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STANDARD

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**National regulation of civilian access to  
small arms and light weapons**

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United Nations Coordinating Action on Small Arms (CASA)  
International Small Arms Control Standards (ISACS) Inter-Agency Support Unit  
E-mail: [support@smallarmsstandards.org](mailto:support@smallarmsstandards.org)  
Web: [www.smallarmsstandards.org](http://www.smallarmsstandards.org)

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## Foreword

The United Nations (UN) Coordinating Action on Small Arms (CASA) mechanism strives to improve the UN's ability to work as one in delivering effective policy, programming and advice to Member States on curbing the illicit trade, uncontrolled proliferation and misuse of small arms and light weapons. Established by the Secretary-General in 1998 with the task of coordinating the small arms work of the United Nations, CASA today unites more than 20 UN bodies active in policy development and/or programming related to small arms and light weapons.<sup>1</sup>

Building on previous UN initiatives to develop international standards in the areas of mine action (International Mine Action Standards)<sup>2</sup> and disarmament, demobilization and reintegration of ex-combatants (Integrated Disarmament, Demobilization and Reintegration Standards),<sup>3</sup> the United Nations has developed a series of International Small Arms Control Standards (ISACS) with the aim of providing clear and comprehensive guidance to practitioners and policymakers on fundamental aspects of small arms and light weapons control. The present document constitutes one of more than 20 ISACS modules that provide practical guidance on instituting effective controls over the full life cycle of small arms and light weapons (all ISACS modules can be found at [www.smallarmsstandards.org](http://www.smallarmsstandards.org)).

ISACS are framed by existing global agreements related to small arms and light weapons control, in particular the

- *UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons In All Its Aspects* (UN PoA);
- *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons* (International Tracing Instrument);
- *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime* (UN Firearms Protocol); and
- *Arms Trade Treaty*.

Within this global framework, ISACS build upon standards, best practice guidelines, model regulations, etc. that have been elaborated at the regional and sub-regional levels. ISACS seek to cover the fundamental areas of small arms and light weapons control on which the United Nations may be called upon to provide advice, guidance and support.

ISACS were developed, and continue to be improved and supplemented, by a broad coalition of small arms control specialists drawn from the United Nations, governments, international and regional organizations, civil society and the private sector (a full list of contributors to ISACS is available at [www.smallarmsstandards.org](http://www.smallarmsstandards.org)).

ISACS modules were drafted in accordance with the rules set out in ISO/IEC Directives, Part 2, *Rules for the structure and drafting of International Standards*, under the oversight of the CASA Working Group on ISACS, co-chaired by the United Nations Office for Disarmament Affairs (UNODA) and the United Nations Development Programme (UNDP).

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<sup>1</sup> For a full listing of CASA partners, see [www.poa-iss.org/CASA/CASA.aspx](http://www.poa-iss.org/CASA/CASA.aspx).

<sup>2</sup> [www.mineactionstandards.org](http://www.mineactionstandards.org)

<sup>3</sup> [www.unddr.org](http://www.unddr.org)

## Introduction

It is estimated that three-quarters of all small arms in the world are in civilian hands.<sup>4</sup> Mostly they are used for legal purposes such as hunting and sport shooting. Small arms can be everyday working tools for civilians involved in activities such as subsistence or professional hunting, agriculture, forestry and species management. Globally speaking, the responsible, legal use of small arms by civilians far outweighs their irresponsible and illegal misuse.

However, some civilians hold small arms illegally; e.g. due to the fact that they possess a type of small arm (or even light weapon) the civilian possession of which is prohibited by law; possess more small arms than the law allows, or do not possess a licence required by law for the weapon(s) they hold.

A small proportion of civilians misuse small arms to unlawfully kill, injure or intimidate; including in organised and petty crime, intimate partner and family-related violence, gang violence, terrorism and other illegal acts of aggression. The impact of such misuse is devastating to victims, their families and their communities.

When improperly stored, civilian small arms can put at risk children and others who come into contact with them. When widely misused in a particular area, they can cause significant damage to the lives, livelihoods and health of individuals, families and communities and can create a pervasive environment of fear and insecurity that hinders wellbeing and sustainable human development.

Inadequate national regulation of civilian access to small arms and light weapons is a factor in their global, illicit trade. Loose or inadequately enforced regulation in one State can affect neighbouring States if significant numbers of weapons acquired by civilians are allowed to flow illegally across borders. While effective import, export and border controls are essential to preventing illicit trade (see ISACS 03.20,<sup>5</sup> 03.21<sup>6</sup> and 05.60<sup>7</sup>), it is also essential that regulatory mechanisms are in place to ensure that privately held small arms are legally owned and used and that civilians are held accountable for their illegal possession, misuse and trafficking.

Under international law, States are obliged to exercise due diligence in the regulation of private actors under their jurisdiction, including by protecting their citizens against violence and the threat of violence. Regulating civilian access to small arms and light weapons is an essential element of this State responsibility.

In almost all States, civilians are legally entitled to acquire and possess small arms, with restrictions. All States regulate civilian access to small arms to some degree, thus establishing a global norm that such national regulation is necessary and legitimate. It is the prerogative of each State to regulate civilian access to small arms according to its own culture, historical experience and constitutional requirements. It is the responsibility of every State to ensure that its regulations are sufficient to minimise the unlawful possession and misuse of small arms by civilians and the diversion of civilian small arms to the illicit market.

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<sup>4</sup> Small Arms Survey. *Estimating Civilian Owned Firearms*. Research Notes No. 9. Geneva: Small Arms Survey, September 2011.

<sup>5</sup> ISACS 03.20 — *National controls over the international transfer of small arms and light weapons*.

<sup>6</sup> ISACS 03.21 — *National controls over the end-user and end-use of internationally transferred small arms and light weapons*.

<sup>7</sup> ISACS 05.60 — *Border controls and law enforcement cooperation*.



# National regulation of civilian access to small arms and light weapons

## 1 Scope

The guidance provided in this document is intended for regulatory and licensing authorities of governments that are seeking advice and support from the United Nations on regulating civilian access to small arms and light weapons.

This document provides guidance on regulating, at the national level, civilian access to small arms, light weapons and their ammunition. It provides guidance on regulating

- a) the types of small arms to which civilians have access;
- b) civilian uses of small arms;
- c) civilian users of small arms;
- d) the commercial sale of small arms; and
- e) private security companies that use small arms.

This document aims to

- f) achieve a balance between, on the one hand, recognizing and respecting the legitimate, legal use of small arms by civilians, while, on the other, providing guidance on minimizing the risk of small arms being misused by civilians;
- g) prevent the illegal possession and misuse of small arms by civilians by promoting and enforcing compliance with national laws;
- h) ensure that civilians who legally possess small arms are those who are unlikely to misuse them;
- i) ensure that small arms are possessed and used for legitimate purposes; and
- j) ensure that levels of national regulation are proportionate to the types of small arms possessed by civilians, being more stringent for types of small arms that present higher risks to public safety if misused.

This document does not apply to air weapons (e.g. air guns) or to any other type of weapon that, according to the definitions used by ISACS, are not small arms or light weapons (See ISACS 01.20, *Glossary of terms, definitions and abbreviated terms*).

This document does not apply to antique small arms and light weapons, which are defined in accordance with domestic law but in no case include small arms manufactured after 1899.

## 2 Normative references

The following referenced documents are indispensable for the application of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

ISACS 01.20, *Glossary of terms, definitions and abbreviated terms*

ISACS 03.10, *National controls over the manufacture of small arms and light weapons*

ISACS 03.20, *National controls over the international transfer of small arms and light weapons*

ISACS 05.20, *Stockpile management: Weapons*

ISACS 05.30, *Marking and recordkeeping*

*International Code of Conduct for Private Security Service Providers*

## 3 Terms and definitions

For the purposes of this document, the terms and definitions given in ISACS 01.20, *Glossary of terms, definitions and abbreviated terms*, and the following, apply.

In all ISACS modules, the words 'shall', 'should', 'may' and 'can' are used to express provisions in accordance with their usage in International Organization for Standardization (ISO) standards.

- a) **“shall” indicates a requirement:** It is used to indicate requirements strictly to be followed in order to conform to the document and from which no deviation is permitted.
- b) **“should” indicates a recommendation:** It is used to indicate that among several possibilities one is recommended as particularly suitable, without mentioning or excluding others, or that a certain course of action is preferred but not necessarily required, or that (in the negative form, 'should not') a certain possibility or course of action is deprecated but not prohibited.
- c) **“may” indicates permission:** It is used to indicate a course of action permissible within the limits of the document.
- d) **“can” indicates possibility and capability:** It is used for statements of possibility and capability, whether material, physical or casual.

## 4 United Nations framework

### 4.1 General

This document provides practical guidance on the implementation of commitments related to regulating civilian access to small arms and light weapons that are contained in United Nations multilateral instruments related to small arms and light weapons control.

### 4.2 UN Programme of Action

In the United Nations *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (UN Programme of Action), all UN Member States commit themselves



- a) “To adopt and implement, in the States that have not already done so, the necessary legislative or other measures to establish as criminal offences under their domestic law the illegal [...] possession, stockpiling and trade of small arms and light weapons within their areas of jurisdiction, in order to ensure that those engaged in such activities can be prosecuted under appropriate national penal codes” (part II, paragraph 3);
- b) “To identify, where applicable, groups and individuals engaged in the illegal [...] trade, stockpiling, [...] possession, as well as financing for acquisition, of illicit small arms and light weapons, and take action under appropriate national law against such groups and individuals” (part II, paragraph 6); and
- c) “To adopt where they do not exist and enforce, all the necessary measures to prevent the [...] stockpiling [...] and possession of any unmarked or inadequately marked small arms and light weapons” (part II, paragraph 8).

## 5 General principles

Laws, regulations and administrative procedures shall be in place at the national level to enable the regulation of civilian access to small arms. Such laws, regulations and administrative procedures shall regulate

- a) the types and characteristics of small arms to which civilians may have access (see Clause 6);
- b) civilian uses of small arms (see Clause 7);
- c) civilian users of small arms (see Clause 8);
- d) the commercial sale of small arms on the domestic market (see Clause 12); and
- e) private security companies that use small arms (see Clause 13).

## 6 Regulating types and characteristics of small arms

### 6.1 Prohibitions

#### 6.1.1 General

National law shall prohibit civilians from acquiring, owning or possessing

- a) light weapons;
- b) automatic small arms; and
- c) armour-piercing ammunition.

#### 6.1.2 Exceptions

Exceptions to the above general prohibitions may be made in relation to civilians engaged in lawful activities (e.g. commercial, scientific, cultural, etc.) involving items listed in Clause 6.1.1, e.g.

- a) manufacturing (in accordance with the provisions of ISACS 03.10, *National controls over the manufacture of small arms and light weapons*);
- b) import, export, transit, transshipment and brokering (in accordance with the provisions of ISACS 03.20, *National controls over the international transfer of small arms and light weapons*);

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- c) domestic supply, transport or shipping (in accordance with the provisions of ISACS 05.20, *Stockpile management: Weapons*, Clause 13 – *Transport of Weapons*);
- d) forensic examination; or
- e) television, film, etc.

When such exceptions are made, the civilians concerned shall be subject to

- f) controls in accordance with other relevant ISACS modules (see a-c above); and
- g) the equivalent of the highest level of regulation set out in this document.

## 6.2 Categorizing small arms according to risk factors

### 6.2.1 General

National law, regulations or administrative procedures shall group small arms, by type, into distinct categories, according to the level of risk that each type of small arm would pose to public safety if misused.

It is the prerogative of each State to categorize small arms according to its own perception of risk and in light of its own historical, cultural and constitutional context.

### 6.2.2 Risk factors

When categorizing small arms, the following risk factors shall be taken into consideration:

- a) action (e.g. manual or semi-automatic);
- b) calibre;
- c) whether a small arm is designed to use
  - 1) rimfire ammunition (generally lower-powered and smaller caliber), or
  - 2) centrefire ammunition (generally higher-powered and larger caliber);
- d) the capacity of the magazine; and
- e) the ease with which the small arm can be concealed on one's person (e.g. barrel length and overall weapon length).

### 6.2.3 Legal classifications

In order to define properly the above risk factors, national law, regulations or administrative procedures shall specify

- a) the maximum number of rounds that a magazine can hold in order to be classified as a "low-capacity magazine" (this should not exceed 10 rounds);
- b) that magazines capable of holding more rounds of ammunition than a low-capacity magazine are to be classified as "high-capacity magazines;" and
- c) the barrel length and overall weapon length below which a small arm would be classified as a "short barreled weapon" (for barrel length, this should not be less than 46cm and for overall weapon length it should not be less than 66cm).

### 6.2.4 Categories of small arms

The risk factors (Clause 6.2.2) and legal classifications (Clause 6.2.3) specified by the competent national authority — taking into account relevant historical, cultural and constitutional considerations — shall determine the national categorization of small arms in accordance with Clause 6.2.1.

**EXAMPLE** The following is an example of how small arms could be categorized according to risk factors and legal classifications. This example is for illustrative purposes only. It is the prerogative of each State to designate and populate its own risk categories.

CATEGORY	RISK LEVEL	EXAMPLES
CATEGORY 1 (intolerable risk)	Weapons whose possession by civilians would present an intolerable risk to public safety if misused	<ul style="list-style-type: none"> <li>• Light weapons</li> <li>• Automatic small arms</li> <li>• Armour-piercing ammunition</li> <li>• Sawn-off shotguns</li> <li>• High capacity magazines</li> <li>• Rifles and handguns with a caliber greater than 0.45 inches</li> </ul>
CATEGORY 2 (high risk)	Weapons whose possession by civilians would present a high risk to public safety if misused	<ul style="list-style-type: none"> <li>• Semi-automatic pistols</li> <li>• Revolvers</li> <li>• Semi-automatic centrefire rifles</li> <li>• Short-barreled weapons</li> </ul>
CATEGORY 3 (medium risk)	Weapons whose possession by civilians would present a medium risk to public safety if misused	<ul style="list-style-type: none"> <li>• Semi-automatic rimfire rifles</li> <li>• Manual action centrefire rifles</li> <li>• Shotguns (manual and semi-automatic) with a capacity greater than 3 rounds</li> </ul>
CATEGORY 4 (low risk)	Weapons whose possession by civilians would present a low risk to public safety if misused	<ul style="list-style-type: none"> <li>• Shotguns (manual and semi-automatic) with a capacity up to 3 rounds</li> <li>• Manual action rimfire rifles</li> </ul>

### 6.2.5 Differentiated regulation

The risk category into which the competent national authority places a small arm shall determine the level of regulation to which it is subject. The higher the risk category, the more stringent shall be the regulation to which it is subject.

A small arm that the competent national authority deems to present

- a) a low risk to public safety if misused shall have applied to it a basic level of regulation (see Clause 9 for guidance);
- b) a medium risk to public safety if misused shall have applied to it an intermediate level of regulation (see Clause 10 for guidance);
- c) a high risk to public safety if misused shall have applied to it an enhanced level of regulation (see Clause 11 for guidance); and
- d) an intolerable risk to public safety if misused shall be prohibited from being acquired, owned or possessed by civilians.

Clauses 9, 10 and 11 of this document provide broad guidance on implementing basic, intermediate and enhanced levels of regulation, respectively. It is the prerogative of each government, however, to determine

- e) the number and designation of risk categories for civilian small arms; and

- f) the specific regulations that are to be applied to each.

## **7 Regulating civilian uses of small arms**

National law, regulations or administrative procedures shall specify the uses of small arms that are deemed to be legitimate for civilians, taking into account relevant historical, cultural and constitutional considerations.

National law shall prohibit civilians from acquiring, owning or possessing small arms for illegitimate uses. Legitimate uses of small arms by civilians may include

- a) hunting (including species management and pest control);
- b) sport shooting;
- c) the provision of private security services;
- d) self-protection;
- e) the collection of curios/relics; and
- f) other activities such as historical re-enactment, historical research (including assessment of performance), theatre, television, film, the humane dispatch of animals, sporting events (e.g. starting pistols or cannon) and safety equipment (e.g. signal flare guns, line throwing guns, avalanche cannon, etc.).

## **8 Regulating civilian users of small arms**

### **8.1 Prohibitions**

#### **8.1.1 General**

In order to minimize the risk of small arms being misused by civilians, national law shall prohibit certain categories of civilians from acquiring, owning or possessing small arms.

#### **8.1.2 Criteria**

A civilian shall be prohibited from acquiring, owning or possessing a small arm if he or she

- a) is illegally present in the State in which the small arm is to be acquired, owned or possessed;
- b) has a criminal record that amounts to one year or more of time served in prison;
- c) is awaiting trial or sentencing or has been convicted of a crime involving the threat, attempted use or use of violence (with or without a small arm), e.g.
  - 1) assault,
  - 2) robbery,
  - 3) intimate partner or family-related violence,
  - 4) gender-based violence, or
  - 5) sexual violence;

- d) has been found not guilty of a crime by reason of mental disability or illness;
- e) has been confined, by order of a court, in a facility for persons with psychiatric disabilities or illnesses;
- f) has been certified by a qualified medical practitioner as having a mental disability or illness that is incompatible with the ownership or possession of a small arm;
- g) is awaiting trial or sentencing or has been convicted of a crime involving the trade in illegal drugs; or
- h) is the subject of
  - 1) an arrest warrant,
  - 2) a legal restraining order, or
  - 3) a small arms seizure order.

### **8.1.3 Exceptions**

The requirements of Clause 8.1.2 may be subject to time limits, e.g. in the context of offences committed in the distant past that have not been followed by other offences.

## **8.2 Licensing**

### **8.2.1 Licensing requirement**

In order to acquire, own or possess a small arm, a civilian shall be required to hold a licence from a competent national authority.

### **8.2.2 Licence categories**

The categories into which the competent national authority divides civilian small arms in accordance with their risk factors and legal classifications (see Clause 6.2) shall each correspond to a different category of small arms licence.

**EXAMPLE** If the competent national authority divides those small arms that civilians may legally acquire, own and possess into three risk categories (e.g. low, medium and high), there would be three corresponding categories of small arms licence (e.g. categories 1, 2 and 3).

Civilians shall only be permitted to acquire, own or possess small arms that fall into a risk category that is equal to or lower than the category of licence they possess.

### **8.2.3 Licensing Authority**

National law shall designate the competent authority that is responsible for issuing small arms licences to civilians.

Different levels of authorization within the small arms licensing authority may be required for issuing different categories of small arms licence, according to the principle that the higher the risk category into which a small arm falls, the higher may be the level of authorization required to issue a corresponding licence.

### **8.2.4 Licence conditions**

#### **8.2.4.1 General**

The issuance and renewal of a civilian small arms licence shall be conditional upon fulfillment by the applicant of basic requirements regarding

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- a) age;
- b) low risk of misuse;
- c) legitimate use;
- d) safe use; and
- e) safe storage.

Inability or failure to meet one or more of the above requirements shall result in a licence not being issued, being revoked, or not being renewed.

NOTE These requirements are elaborated in Clauses 8.2.4.2 to 8.2.4.6.

### **8.2.4.2 Age**

#### **8.2.4.2.1 General**

The minimum age required in order to hold a licence for a small arm in the lowest risk category (see Clause 6.2) shall be 18 years (unless, under the applicable law, majority is attained earlier).

National law may require a higher minimum age in order to hold a licence for a small arm in a higher risk category (see Clause 6.2.5).

An applicant for a small arms licence shall be required to provide evidence of their age.

#### **8.2.4.2.2 Exceptions**

In the context of introducing young people to recreational activities involving small arms (e.g. hunting and sport shooting), the competent national authority may make arrangements for people under the minimum age set out in Clause 8.2.4.2.1 to legally possess and use (but not own) a small arm, provided that

- a) this takes place in a controlled, safe environment; and
- b) individual supervision is provided at all times by a small arms licence holder aged 21 years or older.

In no case shall national law permit a person under the minimum age set out in Clause 8.2.4.2.1 to acquire or own a small arm.

NOTE See the definitions of the terms “acquisition,” “ownership” and “possession” given in ISACS 01.20, *Glossary of terms, definitions and abbreviations*.

#### **8.2.4.3 Low risk of misuse**

In addition to the criteria set out in Clause 8.1, the small arms licensing authority may put in place additional measures to minimize the risk of small arms licences being issued to applicants who are likely to misuse them. Such additional measures may include

- a) requiring applicants for small arms licences to provide references from community leaders or other responsible community members who know the applicant; and
- b) consultation with local law enforcement officials.

#### **8.2.4.4 Legitimate use**

In order to strengthen compliance with national regulations regarding legitimate and illegitimate uses of small arms by civilians (see Clause 7), the small arms licensing authority may

- a) require applicants to specify a legitimate use for the small arm(s) that may be acquired under the licence being applied for;
- b) require applicants to provide evidence for the specified legitimate use (e.g. hunting authorization, shooting club membership, etc.); and
- c) rule out certain uses that have been deemed illegitimate by the competent national authority (see Clause 7).

#### **8.2.4.5 Safe use**

Safe use of a small arm shall be a condition for holding a small arms licence. Violation of this condition shall result in a licence being revoked or not being renewed.

A civilian applying for a small arms licence shall be required to demonstrate knowledge of

- a) basic small arms and ammunition safe use practices, including safe techniques and procedures for
  - 1) handling,
  - 2) firing,
  - 3) carrying,
  - 4) transporting, and
  - 5) caring for small arms and their ammunition; and
- b) applicable laws regulating civilian acquisition, ownership, possession and use of small arms and their ammunition.

#### **8.2.4.6 Safe storage**

##### **8.2.4.6.1 General**

Safe storage of a small arm shall be a condition for holding a small arms licence. Violation of this condition shall result in a licence being revoked or not being renewed.

A civilian applying for a small arms licence shall be required to demonstrate capacity to store the weapon and its ammunition safely and securely when not in use in order to minimize the risk that it could be stolen or accessed by someone other than the licensee, in particular by a child. .

##### **8.2.4.6.2 Safe storage practice**

When not in use, a small arm shall be stored

- a) unloaded;
- b) separate from its ammunition;
- c) out of the reach of children;
- d) on a premises that offers protection against intrusion; and
- e) in a sturdy, locked storage unit
  - 1) that can withstand a 15-minute attempt at forced access by an adult using commonly available household tools,

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- 2) that cannot be readily removed from the premises (e.g. due to its weight, size or being attached to a heavy or immovable object), and
- 3) whose keys, combinations or other means of access are retained only by the licensee(s).

More than one small arm may be stored in the same storage unit.

### **8.2.4.6.3 Verification of compliance**

The competent national authority may verify compliance by the applicant with the safe storage conditions of a small arms licence before issuing or renewing a licence.

### **8.2.5 Timeframe for issuance**

The time period between the submission of an application for a small arms licence and the issuance of a licence shall be sufficient to allow for

- a) verification of compliance by the applicant with the licence conditions (see Clause 8.2.4); and
- b) a background check to be carried out (see Clause 9.2).

### **8.2.6 Transporting and carrying small arms**

A small arms licence shall authorise the licensee to transport a small arm from its place of purchase to its place of storage.

A small arms licence may authorize the licensee to carry or transport a small arm away from its place of storage for legitimate uses (see Clause 7).

When not in use, a small arm shall be unloaded when transported or carried.

Civilians shall not be permitted to carry a small arm in a public place, either openly or concealed, unless in connection with a legitimate use (see Clause 7) and with legal authorization.

States may designate specific places or areas where civilians are not permitted to transport or carry small arms.

### **8.2.7 Licence validity**

#### **8.2.7.1 General**

The validity of a small arms licence shall be limited in time; i.e. it shall have an expiry date after which it is no longer valid. The expiry date shall be clearly marked on the licence.

The validity of a small arms licence should be limited to reasonable period of time (e.g. 3 to 5 years).

#### **8.2.7.2 Renewal**

The validity of a small arms licence may be renewed upon application by the holder of the licence to the competent national authority.

The renewal of a small arms licence shall be subject to an assessment of

- a) compliance by the applicant with the terms of the previously held licence;
- b) any changes to domestic laws, regulations or administrative procedures regulating civilian access to small arms; and
- c) continued compliance by the applicant with the licence conditions (see Clause 8.2.4).



If an application to renew a small arms licence is not approved,

- d) the reasons for turning down the application shall be provided to the applicant in writing; and
- e) the applicant shall have the right to appeal the decision to a competent judicial body.

### **8.2.7.3 Revocation**

The competent national authority shall revoke a small arms licence if the conditions that prevailed when the licence was issued change in such a way as to render the licence-holder no longer eligible to hold the license; e.g. if the licence-holder

- a) violates one or more of the licence conditions (see Clause 8.2.4); or
- b) comes to meet one or more of the criteria listed under Clause 8.1.

### **8.2.8 Exemptions**

The following types of small arms and devices that use the operating principle of a small arm but are intended to be used as tools, not weapons, may be exempted from the licensing requirement:

- a) signal flare guns;
- b) line throwing guns;
- c) industrial shotguns (e.g. designed to clear deposits inside kilns and furnaces);
- d) powder-actuated direct fastening systems (e.g. nail guns); and
- e) powder-actuated animal stunners (e.g. captive- and free-bolt).

## **9 Basic regulation**

### **9.1 General**

The following basic regulations are applicable to all civilian small arms, regardless of the risk category into which the competent national authority places them.

### **9.2 Background checks**

Prior to issuing a small arms licence, the competent national authority shall carry out a background check in order to ascertain that the applicant

- a) is not prohibited from acquiring, owning or possessing a small arm (see Clause 8.1); and
- b) fulfils the licence conditions (see Clause 8.2.4).

### **9.3 Number limits**

Civilians may be permitted to own more than one small arm under a single small arms licence. National law may set limits on the number of small arms that a civilian may own at any one time. Number limits may vary across different risk categories of small arms (see Clause 6.2.5).

### **9.4 Domestic transfer of ownership**

Laws, regulations or administrative procedures shall be in place at the national level to enable the regulation of private, person-to-person domestic transfers of ownership of small arms (e.g. through

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sale, gift, exchange, bequest, etc.) in accordance with national historical, cultural and constitutional considerations.

NOTE International transfers of small arms are covered by ISACS 03.20, *National controls over the international transfer of small arms and light weapons*.

The competent national authority may require that the details of such person-to-person transfers — including identifiers of the parties to the transfer and the small arm(s) concerned — be recorded with the small arms licensing authority.

It shall be a criminal offence to transfer ownership of a small arm to a civilian who does not hold a licence to own it.

An intended recipient of a small arm through a private, person-to-person domestic transfer shall not be placed in legal jeopardy through no fault of their own (e.g. as a result of being bequeathed a small arm).

### **9.5 Reporting loss and theft**

Civilians who have lost a small arm or who have had a small arm stolen from them should be required to report the loss or theft to police within 24 hours of becoming aware of the loss or theft.

For States that are members of the International Criminal Police Organization (INTERPOL), details of lost and stolen civilian small arms should be entered into INTERPOL's *Illicit Arms Records and Tracing Management System* (iARMS) which is designed to assist law enforcement officials to detect and seize lost, stolen, trafficked and smuggled small arms.

### **9.6 Marking**

Civilian small arms shall be marked in accordance with ISACS 05.30, *Marking and recordkeeping*.

## **10 Intermediate regulation**

### **10.1 General**

In addition to the basic regulations set out in Clause 9, the following intermediate-level regulations are applicable to civilian small arms that the competent national authority deems to fall into a medium risk category or higher (see Clause 6.2).

### **10.2 Number limits**

For small arms in a medium risk category or higher, a limit should be placed on the number of small arms and compatible rounds of ammunition that a civilian may own at any one time (see Clause 9.3). Number limits may vary across different risk categories of small arms (see Clause 6.2.5).

### **10.3 Safety training**

For small arms in a medium risk category or higher, applicants for a licence should be required to complete successfully a small arms safety course that

- a) is recognised by the small arms licensing authority;
- b) involves live fire; and
- c) demonstrates competence in safely handling and firing small arms in the risk category for which a licence is being sought.

## 10.4 Enhanced safe storage

In addition to the requirements set out in Clause 8.2.4.6.2, when not in use, small arms in a medium risk category or higher should be subject to enhanced safe storage requirements.

**EXAMPLE** A cost-effective way to enhance the safe storage of many small arms is through the use of a cable lock (e.g. a plastic-coated steel cable whose ends are secured together by means of a lock). Cable locks should

- be fitted only to unloaded small arms;
- not be passed through the trigger guard;
- secure the small arm to an immovable object (e.g. a fixed metal bar) inside the storage container
- be capable of withstanding a 15-minute attempt at forced access by an adult using commonly available household tools; and
- be fitted in such a way as to render the small arm incapable of firing a round of ammunition; e.g.
  - for pistols having a removable magazine, the cable should be threaded up through the magazine well and out the ejection port,
  - for revolvers, the cylinder should be swung out and the cable passed through the frame at least twice,
  - for bolt-action and semi-automatic rifles with magazines, the bolt should be slid back and the cable threaded through the magazine well and out the ejection port, and
  - for pump-action and semi-automatic shotguns, the cable should be threaded through the loading port and out the ejection port.

## 10.5 Purchase of ammunition

Civilians should not be permitted to purchase ammunition for a small arm in a medium or higher risk category unless they hold a licence for such a small arm.

# 11 Enhanced regulation

## 11.1 General

In addition to the basic and intermediate regulations set out in Clauses 9 and 10, the following enhanced regulations are applicable to civilian small arms that the competent national authority deems to fall into a high-risk category (see Clause 6.2).

## 11.2 Increased age requirement

The minimum age required in order to hold a licence for a small arm in a high-risk category should be 21 years.

## 11.3 Registration

### 11.3.1 General

Registration links a particular small arm to a specific licensed individual. It facilitates the tighter regulation of high-risk small arms and the tracing of such weapons if recovered in crime or under other illicit circumstances.

Small arms that the competent national authority deems to present a high risk to public safety if misused (see Clause 6.2) should be registered to their licensed civilian owners.

A small arms register shall be accessible only to

- a) relevant authorities of the State (e.g. small arms licensing authority, law enforcement, etc.); and

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- b) other persons authorised by the competent national authority.

### **11.3.2 Information requirements**

A small arms register should record

- a) identifiers of the licensee, including
  - 1) name,
  - 2) address,
  - 3) contact details (e.g. telephone, email, etc.), and
  - 4) national identification number (if applicable);
- b) identifiers of each small arm registered to the licensee, including its
  - 1) make,
  - 2) model,
  - 3) calibre,
  - 4) serial number,
  - 5) country of manufacture,
  - 6) import marking (if applicable),
  - 7) type (e.g. revolver, pistol, rifle, shotgun etc.), and
  - 8) action (e.g. manual or semi-automatic); and
- c) identifiers of the small arms licence, including its
  - 1) number,
  - 2) category (see Clause 8.2.2),
  - 3) date of issue, and
  - 4) date of expiration.

### **11.3.3 Domestic transfer of ownership**

Ownership of a registered small arm may be transferred from one civilian to another in accordance with Clause 9.4.

The transfer of ownership of a registered small arm shall be notified in a timely manner to the competent national authority, which shall update the register accordingly.

The competent national authority should facilitate the reporting by civilians of transfers of ownership of registered small arms (e.g. by making official paper or electronic forms publically available for this purpose).

## 11.4 Recording of ballistic information

The ballistic signatures of small arms (i.e. the unique markings they leave on spent cartridge cases and fired bullets) that fall into a high risk category may be recorded by the competent national authority as part of the registration process.

## 12 Regulating commercial sale on the domestic market

### 12.1 General

Laws, regulations and administrative procedures shall be in place at the national level to enable the regulation of commercial entities that sell small arms or ammunition to civilians on the domestic market.

For the purposes of this document, commercial entities that sell small arms or ammunition to civilians on the domestic market are considered to be civilian organizations.

### 12.2 Licensing

#### 12.2.1 Licensing requirement

A commercial entity shall not be permitted to sell small arms on the domestic market without a licence to do so from a competent national authority.

#### 12.2.2 Licence conditions

In order to qualify for a licence to sell small arms on the domestic market, a commercial entity shall

- a) not be wholly or partially (more than 10%) owned by persons who are prohibited from acquiring, owning or possessing a small arm (see Clause 8.1);
- b) not employ individuals who are prohibited from acquiring, owning or possessing a small arm (see Clause 8.1) if it is possible for them to have access to the small arms being sold;
- c) demonstrate that its sales premises
  - 1) provide adequate security against attempts at forced entry, and
  - 2) contain secure storage units that provide adequate security against small arms and ammunition being removed from the premises in case of forced entry;
- d) undertake to sell small arms only from its sales premises (although the licensing authority may provide authorization for the commercial entity to conduct sales temporarily from other locations);
- e) demonstrate that all employees who may be required to handle small arms have been adequately trained in their safe handling; and
- f) demonstrate knowledge of laws, regulations and administrative procedures as they relate to the sale of small arms on the domestic market, including licensing requirements for civilians.

#### 12.2.3 Licence validity

##### 12.2.3.1 General

The validity of a commercial small arms licence should be limited in time; i.e. it should have an expiry date after which it is no longer valid. The expiry date should be clearly marked on the licence.

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The validity of a commercial small arms licence should be limited to reasonable period of time (e.g. 3 to 5 years).

### **12.2.3.2 Renewal**

The validity of a commercial small arms licence may be renewed upon application by the holder of the licence to the competent national authority.

The renewal of a commercial small arms licence shall be subject to an assessment of

- a) compliance by the applicant with the terms of the previously held commercial licence;
- b) any changes to domestic laws, regulations and administrative procedures regulating the commercial sale of small arms on the domestic market; and
- c) continued compliance by the applicant with the licence conditions (see Clause 12.2.2).

If an application to renew a commercial licence is not granted,

- d) the reasons for turning down the application shall be provided to the applicant in writing; and
- e) the applicant shall have the right to appeal the decision to a competent judicial body.

### **12.2.3.3 Revocation**

The competent national authority shall revoke a commercial small arms licence if

- a) one or more of the licence conditions is violated; or
- b) the conditions that prevailed when the licence was issued change in such a way as to render the licence-holder no longer eligible to hold the license.

In case of revocation of a commercial small arms licence,

- a) the reasons for revocation shall be provided to the licence holder in writing; and
- b) the licence holder shall have the right to appeal the decision to a competent judicial body.

### **12.2.4 Verification of compliance**

The competent national authority should verify compliance with the conditions of a commercial small arms licence

- a) before a commercial licence is issued;
- b) before a commercial licence is renewed; and
- c) at periodic intervals during the validity of a commercial licence.

### **12.2.5 Recordkeeping**

A Holder of a commercial small arms licence shall be required to

- a) keep detailed records, including of
  - 1) names, addresses and contact details of their small arms and ammunition suppliers,
  - 2) deliveries of small arms and ammunition,

- 3) small arms and ammunition in stock (updated on a regular basis, at least every month),
  - 4) small arms and ammunition sold, and
  - 5) details of purchasers of small arms including
    - name,
    - address,
    - contact details,
    - national identification number (if applicable), and
    - small arms licence category, number, and expiration date.
- b) record the details of each small arm (delivered, in stock and sold), including
- 1) make,
  - 2) model,
  - 3) calibre,
  - 4) serial number,
  - 5) country of manufacture,
  - 6) type (e.g. revolver, pistol, rimfire rifle, centrefire rifle, shotgun, etc.), and
  - 7) action (e.g. manual or semi-automatic);
- c) share their records when requested to do so by a competent State authority (e.g. in connection with criminal investigations, domestic and international trace requests, etc.); and
- d) maintain small arms records for at least 20 years (and should be required to maintain them indefinitely).

#### **12.2.6 Going out of business**

The competent national authority shall put in place special provisions to facilitate the safe and secure liquidation of small arms and ammunition owned by commercial entities that are going out of business. Such provisions may include

- a) temporary extension of the commercial small arms licence in order to facilitate the safe and secure liquidation of small arms and ammunition; and
- b) disposal of small arms and ammunition through sale (e.g. to other holders of commercial small arms licences).

Any small arms or ammunition that remain un-liquidated upon the expiration of a commercial small arms licence shall be surrendered to a competent authority of the State.

A Holder of a commercial small arms licence that goes out of business shall be required to transfer their records to a competent authority of the State, who shall maintain them for at least 20 years and who should maintain them indefinitely.

## 13 Regulating private security companies

### 13.1 General

A private security company is a non-governmental, legal person that offers physical protection services in return for a fee and whose employees (some or all) use small arms in the course of their work.

Laws, regulations and administrative procedures shall be in place at the national level to enable the regulation of private security companies.

For the purposes of this document, private security companies are considered to be civilian organizations.

### 13.2 Licensing

#### 13.2.1 Licensing requirement

A commercial entity shall not be permitted to operate as a private security company without a licence to do so from a competent authority of the State.

#### 13.2.2 Licence conditions

In order to qualify for a licence to operate as a private security company, a commercial entity shall

- a) not be wholly or partially (more than 10%) owned by persons who are prohibited from acquiring, owning or possessing small arms (see Clause 8.1);
- b) not employ individuals who are prohibited from acquiring, owning or possessing a small arm (see Clause 8.1) if it is possible for them to have access to small arms during the course of their work;
- c) demonstrate that its small arms and ammunition storage facilities
  - 1) provide adequate security against attempts at forced entry,
  - 2) contain secure storage units that provide adequate security against small arms and ammunition being removed from the premises in case of forced entry, and
  - 3) utilize accounting procedures that accurately monitor the issuance to and receipt from employees of small arms and ammunition;
- d) demonstrate that all employees who may be required to use small arms in the course of their work
  - 1) are legally authorized to possess and use small arms, and
  - 2) have been adequately trained in their safe handling and use;
- e) demonstrate knowledge of laws, regulations and administrative procedures regulating the operation of private security companies, especially in relation to the use of small arms;
- f) undertake not to tolerate its employees renting or otherwise giving into the possession of unauthorized persons small arms issued to them by the company, and to report to the police employees who do; and
- g) undertake to abide by the *International Code of Conduct for Private Security Service Providers* [Normative Reference], in particular its provisions on



- 1) the use of force (paragraphs 30-32),
- 2) management of weapons (paragraphs 56-58),
- 3) weapons training (paragraph 59), and
- 4) management of materiel of war (paragraphs 60-62).

### **13.2.3 Licence validity**

#### **13.2.3.1 General**

The validity of a licence to operate as a private security company shall be limited in time; i.e. it shall have an expiry date after which it is no longer valid. The expiry date shall be clearly marked on the licence.

The validity of a licence to operate as a private security company should be limited to reasonable period of time (e.g. 3 to 5 years).

#### **13.2.3.2 Renewal**

The validity of a licence to operate as a private security company may be renewed upon application by the holder of the licence to the competent national authority.

The renewal of a licence to operate as a private security company shall be subject to an assessment of

- a) compliance by the applicant with the terms of the previously held licence;
- b) any changes to domestic laws regulating private security companies; and
- c) continued compliance by the applicant with the licence conditions (see Clause 13.2.2).

If an application to renew a licence to operate as a private security company is not granted,

- d) the reasons for turning down the application shall be provided to the applicant in writing; and
- e) the applicant shall have the right to appeal the decision to a competent judicial body.

#### **13.2.3.3 Revocation**

The competent national authority shall revoke a licence to operate as a private security company if

- a) one or more of the licence conditions is violated; or
- b) the conditions that prevailed when the licence was issued change in such a way as to render the licence-holder no longer eligible to hold the license.

In case of revocation of a licence to operate as a private security company,

- c) the reasons for revocation shall be provided to the licence holder in writing; and
- d) the licence holder shall have the right to appeal the decision to a competent judicial body.

### **13.2.4 Verification of compliance**

The competent national authority should verify compliance with the conditions of a licence to operate as a private security company

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- a) before a licence is issued;
- b) before a licence is renewed; and
- c) at periodic intervals during the validity of a licence.

### **13.2.5 Recordkeeping**

A holder of a licence to operate as a private security company shall be required to

- a) keep detailed records, including of
  - 1) purchases of small arms and ammunition, including supplier details;
  - 2) small arms in stock (updated at least every month), including
    - make,
    - model,
    - calibre,
    - serial number,
    - country of manufacture,
    - type (e.g. revolver, pistol, rimfire rifle, centrefire rifle, shotgun, etc.), and
    - action (e.g. manual or semi-automatic);
- b) share small arms records when requested to do so by a competent State authority (e.g. in connection with criminal investigations, domestic and international trace requests, etc.); and
- c) maintain small arms records for at least 20 years (and should be required to maintain them indefinitely).

### **13.2.6 Going out of business**

The competent national authority shall put in place special provisions to facilitate the safe and secure liquidation of small arms and ammunition owned by private security companies that are going out of business. Such provisions may include

- c) temporary extension of the licence to operate as a private security company in order to facilitate the safe and secure liquidation of small arms and ammunition; and
- d) disposal of small arms and ammunition through sale (e.g. to other licensed private security companies or holders of commercial small arms licences).

Any small arms or ammunition that remain un-liquidated upon the expiration of a licence to operate as a private security company shall be surrendered to a competent authority of the State.

Private security companies that go out of business shall be required to transfer their records to a competent authority of the State, who shall maintain them for at least 20 years and who should maintain them indefinitely.

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support@smallarmsstandards.org | www.smallarmsstandards.org