1) Il-Kummissarju jista' jawtorizza t-trasferiment temporanju ta' armi regolari jew munizzjon skond regolamenti li l-Ministru jista' jagħmel minn żmien għal żmien.

(2) Mingħajr preġudizzju għall-ġeneralità tas-subartikolu (1) ta' dan l-artikolu, kull min ikun irid jittrasferixxi xi arma regolari jew munizzjon minhabba f'xi bdil ta' residenza, sew permanenti sew temporanja, jista' jitlob emenda fil-permess jew fil-liċenzja sakemm id-detentur tal-liċenzja jagħti avviż ta' hmistax-il ġurnata bil-quddiem dwar dik il-bidla li jkun bi hsiebu jagħmel.

TAQSIMA V – GHOTI, VALIDITÀ U REVOKA TA' LIĊENZJI

Applikanti għal liċenzja

Persuni li jistgħu
jitolbu liċenzja.

23. Mingħajr preġudizzju għad-disposizzjonijiet ta' dan l-Att, liċenzja taht dan l-Att tista' biss tinhareġ mill-Kummissarju lil min:-

(a) ikollu tmintax-il sena jew aktar; u

(b) ikun ċittadin Malti jew ikun persuna eżenti taht id-disposizzjonijiet ta' l-artikolu 4(1)(b) sa 4(1)(h), it-tnejn inklużi, ta' l-Att dwar l-Immigrazzjoni; jew

Kap. 217.

(ċ) ikollu permess ta' residenza skond l-artikolu 7(1) ta' l-Att dwar l-Immigrazzjoni; jew

(d) ikun igawdi l-libertà ta' moviment f'Malta skond il-Kostituzzjoni; jew

(e) ikun persuna kif speċifikata f'regolamenti li l-Ministru jista' minn żmien għal żmien jagħmel.

24. (1) Ma għandha tinhareg ebda liċenzja taht dan l-Att lil xi persuna li f'xi żmien matul il-hames snin minnufih qabel id-data meta tagħmel l-applikazzjoni tagħha għal liċenzja:- Skwalifika.

(a) tkun instabet hatja:-

(i) ta' reat li jinvolvi l-vjolenza jew tentattiv jew theddid ta' vjolenza kontra l-persuna; jew

(ii) ta' xi reat taht dan l-Att; jew

(iii) ta' offiżi fuq il-persuna b'armi regolari jew b'xi strument ieħor jew li tkun qabdet xi arma regolari jew strument ieħor kontra persuni ohra; jew

(iv) ta' serq; jew

(v) ta' reat kontra l-liġijiet li għandhom x'jaqsmu mal-kummerċ fil-prostituzzjoni; jew

(vi) ta' reat li jkollu x'jaqsam mat-traffikar ta' mediċinali; jew

(vii) ta' reati ohra li l-Ministru jista' b'regolamenti jistipula minn żmien għal żmien:

Iżda, minkejja kull haġa li hemm fl-Att dwar il-*Probation* għall-finijiet ta' dan il-paragrafu, persuna titqies li tkun giet misjuba hatja ukoll jekk tkun giet applikata fil-konfront tagħha xi disposizzjoni ta' dak l-Att; jew Kap. 446.

(b) ikollha storja personali:

(i) ta' dipendenza fuq il-mediċinali jew abbuz minnhom; jew

(ii) li tkun ġiet ikkurata għal xi marda tal-mohh fi sptar, istitut mentali, klinika psikjatrika jew xort'ohra, u sew jekk dik il-persuna tkun għamlet xi żmien f' dak l-isptar, istitut jew klinika sew jekk le, meta dik il-marda mentali tkun assoċjata ma' l-użu ta' vjolenza minn dik il-persuna, jew ma' theddid jew tentattiv ta' użu ta' vjolenza kontra xi persuna oħra.

Awtorizzazzjoni speċjali tal-Ministru.

(2) Minkejja d-disposizzjonijiet tas-subartikolu (1) taht dan l-Att tista' tinghata bl-awtorità speċjali tal-Ministru fiċ-ċirkostanzi li hemm provdut dwarhom f'dawk is-subartikoli.

Meta tiġi rifjutata liċenzja.

25. (1) Tista' tiġi rifjutata li tinghata liċenzja lil xi persuna fl-interess ta' l-ordni pubbliku, jew fl-interess tas-sigurtà ta' dik il-persuna nnifisha jew tal-pubbliku b'mod ġenerali.

(2) Kull min ihoss ruhu aggravat b'deċizzjoni tal-Kummissarju li tkun ittiehdet skond id-disposizzjonijiet tas-subartikolu (1) jista' jappella quddiem il-Ministru fi żmien sebat ijiem minn meta jinghata avviz bil-miktub tar-rifjut mill-Kummissarju u l-Ministru għandu, fil-qadi ta' dmirijietu taht dan is-subartikolu, jikseb il-parir tal-Bord. Id-deċizzjoni tal-Ministru tkun wahda finali.

Kwalifiki speċjali għal xi liċenzji

Liċenzja għal sparar bil-mira.

26. (1) Ma għandhiex tinghata liċenzja mill-Kummissarju taht dan l-Att jew taht regolamenti li jsiru tahtu għall-pussess ta' armi regolari jew munizzjon bl-iskop ta' sparar bil-mira kemm-il darba min japplika ma jissodisfax il-kondizzjonijiet li hemm fit-Taqsima III ta' dan l-Att, u ma jgħibx prova għas-sodisfazzjon tal-Kummissarju li huwa:-

(a) jkun temm b'suċċess kors dwar l-użu b'mod sigur ta' armi tan-nar immexxi minn għalliem kwalifikat u approvat jew minn korp kompetenti u approvat u li jkun temm b'suċċess kull test li jsir minn dak l-għalliem jew korp kompetenti approvat; u

(b) jkun reġistrat ma' klabb li jkollu liċenzja għal sparar bil-mira u li huwa jkun membru attiv tiegħu.

(2) Kull persuna minuri:

(a) taht it-tmintax-il sena iżda mhux taht is-sittax-il sena tista', bil-kunsens tal-persuna li jkollha setgħa skond il-liġi fuqha, tipprattika sparar bil-mira b'armi ta' l-arja, xkubetti taç-çomb u armi tan-nar *muzzle-loading* f'kamp ta' l-isparar li jkollu liċenzja;

(b) taht l-età ta' sittax-il sena iżda mhux taht l-erbatax-il sena tista', bil-kunsens tal-persuna li jkollha setgħa skond il-liġi fuqha, tipprattika sparar bil-mira f'kamp ta' l-isparar bhal dak u b'armi ta' l-arja biss skond ma jista' jiġi stabbilit taht dan l-Att jew b'arma tan-nar ta' xort'ohra msemmija fil-paragrafu (a) kif jista' jkun preskritt b'regolamenti taht dan l-Att. Il-Kummissarju jista' jimponi dawk il-kondizzjonijiet li jista' jqis li jkunu xierqa għall-prattika ta' dak l-isparar minn dawk il-minuri.

(3) Kull Prattika ta' l-isparar li ssir minn minuri skond id-disposizzjonijiet tas-subartikolu (2) għandha ssir taht liċenzja mahruġa mill-Kummissarju għal dak il-ghan u taht is-sorveljanza diretta ta' Uffiċjal tal-Kamp, li jkollu liċenzja u li jinhatar mill-klabb u jiġi approvat mill-Kummissarju bil-parir tal-Bord.

(4) Minkejja d-disposizzjonijiet ta' kull liġi ohra, min jagħti l-kunsens tiegħu skond ma hemm fis-subartikolu (2) ta' dan l-artikolu, għandu jitqies għall-finijiet kollha tal-liġi bhala li jassumi kull responsabbiltà ċivili u kriminali delegata u sostitutiva għal kull att jew ommissjoni, volontarji jew involontarji, tal-minuri bi ksur tad-disposizzjonijiet ta' dan l-Att.

(5) Il-Kummissarju jista' f'kull żmien iħassar il-liċenzja mahruġa taht dan l-artikolu meta d-detentur ta' liċenzja ma jibqax aktar membru attiv ta' dak il-klabb.

(6) Liċenzja mahruġa taht dan l-artikolu jista' jkun fiha restrizzjonijiet dwar il-moviment ta' dawk l-armi tan-nar lejn u minn kamp ta' l-isparar skond ma l-Kummissarju jista' jqis li jkun adatt.

Kondizzjonijiet tal-Liċenzja

27. (1) Liċenzja mahruġa skond ma hemm f'dan l-Att għandha tkun bla ħsara għal kull kondizzjoni li l-Kummissarju jista' jqis li tkun adatta li jagħmel, u l-liċenzja għandha tindika l-kondizzjonijiet li tahtom id-detentur ta' liċenzja jkun jista' jakkwista, jittrasferixxi, iżomm jew ikollu fil-pussess tiegħu xi arma tan-nar, arma regolari u munizzjon.

Kondizzjonijiet tal-liċenzja.

(2) Kull liċenzja li tinhareġ skond dan l-Att għandu jkollha magħha polza ta' l-assigurazzjoni għal riskji fil-konfront ta' terzi skond kif ikun meħtieġ b'regolamenti taht dan l-Att.

Liċenzja biex jinżammu armi tan-nar ġewwa fond.

28. Liċenzja li tkun tawtorizza lid-detentur tagħha li jzomm arma regolari f'xi fond għandha wkoll tispeċifika d-deskrizzjoni ta' dik l-arma regolari jew munizzjon li dwarhom tkun inharget il-liċenzja, inklużi b'mod partikolari n-numru ta' serje u l-pjanċa tal-manifattur ta' l-arma tan-nar jew arma ohra li dwarha tkun inharget il-liċenzja.

Xiri ta' munizzjon.

29. Liċenzja mahruġa taht dan l-Att biex detentur ta' liċenzja jzomm jew ikollu fil-pussess tiegħu armi tan-nar għal attivitajiet sportivi għandha tagħti jedd lil dak id-detentur li jakkwista jew ikollu fil-pussess tiegħu, skond id-disposizzjonijiet ta' dan l-Att jew ta' regolamenti magħmulin tahtu, munizzjon għal dik l-arma tan-nar li huwa jkun awtorizzat iżomm jew ikollu fil-pussess tiegħu taht il-liċenzja.

Il-liċenzja mhix trasferibbli.

30. Liċenzja mahruġa taht dan l-Att tkun wahda personali li tappartjeni lid-detentur tagħha u ma tkunx trasferibbli.

Validità, sospensjoni u revoka ta' liċenzji

Validità tal-liċenzja.

31. Kemm-il darba ma jissemmiex xort'ohra x'imkien iehor f'dan l-Att, kull liċenzja li tinghata mill-Kummissarju taht dan l-Att tkun valida għal perjodu ta' mhux aktar minn tmax-il xahar li jibdedw għaddejin mill-ewwel ġurnata ta' Jannar tas-sena li fiha tinhareġ u tiskadi fil-31 ta' Diċembru ta' dik is-sena.

Sospensjoni jew revoka ta' liċenzja.

32. Minkejja d-disposizzjonijiet ta' din il-liġi jew ta' xi liġi ohra, il-Kummissarju jista' jissospendi jew jirrevoka liċenzja mahruġa taht dan l-Att:-

(a) meta d-detentur ta' liċenzja jinsab hati ta' xi reat speċifikat fl-artikolu 24 ta' dan l-Att; jew

(b) meta d-detentur ta' liċenzja ma jibqax aktar jissodisfa l-kondizzjonijiet stipulati fit-Taqsima V ta' dan l-Att; jew

(ċ) meta d-detentur ta' liċenzja jikser id-disposizzjonijiet ta' dan l-Att jew ta' xi regolament magħmul tahtu; jew

(d) għal ragunijiet ta' sigurtà pubblika jew individwali li għandhom jiġu reġistrati b'mod speċifiku u rappurtati kif imiss lill-Ministru.

Setgħa tal-Ministru li jissospendi jew jirrevoka liċenzji.

33. Il-Ministru jkun jista' jissospendi jew jirrevoka xi jew kull liċenzja mahruġa taht id-disposizzjonijiet ta' dan l-Att, meta jkun hemm kondizzjonijiet li jolqtu s-sigurtà pubblika f'xi nhawi ta' Malta.

Għoti ta' liċenzji temporanji

34. (1) Tista', minkejja kull disposizzjoni oħra ta' dan l-Att, Liċenzji temporanji. tinhareg liċenzja temporanja għal attivitajiet sportivi mill-Kummissarju lil persuna li ma tkunx residenti f'Malta u li:

Izda dik il-persuna għandha:

- (a) tkun għalqet it-tmintax-il sena jew aktar; u
- (b) iġġib prova dokumentarja li għandha liċenzja biex ikollha fil-pussess tagħha arma tan-nar għal attivitajiet sportivi fil-pajjiż ta' residenza tagħha jew li tkun xort'oħra awtorizzata li żżomm u ġgorr dik l-arma tan-nar f'dak il-pajjiż; u
- (c) iġġib prova għas-sodisfazzjon tal-Kummissarju li tkun qiegħda Malta għal xi attività sportiva:

Izda l-Kummissarju jista' jawtorizza lil persuna mhux residenti li tkun taht l-età ta' tmintax-il sena iżda mhux taht is-sittax-il sena li jipprattika l-isparar bil-mira b'armi ta' l-arja, xkubetti taċ-ċomb u armi tan-nar *muzzle-loading* f'kamp ta' l-isparar li jkollu liċenzja bla hsara għal dawk il-pattijiet u kondizzjonijiet li l-Kummissarju jista' jqis li jkunu adatti u d-disposizzjonijiet ta' l-artikolu 26 għandhom *mutatis mutandis* ikunu japplikaw.

(2) Liċenzja temporanja mahruġa taht is-subartikolu (1) għandha tkun limitata għal attività sportiva li ssir ġewwa Malta taht id-disposizzjonijiet ta' dan l-Att.

TAQSIMA VI - REĠISTRAZZJONI JEW DIKJARAZZJONI TA' ARMI

35. (1) Sew mużew sew istituzzjoni simili awtorizzati jesibixxu Armi regolari li jinżammu f'mużew. armi regolari u munizzjon għandhom jirreġistraw dawk l-armi tan-nar, armi regolari u munizzjon għand il-Kummissarju.

(2) Hadd ma għandu jżomm fil-pussess tiegħu jew f'xi fond Reġistrazzjoni ta' armi użati fl-arti marzjali. jew juża xi arma ta' l-arti marzjali kemm-il darba dik l-arma ma tkunx reġistrata għand il-Kummissarju skond ma jista' jiġi stipulat mill-Ministru taht dan l-Att.

(3) Minkejja kull disposizzjoni oħra ta' dan l-Att, hadd ma għandu jżomm fil-pussess tiegħu jew f'xi fond jew inkella juża xi arma tan-nar minn dawk elenkati taht Taqsima I ta' Skeda III li tinsab ma' Xi armi tan-nar li għandhom jiġu dikjarati.

dan l-Att kemm-il darba ma tkunx saret dikjarazzjoni lill-Kummissarju dwar dak il-pussess jew intenzjoni ta' użu.

Meta arma tan-nar titqies li ma ghadhiex tiffunzjona.

36. Għall-finijiet ta' dan l-Att jew ta' regolamenti magħmulin tahtu, arma tan-nar titqies li tkun saret ma tiffunzjonax jekk tkun intgħamlet permanentement mhux tajba sabiex tintuża billi jiġu applikati proċeduri tekniċi li jkunu garantiti minn korp uffiċjali msemmi f'regolamenti magħmulin taht dan l-Att jew inkella rikonoxxuti minn xi korp bhal dak skond l-istess regolamenti:

Iżda jekk dak ir-rikonoxximent jew garanzija jibqgħu ma jingħatawx, arma tan-nar għandha tiġi preżunta li għadha tiffunzjona.

TAQSIMA VII – REĊTAR TA' AVVENIMENTI STORIĊI

Armi użati f'reċtar ta' avvenimenti storiċi.

37. Bla hsara għall-approvazzjoni minn qabel tal-Kummissarju, għandu jkun permess l-użu ta' armi antiki jew repliki tagħhom fir-reċtar ta' avvenimenti storiċi.

Persuni barranin fuq iżjara biex jipparteċipaw fir-reċtar ta' avvenimenti storiċi.

38. Jistgħu persuni li jkunu qegħdin fuq iżjara f'Malta jipparteċipaw fir-reċtar ta' avvenimenti storiċi jekk juru prova permezz ta' dokumenti li tkun tiċċertifikahom bhala membri ta' organizzazzjoni ta' reċtar ta' avvenimenti storiċi u jekk dan ma jkunx jista' jsir, jekk ikun l-organizzatur lokali li jipproduċi d-dokumenti.

TAQSIMA VIII – EŻENZJONIJIET ĠENERALI

Persuni eżentati.

39. Minkejja d-disposizzjonijiet l-oħra ta' dan l-Att:-

(a) ebda membru tal-Forzi Armati ta' Malta, tal-Korp tal-Pulizija ta' Malta jew tas-Servizz tal-Habs ta' Malta ma jkun hati ta' reat kontra dan l-Att jekk huwa jkollu pussess ta' arma regolari jew munizzjon filwaqt li jkun qed jaqdi dmirijietu, u dik l-arma regolari jew munizzjon ikunu jappartjenu lill-gvern ta' Malta;

(b) l-impjegati ta' negozjanti, fabbrikanti ta' l-armi jew mużewijiet ma humiex mehtieġa li jkollhom liċenzja taht dan l-Att sabiex ikollhom pussess, jesibixxu, jahżnu, isewwu, jirrestawraw, jew jagħmlu manutenzjoni ta' xi arma tan-nar jew munizzjon speċifiċi filwaqt li jkunu jinsabu fil-fond li jkollu liċenzja, li jkun permess jew rikonoxxut tal-prinċipal tagħhom iżda liċenzja ġenerali għall-għanijiet msemmija aktar 'il quddiem kif jista' jiġi provdut bid-disposizzjonijiet ta' dan l-Att jew ta' regolamenti magħmulin tahtu tkun biżżejjed.

40. Il-Ministru jista' jagħmel regolamenti li jkunu jeżentaw lil persuni oħra minn kull jew xi disposizzjoni ta' dan l-Att. Eżenzjonijiet oħra.

TAQSIMA IX – MIXXELLANJI

Disposizzjonijiet rilevanti dwar armi tan-nar, armi u munizzjon

41. Kull min jakkwista jew jiġu f'idejh xi arma tan-nar, jew munizzjon xort'oħra milli għax ikollu liċenzja, għandu minnufih javża lill-Kummissarju, li għandu jordna jekk dik l-arma tan-nar jew munizzjon għandhomx jinżammu fil-kustodja tal-Pulizija jew għand min ikun qed jirrapporta l-każ. Dmir ta' min jiġu f'idejh armi tan-nar.

42. Meta persuna li jkollha liċenzja biex iżzomm arma regolari jew munizzjon tmut, l-eredi apparenti tagħha jew il-kustodju, li tkun persuna li diġà jkollha liċenzja taht dan l-Att u li tkun għiet mahtura minn dik il-persuna qabel mewtha, jinżammu legalment responsabbli għal dik l-arma regolari jew munizzjon u jitqiesu li qeghdin legalment iżommu l-arma jew munizzjon imsemmija bis-saħħa tal-liċenzja mahruġa lill-persuna li tkun mietet: Mewt tad-detentur ta' liċenzja.

Iżda fi żmien sentejn mid-data tal-mewt tad-detentur tal-liċenzja l-eredi jew il-kustodju, skond il-każ, għandhom:

(a) jiddisponu mill-arma jew munizzjon billi jittrasferuha lil persuna li jkollha liċenzja għal daqshekk; jew

(b) jagħmlu l-arma ma tiffunzjonax jew jikkonsenjaw l-arma jew il-munizzjon lill-Kummissarju:

Iżda wkoll meta l-arma jew il-munizzjon jiġu konsenjati lill-Kummissarju, dik l-arma jew munizzjon għandhom jinbiegħu b'irkant taht dawk ir-regolamenti li jista' jagħmel il-Ministru:

B'dana iżda li l-Ministru jista' jeżenta, f'kollox jew in parti mid-disposizzjonijiet ta' dan l-artikolu, kwalunkwe kategorija ta' armi jew munizzjon li jista' jidhirlu xieraq.

43. Detentur ta' liċenzja li l-arma regolari jew munizzjon tiegħu, u li dwarhom ikollu liċenzja, jintilfulu, jinsterqulu, jew issirilhom hsara b'mod li ma jkunux jistgħu jissewwew, għandu jirrapporta dak it-telf, serq jew hsara irreparabbli lill-Kummissarju fi żmien erbgħa u għoxrin siegħa minn meta jinduna b'dak it-telf, serq jew hsara irreparabbli. Telf, serq jew hsara lil xi arma tan-nar.

Marki ta' identifikazzjoni.

44. (1) L-armi tan-nar kollha li ma jkunux antiki, artistiċi, storiċi jew rari, għandhom jiġu immarkati permanentement b'numru ta' serje li bih dawn ikunu jistgħu jiġu identifikati u għandhom juru wkoll il-panċa tal-manifattur.

(2) Ma għandhiex tinhareġ liċenzja għal arma tan-nar li ma tkunx tikkonforma mal-htigijiet tas-subartikolu (1) kemm-il darba din ma tkunx markata permanentement skond regolamenti li jistgħu jinharġu taht dan l-Att.

Tibdiliet li jsiru f'arma tan-nar.

45. (1) Hadd ma għandu, minghajr il-liċenzja tal-Kummissarju, jagħmel tibdiliet jew jittanta jagħmel tibdiliet f'xi arma tan-nar hekk li tinbidel il-klassifikazzjoni ta' dik l-arma tan-nar taht dan l-Att jew taht regolamenti magħmulin tahtom.

(2) Meta arma tan-nar tkun giet modifikata b' mod li tinbidel il-klassifikazzjoni tagħha taht dan l-Att jew regolamenti magħmulin taht dan l-Att minghajr il-permess mehtieg għandha titqies bhala arma li ma jkollhiex liċenzja.

Inventarju tal-munizzjon.

46. Kull min ikollu liċenzja biex jakkwista, jikkummerċa jew ikollu fil-pussess tiegħu armi tan-nar biex dawn jintużaw f'attivitajiet sportivi, għandu jzomm inventarju kif imiss tad-depożt ta' munizzjon li jkollu skond regolamenti magħmulin taht dan l-Att.

Disposizzjonijiet dwar armi regolari

Kustodja ta' armi regolari.

47. (1) Negozjant jew persuna oħra li jkollha liċenzja biex takkwista jew ikollha fil-pussess tagħha xi arma regolari jew munizzjon għandhom iżommu daww l-oġġetti fil-kustodja tagħhom b'tali mod li dawn ma jiġux f'idejn haddiehor.

(2) Jistgħu jsiru regolamenti taht dan l-Att li jkunu jipprovdu dwar il-kustodja ta' armi tan-nar, armi regolari jew munizzjon.

Tfittxija u qbid mill-Pulizija.

48. Kull uffiċjal tal-pulizija jista':-

(a) ifittex fuq kull min ikun raġonevolment suspettat li jkollu fil-pussess tiegħu armi regolari jew munizzjon minghajr il-liċenzja tal-Kummissarju; u, jew

(b) jaqbad kull arma regolari jew munizzjon li jinkisbu, jinżammu, ikunu fil-pussess jew jintużaw bi ksur ta' dan l-Att; u, jew

(ċ) jehtieg lil kull min ikun maghruf li jkun kiseb pussess ta' xi armi regolari jew munizzjon, xort'ohra milli bis-sahha ta' licenzja taht dan l-Att, biex jikkunsinna dawk l-armi regolari jew munizzjon lili.

TAQSIMA X - BORD DWAR L-ARMI

49. (1) Ghandu jkun hemm Bord li jkun maghruf bhala l-Bord Bord dwar l-Armi.
dwar l-Armi.

(2) Il-Bord ikun maghmul minn mhux inqas minn disa' membri u mhux aktar minn hdax-il membru li jkunu mahturin mill-Ministru ghal zmien sentejn kif gejj:-

(a) President;

(b) mill-inqas erba' membri minn organizzazzjonijiet li jirraprezentaw lill-kolletturi ta' l-armi, persuni li jifhmu fl-isparar, attivitajiet sportivi jew il-kaċċa;

(ċ) mill-inqas erba' membri, li jkunu ufficjali pubblici jew impjegati ta' korpi pubblici mwaqqfin bil-ligi, biex jirraprezentaw in-naha tal-gvern.

(3) Meta jkun hemm vakanza fil-Bord, il-Ministru ghandu, kemm jista' jkun malajr, jahtar lil xi hadd iehor biex jimla l-post vakanti skond id-disposizzjonijiet tas-subartikolu (2).

(4) Il-kworum tal-Bord ghandu jkun maghmul mill-President u minn mhux inqas minn nofs il-membri li jkunu eligibbli li jivvutaw, izda sakemm ikun hemm kworum prezenti, il-Bord jista' jagħixxi minkejja kull vakanza li jista' jkun hemm fost il-membri tiegħu.

(5) Il-President ghandu jkollu vot originali u meta l-voti jkunu maqsumin indaq, vot iehor jew deciziv.

(6) Il-Ministru jista' wkoll isemmi ufficjal pubbliku biex jagħmilha ta' segretarju tal-Bord, izda dak is-segretarju ma jkollu ebda dritt li jivvota.

50. Il-funzjonijiet tal-Bord ghandhom ikunu dawk li jiġu mogħtija lili taht dan l-Att jew kull ligi ohra. Barra minn dan, il-Bord ikun jista' jagħmel rakkomandazzjonijiet u jagħti pariri:- Funzjonijiet tal-Bord.

(a) lill-Kummissarju fuq l-importazzjoni u r-rilaxx mid-dwana u r-registrazzjoni ta' armi antiki, storiċi, rari u artističi;

(b) lill-Kummissarju fuq il-hruġ ta' liċenzji lill-kolletturi ta' l-armi, min jispara bil-mira, operaturi u uffiċjali ta' kampijiet ta' l-isparar, negozjanti u fabbrikanti ta' l-armi li jkunu bonafidi;

(c) lill-Kummissarju fuq il-hruġ ta' permessi għal avvenimenti għall-okkażjoni, reċtar ta' avvenimenti storiċi;

(d) lill-Ministru skond is-subartikolu (2) ta' l-artikolu 25 ta' dan l-Att;

(e) lill-Ministru dwar l-għemil ta' regolamenti taht dan l-Att;

(f) lill-Ministru jew lill-Kummissarju fuq kull haġa oħra rilevanti għad-disposizzjonijiet ta' dan l-Att, kemm minn jeddu jew skond ma jista' jiġi lill-Ministru jew mill-Kummissarju.

TAQSIMA XI - REATI KONTRA L-ATT

Reati kontra l-Att.

51. (1) Kull min jikser l-artikolu 3 ta' dan l-Att ikun hati ta' reat u jista', meta jinsab hati, jehel:

(a) jekk il-htija tkun dwar arma regolari, prigunerija minn tliet xhur sa għaxar snin;

(b) jekk il-htija tkun dwar munizzjon, multa ta' mhux inqas minn mitt lira (Lm100) u mhux iżjed minn hames mitt lira (Lm500).

(2) Kull min jikser is-subartikolu (1) ta' l-artikolu 5 ta' dan l-Att ikun hati ta' reat u jista', meta jinsab hati, jehel prigunerija għal żmien mhux inqas minn tliet xhur u mhux iżjed minn hames snin:

Iżda meta l-kundanna jkollha x'taqsam ma' pussess ta' armi regolari jew munizzjon ġewwa xi fond jew il-ksur jitqies bħala wiehed żgħir hafna mill-Qorti, u wara li titqies xi tkun il-kwantità jew il-kwalità ta' l-armi tan-nar jew tal-munizzjon il-Qorti tkun sodisfatta li dawn ma kinux qeghdin hekk jinżammu għall-bejgħ jew għal xi xorta ta' negozju iehor jew inkella biex isir użu minnhom kontra l-liġi, il-hati jista' jehel multa ta' mhux anqas minn tliet mitt lira (Lm300) jew prigunerija għal żmien mhux iżjed minn tliet xhur jew dik il-multu u prigunerija flimkien.

Iżda wkoll meta l-kundanna taht l-artikolu 5(1) tkun tirrigwarda l-pussess ta' arma tan-nar barra minn xi fond u r-reat ikun sar minhabba fil-bżonn attwali tad-difiża legittima tiegħu nnifsu jew tad-difiża legittima ta' haddiehor, il-hati ma jehel ebda piena.

(3) Kull min jikser jew jonqos milli jhares is-subartikolu (2) ta' l-artikolu 5, is-subartikolu (1) ta' l-artikolu 14, jew l-artikolu 19 ta' dan l-Att jista', meta jinsab hati, jehel il-piena ta' prigunerija għal mhux inqas minn sitt xhur u mhux iżjed minn hames snin.

(4) Kull min jikser jew jonqos milli jhares l-artikolu 9, is-subartikolu (1) ta' l-artikolu 11, l-artikolu 12, l-artikolu 15, l-artikolu 16 u l-artikolu 17 jew 20 ta' dan l-Att, ikun hati ta' reat u jista', meta jinsab hati, jehel multa ta' hames mitt lira (Lm500) jew il-piena ta' prigunerija għal mhux iżjed minn tliet xhur jew dik il-multa u prigunerija flimkien.

(5) Kull min jikser jew jonqos milli jhares id-disposizzjonijiet ta' l-artikolu 18 ta' dan l-Att ikun hati ta' reat u jista', meta jinsab hati, jehel multa ta' elf lira (Lm1,000) u l-piena ta' prigunerija għal mhux iżjed minn sena jew dik il-multa u prigunerija flimkien.

(6) Kull min jikser is-subartikolu (6) ta' l-artikolu 5, is-subartikolu (1) ta' l-artikolu 13 jew is-subartikolu (2) ta' l-artikolu 22 ikun hati ta' reat u jista', meta jinsab hati, jehel multa ta' mitt lira (Lm100).

(7) Kull min jikser l-artikolu 6 jew 21 ta' dan l-Att ikun hati ta' reat u jista', meta jinsab hati, jehel multa ta' hamsin lira (Lm50).

(8) Kull min jikser xi disposizzjoni tat-Taqsima VIII ta' dan l-Att ikun hati ta' reat u jista', meta jinsab hati, jehel multa ta' mhux inqas minn Lm100 jew il-piena ta' prigunerija għal mhux iżjed minn sitt xhur, jew dik il-multa u prigunerija flimkien.

(9) Kull min jikser xi disposizzjoni ta' dan l-Att ikun hati ta' reat u, sakemm ma jkunx hemm provduta piena iżjed harxa taht dan l-Att jew taht xi liġi ohra, jista' jehel, meta jinsab hati, prigunerija għal żmien mhux iżjed minn tliet xhur jew multa ta' mhux iżjed minn tliet mitt lira (Lm300), jew dik il-multa u prigunerija flimkien.

52. Detentur ta' licenzja taht xi disposizzjoni ta' dan l-Att li jonqos milli jhares il-pattijiet tal-licenzja jew li jkollu pussess jew ikun iġorr xi arma tan-nar jew munizzjon mhux speċifikati f'dik il-licenzja, ikun hati ta' reat kontra d-disposizzjonijiet ta' dawk l-artikoli u jista',

Ġarr ta' armi ta' li ma jkunux dawk speċifikati fil-licenzja.

meta jinsab hati, jehel multa ta' mhux inqas minn tliet mitt lira (Lm300) iżda mhux iżjed minn elf lira (Lm1,000), jew il-piena ta' priġunerija għal mhux inqas minn tliet xhur u mhux iżjed minn hames snin, jew dik il-multa u priġunerija flimkien.

Projbizzjoni li jintużaw liċenzji li jkunu ta' oħrajn.

53. Kull min juża liċenzja mahruġa lil xi persuna oħra taht id-disposizzjonijiet ta' dan l-Att, jew xi liċenzja li ma tkunx ghadha fis-sehh, jew li tkun giet sospiza jew revokata taht dan l-Att ikun hati ta' reat taht dan l-Att, u jista', meta jinsab hati, jehel multa ta' mhux inqas minn tliet mitt lira (Lm300) iżda mhux iżjed minn elf lira (Lm1000), jew il-piena ta' priġunerija għal mhux inqas minn tliet xhur u mhux iżjed minn hames snin, jew dik il-multa u priġunerija flimkien.

Wiri tal-liċenzja.

54. (1) Kull min ikollu liċenzja taht dan l-Att ghandu juri dik il-liċenzja jew permess kull meta jintalab jagħmel dan minn xi uffiċjal tal-Pulizija u jekk dak il-hin huwa ma jkunx qieghed iġorr dik il-liċenzja fuqu, huwa ghandu juriha fi żmien erbgha u ghoxrin siegha.

(2) Liċenzja jew permess biex tinzamm arma tan-nar ghandha dejjem tinzamm fil-fond fejn tkun qieghda tinzamm dik l-arma tan-nar.

(3) Min jikser id-disposizzjonijiet ta' dan l-artikolu jkun hati ta' reat u jista', meta jinsab hati, jehel multa ta' mhux iżjed minn mitt lira (Lm100).

Pussess ta' armi tan-nar waqt l-ghemil ta' xi reat.

55. Salv kull disposizzjoni oħra fil-Kodiċi Kriminali kif tapplika għaž-żamma, ġarr, użu, akkwist jew pussess ta' armi tan-nar, kull min:-

(a) fil-waqt li jkun qed jagħmel reat kontra s-sigurtà tal-gvern jew kontra l-persuna (minbarra omiċidju involontarju jew offiża involontarja fuq il-persuna) jew ta' serq jew hsara fil-proprjetà (minbarra hsara involontarja fil-proprjetà); jew

(b) fil-waqt li jkun qed jiġi arrestat għal delitt,

ikollu fuq il-persuna tiegħu xi arma regolari jew munizzjon jew xi imitazzjoni ta' dawk l-oġġetti, ikun hati ta' reat u jista', meta jinsab hati, jehel il-piena ta' priġunerija għal mhux iżjed minn erba' snin, kemm-il darba ma jgibx prova xort'oħra li kien qed iġorr l-arma tan-nar jew l-arma regolari bi skop legittimu.

Konfiska ta' armi.

56. Il-Qorti ghandha tordna l-konfiska ta' arma regolari jew munizzjon li jkunu qed jinżammu jew jingarru, jiġu akkwistati jew ikunu fil-pussess, jiġu importati jew esportati, mibjugħin jew trasferiti bi ksur

tad-disposizzjonijiet ta' dan l-Att bhala konsegwenza tal-piena ghal dak il-ksur.

57. Il-Qorti tista' thassar jew tissospendi licenzja mahruġa taht dan l-Att u tipprojbixxi lil persuna milli jkollha xi licenzja taht dan l-Att ghal żmien mhux iżjed minn hames snin meta dik il-persuna tinsab hatja ta' reat taht dan l-Att.

Projbizzjoni milli tinżamm licenzja.

58. Il-pieni alternattivi li hemm provduti ghal reati kontra dan l-Att ghandhom jiġu applikati kollha kemm huma f'daqqa fil-każ ta' sejbien ta' htija ghat-tieni darba jew aktar drabi taht id-disposizzjonijiet ta' dan l-Att jew fil-każ ta' hatjin li jkunu nstabu hatjin qabel ta' xi reati minn dawk imsemmija fl-artikolu 24 ta' dan l-Att.

Sejbien ta' htija ghat-tieni darba jew aktar drabi.

59. Id-disposizzjonijiet ta' l-artikolu 121D tal-Kodiċi Kriminali ghandhom *mutatis mutandis* japplikaw meta persuna tinsab hatja ta' reat kontra d-disposizzjonijiet ta' dan l-Att b'dan illi l-piena li l-korp magħqud ikun jista' jehel tkun dik ta' multa minn hames mitt lira (Lm500) sa għaxart elef lira (Lm10,000).

Reati minn kumpannija jew korp mhux magħqudin.

60. Id-disposizzjonijiet ta' dan l-Att ma ghandhomx jolqtu xi proċedimenti kriminali li jistgħu jinbdeu taht xi liġi ohra.

Proċedimenti kriminali ohra.

61. Id-disposizzjonijiet ta' l-Att dwar il-*Probation*, u ta' l-artikolu 21 tal-Kodiċi Kriminali ma jkunu japplikaw ghal ebda reat kontra xi disposizzjoni ta' dan l-Att.

L-Att dwar il-*Probation* (Kap. 446) u l-art. 21 tal-Kodiċi Kriminali ma japplikawx.

62. Minkejja d-disposizzjonijiet ta' l-artikolu 370 tal-Kodiċi Kriminali, il-Qorti tal-Maġistrati (Malta) u l-Qorti tal-Maġistrati (Għawdex) ikunu kompetenti jisimghu l-proċedimenti kollha dwar reati kontra dan l-Att.

Qorti kompetenti.

63. Il-proċedimenti kontra xi persuna ghal xi reat kontra xi disposizzjoni ta' dan l-Att ghandhom isiru quddiem il-Qorti tal-Maġistrati (Malta) u l-Qorti tal-Maġistrati (Għawdex) bhala Qorti ta' Ġudikatura Kriminali skond id-disposizzjonijiet tal-Kodiċi Kriminali:

Il-Qorti tal-Maġistrati bhala Qorti ta' Ġudikatura Kriminali.

Izda, minkejja d-disposizzjonijiet ta' l-artikolu 376 (1)(b) tal-Kodiċi Kriminali, il-Qorti ghandha, fuq talba tal-prosekuzzjoni jew ta' l-akkużat, tniżżel ix-xhieda mogħtija mix-xhieda bil-mod li hemm provdut dwaru jew fl-artikolu 391 (6) ta' dak il-Kodiċi jew f'xi liġi ohra li f'dak il-waqt tkun fis-sehh.

64. Minkejja d-disposizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali ghandu dejjem ikollu d-dritt ta' appell quddiem il-Qorti ta' l-

Dritt ta' appell.

Appell Kriminali minn kull sentenza li tinghata mill-Qorti tal-Maġistrati (Malta) jew (Ghawdex) dwar proċedimenti li joriginaw mid-disposizzjonijiet ta' dan l-Att.

TAQSIMA XII - SETGHA TAL-MINISTRU
LI JAGHMEL REGOLAMENTI

Setgħa tal-Ministru
li jagħmel
regolamenti.

65. Il-Ministru jista', bil-parir tal-Bord, jagħmel regolamenti sabiex jagħti seħħ lid-disposizzjonijiet ta' dan l-Att, u mingħajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, dawk ir-regolamenti jistgħu b'mod partikolari:

- (a) jirregolaw it-trasferiment temporanju ta' armi regolari;
- (b) jistabbilixxu kategoriji oħra ta' persuni li jistgħu jikkwalifikaw għal liċenzja taht dan l-Att, u l-kondizzjonijiet li tahtom huma jkunu jistgħu hekk jikkwalifikaw;
- (ċ) jordnaw il-kondizzjonijiet u d-drittijiet tal-liċenzja;
- (d) jordnaw il-formoli ta' applikazzjoni biex issir applikazzjoni, tinghata, tiġġedded jew tinbidel liċenzja taht dan l-Att;
- (e) jirregolaw it-trasferiment jew id-dhul ta' armi regolari u munizzjon ġewwa jew minn Malta mingħajr il-htieġa ta' liċenzja bla hsara għal dawk il-pattijiet u kondizzjonijiet li l-Ministru jista' jqis li jkunu adatti;
- (f) jipprovdu dwar il-munizzjon, porvli u kapsijiet;
- (g) jipprovdu dwar ir-registrazzjoni ta' armi użati fl-arti marzjali;
- (h) jemendaw l-Iskedi li jinsabu ma' dan l-Att;
- (i) jordnaw dwar kull haġa li tenhtieġ li tiġi ordnata skond dan l-Att;
- (j) jipprovdu dwar il-pussess, ġarr u użu ta' xi arma tan-nar jew munizzjon li jkunu leġittimament fil-pussess ta' xi persuna qabel il-jum tad-dhul fis-seħħ ta' dan l-Att;

(k) jipprovdu għall-hruġ jew rikonoxximent ta' liċenzji jew permessi ta' kull xorta mahruġa lil, persuni li jkunu ċittadini ta' Stat Membru, jew sabiex jiġu eżentati persuni bħal dawk mill-htieġa li jakkwistaw liċenzja taht dan l-Att:

B'dan li għall-ghanijiet ta' dan il-paragrafu "ċittadin ta' Stat Membru" tfisser ċittadin ta' Stat, minbarra Malta, li jkun parti fit-Trattat skond it-tifsira mogħtija fl-Att dwar l-Unjoni Ewropea.

Kap. 460.

TAQSIMA XIII – DISPOSIZZJONIJIET FINALI U TRANSITORJI

66. (1) L-Ordinanza dwar l-Armi, hija b'dan imhassra.

Thassir ta' l-Ordinanza dwar l-Armi, Kap. 66.

(2) Id-disposizzjonijiet tas-subartikolu (1) ma għandhomx jolqtu ebda investigazzjoni, proċediment legali jew rimedju, dwar xi kontravvenzjoni ta' l-Ordinanza dwar l-Armi li tkun saret qabel id-dhul fis-seħh ta' dan l-Att.

Effetti tat-thassir fuq ksur ta' l-Ordinanza dwar l-Armi, (Art 12 Kap. 249)

(3) Kull investigazzjoni, proċediment legali jew rimedju bħal dawk imsemmija fis-subartikolu (2) jista' jinbeda, jitkompla jew jiġi infurzata u tista' tiġi ordnata, imposta jew tiġi infurzata kull penali, konfiska jew piena li persuna setgħet wehlet qabel il-bidu fis-seħh ta' dan l-Att daqs li kieku dan l-Att qatt ma ġie fis-seħh.

67. (1) Bla hsara għad-disposizzjonijiet tal-paragrafu (j) ta' l-artikolu 65, kull liċenzja validament mahruġa taht l-Ordinanza dwar l-Armi għandha tkompli fis-seħh u għandha tibqa' valida u tiġi regolata skond id-disposizzjonijiet ta' dik l-Ordinanza minkejja t-thassir tagħha b'dan l-Att.

Disposizzjonijiet transitorji.

(2) Bla hsara għad-disposizzjonijiet tal-paragrafu (j) ta' l-artikolu 65, kull min fil-ġurnata meta dan l-Att jidhol fis-seħh ikun qiegħed iżomm jew ikollu pussess ta' arma regolari jew munizzjon meta ż-żamma jew il-pussess tagħhom kien leġittimu taht l-Ordinanza dwar l-Armi li ġiet imhassra b'dan l-Att iżda li hu projbit taht id-disposizzjonijiet ta' dan l-Att, ikollu jedd li jibqa' jzomm jew ikollu fil-pussess tiegħu dik l-arma regolari jew munizzjon taht id-disposizzjonijiet ta' dik l-Ordinanza bħallikieku din qatt ma ġiet imhassra b'dan l-Att.

(3) Minkejja t-thassir ta' l-Ordinanza dwar l-Armi b'dan l-Att, ir-regolamenti kollha magħmula taht dik l-Ordinanza għandhom, sakemm ma jkunux imhassra jew sostitwiti b'regolamenti magħmula

taht dan l-Att, jibqghu fis-sehh u jkomplu jkollhom effett daqslikieku kienu maghmula taht dan l-Att hlief sakemm xi regola minn dawk ma tkunx inkonsistenti ma' xi wahda mid-disposizzjonijiet ta' dan l-Att.

SKEDA I**(Artikolu 3)****Taqsimi I****Armi tan-Nar u Munizzjon Projbiti**

1. Missili splussivi u *launchers* ghal użu militari
2. Armi tan-nar awtomatiċi
3. Armi tan-nar li ġew manifatturati bhala awtomatiċi u li wara ġew mibdulini ghal semi-awtomatiċi
4. Armi tan-nar b'dehra ta' oġġetti ohra
5. Armi tan-nar qosra b'kanen ta' tul anqas minn 9 ċm
6. Armi tan-nar twal b'kanen *smoothbore* ta' tul anqas minn 50 ċm
7. Munizzjon li ghandu balal *armour piercing*, splussiv jew inċendarju u l-istess balal ghal dak il-munizzjon
8. Munizzjon li jirrilaxxa sustanzi letali jew irritanti bhal gass tad-dmugh
9. Munizzjon jew balal ta' kull xorta li jistgħu jiġu sparati minn *airgun* hlief dak il-munizzjon li hu magħmul speċifikament għall-armi ta' l-arja
10. Munizzjon għal pistoli u rivoltelli li ghandu balal li jespandu ma' l-impatt u l-balal għal dan il-munizzjon
11. Miri bil-*laser*
12. Kull apparat iddisinjat sabiex johnoq jew inaqqas il-hoss ta' sparatura ta' arma tan-nar hlief l-istess apparat li jintuża ma' armi ta' l-arja
13. Partijiet essenzjali ta' armi tan-nar imsemmija f'din it-Taqsima, jiġifieri l-mekkaniżmu li jagħlaq il-*breech*, iċ-*chamber* u l-kanna li, waħedhom jitqiesu taht il-kategorija ta' l-armi tan-nar li għalihom huma magħmulin.

Taqsim II

Armi Projbiti

1. Imwies tal-molla
2. Imwies *gravity*
3. *Butterfly knives*
4. Ponnijiet tal-hadid
5. *Catapults*

SKEDA II

(Artikolu 5)

Taqsimi I

Armi tan-Nar u Munizzjon li tinhtieg Liċenzja ghalihom

1. Armi tan-nar qosra semi-awtomatiċi jew *repeating* b'kanen ta' tul mhux anqas minn 9 ċm
2. Armi tan-nar twal semi-awtomatiċi jew *repeating* b'kanen *rifled*
3. Armi tan-nar qosra ta' tir wiehed
4. Armi tan-nar twal ta' tir wiehed b'kanen *rifled*
5. Armi tan-nar twal b'kanen *smoothbore* ta' tul mhux inqas minn 50 ċm
6. Armi tan-nar *muzzle-loading* hliet kopji ta' armi tan-nar *muzzle-loading* ta' tir wiehed ta' qabel l-1900
7. Armi tan-nar għal skop ta' allarm, sinjali jew salvataġġ
8. Armi ta' l-arja
9. Partijiet essenzjali ta' armi tan-nar imsemmija f'din it-Taqsima, jiġifieri l-mekkaniżmu li jaghlaq il-*breech*, iċ-*chamber* u l-kanna li wahedhom jitqiesu taht il-kategorija ta' l-armi tan-nar li għalihom huma magħmulin
10. Munizzjon li ma jaqax taht it-Taqsima I ta' Skeda I

Taqsimi II

Armi li għalihom tinhtieg Liċenzja

1. *Crossbows*
2. *Harpoons* użati għas-sajd taht il-bahar

SKEDA III

**ARMI TAN-NAR U OĠĠETTI OHRA LI DWARHOM TINHTIEĠ ISSIR
DIKJARAZZJONI**

(Artiklu 35(3))

Taqsim I

Armi tan-Nar

1. Armi tan-nar maħduma qabel 1-1900
2. Kopji ta' armi tan-nar *muzzle-loading* ta' tir wiehed ta' qabel 1-1900
3. Armi tan-nar li huma disattivati
4. Kopji non-funzjonabbli ta' armi tan-nar

Taqsim II

Oġġetti ohra

1. Armi bix-xifer (bħal xwabel, skieken, bajunetti u lanez)

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 294 ta' 1-20 ta' Lulju, 2005.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skriivan tal-Kamra tad-Deputati

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

2nd August, 2005

ACT No. XIV of 2005

AN ACT to repeal and re-enact with amendments the law relating to arms.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the Board of the same as follows:—

1. The title of this Act is the Arms Act, 2005, and this Act shall come into force on such date or dates as the Minister responsible for the Police may by notice in the Gazette appoint, and different dates may be so appointed for different provisions or for different purposes of this Act. Short title and commencement.

PART I - GENERAL

2. In this Act, unless the context otherwise requires: - Interpretation.

“airgun” means a short firearm or long firearm respectively, the discharge of which is made by means of air or gas compression;

“ammunition” means the assembled components of a cartridge, namely the shot or bullet, case primer and propellant for any firearm, but excludes pellets for an airgun, inert ammunition and ordinance;

“ammunition with expanding projectiles” means any ammunition that is designed or adapted to expand on impact;

“ammunition with explosive projectiles” means ammunition where the projectile contains a charge which explodes on impact, whether intended or designed for military use or otherwise;

“ammunition with incendiary projectiles” means ammunition for where the projectile contains a chemical mixture which bursts into flame on contact with the air or on impact, whether intended or designed for military use or otherwise;

“antique weapon” means any arm proper manufactured before 1st January 1946 or such later year as the Minister may from time to time prescribe;

“armour piercing projectile” means ammunition for military use where the projectile is jacketed and has a penetrating hard core;

“arms proper” shall have the same meaning assigned to it by article 64 of the Criminal Code and shall include a firearm as defined in this article;

“artistic weapon” means an arm proper embellished or designed in a manner which goes beyond its pure functional requirements and which has been recognised as such by the Board;

“automatic firearm” means a firearm which reloads automatically each time a round is fired and which can fire more than one round with one pull on the trigger;

“Board” means the Weapons Board constituted and appointed in accordance with article 49 of this Act;

“collector” means a person who is licensed as such in terms of article 11 of this Act;

“club” means an organisation that organises and carries out target shooting activities and is recognized as such by the Board and is licensed by the Commissioner for the purposes of this Act;

“Commissioner” means the Commissioner of Police;

“deactivated firearm” means a firearm which has been rendered permanently unfit for use and certified as such as set out in this Act;

“dealer” means any person whose trade or business consists wholly or in part in the purchase, sale, importation, export, display, assembly, maintenance, storage, transportation, shipping, distribution, delivery, exchange or hiring of any firearm or arms proper including ammunition, and/or in the possession with intent

to sell, import, export, display, assemble, maintain, store, transport, ship, distribute, deliver, exchange and/or hire of any firearm or arms proper including ammunition;

“firearm” includes a firearm of any description and any other kind of gun from which any shot, bullet or missile can be discharged and the barrel, breech and receiver thereof;

“gunpowder” includes gunpowder, blackpowder, smokeless gun powder and all other types of propellants;

“gunsmith” means any person whose trade or business consists wholly or in part in making, repairing, restoring, manufacturing, altering, modifying or converting firearms;

“historical weapon” means any arm proper used in an important historical event or by any historical personage and classified as such by the Commissioner on the advice of the Board;

“long firearm” means any firearm with a barrel which is more than thirty centimetres in length or with an overall length of more than sixty centimetres;

“martial art weapon” means any weapon used in any of the martial arts requiring registration in terms of the provisions of this Act;

“Minister” means the Minister responsible for the Police;

“paint ball activity” means any activity in which special purpose weapons using compressed air or gas, specifically designed to discharge frangible projectiles containing a colour dye used for target marking or designation;

“possession” shall include carrying, holding, using, controlling and/or having effective control of;

“premises” includes any appurtenance thereof;

“rare weapon” means any arm proper which is no longer manufactured and the availability of which is so limited that it makes it rare, including patent experimental models, certified as such by the Commissioner after consultation with the Board;

“repeating firearm” means a firearm which, after a round has been fired, is designed to be reloaded from a magazine or cylinder by means of a manually-operated action;

“resident” means an individual ordinarily resident in a country, and a person shall be deemed to be ordinarily resident in the country indicated by the address appearing on an official document establishing his place of residence, such as a passport or an identity card;

“semi-automatic firearm” means a firearm which reloads automatically each time a round is fired and which can fire only one round with one pull on the trigger;

“short firearm” means any firearm with a barrel which is not more than thirty centimetres long or with an overall length of not more than sixty centimetres;

“single-shot firearm” means a firearm with no magazine which is loaded before each shot by the manual insertion of a round into the chamber or loading recess at the breech of the barrel;

“sporting activity” includes hunting, target shooting, and paintball activity;

“target shooting” means any sport in which shooting sessions involving firearms are held at approved indoor or outdoor ranges but excludes hunting, as set out in this Act.

PART II – PROHIBITED ARMS PROPER AND AMMUNITION

General prohibition.

3. Without prejudice to the provisions of this Act,

(a) the acquisition, possession for whatever purpose, keeping or importation of the arms proper and ammunition referred to in Schedule I to this Act shall be prohibited; and

(b) the manufacture, disposal under whatsoever title, hiring, offering for sale or hire, or the lending or giving to a person of any of the arms proper listed in Schedule I shall also be prohibited.

Special authorization.

4. Notwithstanding the provisions of article 3, the Commissioner may, in special circumstances, grant a licence for the acquisition, possession or importation of any arms proper or ammunition listed in Schedule I, if in his absolute discretion he considers that the issue of such licence is necessary in the public interest or for the protection of life and public security.

PART III - LICENCES

Licence to keep, possess, import or export firearms and ammunition

5. (1) Without prejudice to the other provisions of this Act, no person shall keep in any premises or have in his possession, under his control or carry outside any premises or appurtenances any firearm or ammunition listed in Schedule II to this Act, without a licence under this Act.

Licence to keep, possess, export or import firearms, weapons and ammunition.

(2) Without prejudice to the provisions of the Customs Ordinance or any other law, no person shall, without a licence or permit from the Commissioner, import or bring into or export from Malta any firearm or ammunition as is mentioned in the preceding sub-article:

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Provided that when a firearm arrives in Malta no person shall take possession thereof without prior approval by the Commissioner:

Provided further that the Commissioner may grant a temporary permit for the export and, or importation of firearms and ammunition as are mentioned in sub-article (1) under such conditions as he may deem fit.

(3) (a) An application for a licence under this Part to keep in any premises firearms or ammunition shall specify the premises where the said firearms and ammunition are to be kept and the licence shall only be granted on condition that the approved firearms and ammunition are kept locked safely and separately within such premises and that such fire arms be kept unloaded.

(b) A change in the approved premises shall be notified to the Commissioner within fifteen days prior to the date of such change.

(4) (a) Saving the provisions of article 11(1), a licence to a person to have in his possession, under his effective control or to carry outside any premises or appurtenances any firearm, or ammunition under article 5 (1) shall only be granted in order that the said firearm or ammunition be used for sporting activities; and

(b) a licence to import or bring into Malta any firearm or ammunition under article 5 (2) shall only be granted in order that the said firearm or ammunition be used for sporting activities:

Provided that before issuing any licence as aforesaid for the purpose of target shooting, the Commissioner shall ensure that shooting facilities according to law are available in Malta for that purpose and may moreover restrict the number of firearms which may be licensed as aforesaid in the name of any one person.

Provided further that where a licence has been granted by the Commissioner in relation to a sporting activity, such licence shall be without prejudice to any other requirement or condition imposed under any other law.

(5) The Commissioner may, in special circumstances grant a licence to any person to keep a firearm listed in Schedule II and III for purposes other than sporting activities if in his absolute discretion he considers that the issue of such licence is necessary in the public interest or for the protection of the life and security of persons.

(6) Any firearm licensed under this article for target shooting:-

(a) may only be carried during a sporting activity in a licensed shooting range or facility, and to and from such range or facility within such period of time, as may be prescribed, before and after such sporting activity;

(b) shall be kept unloaded and secure when being carried to and from a shooting range or facility as aforesaid.

(7) Where any voluntary offence under any law other than this Act is committed by the holder of a licence under this Act by means of any firearm licensed under this Part the punishment upon conviction for the offence shall be increased by one to two degrees unless the law already provides for the aggravation of the punishment where the offence is committed by a firearm or arm proper.

Licence to keep or carry arms proper other than firearms

Licence to carry knives.

6. Saving the provisions of article 8 no person shall carry outside any premises or appurtenance thereof, a knife or cutting or pointed instrument of any description without a licence or permit from the Commissioner.

Exemptions to article 6.

7. The provisions of article 6 shall not apply with respect to any:-

(a) penknife with a blade protruding not more than 8 centimetres from the handle and which may reasonably be

considered to be carried for the purpose of making such use of it as is the use for which a penknife is intended;

(b) knife used by any person for the purpose of the exercise of his trade or for the purpose of his studies, or for diving purposes where, having regard to the time, place, and other circumstances, the court is satisfied that such knife was actually carried for such purpose.

8. Notwithstanding the other provisions of this Act or of any other law, no licence shall be required for the purpose of possessing or keeping inside any premises a knife or a cutting or pointed instrument not being a prohibited weapon in terms of article 3 or for acquiring such a knife or instrument for the same purpose. Edged weapons inside premises.

Licence to operate indoor and outdoor ranges

9. No person shall operate a target shooting range without a licence issued by the Commissioner who may issue such a licence after consultation with the Board. Licence for shooting range.

10. (1) The Commissioner may grant a permit in respect of a temporary *ad hoc* shooting range on the recommendation of the Board. Permit for *ad hoc* range.

(2) The Minister may make regulations in respect of the licensing of ranges.

Licence to acquire, keep or possess antique, artistic, historic or rare weapons

11. (1) No person may possess for collection purposes any firearm or arms proper which is antique, artistic, historic or rare, whether or not considered to be a prohibited firearm or weapon under Schedule I, unless he is in possession of the necessary licence: Licence for Collector

Provided that no licence shall be issued for item 1 in Part I of Schedule I to this Act unless such item is inert:

Provided further that any person licensed as a collector under this article may be authorised under licence to keep a number of firearms, to be prescribed under this Act, as those listed in Schedule II, even though they are not deemed to be antique, artistic, historic or rare.

(2) The Commissioner may issue a licence under sub-article (1) to any person upon the recommendation of the Board, provided that such person:

(a) satisfies the requirements of article 23 of this Act;

(b) has knowledge of the history and characteristics of such firearms or weapons and of the ammunition used with respect thereto;

(c) has complied with such other requirements as may be prescribed by regulations regarding such knowledge as aforesaid and regarding the secure storage of such weapons, firearms and ammunition.

(3) Any licence issued under this article shall provide for the inspection by any police officer not below the rank of Inspector, or by any other police officer as may be authorised by him, of the firearm or ammunition and of the premises in which such firearm and ammunition is to be kept, which inspection shall be conducted according to law and in accordance with regulations as may be prescribed.

Aggravated
Offences

12. Where any offence of a voluntary nature under any law other than this Act is committed by a licensee under this Act by means of any firearm licensed under article 11 the punishment upon conviction for the offence shall be increased by one to two degrees unless the law already provides for the aggravation of the punishment where the offence is committed by a firearm or arm proper.

Transport or display
of weapons.

13. (1) A collector shall not transport or publicly display his weapon collection or part thereof without an *ad-hoc* permit from the Commissioner under such terms and conditions as the Commissioner may deem fit.

(2) A licence under sub article (1) shall not be granted unless the applicant proves to the satisfaction of the Commissioner that such transport or display is solely intended for exhibition or re-enactment purposes, and the necessary safety and security measures are implemented.

Licence to act as dealers in arms proper

Licence to dealer.

14. A person shall not carry out the trade or business of a dealer without a licence issued by the Commissioner after consultation with the Board provided that such person:

(a) satisfies the requirements of Article 23 under this Act;

(b) satisfies the conditions laid down in Part V of this Act and satisfies the Commissioner of his private and professional integrity;

(c) where the applicant is a legal person, the Commissioner must be satisfied of the private and professional integrity of its directors, shareholders and any other persons who exercise direction or control over the legal person. Any transfer of shares whether *inter vivos* or *causa mortis* and, or appointment of directors shall require the approval of the Commissioner;

(d) has complied with such other requirements as may be prescribed by regulations or by the conditions of such licence concerning knowledge about and secure storage of such weapons, firearms and ammunition.

15. (1) Every person licensed under this section shall keep a register showing the movement of any arm proper and ammunition and shall, on receiving or disposing of, under any title whatsoever, any arm proper or ammunition, for whatever reason, make or cause to be made an entry in the register specifying:

Register to be kept by dealer.

(a) the name, surname, identity card number, occupation and place of residence of the person from whom the arms proper or ammunition were received or to whom they are to be delivered;

(b) the number or quantity of arms proper or ammunition and the date of their receipt or disposal;

(c) the description of the arms proper or ammunition, and the type, make, model, calibre and serial number of any arm proper and any modification thereto;

(d) the licence number of the person to whom the arm proper or ammunition is transferred.

(2) The licensee shall retain and conserve the register for as long as he so remains licensed, after which he shall be required to deposit the said register with the Commissioner which register shall, on the date of deposit, be duly signed by the licensee and countersigned by the Commissioner or any officer authorised by him.

(3) Any police officer may at all reasonable times demand inspection of the register, inspect any premises and stores of any dealer, and check the entries above mentioned, in order to take account of the

stock in hand, and to ensure compliance with the duties and obligations of the dealer under this article.

Licence to act as a gunsmith

Licence to
gunsmith.

16. (1) A person shall not carry out the trade or business of a gunsmith without a licence issued by the Commissioner after consultation with the Board.

(2) A licence under this article may only be issued if the conditions provided in paragraphs (a) to (d), both inclusive, of article 14 have been satisfied.

Register to be kept
by gunsmith.

17. (1) Every person licensed under Article 16(1) shall keep a register showing the movement of arms proper and ammunition and shall, on receiving or disposing under any title whatsoever of any arms proper or ammunition, for whatever reason, make or cause to be made an entry in the register specifying the details laid down in paragraphs (a) to (d) both, inclusive, of article 15(1).

(2) The provisions of sub-articles (2) and (3) of article 15 shall *mutatis mutandis* apply in respect of a licence issued under article 16(1).

Auctioning of arms proper

Auctioning arms
proper.

18. (1) No auctioneer shall receive for auction any arm proper or ammunition unless the owner thereof has obtained the necessary permit or licence after having informed the Commissioner of such an event, given the details of the person carrying out the auction and the details of the auctioning and satisfied the Commissioner that the arms proper shall be stored or displayed in a secure manner.

(2) The sale by auction of any arm proper or ammunition shall be subject to the buyer having or acquiring the necessary licence or permit under this Act.

(3) Where any arm proper or ammunition as aforesaid has been sold by auction to a person, the auctioneer shall inform the Commissioner of such fact and shall act as a witness on the appropriate form to be submitted by the licensee to the Commissioner for such transfer, licence or permit.

(4) The form shall be submitted to the Commissioner within fifteen days from the end of the sale by auction and shall contain all details of the proposed transfer and of the proposed purchaser as well as the particulars of the arm proper or ammunition so as to enable their identification, including in particular the type, make, model, calibre and serial number of any firearm auctioned.

(5) Any arm proper or ammunition that is auctioned shall not be delivered to the purchaser before he registers with the Commissioner in terms of article 23 of this Act.

(6) Any arm proper or ammunition left unsold following the auction shall be returned to the licensed owner and the Commissioner shall be informed thereof.

PART IV - DEALING AND TRANSFERS IN ARMS PROPER

19. No dealer or other person shall sell or otherwise deal in, dispose or transfer under any title whatsoever any arms proper or ammunition or keep or expose for sale or otherwise any such arms proper or ammunition without a licence or permit from the Commissioner. Dealings in transfers.

20. (1) No dealer or other person shall sell, transfer or deliver under any title whatsoever any arm proper or ammunition to another person who does not hold a licence from the Commissioner for such arm proper or ammunition in terms of this Act. Transfer of firearms, etc. to unauthorised persons.

(2) Any dealer or other person selling, transferring or delivering any arm proper in terms of sub-article (1) shall keep a record of such sale and shall inform the Commissioner of such sale, transfer or delivery as the case may be within fifteen days from its occurrence.

21. No dealer or other person shall sell or deliver any knife or other cutting or pointed instrument to any person who is under the age of eighteen years. Prohibition to sell knives to minors etc.

22. (1) The Commissioner may authorise the temporary transfer of any arms proper or ammunition in accordance with regulations that the Minister may prescribe from time to time. Temporary transfer of arms proper, firearms etc.

(2) Without prejudice to the generality of sub-article (1) of this article, any person who wishes to transfer any arm proper or ammunition consequent to a change of residence, whether permanent or temporary, may obtain the amendment of such permit or licence provided the licensee gives prior notice of fifteen days of such intended change.

PART V – GRANT, VALIDITY AND REVOCATION OF LICENCES

Applicants for a licence

Persons who may request a licence.

23. Without prejudice to the provisions of this Act, a licence under this Act shall only be issued by the Commissioner to a person who:-

(a) is eighteen years of age or over; and

(b) is a Maltese national or is an exempt person under the provisions of article 4(1)(b) to 4(1)(h), both inclusive, of the Immigration Act; or

Cap. 217.

(c) holds a residence permit in terms of article 7(1) of the Immigration Act; or

(d) enjoys freedom of movement in Malta in terms of the Constitution of Malta; or

(e) is a person as specified in any regulations which the Minister may from time to time prescribe.

Disqualification.

24. (1) A licence under this Act shall not be issued to a person who at any time during the five years immediately preceding the date of his application for a licence has:-

(a) been convicted of:-

(i) an offence involving violence or attempted or threatened violence against the person; or

(ii) an offence under this Act; or

(iii) an offence of bodily harm with an arms proper or other instrument or of taking up any arm proper or other instrument against other persons; or

(iv) an offence of theft; or

(v) an offence against the laws relating to the suppression of prostitution, white slave traffic or traffic of persons; or

(vi) an offence relating to trafficking in drugs; or

(vii) any other offence that the Minister may by regulation prescribe from time to time:

Provided that, notwithstanding anything contained in the Probation Act, for the purposes of this paragraph a person shall be deemed to have been convicted even if any of the provisions of the said Act may have been applied in his regard; or Cap. 446.

(b) has a history of:-

(i) drug dependence or abuse; or

(ii) of treatment for mental illness whether in a hospital, mental institute, psychiatric clinic or otherwise, and whether or not such person was confined to such a hospital, institute or clinic where such mental illness is associated with the use by such person of violence, or threatened or attempted use of violence against another person.

(2) Notwithstanding the provisions of sub-article (1) a licence under this Act may be granted by special authority of the Minister in the circumstances provided in those sub-articles. Minister's special authorization.

25. (1) A licence may be refused to any person in the interest of public order or in the interest of the safety of such person or of the general public. Refusal to grant a licence.

(2) Any person aggrieved by a decision of the Commissioner taken in accordance with the provisions of sub-article (1) may appeal to the Minister within seven days from the notification in writing of the refusal by the Commissioner and the Minister in the exercise of his functions under this sub-article shall seek the advice of the Board. The decision of the Minister shall be final and conclusive.

Special qualifications for certain licences

26. (1) A licence under this Act or under any regulations made thereunder for the possession of any arms proper or ammunition for the purpose of target shooting shall not be granted by the Commissioner unless the applicant satisfies the conditions in Part III of this Act and proves to the satisfaction of the Commissioner that he:- Licence for target shooting.

(a) has successfully completed an approved firearms safety course under the instruction of an approved qualified instructor or an approved competent body and has successfully completed any tests administered by such approved instructor or competent body; and

(b) is registered with a licensed target shooting club, of which he is a practising member.

(2) Any minor:

(a) under the age of eighteen years but not under the age of sixteen years may, with the consent of the person having legal authority over the minor, practice target shooting with airguns, long firearms with smoothbore barrels and muzzle-loading firearms on a licensed range;

(b) under the age of sixteen years but not under the age of fourteen years may, with the consent of the person having legal authority over the minor, practice such shooting on such range with airguns only as may be prescribed under this Act or by a firearm of a different kind referred to in paragraph (a) as may be prescribed by regulations under this Act. The Commissioner may impose such conditions as he may deem fit for the practice of such shooting by such minors.

(3) Any shooting practice by any minor in accordance with the provisions of subarticle (2) shall be carried out under a licence issued by the Commissioner for that purpose and under the direct supervision of a licensed Range Officer who shall be appointed by the club and approved by the Commissioner after consultation with the Board.

(4) Notwithstanding the provisions of any other law, the person giving his consent according to the provisions of subarticle (2), shall be considered for all purposes of law to assume full civil and criminal vicarious responsibility for all voluntary or involuntary acts or omissions of the minor in breach of any of the provisions of this Act.

(5) The Commissioner may at any time cancel the licence issued under this article if the licensee is no longer a practicing member of the club.

(6) Any licence issued under this article may contain restrictions on the movement of such firearms to and from a shooting range as the Commissioner may deem fit.

Licence conditions

27. (1) Any licences issued in terms of this Act shall be subject to any conditions as the Commissioner may deem fit to impose, and the licence shall indicate the conditions under which it shall be lawful for the licence holder to acquire, transfer, keep or possess any firearm, arm proper and ammunition. Licence conditions.

(2) All licences issued in terms of this Act are to be accompanied by a policy of insurance for third party risks as required by regulations under this Act.

28. A licence authorising the holder to keep an arm proper in any premises shall also specify the description of the arm proper or ammunition for which the licence is issued, including in particular the serial number and the manufacturer's mark of the firearm or other weapon in respect of which the licence is issued. Licence to keep firearms in premises.

29. A licence to keep or possess firearms for sporting activities issued under this Act shall entitle the licensee to acquire or possess, in accordance with the provisions of this Act or of any regulations made thereunder, ammunition for the firearm he is authorised to keep or possess under the licence. Purchase of ammunition.

Non-transferable nature of licence

30. A licence issued under this Act shall be personal to the licensee and shall not be transferable. Non-transferable nature of licence.

Validity, suspension and revocation of licences

31. Unless otherwise provided elsewhere in this Act, every licence granted by the Commissioner under this Act shall be valid for a period not exceeding twelve months to be reckoned from the first day of January of the year in which it is issued and shall expire on the 31st December of that year. Validity of a licence.

32. Notwithstanding the provisions of this or any other law, the Commissioner may suspend or revoke a licence issued under this Act:- Suspension or revocation of a licence.

(a) where the licensee is convicted of any offence specified in article 24 of this Act; or

(b) where the licensee ceases to satisfy the conditions laid down in Part V of this Act; or

(c) where the licensee contravenes the provisions of this Act or any regulation made thereunder; or

(d) for reasons of public or individual safety to be specifically recorded and duly reported to the Minister.

Power of minister to suspend or revoke licences.

33. It shall be lawful for the Minister to suspend or revoke any or all licences issued under the provisions of this Act, where conditions affecting public safety arise in any part of Malta.

Grant of temporary licences

Temporary licences.

34. (1) Notwithstanding any other provision of this Act, a temporary licence for sporting activities may be issued by the Commissioner to a non-resident who:

(a) is eighteen years of age or older; and

(b) produces documentary evidence that he is licenced to possess a firearm for sporting activities in his country of residence or is otherwise authorised to keep and carry such firearm in such country; and

(c) proves to the satisfaction of the Commissioner that he is in Malta for a sporting activity:

Provided that the Commissioner may authorise a non-resident who is under the age of eighteen years but not under the age of sixteen years to practice target shooting with airguns, long firearms with smoothbore barrels and muzzle-loading firearms on a licensed range subject to such terms and conditions as the Commissioner may deem fit and the provisions of article 26 shall *mutatis mutandi* apply.

(2) A temporary licence issued under sub-article (1) shall be limited to a sporting activity held in Malta under the provisions of this Act.

PART VI - REGISTRATION OR DECLARATION OF WEAPONS

Arms proper kept by museum.

35. (1) A museum or similar institution authorised to exhibit any arms proper or ammunition shall register such firearms, arms proper and ammunition with the Commissioner.

(2) No person shall keep in his possession or in any premises or use any martial art weapon unless such weapon is registered with the Commissioner in accordance with such regulations as may be prescribed by the Minister under this Act.

Registration of martial arts' weapons.

(3) Notwithstanding any other provision of this Act no person shall keep in his possession or in any premises or use any of the firearms listed under Part 1 of Schedule III to this Act unless such possession or intended use has been declared in writing to the Commissioner.

Declaration of certain firearms.

36. For the purposes of this Act or of any regulation made thereunder, a firearm shall be deemed to be deactivated if it has been rendered permanently unfit for use by the application of technical procedures which are guaranteed by an official body designated by regulations made under this Act or recognised by such a body in terms of the same regulations:

When firearm is considered as deactivated.

Provided that if such recognition or guarantee is not forthcoming, a firearm shall be presumed to be activated.

PART VII - HISTORICAL RE-ENACTMENTS

37. The use of antique weapons or their replicas in historical re-enactments shall, subject to the prior approval of the Commissioner, be permitted.

Weapons used in historical re-enactment.

38. Visitors to Malta shall be allowed to participate in historical re-enactments on production of documentary evidence certifying them as members of a historical re-enactment organisation and in its absence on production of documentation from the local organising body.

Visiting foreigners participating in historical re-enactment.

PART VIII - GENERAL EXEMPTIONS

39. Notwithstanding the other provisions of this Act:-

Exempted persons.

(a) no member of the Armed Forces of Malta, of the Malta Police Force or of the Malta Prison Service shall be guilty of an offence against this Act if such person is in possession of an arm proper or ammunition in the course of his duties, and such arm proper or ammunition belongs to the Government of Malta;

(b) the employees of dealers, gunsmiths or museums are not required to be licenced under this Act for the purpose of

possession, exhibiting, storing, repairing, restoring or maintaining specified arms, firearms or ammunition whilst on the licensed, permitted or recognised premises of their employer but a general licence for the purpose aforesaid as may be provided by the provisions of this Act or of any regulations made thereunder shall be sufficient.

Other exemptions

40. The Minister may by regulation exempt other persons from all or any provisions of this Act.

PART IX – MISCELLANEOUS

Relevant provisions relating to firearms, weapons and ammunition

Duty of person coming into possession of firearms.

41. Any person acquiring or coming into possession of a firearm or ammunition otherwise than in virtue of a licence, shall immediately notify the Commissioner who shall direct whether such firearm or ammunition shall be kept in the custody of the Police or of the person giving the notice.

Death of licence holder.

42. Where a person licensed to keep an arm proper or ammunition dies, his apparent heirs or a custodian, being a person already licensed under this Act and appointed by that person prior to his death, shall be held legally responsible for the said arm proper or ammunition and shall be deemed to be lawfully in possession of the said arm or ammunition by virtue of the licence issued to the person who had died:

Provided that within a period of two years from the death of the person who held the licence the heirs or the custodian, as the case may be, shall:

(a) dispose of the arm or ammunition by transferring it to a person licenced for the purpose; or

(b) deactivate the arm or deliver up the arm or ammunition to the Commissioner:

Provided further that when such arm or ammunition is delivered to the Commissioner, such arm and ammunition shall be sold by auction under such regulations as may be made by the Minister:

So however that the Minister may exempt in whole or in part from the provisions of this article any category of arms proper or ammunition as he may deem fit.

43. A licensee whose arm proper or ammunition, with respect to which he is licensed, has been lost, stolen or damaged beyond repair shall report such loss, theft or irreparable damage to the Commissioner within twenty-four hours of discovering such loss, theft or irreparable damage.

Loss, theft or damage to firearm.

44. (1) All firearms not being antique, artistic, historical or rare firearms shall be durably marked with a serial number that permits their identification and shall carry the manufacturer's mark.

Identification marks.

(2) Firearms which do not comply with the requirements of sub-article (1) may not be licensed unless they are durably marked according to regulations which may be issued under this Act.

45. (1) No person shall, without a licence from the Commissioner, modify or attempt to modify a firearm in a way that the classification of that firearm under this Act or under any regulation made thereunder is changed.

Modification of a firearm.

(2) Any firearm which has been modified in a manner that changes its classification under this Act or regulations made thereunder without the necessary permit shall be deemed an unlicensed firearm.

46. Any person who is licensed to acquire trade or possess firearms for use in sporting activities shall keep a proper account of his stock of ammunition in accordance with regulations made under this Act.

Accounting for ammunition.

Provisions relating to arms proper

47. (1) Any dealer or any other person licensed to acquire or possess any arm proper or ammunition shall keep the same in his custody in such a way that it shall not fall into the hands of any other person.

Custody of arms proper.

(2) Regulations made under this Act may provide for the custody of firearms, arms proper or ammunition.

48. It shall be lawful for any police officer to:-

Search and seizure by Police.

(a) search any person reasonably suspected to be in possession of any arms proper or ammunition without a licence from the Commissioner; and, or

(b) seize any arm proper or ammunition which is acquired, kept, possessed or used in contravention of this Act; and, or

(c) require any person who is known to have come into possession of any arms proper or ammunition, otherwise than in virtue of a licence under this Act, to deliver such arms proper or ammunition to him.

PART X - WEAPONS BOARD

Weapons Advisory Board.

49. (1) There shall be a Board to be known as the Weapons Board.

(2) The Board shall be composed of not less than nine members and not more than eleven members who shall be appointed by the Minister for a term of two years as follows:-

(a) a Chairman;

(b) at least four members from the organisations which represent arms collectors, persons knowledgeable in shooting, sporting activities, or hunting;

(c) at least four members, who shall be public officers or employees from body corporates established by law to represent the government side.

(3) When any vacancy in the Board occurs the Minister shall, as soon as practicable, appoint another person to fill the vacancy in accordance with the provisions of sub-article (2).

(4) The quorum of the Board shall consist of the Chairman and not less than half the members who are eligible to vote, but so long as a quorum is present the Board may act notwithstanding any vacancy among its members.

(5) The Chairman shall have an original vote and where the votes are equally divided, a second or casting vote.

(6) The Minister may also designate a public officer to act as secretary to the Board, but such secretary shall not have any voting rights.

Functions of the Board.

50. The functions of the Board shall be those assigned to it under this or any other law. Furthermore it shall have the power to make recommendations and to give its advice to:-

(a) the Commissioner on the importation and release from customs and the registration of antique, historical, rare and artistic weapons;

(b) the Commissioner on the issuing of licences to bona fide weapons collectors, target shooters, range operators and officers, dealers and gunsmiths;

(c) the Commissioner on the issue of permits for ad-hoc events and re-enactments

(d) the Minister in terms of sub article (2) of article 25 of this Act;

(e) the Minister on prescribing any regulations under this Act;

(f) the Minister or the Commissioner on any other matter relevant to the provisions of this Act, whether of its own accord or as may be referred to it by the Minister or the Commissioner.

PART XI - OFFENCES AGAINST THE ACT

51. (1) Any person who contravenes article 3 of this Act shall be guilty of an offence and shall be liable on conviction:- Offences against the Act.

(a) if the conviction relates to an arm proper, to imprisonment from three months to ten years;

(b) if the conviction relates to ammunition, to a fine (*multa*) of not less than one hundred liri (Lm100) and not exceeding five hundred liri (Lm500).

(2) Any person who contravenes sub-article (1) of article 5 of this Act shall be guilty of an offence and shall on conviction be liable to imprisonment for a term of not less than three months and not exceeding five years:

Provided that where the conviction relates to possession of arms proper or ammunition within premises, or where the infringement is considered minor by the Court, and having regard to the quantity or quality of the firearms or ammunition the Court is satisfied that they were not so kept for sale or for some other kind of deal or in order to be used unlawfully, the offender shall be liable to a fine (*multa*) of not less than three hundred liri (Lm300) or to imprisonment for a term not exceeding three months or to both such fine and imprisonment:

Provided further that where the conviction under article 5(1) relates to the possession of a firearm outside any premises and the offence was committed because of actual necessity of lawful self-defence or of the lawful defence of another person, the offender shall not be liable to punishment.

(3) Any person who contravenes or fails to comply with sub-article (2) of article 5, sub-article (1) of article 14, or article 19 of this Act, shall be liable on conviction to a term of imprisonment of not less than six months and not exceeding five years.

(4) Any person who contravenes or fails to comply with article 9, sub-article (1) of article 11, article 12, article 15, article 16 and article 17 or 20 of this Act, shall be guilty of an offence and shall on conviction be liable to a fine (*multa*) of five hundred liri (Lm500) or to a term of imprisonment not exceeding three months or to both such fine and imprisonment.

(5) Any person who contravenes or fails to comply with the provisions of article 18 of this Act shall be guilty of an offence and shall on conviction be liable to a fine (*multa*) of one thousand liri or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

(6) Any person who contravenes, sub-article (6) of article 5, sub-article (1) of article 13 or sub-article (2) of article 22 shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) of one hundred liri (Lm100).

(7) Any person who contravenes article 6 or 21 of this Act shall be guilty of an offence and shall on conviction be liable to a fine (*multa*) of fifty liri (Lm50).

(8) Any person who contravenes any of the provisions of Part VIII of this Act shall be guilty of an offence and shall on conviction be liable to a fine (*multa*) of not less than one hundred liri (Lm100) or to a term of imprisonment not exceeding six months, or to both such fine and imprisonment.

(9) Any person who contravenes any provision of this Act or any regulations made there under shall be guilty of an offence, and unless a severer punishment is provided for under this Act or any other law, shall be liable on conviction to a term of imprisonment not exceeding three months or to a fine *multa* not exceeding three hundred liri (Lm300) or to both such fine and imprisonment.

52. Any person holding a licence under any of the provisions of this Act who fails to comply with the terms of the licence or who is in possession of or carries any firearm or ammunition not specified in such licence shall be guilty of an offence against the provisions of those articles and shall be liable on conviction to a fine (*multa*) not less than three hundred liri (Lm300) but not exceeding one thousand liri (Lm1,000), or to imprisonment for a term of not less than three months and not more than five years or to both such fine and imprisonment.

Carrying arms of a different kind from that specified in licence.

53. Any person who makes use of any licence issued to any other person under the provisions of this Act, or of any licence which has ceased to be in force, or which has been suspended or revoked under this Act shall be guilty of an offence under this Act and shall be liable on conviction to a fine (*multa*) not less than three hundred liri (Lm300) but not exceeding one thousand liri (Lm1000), or to imprisonment for a term of not less than three months and not more than five years, or to both such fine and imprisonment.

Prohibition to make use of licences belonging to others etc.

54. (1) Any person licensed under this Act shall produce any licence or permit when required to do so by a police officer and if the licence is not on his person at the time he shall produce his licence within twenty four hours.

Production of licence.

(2) A licence or permit to keep any firearm shall be always kept on the premises where such firearm is kept.

(3) Whosoever contravenes the provisions of this article shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) not exceeding one hundred liri (Lm100).

55. Saving any other provisions of the Criminal Code applicable to the keeping, carrying, use, acquisition or possession of firearms, any person who:-

Possession of firearms during commission of offences.

(a) at the time of committing a crime against the safety of the government or against the person (other than involuntary homicide or involuntary bodily harm) or of theft or injury to property (other than involuntary injury to property); or

(b) at the time of being arrested for a crime,

has on his person any arm proper or ammunition or any imitation thereof, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding four years, unless he otherwise proves that he was carrying the firearm or arm proper for a lawful purpose.

- Forfeiture of arms. **56.** The Court shall order the forfeiture of any arm proper or ammunition kept or carried, acquired or possessed, imported or exported, sold or transferred in contravention of the provisions of this Act as a consequence of the punishment for such contravention.
- Prohibition to hold a licence. **57.** The Court may cancel or suspend a licence issued under this Act and prohibit a person from holding a licence under this Act for a maximum period of five years where such person is found guilty of an offence under this Act.
- Second or subsequent convictions. **58.** The alternative punishments provided for offences against this Act shall be applied cumulatively in the case of a second or subsequent conviction under the provisions of this Act or in the case of offenders previously convicted of any of the offences referred to in article 24 of this Act.
- Offences by a company or body unincorporate. **59.** The provisions of article 121D of the Criminal Code shall *mutatis mutandis* apply where a person is found guilty of an offence against the provisions of this Act so however that the punishment to which the body corporate shall be liable shall be that of a fine (*multa*) from five hundred liri (Lm500) to ten thousand liri (Lm10,000).
- Other criminal proceedings. **60.** The provisions of this Act shall not affect any criminal proceedings that may be instituted under any other law.
- Non-applicability of Probation Act (Chapter 446), and of article 21 of the Criminal Code **61.** The provisions of the Probation Act and of article 21 of the Criminal Code shall not be applicable to any offence against any of the provisions of this Act.
- Competent court. **62.** Notwithstanding the provisions of article 370 of the Criminal Code, the Court of Magistrates (Malta) and the Court of Magistrates (Gozo) shall be competent to try all offences against this Act.
- Court of Magistrates as Court of Criminal Judicature. **63.** Proceedings against any person for any offence against any of the provisions of this Act shall be taken before the Court of Magistrates (Malta) or Court of Magistrates (Gozo) as a Court of Criminal Judicature in accordance with the provisions of the Criminal Code:
- Provided that, notwithstanding the provisions of article 376 (1)(b) of the Criminal Code, the Court shall, at the request of the prosecution or of the accused, take down the evidence given by the witnesses in the manner provided for either in article 391 (6) of the said Code or in any law for the time being in force.
- Right of appeal. **64.** Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of

Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or (Gozo) in respect of proceedings arising out of the provisions of this Act.

PART XII - POWER OF THE MINISTER TO MAKE REGULATIONS

65. The Minister may, after consultations with the Board, make regulations to give effect to the provisions of this Act, and without prejudice to generality of the foregoing, such regulations may in particular:

Minister's powers to make regulations

- (a) regulate the temporary transfer of arms proper;
- (b) establish other categories of persons that may qualify for a licence under this Act, and the conditions under which they may so qualify;
- (c) prescribe licence conditions and fees;
- (d) prescribe the application forms for the application, grant, renewal or variation of a licence under this Act;
- (e) regulate the transfer or entry of arms proper and ammunition to or from Malta without need of a licence subject to such terms and conditions as the Minister may deem fit;
- (f) make provision regarding ammunition, gunpowder and primers;
- (g) make provision for the registration of weapons used in the martial art;
- (h) amend the Schedules to this Act;
- (i) prescribe any matter which is required to be prescribed in terms of this Act;
- (j) make provision for the possession, carrying and use of any firearm or ammunition lawfully in the possession of any person before the day of the coming into force of this Act;
- (k) provide for the issue of licences to, or for the recognition of licences or permits of whatever nature issued to, persons who are citizens of a Member State, or for the exemption of such persons from the requirement to acquire a licence under this Act:

Provided that for the purposes of this paragraph “citizen of a Member State” means a citizen of a State, except Malta, which is a party to the Treaty within the meaning of the European Union Act.

PART XIII - TRANSITORY AND FINAL PROVISIONS

Repeal of the Arms Ordinance, Cap. 66.

66. (1) The Arms Ordinance is hereby repealed.

Effect of repeal on breaches of the Arms Ordinance (Sec 12 Chapter 249)

(2) The provisions of sub-article (1) shall not affect any investigation, legal proceedings or remedy, in respect of breaches of the Arms Ordinance arising before the coming into force of this Act.

(3) Any investigations, legal proceedings, or remedy as referred to in sub-article (2) may be instituted, continued, or enforced and any penalty, forfeiture or punishment to which a person may have become liable before the coming into force of this Act may be ordered, imposed or enforced, as if this Act had not come into force.

Transitory provisions.

67. (1) Subject to the provisions of sub-paragraph (j) of article 65, every licence validly issued under the Arms Ordinance shall continue in force and shall continue to be valid and governed by the provisions of the said Ordinance notwithstanding its repeal by this Act.

(2) Subject to the provisions of sub-paragraph (j) of article 65, any person who on the day of the coming into force of this Act keeps or possesses any arm proper or ammunition when such keeping or possession was lawful under the Arms Ordinance repealed by this Act but is prohibited under the provisions of this Act shall be entitled to continue to keep or possess such arm proper or ammunition under the provisions of the said Ordinance as if it had never been repealed by this Act.

(3) Notwithstanding the repeal of the Arms Ordinance by this Act all regulations made under the said Ordinance shall, until such time as they are repealed or substituted by regulations made under this Act, remain in force and continue to have effect as if made under this Act except insofar as any such regulation is inconsistent with any of the provisions of this Act.

SCHEDULE I

(Article 3)

PART I

PROHIBITED FIREARMS AND AMMUNITION

1. Explosive military missiles and launchers
2. Automatic firearms
3. Firearms manufactured as automatic and subsequently converted to semi-automatic
4. Firearms disguised as other objects
5. Short firearms with barrels less than 9cm in length
6. Long firearms with smoothbore barrels which are less than 50 cm in length
7. Ammunition with armour piercing, explosive or incendiary projectiles and the projectiles for such ammunition
8. Ammunition that discharges a lethal or irritant substance such as teargas
9. Ammunition or projectiles of any kind that can be discharged by air weapons, other than specific air weapon ammunition
10. Pistol and revolver ammunition with expanding projectiles and the projectiles for such ammunition
11. Laser sights
12. Any device designed to muffle or reduce the report of a firearm except when such devices are intended for airguns
13. Essential components of any of the firearms mentioned in this Part, namely the breech closing mechanism, the chamber and the barrel of a firearm, which, being separate objects are included in the category of the firearms on which they are intended to be mounted.

PART II - PROHIBITED ARMS

1. Flick knives
2. Gravity knives
3. Butterfly knives
4. Knuckle dusters
5. Catapults

SCHEDULE II

(Article 5)

PART I – FIREARMS AND AMMUNITION SUBJECT TO A LICENCE

1. Semi-automatic or repeating short firearms with barrels not less than 9cm in length
2. Semi-automatic or repeating long firearms with rifled barrels
3. Single shot short firearms
4. Single shot long firearms with rifled barrels
5. Long firearms with smoothbore barrels which are not less than 50cm in length
6. Muzzle-loading firearms other than replicas of pre-1900 single shot muzzle-loading firearms
7. Firearms designed for alarm, signalling or lifesaving.
8. Airguns.
9. Essential components of firearms mentioned in this Part namely the breech closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.
10. Ammunition not listed under Part I of Schedule I.

PART II - ARMS SUBJECT TO A LICENCE

1. Crossbows
2. Harpoons used only for underwater fishing

SCHEDULE III

FIREARMS AND OTHER OBJECTS SUBJECT TO A DECLARATION

(Article 35(3))

PART I – FIREARMS

1. Firearms manufactured prior to 1900
2. Replicas of pre-1900 single shot muzzle loading firearms
3. De-activated firearms
4. Non-firing imitation firearms

PART II – OTHER OBJECTS

1. Edged weapons (such as swords, knives, bayonets and spears)

Passed by the House of Representatives at Sitting No. 294 of 20th July, 2005.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives