

C 1026

**A BILL
entitled**

AN ACT to amend the Arms Act, Cap. 480.

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 authority of the same, as follows:-

Citation and
Commencement.
Cap. 480.

1. (1) The short title of this Act is the Arms (Amendment) Act 2018, and this Act shall be read and construed as one with the Arms Act, hereinafter referred to as "the principal Act".

(2) This Act shall come into force on such a date as the Minister responsible for the Police may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

Amendment of
article 2 of the
principal Act.

2. Article 2 of the principal Act shall be amended as follows:

(a) immediately after the definition "airgun" there shall be added the following new definition:

" "alarm and signal weapons" means devices with a cartridge holder which are designed to fire only blanks, irritants, other active substances or pyrotechnic signalling rounds and which are not capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant;"

(b) the definition "collector" shall be substituted by the following:

" "collector" means any natural or legal person dedicated to the gathering and conservation of firearms, essential components or ammunition for historical, cultural, scientific, technical, educational or heritage purposes, and who is licensed as such in

terms of article 11;";

(c) the definition "deactivated firearm" shall be substituted by the following:

" "deactivated firearms" means firearms that have been rendered permanently unfit for use by deactivation in accordance with Commission Regulation 2015/2403 and any other relevant Commission instrument, ensuring that all essential components of the firearm in question have been rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way;";

(d) the definition "dealer" shall be substituted by the following:

" "dealer" means any natural or legal person whose trade or business consists wholly or partly of either of the following:

(a) the trade, exchange, hiring out, storage or repair of firearms or essential components;

(b) the trade or exchange of ammunition;";

(e) immediately after the definition "dealer" there shall be added the following new definition:

" essential component" means the barrel, the frame, the receiver, including both upper and lower receivers, where applicable, the slide, the cylinder, the bolt or the breech block, which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted;";

(f) the definition "firearm" shall be substituted by the following:

" "firearm" means any portable barrelled weapon that expels, is designed to expel or may be converted to expel a shot, bullet or projectile by the action of a combustible propellant, unless such item falls under Schedule III, items 1, 3 or 4.

An object shall be considered to be capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant if:

(a) it has the appearance of a firearm; and

(b) as a result of its construction or the material from which it is made, it can be so converted;";

C 1028

(g) immediately after the definition "historical weapon" there shall be added the following new definitions:

" "illicit manufacturing" means the manufacturing or assembly of firearms, their essential components and ammunition:

(a) from any essential component of such firearms illicitly trafficked;

S.L. 480.01 (b) without an authorisation issued in accordance with regulation 7A of the Firearms and Ammunition (Movement in Member States and Other Matters) Regulations by a competent authority of the Member State where the manufacture or assembly takes place; or

S.L. 480.01 (c) without marking firearms at the time of manufacture in accordance with regulation 7A of the Firearms and Ammunition (Movement in Member States and Other Matters) Regulations;

L.S. 480.01 "illicit trafficking" means the acquisition, sale, delivery, movement or transfer of firearms, their essential components or ammunition from or through the territory of one Member State to that of another Member State if any one of the Member States concerned does not authorise such transfer in accordance with applicable European Union legislation or if the firearms, essential components or ammunition are not marked in accordance with regulation 7A of the Firearms and Ammunition (Movement in Member States and Other Matters) Regulations;"

(h) immediately after the definition "Minister" there shall be added the following new definition:

" "museum" means a permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches and exhibits firearms, essential components or ammunition for historical, cultural, scientific, technical, educational, heritage or recreational purposes, and recognised as such by the Superintendent of Cultural Heritage. A museum open by appointment or access to which is subject to prior identification shall be considered to be open to the public;"

(i) the definition "resident" shall be substituted by the following:

" "resident" means a resident of the country indicated by the address appearing on an official document showing his place of residence, such as a passport or a national identity card,

which, on a check on acquisition or on possession, is submitted to the Commissioner or to a dealer. If a person's address does not appear on his passport or national identity card, his country of residence shall be determined on the basis of any other official proof of residence recognised by the Commissioner;"

(j) immediately after the definition "resident" there shall be added the following new definition:

" "salute and acoustic weapons" means firearms specifically converted for the sole use of firing blanks, for use such as in theatre performances, photographic sessions, film and television recordings, historical re-enactments, parades, sporting events and training;"

(k) the definition "short firearm" shall be substituted by the following:

" "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 with its stock folded or removed if so provided;" and

(l) immediately after the definition "target shooting" there shall be added the following new definition:

" "tracing" means the systematic tracking of firearms and, where possible, their essential components and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of Member States in detecting, investigating and analysing illicit manufacturing and illicit trafficking."

3. Article 23 of the principal Act shall be amended as follows:

Amendment of
article 23 of the
principal Act.

(a) in paragraph (b) thereof, immediately after the words "Immigration Act; or" there shall be added the words "an EU or EEA national resident in Malta; or";

(b) paragraph (e) thereof shall be renumbered as paragraph (f) and immediately after paragraph (d) there shall be added the following new paragraph:

"(e) is a resident in Malta and who has acquired a firearm in another Member State, in accordance with the legislation in that Member State, provided that such firearm is legally permissible in terms of this Act; or";

C 1030

(c) immediately after paragraph (f) as renumbered there shall be added the following proviso:

"Provided that persons granted an authorisation in terms of paragraph (e) shall only be granted a Collector Licence B so long as they do not qualify for a licence in terms of the other paragraphs."

Amendment of article 24 of the principal Act.

4. Article 24 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, immediately after paragraph (b) there shall be added the following new paragraph:

"(c) Whenever a person is sentenced to at least 3 years of effective imprisonment, he shall not be entitled to apply for a licence in terms of this Act.";

(b) in sub-article (2) thereof, immediately after the proviso there shall be added the following new proviso:

L.S. 10.39.

"Provided further that for the purpose of this article, a hunting licence issued in terms the Hunting Licences Regulations, shall be considered as a licence under this Act."

Adds new article 31A to the principal Act.

5. Immediately after article 31 of the principal Act there shall be added the following new article:

"Monitoring system.

31A. The Commissioner shall have in place a monitoring system which shall ensure that the conditions for granting of a licence are met throughout the period covered by the licence and that, inter alia, relevant medical and psychological information is assessed.

All licences issued under this Act shall be reviewed at intervals not exceeding 5 years. The review shall consist of a re-assessment of the conduct of the individual concerned, a re-assessment of his medical and psychological condition and a re-assessment as to his participation in a club whenever necessary."

Substitution of article 32 of the principal Act.

6. Article 32 of the principal Act shall be substituted by the following:

"Suspension or revocation of a licence.

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

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

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

(c) where the licensee no longer fulfils the conditions for the granting of a licence."

7. Immediately after article 32 of the principal Act, there shall be added the following new article:

Adds new article 32A to the principal Act.

"Suspension or revocation of a licence.

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

(a) without prejudice to the provisions of article 32, where the licensee contravenes the provisions of this Act or any regulation made thereunder; or

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

S.L.10.39.

Provided that for the purpose of this article, a hunting licence issued in terms the Hunting Licences Regulations, shall be considered as a licence under this Act."

8. Sub-articles (2) and (3) of article 35 of the principal Act thereof shall be renumbered as sub-articles (3) and (4) respectively and immediately after sub-article (1), there shall be added the following new sub-article:

Amendment of article 35 of the principal Act.

"(2) Museums that are to exhibit Schedule I firearms as from the date of entry into force of this provision, may be required to comply with the following conditions imposed by the Commissioner. These conditions may include the same conditions applicable to a Collector Licence A Special as well as any additional security conditions as he deems necessary, including the installation of alarms and other surveillance systems. The Commissioner may also require 24 hours surveillance of the premises."

9. Article 36 of the principal Act shall be substituted by the following:

Substitutes article 36 of the principal Act.

C 1032

"When firearm is considered as deactivated.

36. Firearms shall be deactivated in accordance with Regulation (EU) 2015/2403 and any other standards issued by the European Commission. A firearm shall be registered as deactivated only if a certificate by a recognised authority or entity in accordance with article 3(4) of Regulation (EU) 2015/2403, or any other relevant legislative instruments, has been issued and submitted to the Commissioner."

Amendment of article 39 of the principal Act.

10. In sub-article (a) of article 39 of the principal Act, immediately before the words "no member" there shall be added the words "the Armed Forces of Malta, the Malta Police Force and, or the Malta Prison Service may acquire any firearm for use within the respective services."

Objects and Reasons

The objects and reasons of this Bill are to Act to transpose Directive 2017/853 on control of the acquisition and possession of weapons.
