

PARLIAMENT OF CEYLON

1st Session 1965-66



Offensive Weapons Act, No. 18 of 1966

Date of Assent : June 21, 1966

Printed on the Orders of Government

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. Box 500, COLOMBO 1, before 20th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Price : 35 cents

Postage : 10 cents

Offensive Weapons Act, No. 18 of 1966

L. D.—O. 62/64.

AN ACT TO PROVIDE FOR THE PROHIBITION OF THE IMPORTATION, MANUFACTURE, POSSESSION, SALE, EXPOSURE FOR SALE, ACQUISITION, TRANSPORT, USE OR SUPPLY OF, AND OF THE DOING OF CERTAIN OTHER ACTS OR THINGS WITH, OFFENSIVE WEAPONS.

[Date of Assent: June 21, 1966]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Offensive Weapons Act, No. 18 of 1966.

Short title.

2. (1) Any person who, except with lawful authority the proof whereof shall lie on him,—

Prohibition of the importation, &c., of offensive weapons.

(a) imports or offers to import any offensive weapon into Ceylon ; or

(b) manufactures, possesses, sells, exposes for sale, supplies, acquires, transports or uses, for any purpose or in any manner whatsoever any offensive weapon ; or

(c) offers to do any act or thing referred to in paragraph (b) of this sub-section,

shall be guilty of an offence under this Act punishable with imprisonment of either description for a term not exceeding ten years, and also with a fine not exceeding ten thousand rupees, and may in addition be punished with whipping.

(2) For the purposes of this section, any offensive weapon in the control, power or disposition of any person shall be deemed to be in his possession.

(3) For the purposes of this section, the expression "lawful authority", in relation to any act or thing referred to in sub-section (1) which is done or offered to be done by any person in respect of any offensive weapon, means—

(a) any such act or thing so done or offered to be done by him in his capacity as a member of the Ceylon Army, the Royal

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Ceylon Air Force, the Royal Ceylon Navy, or the Ceylon Police Force, and in the course or for the purposes of his duties as such member ; or

(b) any such act or thing so done or offered to be done by him under and in accordance with—

(i) the provisions of the Explosives Ordinance or any other written law, or

(ii) the authority of any instrument by whatsoever name or designation called duly issued or granted to him under such provisions.

Damage, &c.,
to property
by use of
offensive
weapons.

3. Any person who does with any offensive weapon any act or thing—

(a) which causes, whether directly or indirectly, damage or destruction to any movable or immovable property of the Crown, any body of persons whether corporate or unincorporate, or any individual ; or

(b) which causes, whether directly or indirectly, any such change in such property as destroys its value or utility,

shall be guilty of an offence under this Act punishable with imprisonment of either description for a term not exceeding twenty years, and also with a fine not exceeding ten thousand rupees, and may in addition be punished with whipping.

Attempt to
cause death or
injury, and
causing of
injury, with
offensive
weapons.

4. (1) Any person—

(a) who attempts to cause the death of any other person with any offensive weapon but does not cause injury to such other person, or

(b) who attempts to cause injury to any other person with an offensive weapon,

shall be guilty of an offence under this Act punishable with imprisonment of either description for a term not exceeding ten years, and also with a fine not exceeding ten thousand rupees, and may in addition be punished with whipping.

(2) Any person who causes injury to any other person with any offensive weapon shall be guilty of an offence under this Act punishable with imprisonment of either description for a term which shall not be less than ten years and not more than twenty years, and also with a fine not exceeding ten thousand rupees.

5. Any person who attempts to commit any offence under this Act, other than any such offence under section 4(1), shall also be guilty of that offence, and accordingly shall be punished with the penalty provided for that offence by this Act.

Attempts to
commit offences
under this Act.

6. (1) Any person who—

(a) instigates any other person to commit an offence under this Act ; or

(b) engages in any conspiracy for the commission of that offence ; or

(c) intentionally aids, by any act or illegal omission, the commission of that offence,

Abetment of
offences under
this Act.

shall also be guilty of that offence, and accordingly shall be punished with the penalty provided for that offence by this Act.

(2) The provisions of the Penal Code relating to the abetment of an offence shall not apply to the abetment of an offence under this Act.

7. (1) Any police officer may, without any order or warrant from a Magistrate,—

(a) arrest any person who has in his possession any offensive weapon if such officer has reasonable cause to believe that such person is committing, or is about to commit, an offence under this Act ; and

(b) remove such weapon from the possession of such person.

Power of
police to
arrest without
a warrant.

(2) A police officer who removes any offensive weapon from the possession of any person under sub-section (1) may take all such steps as such officer may deem necessary to render such weapon harmless.

Power of
police to search
premises.

8. (1) Where a police officer of a rank not below that of Sub-Inspector has reasonable cause to believe that an offence under this Act has been, or is about to be, or is being, committed and that evidence of the commission of such offence is to be found on any premises or in any vehicle or vessel, such officer may, with such assistance as may be required, enter such premises or, as the case may be, the premises on which the vehicle or vessel may be, and search such premises or, as the case may be, the vehicle or vessel.

(2) Any police officer searching any premises, or any vehicle or vessel, under sub-section (1) and every person assisting such officer may search any person who is found in, or whom he has reasonable cause to believe to have recently left, or to be about to enter such premises or such vehicle or vessel, as the case may be, and may seize any article, found in such premises or in such vehicle or vessel, which he has reasonable cause to believe to be evidence of the commission of an offence under this Act. Any article so seized which is an offensive weapon may be immediately rendered harmless by such officer or other person assisting such officer.

(3) Such police officer shall, within forty-eight hours of such search, make a report to the nearest Magistrate's Court stating the circumstances and the manner in which such search was made and the result thereof.

Offences under
this Act to be
cognizable
offences.

9. Notwithstanding anything to the contrary in the First Schedule to the Criminal Procedure Code, any offence under this Act shall be a cognizable offence within the meaning and for the purposes of that Code.

Offences under
this Act to be
non-bailable
except on order
of the Supreme
Court.

10. Notwithstanding anything to the contrary in the Criminal Procedure Code or any other written law, no person charged with, or accused of, an offence under this Act shall be released on bail except on the order of the Supreme Court.

11. The provisions of Chapter XXVI of the Criminal Procedure Code shall not apply to or in relation to persons charged with, or accused of, offences under this Act, and accordingly such provisions shall be read and construed, and shall have force and effect, subject to the provisions of this section.

Chapter XXVI of the Criminal Procedure Code not to apply to persons charged with, or accused of, offences under this Act.

12. (1) Anything in the Criminal Procedure Code or any other written law to the contrary notwithstanding, the Attorney-General may indict a person for an offence under this Act committed by reason of a contravention of any of the provisions of section 2 (1) before a District Court without a preliminary inquiry by a Magistrate's Court as provided in Chapter XVI of that Code.

Certain offenders to be indicted without preliminary inquiry.

(2) The following provisions shall apply in any case where the Attorney-General indicts a person before a District Court under sub-section (1) :—

(a) An indictment prepared in the manner prescribed by section 186 of the Criminal Procedure Code shall be transmitted by the Attorney-General to the District Court. He shall at the same time transmit to the Fiscal of the province in which the trial will take place a copy or copies of the indictment for service on the accused person or each of the accused persons who will be tried upon the indictment. The Fiscal shall forthwith and at least fourteen days before the day specified for trial serve or cause to be served on the accused person or each of the accused persons, the copy or a copy of the indictment received by him from the Attorney-General and shall make a return of such service to the District Court and to the Attorney-General or any officer appointed by the Attorney-General to represent him.

(b) The District Court shall forthwith upon the receipt of the indictment cause to be served on the accused person a notice specifying the date fixed for his trial.

(c) Service on an accused person of any indictment or notice of trial shall be effected in the manner prescribed for the service of summons in sections 45 and 46 of

the Criminal Procedure Code, and the provisions of section 49 of that Code shall apply accordingly for the purpose of proving such service :

Provided, however, that if service cannot be effected in such manner by the exercise of due diligence, the indictment or notice shall be affixed to some conspicuous part of the house in which the accused person ordinarily resides, and in such case the indictment or notice shall be deemed to have been duly served.

(d) The Attorney-General shall, before the date of trial, cause to be furnished to that person—

(i) a concise statement of the particulars of the charge and a list of witnesses who are likely to be called to give evidence and a list of documents that may be used by the prosecutor ; and

(ii) a summary of such of the facts as are proposed to be relied on by the prosecutor.

(e) At the trial of that person, the District Court or the prosecutor may, notwithstanding anything to the contrary in any other written law, call any such witness, or use or produce any such document, as is not specified in the indictment.

Priority to be given to proceedings for offences under this Act.

13. The proceedings before any Court for an offence under this Act shall be taken up before any other business of that Court unless special circumstances of urgency in such other business render it impossible to do so.

Forfeiture of articles.

14. (1) A Court may, on conviction of any person for an offence under this Act, make order that any article (including any offensive weapon or any ship or boat or other vessel or any vehicle) in connection with which the offence was committed or which was used in or in connection with the commission of the offence, shall be forfeited to the Crown.

(2) Any article forfeited to the Crown under any order made by any Court under sub-section (1) which is an offensive weapon shall be sent by the Court to the Commander of the Ceylon Army for disposal in such manner as he may deem fit.

15. (1) The following provisions shall apply in any case where in any proceedings before a Court for an offence under this Act it has to be determined whether any article is an offensive weapon :—

Evidence of offensive weapon.

(a) A certificate under the hand of the Government Analyst or a Deputy Government Analyst to the effect that such article is an offensive weapon shall be received in such proceedings as evidence of the fact that such article is an offensive weapon.

(b) The Court may presume that the signature of such Analyst on such certificate is genuine and that he held the office of such Analyst at the time he signed such certificate :

Provided that if the Court is of opinion that it is necessary or expedient that, or either party to the case requests that, such Analyst should be present to give evidence at such proceedings, such Analyst shall be summoned as a witness for the purpose of giving evidence in the same manner as the other witnesses for the prosecution.

(c) The Court may, if it thinks fit, summon and examine such Analyst as to the subject-matter of such certificate.

(2) Every certificate issued under this section shall be in the following form :—

I,, Government Analyst*/ Deputy Government Analyst, do hereby certify that I have examined the article marked, and that such article is an offensive weapon within the meaning of the Offensive Weapons Act.

Signature :

Date :

(* Delete inapplicable words.)

Interpretation.

16. In this Act, unless the context otherwise requires—

“manufacture”, in relation to an offensive weapon, includes the assembling of any parts whatsoever so as to form an offensive weapon ;

“offensive weapon ” means a bomb or grenade or any other device or contrivance made for a use or purpose similar to that of a bomb or grenade ;

“premises ” includes any place or spot, whether open or enclosed, and any ship, boat or other vessel, whether afloat or not, and any vehicle.