

WESTERN AUSTRALIA

ANNO QUADRAGESIMO NONO

VICTORIÆ REGINÆ

No. 18

An Act to provide for the Licensing of certain Persons
using Guns. [*Assented to 24th September, 1885.*]

Preamble

WHEREAS it is expedient to provide for the Licensing of Persons who shall use or carry for use Guns within certain limits, and to restrict the issue of such Licenses: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies,

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by and with the advice and consent of the Legislative Council thereof, as follows :—

1. This Act may be cited as 'The Gun License Act, 1885.' Short title
2. In this Act the term 'gun' includes a firearm of any description, and an airgun or any other kind of gun from which any shot, bullet, or other missile can be discharged. Definition of terms
3. It shall not be lawful for any person to use or carry for use a gun within the boundaries of any Municipality or within a distance of five miles beyond such boundaries elsewhere than in a dwelling-house or the curtilage thereof, without having in force a license duly granted to him under this Act. Use of gun without license prohibited
4. No person under the age of sixteen years shall be entitled to obtain a license under this Act. Restriction of license
5. Every license to be granted under this Act shall be in the form contained in the Schedule A hereto, and shall be granted, on payment of the sum of five shillings, by any collector or sub-collector of revenue, or any other person appointed in that behalf by the Governor, to any person not under the age of sixteen years applying for the same, provided he is not by law prohibited from using or carrying a gun. Provided that if any person applies for a license who in the opinion of the collector or sub-collector, or other person appointed as aforesaid, is under the age of sixteen years, it shall be lawful for the collector or sub-collector, or other person appointed as aforesaid, to refuse to grant the applicant a license until he shall have satisfied such collector or sub-collector, or other person appointed as aforesaid, that he is of the age of sixteen years. Every license shall bear date the day on which it is granted, and shall expire on the thirty-first day of December then next ensuing, and no license shall be transferable. Form and date of license
Schedule A

Proviso
6. Every collector, sub-collector, or other person appointed in that behalf, who shall grant licenses under this Act, shall keep a register in the form in the Schedule B hereto of all such licenses granted by him, specifying the christian and surname, place of residence, and occupation of every person licensed, and the date of each license; and any Justice of the Peace, or police officer, or constable, or any person licensed under this Act, may at any time inspect such register of licenses. Register of licenses
Schedule B
7. Every person who shall use or carry for use a gun within the boundaries of any Municipality or within a distance of five miles beyond such boundaries elsewhere than in a dwelling-house or the curtilage thereof, without having in force a license duly granted to him under this Act, shall be liable to a penalty not exceeding Two pounds. Provided always, that the said penalty shall not be incurred by any of the following persons, namely :— Penalty for using or carrying gun without license
 - (1) By any person in the naval, military, or volunteer service of Her Majesty, or in the police force, using or carrying for use a gun in the performance of his duty, or when engaged in target practice.
 - (2) By any honorary member of a volunteer corps using or carrying for use a gun when engaged in target practice.

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- (3) By the occupier of any lands using or carrying for use a gun for the purpose only of scaring or of killing birds or vermin, or of firing at a mark or target on such lands, or by any person using or carrying for use a gun for the purpose only of scaring or of killing birds or vermin on any lands by order of the occupier thereof.
- (4) By any gunsmith or his servant using or carrying for use a gun by way of testing or regulating its strength or quality in a place specially set apart for the purpose.

In any information for the recovery of the penalty imposed by this section, it shall be sufficient to allege that the defendant used or carried for use a gun within the limits aforesaid without having a license in force under this Act, and it shall lie upon the defendant to prove that he is a person not incurring the penalty, by virtue of the proviso contained in this section.

Where gun carried in parts

8. When a gun is carried in parts by two or more persons in company, each and every one of such persons shall be deemed to carry a gun.

License to be produced on demand, or name and address declared, under penalty of Two pounds

9. It shall be lawful for any police constable to demand from any person using or carrying for use a gun (not being a person in the naval, military, or volunteer service of Her Majesty, or in the police force, using or carrying for use a gun in the performance of his duty, or when engaged in target practice, or an honorary member of a volunteer corps using or carrying for use a gun when engaged in target practice) the production of a license granted to such person under this Act.

If the person upon whom the demand is made shall not produce a license duly granted to him under this Act, and permit the constable demanding the production thereof to read the same, it shall be lawful for such constable to require such person to declare to him immediately his christian and surname and place of residence, and if such person shall refuse to declare his christian and surname and place of residence as aforesaid, he shall for such refusal forfeit and pay a penalty not exceeding Two pounds, over and above any other penalty to which he may be liable under this or any other Act.

And it shall be lawful for such constable to arrest such person so refusing and to convey him before any Justice of the Peace, and such Justice shall upon due proof on oath of the offence, or upon the confession of the accused, convict such person as aforesaid.

Summary proceedings

10. All offences against this Act shall be summarily punishable upon conviction before a Justice or Justices of the Peace in petty sessions.

Licenses to be reported and notified in 'Government Gazette'

11. It shall be the duty of every collector, sub-collector, or other person appointed in that behalf as aforesaid issuing licenses under this Act to send in a report to the Colonial Secretary of the names, descriptions, and places of residence of all persons to whom they shall have issued licenses during the past month, and such names and additions shall be notified in the 'Government Gazette.'

Shortening Ordinance

12. Sections A and C of 'The Shortening Ordinance, 1853,' are

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hereby incorporated with this Act and shall be taken to form a part of this Act.

13. This Act shall come into operation on the fourteenth day of January, 1886. Commencement
of Act

F. NAPIER BROOME,
GOVERNOR.

SCHEDULE A

Form of License

GUN LICENSE

No. _____ District. _____
 This is to certify that _____ of _____ in the District of _____
 is hereby licensed, under 'The Gun License Act, 1885,' to use and carry for use a
 Gun within the boundaries of any municipality, or within a distance of five miles
 beyond such boundaries, from the date hereof until the _____ day of
 18 .
 Granted at _____ this _____ day of _____ 18 , by _____
 This license expires on the _____ day of _____ next.

SCHEDULE B

Register of Gun Licenses

THE following persons have been duly licensed under 'The Gun License Act, 1885.'

No.	Name in full	Residence	Occupation	Date	By whom issued