

Malawi

Firearms Act

Chapter 14:08

Legislation as at 31 December 2014

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Malawi

Firearms Act

Chapter 14:08

Assented to on 21 December 1967

Commenced on 29 December 1967

[This is the version of this document at 31 December 2014.]

[Note: This version of the Act was revised and consolidated in the Fifth Revised Edition of the Laws of Malawi (L.R.O. 1/2018), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]

An Act for regulating, licensing and controlling the manufacture, importation, transportation, dealing in and possession of fire- arms and ammunition and for matters connected therewith and incidental thereto

1. Short title

This Act may be cited as the Firearms Act.

2. Application of Act

Nothing in this Act shall apply to-

- (a) a person serving in or with the armed forces of Malawi or the of Act police or any other person in the service of the Government acting in accordance with his duties as such;
- (b) pyrotechnics used or intended for use solely in firework displays;
- (c) any slaughtering instrument purchased by or in the possession of a person authorized by a local authority to conduct an abattoir or by a veterinary officer of the Government.

3. Interpretation

In this Act, unless the context otherwise requires-

"acquire" includes hire, accept as a gift or inheritance, borrow or otherwise obtain possession of;

"ammunition" includes-

- (a) gunpowder, cartridges, percussion caps and any other material used or intended or adapted for use with a firearm as a means of projecting any missile or a noxious liquid, gas or other thing;
- (b) bullets or shots composed of any metal or substance used, intended or adapted for use as missiles;

"annual licence" means an annual licence issued under [section 11](#);

"authorized officer" means a District Commissioner or a police officer of or above the rank of inspector;

"automatic weapon" means a firearm, weapon or contrivance which is so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until the pressure is released or until the magazine containing missiles is empty;

"firearm" includes any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any such shot, bullet or missile and any weapon or contrivance of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, any component part of any such weapon or contrivance and any accessory to any such weapon or contrivance designed or adapted to diminish the noise or flash caused by the discharge thereof and a bomb, grenade and other like missile whether capable of use with such a weapon or not;

"firearm permit" means a written permit to acquire or transfer a firearm or ammunition granted under [section 10](#);

"licensed dealer" means the holder of a valid licence granted under [section 6](#);

"prohibited weapon" means an automatic weapon, bomb, grenade or any other type of firearm which the Minister may, by order made under [section 16](#), prescribe;

"proper officer" means any class of public officer which the Minister may prescribe;

"Registrar of Firearms" means the police officer nominated by the Commissioner of Police to carry out the functions of Registrar of Firearms;

"slaughtering instrument" means a firearm which is specially designed or adapted for the instantaneous stunning of animals with a view to slaughtering them and which in every case is fitted with a captive bolt which remains attached to the instrument upon discharge;

"transfer" includes let on hire, give, lend and part with possession of.

4. Importation and exportation of firearms and ammunition

- (1) No person shall import or export any firearm or ammunition save under and in accordance with the terms of an import or export permit as the case may be, issued by the Registrar of Firearms:

Provided that this subsection shall not apply-

- (a) where a person entering Malawi in transit for a place outside Malawi does not leave the airport;
 - (b) where any firearm or ammunition, other than a prohibited weapon, is imported for a personal use of the owner thereof and such firearm or ammunition immediately on importation is left in customs control until an import permit is obtained in respect of the importation thereof.
- (2) Any person who imports or exports or attempts to import or export any firearm or ammunition in contravention of subsection (1) shall be liable to a fine of K400 and to imprisonment for 12 months.

5. Dealing in firearms and ammunition

- (1) No person shall, by way of trade or business-

- (a) manufacture, sell, transfer, repair, test or prove; or
- (b) expose for sale or transfer, or have in his possession for manufacture, sale, transfer, repair, test or proof,

any firearm or ammunition unless he is the holder of a valid dealer's licence issued under [section 6](#):

Provided that it shall be lawful for an auctioneer to sell by auction and have in his possession for sale by auction a firearm or ammunition if he has obtained from the officer in charge of the police of the District in which he intends to keep and sell such firearm or ammunition written permission to do so and complies with the conditions of such permission.

- (2) Any person who contravenes any of the provisions of subsection (1) shall be liable to a fine of K200 and to imprisonment for 6 months.

[25 of 1968]

6. Dealer's licences

- (1) With the approval of the Minister, a dealer's licence may be granted by the Registrar of Firearms.

- (2) A dealer's licence shall expire on the 31st December of the year in which it is granted and shall not be transferable.
- (3) An application for a dealer's licence shall be made in writing in the prescribed form to the officer in charge of police of the District in which the applicant intends to trade or carry on business in firearms or ammunition. Subject to the approval of the Minister required by subsection (1), such application may be granted or refused in the discretion of the Registrar of Firearms.
- (4) Subject to the approval of the Minister, the Registrar of Firearms, acting in his discretion, may at any time revoke or suspend a dealer's licence.

7. Duty of dealer

- (1) In this section the word "transaction" includes acquisition, transfer, manufacture, repair, test and proof.
- (2) Every licensed dealer shall provide and keep a register of transactions and shall enter or cause to be entered therein such particulars as may be prescribed.
- (3) Every such entry shall be made within twenty-four hours after the transaction to which it relates took place and in case of a sale or transfer, every dealer shall at the time of the transaction require the purchaser or transferee to produce his permit to acquire and shall immediately enter the particulars of such permit in the register.
- (4) Every licensed dealer shall deliver to the Registrar of Firearms on the 1st January and 1st July in each year a return in the prescribed form showing the prescribed particulars of all transactions entered into by him during the preceding six months.
- (5) Every licensed dealer shall on demand allow any police officer or authorized officer to enter and inspect all stock in hand and shall on request by any such police officer or authorized officer produce for inspection the register required to be kept by him under this section.
- (6) Every licensed dealer shall keep his licence prominently displayed on his business premises.

8. Offences by dealers and penalties

Any licensed dealer who-

- (a) fails to comply with any of the provisions of [section 7](#);
 - (b) knowingly makes any false entry in the register;
 - (c) knowingly makes any false return; or
 - (d) knowingly furnishes any false particular of identification of himself or any other person,
- shall be liable to a fine of K200 and to imprisonment for six months.

9. Written permits authorizing the acquisition and transfer of firearms and ammunition; offences and penalties

- (1) Any person who-
 - (a) acquires from or transfers to any other person any firearm or ammunition without having first obtained a permit in writing under [section 10](#) authorizing such acquisition or transfer, as the case may be;
 - (b) acquires from or transfers to any other person any firearm or ammunition without having first had produced to him a permit in writing under [section 10](#) authorizing the transfer from, or acquisition by, such other person, as the case may be; or

- (c) fails to comply with any condition to which any permit in writing issued under [section 10](#) is subject,

shall commit an offence against this section and be liable to a fine of K400 and to imprisonment for twelve months.

- (2) For the purposes of this section a currently valid dealer's licence shall be deemed to be a permit in writing under [section 10](#) authorizing the acquisition and transfer generally by the holder thereof of firearms and ammunition.

[35 of 1971]

10. Application for permits to acquire or transfer firearms or ammunition, etc.

- (1) Any person desiring to obtain a permit in writing authorizing the acquisition from, or the transfer to, any other person of a firearm shall duly complete the prescribed form of application therefor and forward it to the officer in charge of the Police of the District in which the applicant resides.
- (2) Every application received under subsection (1) shall be forwarded by the officer receiving it to the District Commissioner of 13 of 1974 the District in which the applicant resides who shall forward it to the Registrar of Firearms.
- (3) With the approval of the Minister, the Registrar of Firearms may grant a permit in writing authorizing the person to whom it is issued to acquire or transfer, as the case may be, the firearm to which it relates.
- (4) Any person desiring to obtain a permit in writing authorizing the acquisition from, or the transfer to, any other person of any ammunition shall duly complete the prescribed form of application therefor and forward it to the District Commissioner for the District in which the applicant resides.
- (5) Subject to subsection (7), every application received under subsection (4) shall be forwarded by the District Commissioner receiving it to the Registrar of Firearms.
- (6) With the approval of the Minister, the Registrar of Firearms may grant a permit in writing authorizing the person to whom it is issued to acquire or transfer the ammunition to which it relates.
- (7) Subject to any directions whether special or general, of the Minister, the Registrar of Firearms may, by notice published in the *Gazette*, in respect of any District in Malawi, delegate the powers conferred upon him by subsection (6) to the District Commissioner of such District. Such delegation may be either general, or in relation to such types or quantities of ammunition as may be specified, and shall be subject to such conditions as the Registrar of Firearms may see fit to stipulate, in such notice. Subject to any such condition stipulated as aforesaid, where a District Commissioner is able, by virtue of any delegation made under this subsection, to grant any application received by him for a permit to acquire, or transfer, ammunition, subsection (5) shall not apply to such application.
- (8) A permit in writing to acquire a firearm or ammunition may be issued under subsection (3) or subsection (6) if, and only if, the Registrar of Firearms, or his delegate, as the case may be, is satisfied that the applicant therefor-
- (a) has good reason for acquiring and having in his possession the firearm or ammunition to which the permit relates;
 - (b) can be permitted to have in his possession such firearm or ammunition without danger to the public safety or peace;
 - (c) is not a person prohibited under this Act from possessing firearms or ammunition;
 - (d) is not a person of intemperate habits or unsound mind;
 - (e) is not a person for any reason unfitted to be entrusted with such firearm and ammunition;

- (f) will at all times keep such firearm or ammunition securely in safe custody in a safe condition and in a safe place; and
 - (g) will at all times take all reasonable precautions to ensure that such firearm or ammunition is not lost or stolen and is not at any time available to any person not lawfully entitled thereto.
- (9) The provisions of subsection (8) notwithstanding, the Minister, acting in his discretion, may decide to grant or refuse to grant any such approval, and his decision thereon shall be final and shall not be subject to appeal to, or question by any court of law, and the Minister shall not be required to assign any reason for any such decision.

[35 of 1971]

[13 of 1974]

11. Annual licence

- (1) Every person, other than a licensed dealer or a person exempted from [section 12](#), having in his possession or custody any firearm shall within thirty days of acquiring such firearm apply to a District Commissioner for an annual licence therefor and shall pay the prescribed fee in respect of such licence:

Provided that in the case of a person who held an annual licence in respect of such firearm valid for the previous year, application for such annual licence may be made at any time prior to the 1st March in any year or such later date as the Minister may by notice published in the *Gazette* appoint.

- (2) An annual licence shall be in such form and may contain such conditions as may be prescribed.
- (3) This section shall not apply to any person who acquires any apparatus intended for use solely for the purpose of lawful signalling in relation to public transport.

12. Carrying and possession of firearms and ammunition

- (1) No person may, otherwise than in accordance with the conditions of a firearm permit or an annual licence, carry or have in his possession or under his control any firearm or ammunition:

Provided that the following persons shall be exempt from this section-

- (a) a person who at an aerodrome with the authority of the owner thereof removes any signalling apparatus or ammunition therefor being part of the equipment of an aircraft from one aircraft to another or from or to an aircraft to or from a place appointed for the storage thereof in safe custody or who keeps such apparatus or ammunition in a place of safe custody;
- (b) a person who, with the authority of the owner thereof, removes any signalling apparatus or ammunition therefor being part of the equipment of a ship from one ship to another or from or to a ship to or from a place appointed for the storage thereof in safe custody or who keeps such apparatus or ammunition in a place of safe custody;
- (c) a person carrying a firearm or ammunition belonging to the holder of an annual licence relating thereto for the use and under the instructions of the holder of that licence for sporting purposes only;
- (d) a member of a rifle club, miniature rifle club or other association approved by the Commissioner of Police when engaged as such a member in, or in connection with, drill or target practice and using a firearm belonging to such club or association;
- (e) any person requiring a firearm and ammunition for the purpose of starting races at an athletic or other sporting meeting;

- (f) a person carrying a firearm or ammunition under and in accordance with a special written authority granted for a limited period by the Commissioner of Police for the sole purpose of the protection of persons or property during a journey specified in such authority;
 - (g) a person carrying, solely in his capacity as a night watchman, and in accordance with written permission given by the Commissioner of Police, a firearm or ammunition included in an annual licence obtained by the owner, occupier or person in charge of the property to be guarded;
 - (h) a person carrying a firearm or ammunition for the purpose of depositing the same for safe custody under this Act;
 - (i) a person carrying a firearm or ammunition in the ordinary course of his trade or business as a common carrier.
- (2) A person who contravenes any of the provisions of subsection (1) shall be liable to a fine of £100 and imprisonment for six months.
- (3) A person who has obtained from the Registrar of Firearms a permit for the purpose in the prescribed form may, without himself holding an annual licence, have in his possession, in accordance with the terms of the permit, a firearm or ammunition described in the permit and which belongs to another person who holds an annual licence relating thereto. Such permit shall not be granted in respect of a period exceeding one year but may be renewed by the Registrar of Firearms for a further period not exceeding one year and so on from time to time.

13. Matters to be reported

- (1) A person having possession of a firearm or ammunition, whether or not he holds a licence or permit in respect thereof shall, if such firearm or ammunition is lost, stolen or destroyed, report such loss, theft or destruction forthwith to the officer in charge of the nearest police station, and if he fails to do so shall be liable to a fine of £100 and to imprisonment for six months.
- (2) A person who has a licence or permit relating to a firearm or ammunition shall, if he changes his address, notify such change forthwith to the officer in charge of the nearest police station, and if he fails to do so shall be liable to a fine of £5.

14. Inheritance

A person who on the death of the owner of a firearm or ammunition comes into possession or control thereof shall within one month after such death deposit the firearm or ammunition for safe custody with the officer in charge of the Police of the District in which he resides; and may thereafter apply for a permit to transfer or acquire the same.

15. Finding a firearm or ammunition

- (1) A person who finds a firearm or ammunition which appears to have been abandoned or to be without an owner shall report the find to the officer in charge of the nearest police station.
- (2) A person who takes possession of any firearm or ammunition which he finds shall take it forthwith to the officer in charge of the nearest police station and deposit it with such officer for safe custody.
- (3) A person who contravenes subsection (1) shall be liable to a fine of £20.

16. Prohibited weapons

- (1) The Minister may at any time make an order prohibiting the carrying or possession by any person of any type of weapon which he considers an undesirable weapon in the public interest.
- (2) A person who carries or has in his possession a prohibited weapon shall be liable to imprisonment for fourteen years.

17. Carrying firearm while drunk or disorderly

Any person who is drunk, or who behaves in a disorderly manner while carrying a firearm shall be liable to a fine of £50 and to imprisonment for three months.

18. Firearm or ammunition in container

A person carrying or in possession of any bag, sack, box or other container whatsoever in which there is a firearm or ammunition shall be deemed to be carrying or in possession of such firearm or ammunition.

19. Licence or permit to be produced on demand

- (1) A proper officer may demand from any person who is carrying or in possession of a firearm the production of a permit or licence or other authority issued to such person in relation to such firearm.
- (2) If any person upon whom a demand is made under subsection (1) neglects or refuses to produce a licence, permit or other authority relating to such firearm the proper officer may seize and detain the firearm and any ammunition in the possession of such person and may require the person to declare immediately his name and address.
- (3) A proper officer may arrest without warrant any person who refuses to declare his name and address under subsection (2) or whom he suspects of giving a false name or address or of intending to abscond.
- (4) A person who refuses or neglects to produce a licence, permit or authority relating to a firearm upon a demand made under subsection (2) or who refuses to declare his name and address or who gives a false name and address shall be liable to a fine of £50 and to imprisonment for three months:

Provided that a person who within forty-eight hours produces such licence, permit or authority at the nearest police station to his place of abode or the place at which the demand was made on him under this section shall be liable to a fine of £5 only.

20. Power to enter premises

A proper officer may enter and remain so long as may be necessary on any land or premises for the purpose of making the premises demand specified in the last preceding section.

21. Penalty for false statements

Any person who knowingly makes any false statement for the purpose of obtaining any permit, licence or other authority under this Act, either for himself or any other person, shall be liable to a fine of £100 and to imprisonment for six months.

22. Powers of court

Where any person is convicted of an offence under this Act the court before whom such person is convicted may-

- (a) order that such person shall not, at any time during such period not exceeding ten years from the date of his conviction as may be specified in the order, have in his possession any firearm or ammunition or, as the case may be, any firearm or ammunition of a class or description specified in the order;
- (b) make such order as to forfeiture or disposal of any firearm or ammunition, which was found in his possession or in respect of which the offence of which he was convicted has been committed or

which was used in the commission of such offence, as the court may think fit and may direct the cancellation of any permit or licence granted or issued under this Act held by the convicted person.

23. Power to make rules

The Minister may from time to time make rules for all or any of the following purposes-

- (a) prescribing the form of permits, licences and other authorities and the conditions to be attached thereto and the manner in which application may be made therefor;
- (b) prescribing the fees to be paid for anything done or any permit, licence or other authority issued or granted under this Act;
- (c) prescribing the reports and returns to be made and the records to be kept by dealers relating to the purchase, sale, stocks, repair or proving of firearms or ammunition;
- (d) the marking of firearms with an identification mark;
- (e) the storage of firearms and ammunition and the safety precautions to be taken in relation thereto;
- (f) the quantity of firearms and ammunition which may be sold to or held by any one person;
- (g) the conditions under which a firearms licence issued in another country may be recognized in Malawi;
- (h) the persons or classes of person who may carry or be in possession of firearms without an annual licence and the conditions under which they may do so;
- (i) the classes of air guns or toys to which sections 6 and 11 shall not apply;
- (j) the classes of public officer to whom this Act shall not apply and the classes of public officer who shall be proper officers for the purposes of this Act;
- (k) the conditions under which any annual licence or permit may be cancelled or renewal thereof be refused;
- (l) generally for carrying this Act into effect.

24. Saving

This Act shall be in addition to and not in derogation of any of the provisions of the Preservation of Public Security Act relating to or affecting firearms and ammunition.

[Cap 14:02]