



## ANALYSIS

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(8<sup>th</sup> December 2017)**An Act to amend the Arms Ordinance 1954 by—**

- (a) creating an offence of trafficking arms; and
- (b) increasing the penalties for existing offences relating to firearms.

**The Parliament of the Cook Islands enacts as follows—**

- 1 Title**  
This Act is the Arms Ordinance Amendment Act 2017.
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Queen's Representative's assent.
- 3 Principal Act amended**  
This Act amends the Arms Ordinance 1954.
- 4 Section 5 amended**  
Section 5(2) is amended by omitting "Customs Officer, Constable, or other person appointed for that purpose by the High Commissioner" and substituting "customs officer or constable".
- 5 New section 5A inserted**  
The following section is inserted after section 5—

**“5A Trafficking in firearms or ammunition**

- “(1) No person may bring into the Cook Islands or the territorial waters of the Cook Islands any firearm or ammunition that is intended for sale or supply outside the Cook Islands, unless the person is authorised by the Minister of Police to tranship the firearm or ammunition.
- “(2) Any customs officer or constable may detain and examine any package or container brought into the Cook Islands or the territorial waters of the Cook Islands if the officer or constable has reasonable grounds to suspect a breach of subsection (1).
- “(3) A person who is authorised to tranship firearms or ammunition through the Cook Islands or the territorial waters of the Cook Islands must provide to the Minister of Police, before transshipment occurs, details of—
- “(a) the firearms or ammunition being transhipped; and
  - “(b) where, when, and from whom it was obtained; and
  - “(c) the intended destination of the firearms or ammunition.
- “(4) Any customs officer or constable who has reasonable grounds to suspect that any firearms or ammunition have been brought into the Cook Islands or the territorial waters of the Cook Islands in breach of subsection (1), or to suspect that the details provided under subsection (3) are incorrect or incomplete, may seize and detain the firearms or ammunition, using reasonable force if necessary.”

**6 Section 7 amended**

Section 7(4) is amended by omitting “Every person who commits an offence against this Section shall be liable to a fine not exceeding £50; and on any prosecution for such an offence” and substituting “In any prosecution for an offence against this section”.

**7 Section 17 amended**

Section 17 is amended by—

- (a) inserting “, trafficking,” after “convicted of carrying”; and
- (b) omitting “High Commissioner” and substituting “Court”.

**8 Section 19 amended**

Section 19(3) is amended by omitting “a fine not exceeding £10” and substituting “a fine not exceeding \$1,000”.

**9 Section 27 amended**

Section 27 is amended by repealing paragraphs (a) and (b) and substituting the following paragraphs—

- “(a) in the case of an individual, to imprisonment for a term not exceeding 1 year, a fine not exceeding \$5,000, or to both:
- “(b) in any other case, to a fine not exceeding \$50,000.”

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This Act is administered by the Cook Islands Police.

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