

LAWS OF SOUTH SUDAN

FIREARMS ACT, 2016

JUBA APRIL, 2016

Printed by the Ministry of Justice

# LAWS OF SOUTH SUDAN

## FIREARMS ACT, 2016

### TABLE OF CONTENTS

#### CHAPTER I PRELIMINARY PROVISIONS

1. Title and commencement
2. Repeal and savings
3. Purpose
4. Authority and application
5. Interpretations

#### CHAPTER II REGISTRY OF FIREARMS

6. Establishment of Central Registry of Firearms.
7. Powers and Functions of Registry.
8. Information to be contained in the Firearms register
9. Registrar of Firearms
10. Application for Firearms License
11. Decision on Application for Firearms License
12. Validity of Firearms License
13. Duty to carry License
14. Loss of Firearm or License
15. Stockpile Management
16. Suspension or Revocation of License

#### CHAPTER III PUBLIC WAREHOUSE TO BE ESTABLISHED

17. Public Warehouse to be Established
18. Management of Public Warehouses
19. Withdrawal from Public Warehouse and Description of firearms
20. Permit to indicate reason for withdrawal
21. Arms to be imported at prescribed places
22. Manufacture and Repair of Arms and Ammunition

CHAPTER IV  
ELIGIBILITY TO POSSESS FIREARMS

- 23. Eligibility to own a Firearm
- 24. Accreditation of Firearm Trainer

CHAPTER V  
FIREARM LICENSE FOR TRADE

- 25. Application for Firearm Licence for Trade
- 26. Obligations of Dealer, Gunsmith, Importer or Broker

CHAPTER VI  
PRIVATE SECURITY COMPANIES

- 27. Requirements for Firearms License for Security Companies

CHAPTER VII  
TEMPORARY PERMITS FOR HUNTING OR SPORT

- 28. Application for Temporary Permits
- 29. Firearms allowed to be licensed for Private Use
- 30. Exemption from Holding Firearm Certificate

CHAPTER VIII  
GOVERNMENT AGENCIES RESPONSIBLE FOR FIREARMS CONTROL

- 31. Agencies responsible for enforcement of firearms laws
- 32. Powers of Inspector of Explosives
- 33. Powers of certain officials to act for Inspector of Explosives
- 34. Storage of Explosives
- 35. Explosives warehouses and Public residential areas
- 36. Bureau for Community Security and Small Arms Control
- 37. Trespassers

CHAPTER IX  
MARKING OF FIREARMS

- 38. Marking of Firearms
- 39. Record Keeping
- 40. Power to inspect premises

- 41. Arrest without warrant
- 42. Exemptions from operations of Act
- 43. Firearms and Ammunition in Transit
- 44. Import and Export of Firearms and Ammunition

## CHAPTER X MISCELLANEOUS PROVISIONS

- 45. Carrying and Displaying of Firearms in Public Places
  - 46. Places where Firearms are prohibited
  - 47. Amnesty
  - 48. Special provisions relating to certain types of weapons and ammunition
  - 49. Ammunition
  - 50. Penalties
  - 51. Regulations
-

## LAWS OF SOUTH SUDAN

### FIREARMS ACT, 2016

In accordance with the Provisions of Article 55(3)(b) read together with Article 85(1) of The Constitution, the National Legislative Assembly, with the assent of the President hereby enacts the following:

#### CHAPTER I

#### PRELIMINARY PROVISIONS

##### 1. Title and commencement

This Act may be cited as "Firearms Act, 2016" and shall come into force on the date of its signature by the President.

##### 2. Repeal and savings

3. Any existing legislation in the Republic of South Sudan governing the subject of this Act is hereby repealed; provided that all appointments, proceedings, orders and regulations taken or made under the repealed legislation, except to the extent they are repealed or otherwise inconsistent with this Act, shall remain in force until repealed or amended.

##### 4. Purpose

The purpose of this Act is to create a legal frame work and administrative structures for firearms, their use and control.

##### 5. Authority and application

- (1) This Act is drafted in accordance with the Provisions of Article 55(2) and Schedule (A) Paragraph (9) and (57) of The Constitution which give the National Government the power to regulate on matters related to firearms.

- (2) The provisions of this Act shall apply throughout the Republic of South Sudan.

##### 5. Interpretations

In this Act, unless the context otherwise requires:

**"Airgun"** means a device manufactured to discharge a bullet or any other projectile by means of compressed gas and not by means of burning propellant.

**"Ammunition"** means the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles that are used in a firearm.

**"Antique Firearm"** includes all firearms manufactured before the first day of January 899, that were not designed to discharge rim-fire or centre-fire ammunition, and which have not been redesigned to discharge such ammunition.

**"Broker"** means a person who acts for a commission, advantage or cause, whether pecuniary or otherwise:

- (a) to facilitate the transfer, documentation or payment in respect of any transaction relating to the buying or selling of firearms or
- (b) as an intermediary between any manufacturer, supplier or dealer in firearms and a buyer or recipient of firearms.
- (c) to facilitate the transfer, documentation or payment in respect of any transaction relating to the buying or selling of firearm or as intermediary between any manufacturer, or supplier of, or dealer in firearm and any buyer or recipient of firearm

**"Court"** Court refers to the court of magistrate of the first Class

**"Dealer"** means a person licensed to trade, buy and sell firearms ammunition and other related materials.

**"Disposal of Firearms"** means process for disposal of surplus, redundant or obsolete firearms.

**"End-user"** means a person or institution identified by the competent authority as the designated user of transferred firearms ammunition or other related materials.

**"Explosives"** means gun powder, nitro-glycerine, TNT, Fuel/Air combinations such as ANFO, AMMONIA Nitrate, Sulphur solutions, and pastes, plastic gelatine, gelignite, fulminate of mercury, or of other metals and any other substances, similar to any of those mentioned above or pyrotechnic fuses, percussions caps, detonators cartridges ammunition of all descriptions, and every adaptation or preparations and any other substance which the ministry of interior in collaboration with the ministry of Defence may from time to time declare by an order published in the official Gazette to be an explosive

**"Export"** means sending or transporting firearms ammunition and other related materials outside South Sudan, especially for trade

**"Firearm"** means:

- (a) any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive and where applicable part of firearm or
- (b) any other weapon or destructive device such as an explosive bomb, incendiary bomb or gas bomb, grenade, rocket launcher, missile, missile system or mine.

**"Gunsmith"** means a person who repairs, assembles, deactivates, tests and proves, firearms and ammunition;

**"Trafficking"** means illegal possession, sale, delivery, movement or transfer of firearms within South Sudan or to the territory of another country.

**"Import"** means bringing or carrying firearms, parts, components, ammunition and other related materials into South Sudan.

**"Imation Firearm"** means anything that has the appearance of Firearm but is not capable of operating as Firearm and cannot by superficial examination be identified as an imitation.

**"Licence"** means a document issued by Registrar under section 15 of this Act permitting possession of firearm for private use.

**"Marking"** means inscription of a permanent unique nature identifying alpha-numeric mark on the metal part of a firearms or ammunition.

**"Minister"** means the National Minister responsible for interior.

**"Ministry"** means the National Ministry of Interior.

**"Organized Forces"** Include organized forces of Police, Prisons, Wildlife and Fire Brigade

**"Other related Materials"** means any components, parts or replacement parts of firearms essential for its operation.

**"Permit"** means a document conferring temporary possession of firearms.

**"Person"** means any natural or legal person.

**"Possession"** means actual control of firearms.

**"Registrar"** means an official responsible for issuance of permits, licences, compiling and keeping of records in the register.

**"Registry"** Means the Central registry of firearms.

**"Replica firearm"** means a firearm that is an exact copy of a model of a firearm which is no longer commonly manufactured.

**"Stockpile Management"** Means the systematic planning, acquisition, possession, record keeping, safe storage, control, maintenance, refurbishment, production and disposal of accumulated stocks of firearms in state and non-state possession.

**"Transport"** means to carry or convey firearms, ammunition, parts and components from one place to another within South Sudan.

## CHAPTER II

### REGISTRY OF FIREARMS

#### 6. Establishment of Central Registry of Firearms

- (1) There is established a registry to be known as Central Registry of Firearms.
- (2) The Registry shall be a central database containing information on all firearms including those licensed to persons for private use.
- (3) All information on licensed Firearms existing at the commencement of this Act shall be verified, updated and converted into electronic form.
- (4) The Registry of firearms shall be situated in the Criminal Investigation Department of Police Service Headquarters with branch offices at state and county levels.

#### 7. Powers and Functions of Registry

The Registry shall have the following functions:

- (a) control and management of licensed firearms with respect to dealers, manufacturers, gunsmiths, and private security companies;
- (b) control and management of licence and permits issued for import, export, brokering, transportation and transit transactions;
- (c) issuance of new licences, permits and re-licence of existing firearms in private possession.
- (d) control and management of all permits issued for the temporary possession of firearms or exemption cases;
- (e) ensuring submission of information to the database by dealers every 24 hours on all firearms sales, transfers and transactions made by dealers, as well as all transactions involving ammunition and propellant;

- (f) creation of a link between the Registry of firearms and other relevant databases, including the criminal records database and the national population registration database;
- (g) control of firearms of the deceased or liquidated estates;
- (h) update of register of all firearms licensed for private use;
- (i) keeping of documented copies of applications and licences for court purposes;
- (j) maintenance and keeping of records of firearms for at least 30 years;
- (k) submission of annual reports to the Minister on all imports, exports, transfers and transits and
- (l) issuance of licences or permits to gunsmiths, brokers, dealer and importers.

#### 8. Information to be contained in the Firearms Register

The Firearms Register shall contain the following information:

- 1.)
  - (a) In case of private use the following details of the person and the firearm to be licensed-
    - i. name, address, date of birth and gender including details of the next of kin;
    - ii. State, County, Payam, Boma and chief;
    - iii. photograph;
    - iv. type, make, model, serial number and calibre of the firearm and any other relevant markings such as engravings, proof marks and other markings on the firearm that can assist in identifying the firearm;
    - v. country of origin of the firearm;
    - vi. details of licence or permit granted, renewed, suspended cancelled or surrendered;
    - vii. prescribed application form together with relevant documents.
    - viii. The purpose for which the applicant requires the firearm.
  - (b) In case of trade, details related to gunsmith, broker, dealer and importer.
  - (c) In case of recovery, collection, seizure, surrender, destruction, theft or loss of firearm, details related to such recovery, collection, seizure, surrender, destruction, theft or loss of firearm.

2). Any person who, for the purpose of procuring the registration of himself or herself or any other person as a firearm dealer or gunsmith, makes any statement which he or she knows to be false or does not believe to be true, commits an offence and shall on conviction be liable to imprisonment for a term which may extend to 5 years or a fine to be determined by the court or both.

#### 9. Registrar of Firearms

- (1) The Inspector General of Police shall be the Registrar of Firearms for the purposes of section 6.

- (2) The Registrar shall be answerable to the Minister in the performance of his or her duties.
- (3) The Registrar shall be responsible for administration of the Registry and issuance of Firearm licence and permits.
- (4) For the purpose of subsection(3) of this section, the Registrar shall develop and maintain:
  - (a) accurate and up-to-date Firearms Register and
  - (b) electronic and archival administration system to implement and support the objectives of this Act.
- (5) The Registrar may, in writing, delegate any of his or her functions to his or her assistant.

#### **10. Application for Firearms Licence**

- (1) For the purpose of obtaining Firearms licences at the state and county levels for private use, the applicant shall submit his or her application to the nearest CID designated officer.
- (2) The Head of CID at state and county levels shall be the designated officers for receipt, process, background checking and submission of application to the Registrar.
- (3) The designated officer shall be responsible for exercising powers and performing functions delegated to him or her as prescribed in the regulations.

#### **11. Decision on Application for Firearms Licence**

- (1) When the Registrar is satisfied that an applicant has met all requirements for licence of a firearm in accordance with this Act, the Registrar shall issue the required licence or permit.
- (2) In case of rejection of an application for licence, the Registrar shall inform the applicant in writing with summary of reasons for rejection of such application and the applicant may, within a period of fifteen working days from the date of receipt of the rejection, petition the Minister for review of the rejection and the decision of the Minister shall be final.

#### **12. Validity of Firearm Licence**

- (1) Any licence issued in accordance with section 9 of this Act shall be valid for a period of one year and may be renewed annually.

- (2) The regulations shall specify contents of firearms licence issued in accordance with provisions of this Act.

### **13. Duty to Carry Licence**

- (1) Any person in **possession of** a firearm or ammunition shall carry a valid licence.
- (2) If the person fails to comply with provisions of subsection (1) of this section, the police shall seize the firearm or ammunition and keep it in custody until the licence or permit is produced within 24 hours failing which the police shall confiscate the firearm.
- (3) Any dealer, gunsmith, importer or broker shall display his or her original licence at his or her registered place of business.
- (4) Any person who contravenes the provisions of this section, commits an offence and is liable on conviction to imprisonment for a term which may extend to 5 years or to a fine to be determined by the court or both.

### **14. Loss of Firearm or Licence**

Any person licensed to possess or deal in firearm who losses his or her firearm or licence shall report such loss to the nearest police station, within 24 hours.

### **15. Stockpile Management**

- (1) A mandatory physical stock taking, at least once every year shall be undertaken by all state agencies and local governments that possess firearms.
- (2) A verification process to evaluate correctness of the data shall be established with oversight provided by the relevant institutions.
- (3) Firearms in the possession of civilians shall be registered on the Central Firearms Database
- (4) The military and National Security firearms shall be registered within the military and National Security firearms registries.
- (5) All firearms in possession of a state agency shall be marked by a uniform proofing mark on both the barrel and the frame.
- (6) No firearms in the possession of state agency shall be transferred to a private person
- (7) Any obsolete and/or surplus firearms in possession of a state agency shall be disposed of by destruction.
- (8) An employee of a state agency may possess a firearm of that state agency subject to the conditions prescribed in the Regulations.
- (9) Every government agency shall maintain a register which contains the information as prescribed in the Regulations.

### **16. Suspension or Revocation of Licence**

- (1) Upon recommendation of the Registrar, the Minister may suspend or revoke a licence, if he or she is satisfied that the licensee is in breach of any of the eligibility requirements for licence stated in section 23 of this Act.
- (2) Before suspending or revoking a licence, the Minister shall give the holder of a firearm licence, notice stating the reasons for such suspension or revocation.
- (3) The Registrar shall notify the holder of a firearm licence of the decision of the Minister within fifteen days from the date of such decision.
- (4) The holder of a firearm licence, after receiving the notice under subsection (2) of this section, may within fifteen days make a representation to the Minister as to why his or her licence should not be suspended or revoked and the decision of the Minister shall be final.

### **Chapter III**

#### **Public warehouse to be established**

17. Public warehouses for the deposit of arms shall be established at the national, state and county capitals and any other places as may be prescribed by the Minister and shall be maintained under the exclusive custody and permanent supervision of the government.

#### **Management of Public warehouses**

18. (1) Public warehouses shall be owned and managed by the ministries of Defense and Interior.
- (2) Public warehouses under the Ministry of Defense, National Security, Correctional Services, Civil Defense and Wildlife Services, Shall not be used for licensed private arms except public warehouses under the Police.
- (3) After depositing in a public warehouse and before withdrawal from it, every complete firearm and where the firearm is not complete every part of a firearm and every packaged ammunition, shall be registered in the prescribed manner according to any existing marks and numbers, and if it bears no marks sufficient for identification, shall be stamped or marked in the prescribed manner
- (4) All firearms imported solely for the purpose of sale in South Sudan shall be registered as such when first deposited in a public warehouse and on every transfer to any other public warehouse or to any private warehouse.

#### **19. Withdrawal from public warehouse and description of firearms**

- (1) No arms deposited in a public warehouse shall be withdrawn except in accordance with a permit issued by public warehouse authorized official.

#### **20. Permit to indicate reason for withdrawal**

No permit shall be issued for the withdrawal until an authorized official is satisfied that they are intended:-

- a. For dispatch to another warehouse
- b. For persons licensed and can show that they require them for their legitimate personal uses, or
- c. For export or disposal

**21. Arms to be imported at prescribed places**

Arms shall be imported only at such places as may be authorized by the Minister of Interior.

**22. MANUFACTURE AND REPAIR OF FIREARMS AND AMMUNITION**

(1) No person shall manufacture or assemble in the Republic of South Sudan any firearms or ammunition or perform any part of such operations except the Government.

(2) Nothing in this section shall be deemed to prohibit the Assembly:-

- a) By a licensed firearms dealer or licensed gunsmith of any firearm or
- b) By any person holding a firearm certificate of the firearm for which a certificate is held.

**CHAPTER IV**

**Eligibility to possess Firearms**

**23. Eligibility to own a firearm**

To possess a firearm for private use, an applicant shall:

- (a) Be at least 45 years old on the date of submission of his or her application;
- (b) Be a South Sudanese citizen or holder of valid residence permit in South Sudan;
- (c) Be of sound mind as determined by the Medical Commission;
- (d) Have no criminal record of alcohol or drug abuse;
- (e) not have been convicted of serious crimes or crimes related to Firearms
- (f) Has been a resident at the current address for a period of at least 1 year
- (g) have undergone basic training in handling firearms, except in case of members of the Organised Forces.

**24. Accreditation of Firearm Trainer**

Any former member of the Organised Forces or any other person, who meets the requirements as prescribed in the regulations, may apply to the Registrar for accreditation as Firearms trainer.

**CHAPTER V**

**FIREARMS LICENCE FOR TRADE**

## **25. Application for a firearm Licence for Trade**

- (1) No person shall trade in firearms and ammunition without a valid licence.
- (2) A licence to trade in firearms shall be issued to a dealer, gunsmith, importer and broker who has met the requirements for licence specified in section 23 of this Act.
- (3) An applicant for licence to be a dealer, gunsmith, importer or broker shall provide the Registrar with a valid business certificate.
- (4) A licensee for trade in firearms and ammunition shall:
  - (a) Specify a location for which the licence for business is issued;
  - (b) Be at least 45 years old and
  - (c) Satisfy such other information as may be prescribed in the regulations.

## **26. Obligations of Dealer, gunsmith, importer or Broker**

- (1) A dealer, gunsmith, importer or broker shall:
  - (a) displays his or her business licence in his or her place of business specified in the licence.
  - (b) keep records of all firearms or ammunition and
  - (c) establish and maintain necessary security measures at his or her business location referred to in paragraph(a) of this section.

### **Private warehouse or store**

- (2) Every firearms dealer or gunsmith shall provide and maintain at each of his or her place of business a suitable enclosed store for the safe custody of firearms and ammunition in his or her possession and shall at all times keep all such firearms and ammunition securely within the store;
- (3) Every store required to be provided and maintained under subsection (2) shall be secure to the satisfaction of the licensing officer and shall have only one means of entry to it which shall be provided with 2 different locks of which master keys shall be delivered to the licensing officer who shall keep them in a safe after properly labelling them.
- (4) Any person who contravenes provisions of this section, commits an offence and is liable on conviction, to imprisonment for a term not exceeding fifteen years or to a fine to be determined by the court.

## **CHAPTER VI**

### **PRIVATE SECURITY COMPANIES**

## **27. Requirements for Firearms Licence for Security Companies**

- (1) Subject to provisions of subsection 23 of this section, any person operating a private security company shall obtain a firearm licence.
- (2) All requirements for firearms licence in section 28 of this Act, shall apply to private security companies.
- (3) The managing director or any person responsible for operation of a private security company shall be responsible for safe keeping of all firearms owned by such company.
- (4) A private company applying for licence shall provide the Registrar with a valid business insurance policy.
- (5) All private security companies in existence at the time of commencement of this Act shall comply with provisions of this section within three months of coming into force of this Act.
- (6) No employee of any private security company shall be in possession of a firearm and ammunition except while on duty.
- (7) An employee of private security company while on duty shall carry a valid permit issued by the Registrar containing the following:
  - (a) Licence number and logo of the private security company and
  - (b) Type, serial number, calibre, model and rounds of ammunition in possession of such employee.
- (8) Notwithstanding the provisions of subsection (6) of this section, an employee of a private security company shall not carry more than twenty rounds of ammunition while on duty.
- (9) Any private security company which fails to comply with provisions of this section commits an offence and on conviction shall be liable to a fine to be determined by the court and revocation of licence.
- (10) Regulations shall specify type, calibre, model and ammunition to be license to private security companies.

## **CHAPTER VII**

### **TEMPORARY PERMITS FOR HUNTING OR SPORT**

28.

#### **Application for Temporary Permits**

- (1) The Registrar may issue a permit to authorize possession and use of firearms if satisfied that the applicant:
  - (a) is a resident or an authorized visitor to South Sudan;
  - (b) is a citizen of the Republic of South Sudan;
  - (c) is licensed or authorised under the laws of his or her country of origin to possess and use the type of firearm for which the permit is sought;
  - (d) has not been convicted of any crime related to firearms and
  - (e) has in his or her possession a valid permit from a competent authority.
- (2) The firearm permitted to be used by persons in paragraph (b) of this section shall not be sold, donated or disposed of by such persons.

#### **29. Firearms allowed to be Licensed for Private Use**

- (1) The following firearms may be licensed for private use:
  - (a) all handguns, pistols, and airguns of calibre not exceeding .22mm
  - (b) shotguns, (including single barrel, double barrel,) over and under, pump actions, side-by-side and box magazine shotguns;
  - (c) tranquilizer firearms for use in tranquilizing, immobilizing or administering vaccines or medication to animals.
- (2) All firearms and ammunition other than those categorised to be licensed for private use shall be deemed state owned firearms and subject to seizure or collection by competent authority.
- (3) The regulations shall prescribe procedures for seizure, collection and disposal of firearms.

#### **30. Exemption from holding a firearm certificate**

The following shall be exempted from holding firearms certificates:

- a) A person carrying on the business of a firearm dealer or gunsmith;
- b) A person carrying on the business of an approved carrier or an approved warehouseman;
- c) A slaughterhouse worker having a captive bolt gun manufactured for use in an abattoir in the stunning and killing of animals;

- d) Any person may, without holding a firearm certificate have in his or her possession a firearm or ammunition on Board a ship or a signalling apparatus on board an aircraft or at an aerodrome as part of the equipment of the ship, aircraft or aerodrome;
- e) A member of a rifle club approved by the licensing authority, or of a cadet unit;
- f) An athlete or sports person engaged in organizing an approved activity for athletics or sports;
- g) Any person being a servant of a corporation to which a firearm certificate has been issued; and
- h) Any person taking part in theatrical performance or film production or the rehearsal of the performance or production on such conditions as the licensing authority may impose.

## **CHAPTER VIII**

### **Government Agencies Responsible for Firearms Control**

31. (1) The Firearms and Explosives Division in the army and the National Police Service are the primary agencies responsible for administration, enforcement and implementation of the firearms and explosives laws, rules and regulations in the Country.

#### **Inspector of explosives**

- 2) The minister of defense in consultation with the minister of Interior may appoint an Inspector of Explosives **or** any other person to administer national explosives policies and regulations relating to explosives as may be prescribed, and any person so appointed shall have the powers of the inspector of Explosives,

#### **32. Powers of Inspector of explosives**

The inspector of explosives may:

- a. Enter, inspect and examine at any time by day or by night, any place, aircraft, ship boat, Vehicle or carriage in which explosives are present, or in which he/she has reason to believe an explosive has been or is present
- b. Take samples of any explosives found therein.
- c. Approve licenses for import of explosives for construction, industry, mining, quarrying and Humanitarian mine action activities
- d. Receive and inspect explosives imported into the republic of South Sudan
- e. Approve and continue to inspect private and public warehouses for prohibited firearms and explosives
- f. Accredited and register civil demolition experts who may be National or foreign experts.
- g. Accredited and register foreign and local De-miners who shall work in humanitarian Mine action in South Sudan in collaboration with National Mine Action Authority.
- h. Receive and provide employment for discharged De-miners and civil Demolition experts for security control of their expertise
- i. Seize, detain, remove and if necessary destroy any explosives that are illicit or wrongly stored by licensed owners.

**33. Powers of certain officials to act for inspector of Explosives in case of emergency or when authorized by him/her.**

Any officer of South Sudan Armed forces from the Engineering corps above the rank of Major may be authorized in writing to exercise the powers of Inspector of Explosives in all states or counties of South Sudan in case of urgent public danger or incidents connected with explosives. He/she shall forthwith investigate and report to the inspector of Explosives as to circumstances and what action he has taken.

**34. Storage of explosives**

No public or private warehouse shall store explosives including TNT Sticks, C3, C4 Blocks, grenades, rocket, bombs, shells, all types of landmines, torpedoes, fulminating and fissionable material, containers of Noxious liquid or gas together in the same compartment with such items such as charges, fuses, detonators and friction tubes

**35. Explosives warehouses and Public residential areas**

(1) Explosives warehouse shall be constructed at least 500m away from public residential areas.

(2) Members of the organized forces on move shall **not** put up in public hotels while armed and in possession of ammunition and explosives

(3) Fuel depots shall be constructed far a ways from public residential areas, places of public gathering and airports. Distances shall be approved by the inspector of Explosives.

36. The Bureau for Community Security and Small arms Control shall assist law enforcement agencies in the control of arms in the Country.

**37. Trespassers**

Any person who enters without permission or otherwise trespasses, upon the appurtenance of:-

- a. Any private warehouse licensed in accordance to this Act
- b. Any workshop licensed under the provisions of this Act.
- c. Any public warehouse used for the deposit of explosives or
- d. Any factory, arsenal or building which is the property of the Government of South Sudan and used for the manufacturing or storing of explosives, shall be guilty of an offence and shall on conviction be punished with a term which may extend up to 3 years or a fine to be determined by the court or both.

## **CHAPTER IX**

### **MARKING OF FIREARMS**

**38. Marking of Firearms**

- (1) Any person licensed as dealer, gunsmith, importer or broker shall ensure that all firearms in his or her possession are marked by the competent authority.

- (2) The marking shall be stamped on the barrel, frame and on the side as prescribed in the regulations.
- (3) The specifications for the marking of serial numbers shall be as prescribed in the regulations.

### 39. Record Keeping

- (1) All records relating to the manufacture, import, export, sale and gunsmith of firearm shall be kept for a period of not less than 30 years.
- (2) Whenever a **broker**, dealer, gunsmith, or importer ceases to carry on his or her business in firearms, the dealer, gunsmith or importer shall surrender all firearms in his or her possession, including the records to the Registrar for safe custody pending disposal.

### 40. Power to inspect premises

The licensing officer may at all reasonable times require any police officer without a search warrant to enter upon the premises of any firearms dealer with a view to ascertaining whether or not the provisions of this Act are being observed

### 41. Arrest without warrant

Any police officer may arrest without warrant any person whom he or she suspects on reasonable ground of having committed or being about to commit an offence against this Act.

### 42. Exemptions from operations of this Act

Nothing in this Act shall apply to-

- a) Any member of the South Sudan Armed forces;
- b) Any member of the South Sudan other regular forces including the police, prisons, fire brigade or wildlife forces
- c) Any other person or category the Minister may by statutory order, exempt.

### 43. Firearms and ammunition in transit

A custom officer shall after consultation with the licensing authority and after obtaining approval of the Minister, grant with or without condition or refuse, suspend or revoke transit permits for transportation across South Sudan of firearms or ammunition to any place out South Sudan.

### 44. Import and export of firearms and ammunition

- 1) No person shall import or export any firearm or ammunition at any one or more places designated for the purpose by the Minister by a notice published in the gazette and in accordance with an import permit issued by the licensing authority;
- 2) The licensing authority as the case may be may without assigning any reason for the revocation, revoke any import

## CHAPTER X

### MISCELLANEOUS PROVISIONS

#### 45. Carrying and Displaying of Firearms in Public Places

- (1) Any person with licensed firearm shall carry such firearm in holster or container, concealed or covered.
- (2) Display of firearms or Replica Firearms in a public place for sale or exhibition is prohibited, unless such Replica firearms is displayed:
  - (a) in approved business location of a dealer, gunsmith or importer and
  - (b) Allowed to be licensed for private use.

#### 46. Places where Firearms are prohibited

- (1) Carrying firearms is prohibited in the following public places:
  - (a) place of worship;
  - (b) hospitals and health centres;
  - (c) markets or public gathering places;
  - (d) schools and other institutions of learning;
  - (e) night clubs, bars and restaurants and
  - (f) courts of law and public attorneys' offices.
- (2) The Minister may prohibit the carrying of firearms in certain places for certain periods of time.

#### 47. Amnesty

- (1) The President may, by decree, declare an amnesty to any person in possession of firearms or ammunition without licence, **and** to surrender such firearm or ammunition to the police or to the nearest designated centre for collection of firearms or ammunition for disposal.
- (2) The decree stated in subsection (1) of this section shall specify the period and conditions of the amnesty.
- (3) Any person who surrenders a firearm or ammunition in compliance with a decree stated in subsection (1) of this section, shall not be prosecuted.

#### 48. Special provisions relating to certain types of weapons and ammunition

- 1) It shall not be lawful for any person other than a person in the service of the government in his or her capacity as such, or a person authorised in that behalf by the Minister, to sell, transfer, purchase, acquire or have in his or her possession-
  - (a) An explosive powered tool, designed for use by the construction and building industry;
  - (b) An explosive powered tool, designed to be used to split rock or concrete by means of firing an explosive cartridge;
  - (c) An industrial tool, designed to be used by mining and steel industry to remove refractory material;
  - (d) A toy firearm that is clearly distinguishable from a real firearm; and
  - (e) Any other device which may be listed in a regulation.

#### 49. Ammunition

- (1) A holder of a licence to possess a firearm may carry ammunition for the licenced firearm but shall not possess more than 20 rounds or two full magazines of ammunition.
- (2) The restrictions referred to in subsection (1) of this section shall not apply to ammunition purchased and discharged at accredited shooting range.
- (3) A dealer, gunsmith, importer and holder of licensed firearm shall keep separate any ammunition in his or her possession from the firearm, in safe place.

#### 50. Penalties

- 1) Any person that is in possession of a firearm without a valid license, permit or authorization commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years or a fine to be determined by the court or both.
- 2) Any person who tempers with any marking on firearm commits an offence punishable with imprisonment for a term not exceeding five years and a fine to be determined by the court or both.
- 3) Any licence holder who fails to comply with the provisions of section 47 (1) commits an offence and is liable on conviction to a fine to be determined by the courts, suspension of his or her licence or both.

#### 51. Regulations

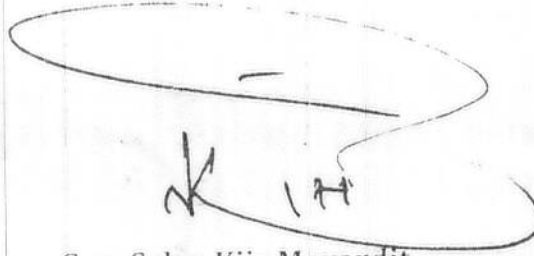
- (1) The Minister may make rules and regulations for implementation of this Act.
- (2) Without prejudice to the generality of subsection(1) of this section, the Minister may, by notice, make rules and regulations regarding the following:

- (a) determination and payment of fees;
  - (b) security and safety at firearms or ammunition business location;
  - (c) transportation of firearms and ammunition;
  - (d) collection and disposal of firearms and ammunition;
  - (e) accreditation of firearms trainers;
  - (f) possession of antique firearms;
  - (g) issuance of licences and permits and
  - (h) carrying of firearms and ammunition.
-

Assent of the President of the Republic of South Sudan.

In accordance with the provision of Article 85(1) of the Transitional Constitution of the Republic of South Sudan, 2011, I, Gen, Salva Kiir Mayardit, President of the Republic of South Sudan, hereby Assent to the Firearms Act, 2016 and sign it into Law.

Signed under my hand in Juba, this 17<sup>th</sup> day of the month of June In the year 2016.

A large, stylized handwritten signature in black ink, consisting of a large loop at the top and a series of strokes below, including what appears to be the letters 'K' and 'M'.

Gen. Salva Kiir Mayardit

President

Republic of South Sudan

RSS/ Juba.

