1. Does your country have regulations regarding the acquisition, possession and use of firearms by civilians? Please provide information on relevant legislation, regulations, administrative procedures, policies or any other measures in this regard.

Answer: Yes, the Firearms Act, Act 2 of 2006 – A firearm licence will be issued to an individual only if he satisfies statutory prerequisites amongst others that he is of 18 years of age or more, a citizen of Mauritius, physically fit, of stable mental condition, not inclined to violence and not dependent on any substance which has an intoxicating or narcotic effect. Besides, he ought not to have been convicted of an offence involving the use, or a threat to use, or the handling of a firearm or ammunition, an offence under the Prevention from the Domestic Violence Act or an offence involving dangerous drugs.

2. Does your country have specific regulations regarding the acquisition, possession and use of firearms by private security companies? Please provide information on relevant legislation, regulations, administrative procedures, policies or any other measures in this regard.

Answer: Yes, the Firearms Act, Act 2 of 2006 – The Commissioner of Police will issue a firearm licence to private security companies subject to certain conditions amongst others that, every security guard in the employment of the firearm licensee can be allowed to have in his possession that firearm and ammunition without danger to public safety or public order. Besides, the private security companies must surrender the firearms and ammunitions immediately upon cessation of business, suspension or cancellation of the firearm licence. On the other hand, there is a prohibition from holders, using or possessing a firearm by any security guard on duty at night clubs, discotheques, private clubs, restaurants, café, pubs, bars or any licensee under the Gambling Regulatory Authority Act.

3. Does your country have regulations that restrict or prohibit the import and export of firearms or certain types of firearms intended for civilian use? Please provide information on relevant legislation, regulations, administrative procedures, policies or any other measures in this regard.

Answer: Yes, the Firearms Act, Act 2 of 2006 – The first schedule of that Act prohibits the import and export of sub-machine guns, assault rifles, light machine guns, heavy machine guns, hand-held under-barrel mounted grenade Launchers, portable anti-craft guns, portable anti-tank guns and recoilless rifles, portable launchers of anti-tank missile and rocket systems, mortars with a calibre of less than 100 mm, shells and missiles for light weapons, mobile containers with missiles or shells for single action anti-aircraft and anti-tanks systems, anti-personnel and anti-tanks systems, landmines and any firearms equipped with a silencer device.
4. Has your country undertaken any regional or international commitment(s) related to the regulation of civilian acquisition, possession or use of firearms? If so, please list them and give any relevant details.

Answer: Yes, the Arms Trade Treaty acceded to on 25 June 2015 – The object is to prohibit the transit or dealing with any prohibited firearms. Besides, the country has a formal obligation not to become a party to illegal arms trafficking. To domesticate the treaty, the Firearms Act is accordingly being amended.

Because of piracy threats in the Indian Ocean, vessels calling at Port Louis have on board private security guards with weapons. On their arrival, the private guards have to surrender their weapons to the Police and this transit is effected in accordance with a set of guidelines.

5. What are the types and characteristics of firearms to which civilians can lawfully have access? Are there any limits on the number of firearms which civilians may own? Please provide details of each.

Answer: Re Section 3 and Prohibited Firearms (First Schedule), of the Firearms Act. Individuals are only allowed to lawfully possess pistols, revolvers, single or double-barrelled shotguns and non-automatic rifles. The number of firearms which civilians can own is restricted to two.

6. Please provide information on how firearms are categorised according to risk factors and how they are legally classified.

Answer: As per Interpretation Section in the Firearms Act, they are categorised by, the calibre of the firearm, and the type of ammunition that can be discharged. All dangerous firearms are prohibited under the First Schedule of the Firearm Act.

7. Who may lawfully possess firearms in your country? Please provide information on (a) whether civilians are required to hold a license or a certificate in order to acquire, own/possess or use a firearm, and (b) what are the minimum requirements for the issuance or renewal of license or a certificate to acquire, own/possess or use firearms.

Answer: As per provision of Sections 4, 6 and 12 of the Firearms Act – Civilians need to hold a firearm licence to acquire/own/possess or use firearm. They should be of 18 years of age or more, be mentally fit and not having been convicted of any offence under the Firearm Act, Protection against Domestic Violence Act and for drug offences.

8. For what purpose does the domestic legislative or regulatory framework allow civilians to have access to firearm(s)? Can civilians carry firearms in public places?

Answer: For hunting and personal security – Civilians can carry only pistol/revolver in public places, provided it is concealed on their person and they have on them the firearm licence issued and endorsed by the Commissioner of Police.
9. What are conditions for possession of firearms by civilians (e.g. safe storage requirements, reporting of theft or loss of firearm)?

Answer: As stipulated in the Firearm License Para: 3 Terms and Conditions – Any firearm or ammunition shall at all times when not in actual use, be kept in two separate secured places with a view to preventing access to them by unauthorised persons and safeguard to any loss or theft. The loss or theft of any firearm or ammunition shall be reported within 48 hours of its disappearance to the nearest Police Station. Any loss or theft due to negligence may entail the cancellation of the licence.

10. Is there a system to keep a record of firearms acquired or owned by civilians?

Answer: Yes – A centralised Firearm Index is kept at the Police Headquarters.

11. What are the conditions for the transfer of ownership of firearms between civilians?

Answer: The new owner has to apply for a Firearm License as per the Firearms Act.

12. What measures are in place to regulate private entities engaged in selling firearms to civilians in the domestic market? What conditions are private entities required to fulfil in order to qualify for a license to sell firearms?

Answer: As provided by Section 28 of the Firearms Act – All dealers and gunsmiths have to keep registers of transactions in firearms and ammunition in the prescribed Form. On demand, they must allow any Police Officer not below the rank of Inspector of Police duly authorised in writing in that behalf by the Commissioner of Police to enter and inspect all stock in hard and shall in request by such Police Officer produce for inspection the register as aforesaid.

13. How does your country monitor and enforce existing regulation of civilian access to firearms? What sanctions, if any, does your domestic legislation provide for: (a) illegal possession, (b) possession of prohibited firearms or of a number of firearms exceeding what the law allows, (c) lack of permission or license required for possessing a firearm?

Answer: As per provisions of the Firearms Act 2006 – Individual and private security companies have to renew their firearm licence every year. Any individual in the possession of a firearm for which he is not the holder of a proper firearm licence, will entail its confiscation and a penalty not exceeding 15 years imprisonment.
14. Do the authorities in your country collect data on civilian misuse of firearms? If so, what data is gathered and how is it used?

Answer: Yes, at the Crime Records Office and Central Firearm Index. The data is used for the discarding of any future application for a firearm licence by the offender.

15. What is the impact of the misuse of firearms by civilians on human rights, in particular the right to life and the right to security? What is the basis of your assessment of this impact?

Answer: Unnecessary harm and suffering over loss of life, as, accidental discharge or misuse usually results in serious injuries or even death of innocent people.

16. What measures are in place to minimize the risk of firearms being misused by civilians?

Answer: Applicants have to undergo a competency test every five years in order to get a Firearm license.

17. What is the impact of the domestic regulation of civilian firearms on the protection of the right to life and security of person? How effective is this regulation in human rights protection?

Answer: Better control over issue of Firearm License to individuals who qualify and meet the criteria and conditions. Effective in the sense that very few cases of firearm related offences/incidents have taken place over time. Most of the time, incidents are accidental rather than intentional.

A copy of the Firearms Act is enclosed.

Prime Minister's Office (Home Affairs)
16 December 2015