

# RODRIGUES GUN REGULATIONS 1935

**GN 55/1935**

**(Lane 1/740) - section 158 - 9 November 1935**

## **COURTS ACT- RODRIGUES, ST. BRANDON AND AGALEGA**

### **1. Short title**

These regulations may be cited as the **Rodrigues Gun Regulations 1935**.

### **2. Interpretation**

In these regulations-

"gun" shall mean any gun, rifle, revolver or pistol, and every part of a gun, rifle, revolver or pistol, and any air-gun or other kind of gun from which any shot, bullet or missile can be discharged, and every part of such air-gun or other kind of gun, but shall not include any toy gun or toy pistol from which any shot, bullet or missile is discharged by the force of a spring alone, or any antique gun kept solely as a curio, ornament or trophy.

**Amended by [\[Act No. 70 of 1950\]](#)**

### **3. Permit to possess gun**

No person shall purchase, have in his possession, use or carry any gun unless he holds a permit granted under these regulations. Such permit shall not entitle the holder to carry any revolver, pistol or other gun capable of being carried in the pocket or concealed about the person unless such permit is specially indorsed with permission to do so by the Island Secretary:

Provided that no permit shall be required in the case of-

- (a) any person serving in the Police force or as prisons officer, having in his possession a gun in his capacity as such, or using or carrying a gun in the performance of his duty as such;
- (b) a person who carries a gun belonging to a person holding a permit under these regulations, having in his possession such gun under instructions from and for the use of such person holding a permit, for sporting purposes only;
- (c) a person who has been refused the grant of a permit or whose permit has been revoked, having in his possession a gun pending disposal thereof by him, provided he has obtained from the Island Secretary a special permit for that purpose;
- (d) any Government servant specially authorized by the Island Secretary:

Provided further that no member of the family of a deceased person who had, at the time of his decease, a permit to possess a gun shall become liable in respect of such gun to any of the penalties provided in these regulations for possessing a gun without a permit until after the expiration of four months from the death of such person.

**Amended by [\[Act No. 31 of 1982\]](#); [\[Act No.3 of 1988\]](#); [\[Act No. 12 of 1990\]](#)**

#### **4. Permit, how obtained**

Every person desiring to obtain a permit under these regulations shall make an application to that effect verbally or in writing to the Island Secretary specifying his name and residence and the number and description of every gun for which he requires a permit.

The Island Secretary may thereupon issue to the applicant in respect of each gun specified in the application a permit as nearly as may be in the Form A set out in the Schedule to these regulations:

Provided that the Island Secretary may refuse to issue a permit to any person whom he has reason to believe to be a person who by these regulations is not entitled to possess, use or carry a gun, or to be a person unfitted for any reason to be entrusted with a gun:

Provided further that the Island Secretary shall not issue any permit to any person under fourteen years of age.

**Amended by [\[Act No. 31 of 1982\]](#); [\[Act No.3 of 1988\]](#); [\[Act No. 12 of 1990\]](#)**

#### **5. Licence duty**

Every person having in his custody or possession or using a gun shall, after obtaining a permit under the preceding regulation, take out a licence in accordance with the provisions of the Rodrigues Licences Regulations 1921.

**Amended by [\[Act No. 9 of 1972\]](#)**

#### **6. Indorsement on permit**

The holder of a permit desiring to obtain the issue or renewal of a licence as mentioned under the last preceding regulation shall produce such permit to the officer issuing the licence who shall indorse it with a statement that the licence has been issued or renewed as the case may be.

#### **7. Cancellation of permit**

It shall be lawful for the Island Secretary to withdraw or cancel any permit issued by him at any time should he consider it advisable to do so on the grounds set out in the proviso to regulation 4, and he shall thereupon notify the officer who issued the licence who shall cancel any licence issued in respect of such permit.

**Amended by [\[Act No. 31 of 1982\]](#); [\[Act No.3 of 1988\]](#); [\[Act No. 12 of 1990\]](#)**

## **8. Register of permits**

The Island Secretary shall cause all permits issued under these regulations to be registered by the Chief Officer of Police in a book to be kept for that purpose.

**Amended by [\[Act No. 12 of 1990\]](#)**

## **9. Proceeding when permit is lost, destroyed, etc**

The Island Secretary shall, whenever he is satisfied that a permit has been destroyed, defaced, or lost, grant to the person to whom the permit had been issued a certificate as nearly as may be in the Form B set out in the Schedule to these regulations.

**Amended by [\[Act No.3 of 1988\]](#); [\[Act No. 12 of 1990\]](#)**

## **10. Proof of possession**

The occupier of any house or room in which any gun shall be found shall, for the purpose of these regulations, be deemed to be the possessor of such gun.

## **11. Arrest by Police officers or Forest officers**

(1) Any Police officer or Forest officer may call upon any person who has a gun in his possession to produce his permit or his licence therefor, and, in case he has grounds for suspecting that such person holds no permit or licence, he may arrest such person without a warrant and seize such gun:

Provided that a Police officer or Forest officer shall not arrest any person found in possession of a gun for which such person holds no permit or licence if such person is known to such officer or gives his name and address, unless such officer has grounds for suspecting that the gun is to be used for an unlawful purpose or that the name and address given are false.

(2) Every gun seized under this regulation shall be deposited forthwith at the Police Station.

(3) Every person giving a false name or address, or refusing, or failing within a reasonable time to produce his permit or licence on demand under this regulation by a Police officer or Forest officer shall be guilty of a breach of the provisions of these regulations.

## **12. Search warrants**

The Island Secretary may, upon information sworn before him, issue a warrant to any Police officer authorizing him to enter and search the premises of any person suspected of possessing a gun without a permit or licence as by these regulations required:

Provided that in any such case, instead of issuing a warrant, the Island Secretary may cause a summons to be issued requiring such person to produce any such gun to him.

**Amended by [\[Act No. 31 of 1982\]](#); [\[Act No.3 of 1988\]](#); [\[Act No. 12 of 1990\]](#)**

**13. Burden of proof**

Whenever any person is charged under the provisions of these regulations with having in his custody, or using, or carrying, or possessing any gun without a permit or licence, the burden of proof that such person is in possession of a permit or is licensed shall be on such person.

**14. Regulations under GN 85/21 to apply if not inconsistent**

The provisions of the Rodrigues Licences Regulations 1921, which are not inconsistent with the provisions of these regulations shall apply to these regulations.

**Amended by [\[Act No. 9 of 1972\]](#)**

**15. Penal clause**

Any person acting in breach of the provisions of these regulations shall be liable to a fine not exceeding 200 rupees and to imprisonment not exceeding two months and any gun which is the subject matter of such a breach shall be liable to forfeiture.

**SCHEDULE**

(regulation 4)

FORM A

PERMIT TO POSSESS A GUN

No .....

.....(A.B.).....of.....has this day been permitted to possess and use a.....(described gun)

..... fire.....gauge

by..... No .....

(Signed).....

Island Secretary

**Amended by [\[Act No. 12 of 1990\]](#)**

FORM B

(regulation 9)

CERTIFICATE IN LIEU OF PERMIT TO POSSESS A GUN

Whereas on the.....day of.....19..... (A.B.).....of  
.....was granted a permit (No .....) to possess and use a.....(describe  
gun) .....and it has been proved to my satisfaction that the  
said permit has been destroyed/defaced/lost (as the case may be).

Now I do hereby grant the said (A.B.).....this certificate to be in lieu of the  
said permit and of like force and effect.

Signed.....

Island Secretary

**Amended by [\[Act No. 3 of 1988\]](#); [\[Act No. 12 of 1990\]](#)**