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IMPLEMENTATION COMPENDIUM

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National regulation of civilian access to small arms and light weapons

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MOSAIC
Good practices for safer societies.

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Foreword

What is MOSAIC?

MOSAIC translates into practice the objectives of key global agreements aiming to prevent the illicit trade, destabilizing accumulation and misuse of small arms and light weapons, including:

- the Programme of Action on the illicit trade in small arms and light weapons
- the International Tracing Instrument
- the Firearms Protocol supplementing the UN Convention against Transnational Organized Crime
- the Arms Trade Treaty.

MOSAIC modules are based on good practices, codes of conduct and standard operating procedures that have been developed at (sub-)regional levels. They were developed by the UN, benefitting from the very best technical advice from experts around the world.

MOSAIC is a completely voluntary toolkit.

MOSAIC supports the achievement of the Sustainable Development Goals, including Goal 16 to promote peaceful, just and inclusive societies and its target 16.4 that includes a significant reduction in illicit arms flows.

Who developed MOSAIC?

Governments often call upon the UN system to provide advice and support on issues related to small arms and light weapons control — including on legislative, programmatic and operational matters.

UN agencies decided that the best way to ensure that the United Nations as a whole could consistently deliver high-quality advice and support in response to such requests, was to develop international guidance on small arms and light weapons control, similar to the standards the UN developed in the areas of mine action (International Mine Action Standards – IMAS); disarmament, demobilization and reintegration (Integrated DDR Standards – IDDRS); and ammunition (International Ammunition Technical Guidelines – IATG).

The compendium is the result of a decade of coordinated work within the UN system, involving 24 partner entities with expertise ranging from development and weapons management to gender and public health. An external expert reference group of over 300 specialists, from NGOs to industry, completed the sturdy process of establishing each module.

Who can use MOSAIC?

MOSAIC can be used by any government or organization. Properly basing small-arms control endeavours on MOSAIC modules, reduces the risk of weapons falling into the hands of criminals, armed groups, terrorists and others who would misuse them.

MOSAIC. Good practices for safer societies.

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Introduction

It is estimated that three-quarters of all small arms in the world are in civilian hands.[1] 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 license 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 MOSAIC 03.20,[2] 03.21[3] and 05.60[4]), 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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[1] Small Arms Survey. *Estimating Civilian Owned Firearms*. Research Notes No. 9. Geneva: Small Arms Survey, September 2011.

[2] MOSAIC 03.20 — *National controls over the international transfer of small arms and light weapons*.

[3] MOSAIC 03.21 — *National controls over the end-user and end-use of internationally transferred small arms and light weapons*.

[4] MOSAIC 05.60 — *Border controls and law enforcement cooperation*.

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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 and light weapons to which civilians have access;

b) civilian uses of small arms and light weapons;

c) civilian users of small arms and light weapons;

d) the commercial sale of small arms and light weapons; and

a) private security companies that use small arms and light weapons.

This document aims to

e) achieve a balance between, on the one hand, recognizing and respecting the legitimate, legal use of small arms and light weapons by civilians, while, on the other, providing guidance on minimizing the risk of small arms and light weapons being misused by civilians;

f) prevent the illegal possession and misuse of small arms and light weapons by civilians by promoting and enforcing compliance with national laws;

g) ensure that civilians who legally possess small arms and light weapons are those who are unlikely to misuse them;

h) ensure that small arms and light weapons are possessed and used for legitimate purposes; and

i) ensure that levels of national regulation are proportionate to the types of small arms and light weapons possessed by civilians, being more stringent for types of small arms and light weapons 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 MOSAIC, are not small arms or light weapons (See MOSAIC 01.20, *Glossary of terms, definitions and abbreviated terms*).

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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 and light weapons 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.

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

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

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

MOSAIC 05.20, *Stockpile management: Weapons*

MOSAIC 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 MOSAIC 01.20, *Glossary of terms, definitions and abbreviated terms*, and the following, apply.

In all MOSAIC 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.

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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

b) "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 regulate civilian access to small arms and light weapons and essential components of small arms and light weapons. Such laws, regulations and administrative procedures shall regulate

a) the types, characteristics and number of small arms and light weapons to which civilians may have access (see Clause 6);

b) civilian uses of small arms and light weapons (see Clause 7);

c) civilian users of small arms and light weapons (see Clause 7);

d) the commercial sale of small arms and light weapons on the domestic market (see Clause 10); and

c) private security companies that use small arms and light weapons (see Clause 11).

NOTE 1 Essential components of small arms and light weapons include the frame; receiver; barrel; and the slide, cylinder, bolt or breech block.

6 Regulating types and characteristics of small arms and light weapons

6.1 Prohibitions

6.1.1 General

National law shall prohibit civilians from acquiring, owning or possessing

a) light weapons and ammunition for light weapons;

b) automatic small arms;

c) small arms altered without authorization (i.e., unauthorized modifications, e.g., in terms of barrel length, calibre and firing mechanism);

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d) armour-piercing ammunition; and

e) explosive ammunition (e.g., grenades, mines, or explosive or incendiary projectiles).

NOTE 1 The reminder of this document is focused on small arms and therefore exclusively uses the term small arms.

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 MOSAIC 03.10, *National controls over the manufacture of small arms and light weapons*);

b) import, export, transit, transhipment and brokering (in accordance with the provisions of MOSAIC 03.20, *National controls over the international transfer of small arms and light weapons*);

c) domestic supply, transport or shipping (in accordance with the provisions of MOSAIC 05.20, *Stockpile management: Weapons*, Clause 13 – *Transport of Weapons*);

d) forensic examination;

e) television, film, etc.; or

f) museums, scientific research, etc.

NOTE 1 In practice, cultural activities such as television and film normally use inert, blank or simulated ammunition and other non-live substitutes for safety reasons. Authorization to possess prohibited ammunition should only be considered in exceptional circumstances and subject to strict regulatory control.

When such exceptions are made,

g) national laws and regulations shall establish effective controls over civilians engaging in lawful activities; and

h) the civilians concerned shall be subject to 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 laws and regulations shall establish either of the following systems for categorizing small arms:

a) National laws and regulations shall establish risk categories for small arms according to the level of risk that each type of small arm would pose to public safety if misused; or

b) National laws and regulations shall establish civilian use categories for small arms.

NOTE 1 Use categories specify the types of small arms that can be licensed for defined use categories. Using this approach, a State would define the types of small arms that are permissible for, e.g., the purpose of hunting, sports shooting, self-defence etc.

In either case, the categorization shall have regard to the risk to public safety and shall take into consideration relevant risk factors (see Clause 6.2.2).

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.

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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	• Light weapons • Automatic small arms • Armour-piercing ammunition • Sawn-off shotguns • High capacity magazines
CATEGORY 2 (high risk)	Weapons whose possession by civilians would present a high risk to public safety if misused	• Semi-automatic pistols • Revolvers • Semi-automatic centrefire rifles • Short-barrelled weapons
CATEGORY 3 (medium risk)	Weapons whose possession by civilians would present a medium risk to public safety if misused	• Semi-automatic rimfire rifles • Manual action centrefire rifles • Shotguns (manual and semi-automatic) with a capacity greater than 3 rounds
CATEGORY 4 (low risk)	Weapons whose possession by civilians would present a low risk to public safety if misused	• Shotguns (manual and semi-automatic) with a capacity up to 3 rounds • Manual action rimfire rifles

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 calibre), or

   2) centrefire ammunition (generally higher-powered and larger calibre);

d) the capacity of the magazine; and

e) the ease with which the small arm can be concealed (e.g. barrel length and overall weapon length).

6.2.2.1 Capacity of the magazine

Small arms that can accept high-capacity magazines shall be considered as posing a higher risk than small arms that cannot accept high-capacity magazines.

High-capacity magazines should encompass all magazines that can hold more than 10 rounds.

NOTE 1 Most small arms are designed to accept detachable magazines with varying capacity. Any such small arms can be fitted with high-capacity magazines. In contrast, some small arms are designed with a fixed capacity and cannot accept high-capacity magazines. These include single-shot small arms, revolvers, and small arms with integral or internal magazines.

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6.2.2.2 Concealability of small arms

Small arms that are easy to conceal shall be considered as posing a higher risk than small arms that are difficult to conceal.

To aide with establishing risk categories, the competent national authority may distinguish between short small arms and long small arms, defined by both barrel length and overall weapon length.

NOTE 1 Not all States utilise such a distinction. Where it is used, different terminology exists for short small arms, including the terms short firearms, short weapons and short-barrelled weapon, and there exist different thresholds for what constitutes a short small arm. For instance, the European Union defines a short small arm as having a barrel not exceeding 30 centimetres or whose overall length does not exceed 60 centimetres.

6.2.3 Legal classifications

In order to define properly the above risk factors, the competent national authority shall establish, in national law, regulations or administrative procedures, the following small arms classifications based on the capacity of the magazine:

a) “Low-capacity magazines”, which should not be able to hold more than 10 rounds (as specified in the legal classification)and

NOTE 1 “High-capacity magazines”, which shall encompass all magazines that can hold more rounds of ammunition than a low-capacity magazine (as specified in the legal classification). The capacity of the magazine is determined by the maximum number of rounds that it can hold.

6.2.4 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.

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 7 for guidance);

b) a medium risk to public safety if misused shall have applied to it an intermediate level of regulation (see Clauses 7 and 8 for guidance);

c) a high risk to public safety if misused shall have applied to it an enhanced level of regulation (see Clauses 7, 8 and 9 for guidance); and

d) an intolerable risk to public safety if misused shall be prohibited from being acquired, owned or possessed by civilians.

Clauses 7, 8 and 9 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

c) the specific regulations that are to be applied to each.

6.3 Marking

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

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7 Regulating civilian uses and users of small arms

7.1 Prohibited categories of civilians

7.1.1 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.

NOTE 1 In most jurisdictions, these prohibitions form part of the licensing system (see Clause 7.3), i.e., persons under any of the criteria outlined in Clause 7.2 are not eligible for holding a small arms license and therefore prohibited from acquiring, owning or possessing a small arm. In some jurisdictions, usually federal systems, these prohibitions are set out in different laws or regulations, meaning that such persons might be eligible for a small arms license but would be nevertheless prohibited from acquiring, owning or possessing small arms.

7.1.2 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; or

i) has committed, or is committing, violence against another person, including partner or family-related violence and gender-based violence. This applies where such conduct has been established—or is the subject of a credible and documented allegation—through judicial,

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administrative, or law enforcement procedures under applicable domestic law (e.g. the issuance of, or proceedings to issue, a protective or restraining measure).

7.1.3 Exceptions

The requirements of Clause 7.1.2 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.

7.2 Legitimate civilian uses of small arms

National law, regulations or administrative procedures shall specify lawful civilian uses of small arms, taking into account relevant historical, cultural and constitutional considerations.

National law shall prohibit civilians from acquiring, owning or possessing small arms for unlawful uses.

Legitimate uses of small arms by civilians may include

a) Hunting, farming and pastoral activities (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) and safety equipment.

NOTE 1 Devices used for signalling or safety purposes (e.g. signal flare launchers, line-throwing devices, avalanche-control equipment) are often regulated under other national regimes and typically do not constitute a small arm or light weapon under national classifications. Where such devices meet the national definition of a small arm, relevant controls should apply.

7.3 Licensing

7.3.1 Licensing requirement

Laws, regulations, or administrative procedures shall establish a licensing system for civilian possession of small arms.

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

Laws, regulations, or administrative procedures may establish that civilians are only permitted to purchase ammunition if they hold a valid small arms license for the relevant calibre.

7.3.2 License categories

For each risk category of small arms (see Clause 6.2), there shall be a corresponding category of small arms license.

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 license (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 license they possess.

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7.3.3 Licensing Authority

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

Different levels of authorization within the small arms licensing authority may be required for issuing different small arms license categories, following the principle that higher-risk weapons require higher levels of authorization.

7.3.4 Licensing criteria

7.3.4.1 General

Laws, regulations, or administrative procedures shall establish licensing criteria that a person must fulfil to be eligible to obtain a small arms license.

The issuance and renewal of a civilian small arms license shall be conditional upon fulfilment by the applicant of criteria and conditions regarding

a) age;

b) low risk of misuse;

c) legitimate use;

d) safe use; and

e) safe storage.

Civilians that do not meet the licensing criteria shall not be permitted to acquire, own or possess small arms. Inability or failure to meet one or more of the licensing criteria or conditions shall result in a license not being issued, being revoked, or not being renewed.

NOTE 1 The licensing criteria are elaborated in Clauses 7.3.4.2 to 7.3.4.6.

NOTE 2 Licensing criteria are criteria that are assessed before a license is issued. Licensing conditions apply after a license has been issued.

7.3.4.2 Age

7.3.4.2.1 General

The minimum age required in order to hold a license for a small arm in the lowest risk category (see Clause 6.2) should be 18 years.

National law may require a higher minimum age in order to hold a license for a small arm in a higher risk category (see Clause 9.2).

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

7.3.4.2.2 Exceptions

In the context of introducing young people to activities involving small arms (e.g. recreational hunting, sport shooting as well as lawful subsistence, farming, pastoral or similar livelihood activities permitted under national law and part of established socio-cultural practices), the competent national authority may make arrangements for people under the minimum age set out in Clause 7.3.4.2.1 to legally possess and use (but not own) a small arm, provided that

a) this takes place in a controlled, safe environment; and

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b) individual supervision is provided at all times by a small arms license holder aged 21 years or older.

In no case shall national law permit a person under the minimum age set out in Clause 7.3.4.2.1 to acquire or own a small arm.

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

7.3.4.3 Low risk of misuse criteria

In addition to the criteria set out in Clause 7.1, the small arms licensing authority may put in place additional criteria to minimize the risk of small arms licenses being issued to applicants who are likely to misuse them. Such additional measures may include

a) requiring applicants for small arms licenses to provide references from community leaders or other responsible community members who know the applicant; and

b) consultation with local law enforcement officials.

7.3.4.4 Legitimate use criteria

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 license being applied for;

b) require applicants to provide evidence for the specified legitimate use (e.g. hunting authorization, shooting club membership, etc.); and

j) rule out certain uses that have been deemed unlawful by the competent national authority (see Clause 7).

7.3.4.5 Safe use criteria

Safe use of a small arm shall be a criterion for obtaining a small arms license. Violation of safe use conditions shall result in a license being revoked or not being renewed.

The licensing authority shall require a license applicant to demonstrate that they know how to safely use a small arm.

A civilian applying for a small arms license 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, and

    4) transporting

b) caring for small arms and their ammunition; and

c) applicable laws regulating civilian acquisition, ownership, possession and use of small arms and their ammunition.

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7.3.4.6 Safe storage criteria

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

A civilian applying for a small arms license 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.

7.4 Licensing conditions

7.4.1 Safe storage conditions

Safe storage of a small arm shall be a condition for holding a small arms license.

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,

   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.

7.4.2 Verification of compliance

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

7.5 Licensing process

The competent national authority should notify the applicant's spouse, common-law partner or cohabitant of the application for a small arms license.

7.5.1 Background checks

Prior to issuing a small arms license, 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 7.1); and

d) fulfils the licensing criteria (see Clause 7.3.4).

The background check should include an interview with the applicant's spouse, common-law partner, or cohabitant. It may include interviews with neighbours, community workers, social workers,

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individuals who work or live with the applicant, former spouse or former common-law partner, dependants, or other relevant individuals.

NOTE 1 The societal norms and national legislative framework of a state influence how background checks, including character investigations, security clearances, and medical checkups, are conducted.

7.5.2 Granting, denying or revoking a license

The competent national authority shall deny a small arms license application if the applicant is unable or fails to meet one or more of the licensing criteria (see Clauses 7.1 and 7.3.4).

The competent national authority shall revoke a small arms license if:

a) the license holder is unable or fails to meet one or more of the licensing criteria (see Clauses 7.1 and 7.3.4) or conditions (see Clause 7.4); or

b) the licensing criteria that prevailed when the license was issued change so that the license-holder is no longer eligible to hold the license.

If the competent national authority finds that the license holder has violated the conditions of safe use or safe storage, it shall revoke the license and reject an application to renew the license.

If an application for a small arms license is not approved, the reasons for declining the application shall be provided to the applicant in writing and the applicant shall have the right to appeal the decision to a competent judicial body or legal authority.

7.5.3 Timeframe for issuance

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

a) verification of compliance by the applicant with the licensing criteria and conditions (see Clauses 7.3.4 and 7.4); and

e) a background check to be carried out (see Clause 7.5.1).

7.5.4 License validity and renewal

7.5.4.1 General

The validity of a small arms license 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 license.

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

7.5.4.2 Renewal

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

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

a) compliance by the applicant with the criteria (see Clause 7.3.4) and the terms and conditions (see Clause 7.4) of the previously held license; and

b) any changes to domestic laws, regulations or administrative procedures regulating civilian access to small arms.

The competent national authority shall deny an application to renew a small arms license if the applicant or license holder is unable or fails to meet one or more of the licensing criteria or conditions.

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

c) the reasons for turning down the application shall be provided to the applicant in writing; and

d) the applicant shall have the right to appeal the decision to a competent judicial body.

7.6 Number limits

Civilians may be permitted to own more than one small arm under a single small arms license. 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 6.2.4).

7.7 Transporting and carrying small arms

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

A small arms license should authorise the licensee to transport a small arm away from its place of storage to a business authorised by the competent national authority to conduct repairs and maintenance.

A small arms license may authorize the licensee to carry or transport a small arm away from its place of storage for legitimate uses (see Clause 7.2).

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 7.2) and with legal authorization.

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

7.8 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).

7.9 Domestic transfer of ownership

Laws, regulations or administrative procedures shall be in place at the national level to regulate private, person-to-person domestic transfers of ownership of small arms (e.g. through sale, gift, exchange, bequest, etc.) in accordance with national historical, cultural and constitutional considerations.

NOTE Domestic transfers refer to transfers within one state. International transfers of small arms are covered by MOSAIC 03.20, *National controls over the international transfer of small arms and light weapons*.

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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 (see Clause 7.11).

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).

7.10 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.

7.11 Registration

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

A small arms register shall exist (see MOSAIC Module 05.30 Clause 6) and all small arms shall be registered to their licensed civilian owners (see MOSAIC Module 05.30 Clause 6.2.1.1.h).

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

b) other persons authorised by the competent national authority.

The small arms register shall record the following information (see also MOSAIC Module 05.30 Clause 6.2.1.1):

a) Identifiers of the licensee, including

    1) Name;

    2) Address;

    3) Contact details (including telephone number, email address 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);

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7) Type;

8) Action; and

9) Location of markings on the weapon.

c) Identifiers of the small arms license, including its

1) Number;

2) Category;

3) Date of issue; and

4) Date of expiration.

NOTE 1 Depending on the national licensing system, a small arms license is typically either a general or category-based authorisation that is not tied to a specific weapon, or a weapon-specific authorisation linked to a purchase permit. In all cases, the register should link the license to the licensee.

Parties to a transfer shall be required to notify the competent national authority of the transfer of ownership of a registered small arm. The competent national authority shall update the small arms register when notified that the ownership of a registered small arm has been transferred.

The competent national authority should facilitate the reporting by civilians of transfers of ownership of registered small arms.

8 Intermediate regulation

8.1 General

In addition to the basic regulations set out in Clause 7, 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).

8.2 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. Number limits may vary across different risk categories of small arms (see Clause 6.2.4).

8.3 Safety training

For small arms in a medium risk category or higher, applicants for a license 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 license is being sought.

8.4 Enhanced safe storage

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

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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.

8.5 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 license for such a small arm.

9 Enhanced regulation

9.1 General

In addition to the basic and intermediate regulations set out in Clauses 7 and 8, 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).

9.2 Increased age requirement

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

9.3 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.

10 Regulating commercial sale on the domestic market

10.1 General

Laws, regulations and administrative procedures shall be in place at the national level to regulate 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.

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10.2 Licensing

10.2.1 Licensing requirement

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

10.2.2 Licensing criteria

In order to qualify for a license 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 7.1);

b) not employ individuals who are prohibited from acquiring, owning or possessing a small arm (see Clause 7.1) 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.

10.2.3 License validity

10.2.3.1 General

The validity of a commercial small arms license 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 license.

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

10.2.3.2 Renewal

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

Before renewing a commercial small arms license, the competent national authority shall assess

a) compliance by the applicant with the criteria and the terms and conditions of the previously held commercial license;

b) the applicant’s compliance with any changes to domestic laws, regulations and administrative procedures regulating the commercial sale of small arms on the domestic market.

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

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c) the reasons for turning down the application shall be provided to the applicant in writing; and

d) the applicant shall have the right to appeal the decision to a competent judicial body.

10.2.3.3 Revocation

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

a) The license holder is unable or fails to meet one or more of the licensing criteria;

b) The license holder violates one or more of the license conditions; or

c) the licensing criteria that prevailed when the license was issued change so that the license-holder is no longer eligible to hold the license.

In case of revocation of a commercial small arms license,

a) the reasons for revocation shall be provided to the license holder in writing; and

b) the license holder shall have the right to appeal the decision to a competent judicial body.

10.2.4 Verification of compliance

The competent national authority should verify compliance with the licensing criteria of a commercial small arms license before a commercial license is issued.

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

a) before a commercial license is renewed; and

g) at periodic intervals during the validity of a commercial license.

10.2.5 Recordkeeping

A Holder of a commercial small arms license 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 license category, number, and expiration date.

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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).

10.2.6 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 license 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 licenses).

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

A Holder of a commercial small arms license 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.

11 Regulating private security companies

11.1 General

In the context of this document, 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.

NOTE 1 Not all private security companies use small arms. This document only concerns itself with the regulation of those that do.

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.

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NOTE 2 Where a State tasks private security companies with high-security functions, such as the protection of critical infrastructure, that require personnel to carry weapons prohibited to civilians (e.g. automatic small arms, see Clause 6.1.1), the regulation of such personnel and weapons typically falls under the State's regulation of its armed and security forces, rather than under national regulation of civilian access to small arms and light weapons.

11.2 Licensing

11.2.1 Licensing requirement

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

11.2.2 Licensing criteria

In order to qualify for a license 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 7.1);

b) not employ individuals who are prohibited from acquiring, owning or possessing a small arm (see Clause 7.1) 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 to prohibit its employees to rent or otherwise give 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).

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11.2.3 License validity

11.2.3.1 General

The validity of a license 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 license.

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

11.2.3.2 Renewal

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

Before renewing a license to operate as a private security company, the competent national authority shall assess the following:

a) compliance by the applicant with the criteria, terms and conditions of the previously held license;

b) compliance by the applicant with any changes to domestic laws regulating private security companies.

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

c) the reasons for turning down the application shall be provided to the applicant in writing; and

d) the applicant shall have the right to appeal the decision to a competent judicial body.

11.2.3.3 Revocation

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

a) The license holder is unable or fails to meet one or more of the licensing criteria;

b) The license holder violates one or more of the license conditions; or

c) The licensing criteria that prevailed when the license was issued change so that the license-holder is no longer eligible to hold the license.

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

c) the reasons for revocation shall be provided to the license holder in writing; and

d) the license holder shall have the right to appeal the decision to a competent judicial body.

11.2.4 Verification of compliance

The competent national authority should verify compliance with the criteria of a license to operate as a private security company before a license is issued.

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

a) before a license is renewed; and

h) at periodic intervals during the validity of a license.

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11.2.5 Recordkeeping

A holder of a license 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).

11.2.6 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 license 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 licenses).

Any small arms or ammunition that remain un-liquidated upon the expiration of a license 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.

12 Offences and sanctions

The following activities shall be established as criminal offences under domestic law.

a) Illegally acquiring, owning or possessing small arms, light weapons or ammunition prohibited under national law (see Clause 6.1);

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NOTE 1 This refers civilian acquisition, ownership or possession of types of small arms and light weapons and ammunition that are prohibited for civilians. This does not apply to persons that are legally allowed to use such weapons such as military personnel.

b) Acquiring, owning or possessing small arms without a valid small arms license (see Clause 7.3.1);

NOTE 2 Acquiring, owning or possessing small arms ammunition without a license may also constitute a criminal offence.

c) Selling small arms or ammunition by a commercial entity without a valid commercial sales license (see Clause 10);

d) Private domestic transfers of ownership of a small arm to a civilian who does not hold a license to own it (see Clause 7.9); and

e) Operating as a private security company that makes use of small arms without a license to do so from a competent national authority (see Clause 11).

Appropriate civil, administrative or criminal penalties should be established for offences. Penalties may consist of fines (for minor and administrative offences) and/or imprisonment (for more serious and criminal offences). Penalties may be provided for in national legislation on civilian possession or, in the case of criminal penalties, under the criminal law of the State.

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