

## GUN LICENSE ACT.

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### Act No. 42, 1920.

George V, An Act to regulate and license the use, carriage,  
No. 42. possession, sale, and hire of guns and  
firearms; to prohibit the use, possession, or  
sale of maxim silencers; and for other  
purposes connected therewith or incidental  
thereto. [Assented to, 31st December, 1920.]

BE it enacted by the King's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative Council and Legislative Assembly of New South  
Wales in Parliament assembled, and by the authority of  
the same, as follows:—

Short title. **1.** This Act may be cited as the "Gun License  
Act, 1920."

**2.**

**2.** In this Act, unless the context or subject-matter **George V,**  
otherwise indicates or requires,— **No. 42.**

“Gun” includes any lethal firearm from which any <sup>Definition.</sup>  
shot, bullet, or other missile can be discharged ; <sup>cf. 33 & 34</sup>  
but does not include a toy gun or an antique <sup>Vic., c. 57, s. 2.</sup>  
gun which is kept or sold as a curiosity or <sup>cf. 3 Edw. VII,</sup>  
ornament. <sup>c. 18, s. 2.</sup>

“Gundealear” means a person who by way of trade  
or business manufactures, sells, or repairs guns,  
or exposes or has in his possession guns for  
sale or repair.

“Prescribed” means prescribed by this Act or by  
any regulation made thereunder.

**3.** (1) Every person who desires to purchase or use License for  
or carry or have in his possession any gun shall take out <sup>purchasing,</sup>  
a license under this Act, hereinafter called a “gun carrying, or  
possessing license.” A separate license shall be taken out in a gun. <sup>cf. South</sup>  
respect of each and every such gun. <sup>Australian</sup>

(2) (a) Any person who has in his possession <sup>Act, 1875,</sup>  
any gun without such license shall be liable to a <sup>No. 6, s. 1.</sup>  
penalty not exceeding ten pounds. <sup>cf. 33 & 34</sup>  
<sup>Vic., c. 57,</sup> <sup>s. 7.</sup>

(b) Any person who uses or carries any gun  
without such license shall, if such offence be committed  
between the hours of seven ante meridian and seven post  
meridian, be liable to a penalty not exceeding twenty  
pounds, and shall, if the offence be committed between  
the hours of seven post meridian and seven ante meridian,  
be liable, in addition to the said penalty, to imprisonment  
for a term not exceeding six months.

(3) Provided that this section shall not apply to— <sup>Troviso.</sup>

(a) any person in the naval, military, or air service  
of His Majesty or in the police force or to a  
member of a rifle club who has in his posses-  
sion any gun prescribed for the use of such  
service or force or club or who uses or carries  
any such gun in the performance of his duty  
or when engaged in drill or target practice ; or

(b) any gundealear or his servant who has in  
his possession or carries a gun in the ordinary  
course of the trade or business of a gundealear,

or

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or who uses a gun by way of testing or regulating its strength or quality in a place specially set apart for such purpose; or

- (c) any common carrier or warehouseman or his servant who has in his possession or carries a gun in the ordinary course of the trade or business of a common carrier or warehouseman; or
- (d) any person who uses a gun for the purpose of shooting at a shooting gallery which is under the personal supervision of a responsible person in charge thereof; or
- (e) any person who has in his possession a gun acquired and held as a war trophy.

(4) Upon the hearing of any information for any breach of any of the provisions contained in this section the person complained against shall be required to prove that he is the holder of a gun license duly issued under this Act, or that he comes within the aforesaid proviso.

Application  
for, and issue  
of gun  
license.

**4.** Applications in the form prescribed for gun licenses shall be made to, and such licenses in the form prescribed may be issued by the clerk of the court of petty sessions in or nearest to the place where the applicant resides, on the payment of the sum of five shillings for every such license, and each license shall be in force until the thirty-first day of December after the date of the issue thereof:

Proviso.

Provided that no such license shall be issued to any person under sixteen years of age.

Special  
licenses to use  
gun to destroy  
noxious  
animals.

**5.** (1) A special gun license, in the form prescribed, may, in the same manner, be issued, without fee, to any person above the age of sixteen years who desires to use a gun for the sole purpose of destroying birds or animals proclaimed under any Act of Parliament to be noxious birds or animals.

(2) Any person who under such special license, without reasonable excuse, uses or carries a gun for any other purpose than the purpose aforesaid shall be liable to a penalty not exceeding twenty pounds.

(3) The provisions of this Act with respect to gun licenses shall apply to such special licenses.

Endorsement  
of applica-  
tions by  
police.

**6.** A clerk of the court of petty sessions shall not issue any such license, special or otherwise, unless the application

application for such license is endorsed by the officer in **George V.**  
charge of the police station in or nearest to the place **No. 42.**  
where the applicant usually resides with a statement  
that the applicant is a fit and proper person to have  
such license.

**7.** Any applicant aggrieved by the refusal of such <sup>Appeal, if</sup> officer to make such endorsement or by the refusal of <sup>application</sup> such clerk to issue such license may appeal from such <sup>for gun</sup> <sup>license</sup> <sup>refused.</sup> refusal to the court of petty sessions in or nearest to the place where the applicant resides, and the decision of such court shall be final and binding upon the applicant and upon such officer or clerk, as the case may be.

**8.** A list of all such licenses shall be kept open for <sup>Inspection of list</sup> <sup>of licenses.</sup> inspection at all reasonable times at the courts of petty <sup>South Australian</sup> <sup>Act, 1875, No. 6,</sup> <sup>s. 4.</sup> sessions where the same have been issued.

**9.** (1) It shall be unlawful to sell by retail or by <sup>Sale or hire of</sup> auction or by private sale or to let on hire a gun to any <sup>guns.</sup> person, unless at the time of the sale or hire such person <sup>ef. 3 Edw. VII,</sup> <sup>c. 18, s. 3.</sup> either produces a gun license or gives reasonable proof that he is a person entitled to use or carry or have in his possession a gun without a gun license by virtue of the third section of this Act, or that he is about to proceed abroad for a period of not less than six months, and produces a statement to that effect signed by himself and by a police officer of the district within which he resides of a rank not lower than that of inspector, or by himself, and by a justice of the peace.

(2) Every person who in the course of business <sup>Entry of sale</sup> sells by retail or by auction or lets on hire a gun shall, <sup>or hire.</sup> before delivery, make, or cause to be made, an entry in a book to be kept for that purpose, specifying the description of the gun sold or let on hire, the date of such sale or hire, the name and address of the purchaser or hirer, and the court of petty sessions from which the gun license produced by the purchaser or hirer was issued, the date of such license, or the circumstances exempting such purchaser or hirer from having such license. Such book must be produced for inspection on the request of any officer of police.

(3) Any person who—  
(a) contravenes any of the foregoing provisions of this section; or  
(b)

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(b) on the sale or hire of a gun knowingly makes, or causes to be made, any false entry or statement as to any matter concerning which he is required by this section to make an entry or statement,

shall be liable to a penalty not exceeding twenty pounds.

Registration  
of gun-  
dealers.

**10.** (1) Any person who carries on the trade or business of a gun-dealer, unless he shall first have obtained a certificate of registration, shall be liable for a first offence to a penalty not exceeding fifty pounds and for a second or subsequent offence to a penalty not exceeding one hundred pounds.

(2) Applications for such certificate shall be made in the prescribed form to, and such certificates may be issued in a prescribed form by, the clerk of the court of petty sessions in or nearest to the place where the applicant carries on the trade or business of a gun-dealer, on payment of the sum of one pound for every such certificate, and such certificate shall be in force until the thirty-first day of December after the date of the issue thereof.

Sale, &c., of guns  
to persons under  
16, or to persons  
intoxicated or  
insane.  
cf. 3 Edw. VII,  
c. 18, s. 5.

**11.** Any person who knowingly sells, lets on hire, gives, or lends a gun to any person who is under the age of sixteen years or is intoxicated or is not of sound mind, shall be liable to a penalty not exceeding twenty-five pounds.

Demands for  
production of  
gun licenses.  
cf. South  
Australian  
Act, 1875,  
No. 6, s. 6.

**12.** Any member of the police force may demand from any person who, at the time of such demand, may be using or carrying any gun the production of the license for so doing, and may also demand from such person his name and address; and if such person refuses to produce such license or does not give his name and address, or gives a false name or address, he shall for every such offence be liable to a penalty not exceeding ten pounds.

Confiscation  
of guns used  
or carried by  
persons with-  
out a license.

**13.** Any member of the police force may seize any gun found in the possession of, and being used or carried for the purpose of use by, any person not being the holder of a gun license under this Act, and such gun may be forfeited to His Majesty.

**14.**

**14.** If a justice is satisfied by information on oath <sup>George V,</sup> that there is reasonable ground for suspecting that any <sup>No. 42.</sup> gun is concealed or lodged in any premises or place in breach of this Act, he may grant a search warrant authorising any member of the police force named therein to enter at any time, if necessary by force, and to search any premises or place named in such warrant, and every person found therein, and to seize and detain any gun which he may find on the premises or place or on such person and in respect of which he has reasonable grounds for suspecting that there has been or is a breach of this Act.

**15.** Any person who has a gun in his possession <sup>Precautions</sup> and who does not take all reasonable precautions <sup>to be taken</sup> by gun ensure the safe keeping of such gun shall be liable to a <sup>owners for</sup> <sup>safe keeping.</sup> penalty not exceeding ten pounds.

**16.** Any parent or guardian of any child, who is <sup>Liability of</sup> under the age of sixteen years and who uses, carries, or <sup>parent or</sup> <sup>guardian of a</sup> <sup>child under</sup> <sup>sixteen found</sup> has in his possession any gun, shall be liable to a penalty <sup>using a gun.</sup> not exceeding ten pounds, unless he proves that such use, carriage, or possession was without his consent or knowledge and that he took all reasonable precautions to prevent the same : Provided that nothing in this Act shall prevent any person under the age of sixteen years from using a gun when under the supervision of a person licensed under this Act.

**17.** Any person who within the boundary of any <sup>Maxim</sup> <sup>silencers.</sup> municipality uses any contrivance commonly known as or in the nature of a maxim silencer shall be liable to a penalty not exceeding twenty pounds.

**18.** (1) The Governor may make regulations <sup>Regulations.</sup> prescribing all forms necessary under this Act, and generally for carrying out the provisions of this Act, and may in those regulations impose any penalty not exceeding ten pounds for any breach of the same.

(2) Such regulations shall—

- (i) be published in the Gazette ;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations ; and
- (iii)

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(iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall therefrom cease to have effect.

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