

The Governor of Svalbard's guidelines for firearms and scare devices for protection against polar bears

Adopted and entered into force on 12 October 2015 pursuant to Sections 7, 13, 16, etc. of Act No 1 of 9 June 1961 relating to firearms and ammunition, etc. (the Firearms Act), Section 19 of Regulations No 904 of 25 June 2009 relating to firearms, firearm components and ammunition, etc. (the Firearms Regulations), and Section 30a of Act No 79 of 15 June 2001 relating to the protection of the environment in Svalbard (the Svalbard Environmental Protection Act).

1. Introduction

In 2014, the Governor of Svalbard appointed an executive committee whose mandate was to carry out a study into whether there was a basis for permitting the use of various kinds of new methods as protection against polar bears, and to review the existing guidelines with the objective of updating these. The following guidelines are the result of the facts obtained and the discussions of the executive committee, and constitute the Governor of Svalbard's complete regulation of the most common firearms and scare devices for protection currently used in polar bear safety precautions.

The guidelines have been established on the basis of Norway's general firearms regulations, but on certain points for which there was no explicit statutory regulation, the Governor of Svalbard has established separate guidelines. The guidelines are also based on recommendations from other specialist authorities, such as the National Police Directorate and the Norwegian Defence Logistics Organisation.

2. Types of firearms

2.1. Rifles

- The acquisition, use, trade and import of rifles for use as protection against polar bears is permitted in Svalbard, pursuant to the Firearms Act and Firearms Regulations.
- Rifles used for protection against polar bears shall have a minimum calibre of .308W or 30-06 (7.62 mm). Rifle bullets shall be expanding, with a minimum bullet weight of 11.5 g. The required impact energy shall be 2,700 J, measured at a distance of 100 m.
- For reasons of precision, range, functionality in cold conditions and stopping power, the Governor of Svalbard recommends the use of rifles as the primary means of protection against polar bears, rather than other types of firearms.
- Hiring out rifles is permitted. For more detailed conditions regarding this, please refer to Section 4.

2.2. Shotguns

- The acquisition, use, trade and import of shotguns for use as protection against polar bears is permitted in Svalbard, pursuant to the Firearms Act and Firearms Regulations.

- Shotguns used for protection against polar bears shall have a minimum calibre of 12, and should have a magazine permitting a minimum of four shots (automatic or pump-action shotgun). The use of slugs (shotgun ammunition comprised of one projectile) is recommended for protection against polar bears.
- However, the Governor of Svalbard warns that most magazine-fed shotguns tend to have problems with icing and condensation, and require more preventive maintenance work if they are to function in difficult conditions. Because of this, combined with the fact that shotguns have less precise sights and a limited range, the Governor of Svalbard recommends the use of rifles as the primary means of protection against polar bears.
- The Governor of Svalbard advises against the use of double-barrelled shotguns for protection against polar bears, because of the number of available shots.
- It is prohibited to hire out shotguns for protection against polar bears.

2.3. Handguns/revolvers

- Handguns for competition and practice can legally be used in the field for protection against polar bears, provided that the Governor of Svalbard has granted a special permit for this.
- This combination of usage purposes shall be stated explicitly on the firearm permit and may only be granted upon application to the Governor of Svalbard. This permit may only be granted if the applicant meets the requirements for documented activity in an approved shooting association.
- Handguns for which an applicant is seeking a permit for use as protection against polar bears shall have a minimum calibre of 44.
- Ammunition to be used for protection against polar bears shall have a minimum weight of 15.5 g and a minimum muzzle energy of 1,200 J.
- Holders of guns used for competition and practice must, within a year of the date of the Governor of Svalbard's decision, document that they have met the minimum requirements for activity in a shooting association, before they can be approved for protection against polar bears.
- The requirements for documented activity are as follows: *Attendance of a minimum of four times per year (organised training or gatherings) at a pistol club (or group within a pistol club) which is affiliated to the association that has a programme which includes the activity of shooting with that particular firearm. If the holder is a member of or is affiliated to several associations, attendance is required a minimum of four times (organised training or gatherings) per year per association.*
- Firearm permits may be revoked from holders who do not meet the requirements for documented shooting practice within the deadline specified by the Governor of Svalbard, and their firearm may have to be sold or handed in.
- New applications for the acquisition of a handgun for the combined purposes of competition and practice and protection against polar bears are required to document that the applicant has had 12 months of active membership of an association affiliated to an approved shooting organisation. The general requirements for continued documented activities in such an association will apply thereafter.

- The practice of granting permits for handguns exclusively for protection against polar bears to trappers and in other special cases will continue. Other permits solely for protection against polar bears will not be granted.
- It is prohibited to hire out handguns for protection against polar bears.

3. Ammunition and other scare devices

3.1. Rubber bullets for shotguns

- The acquisition, use, trade and import of rubber shotgun bullets for protection against polar bears is permitted on a par with other legal ammunition.
- Dealers are obliged to inform anyone purchasing rubber bullets about the ammunition's technical properties and limitations, including the fact that when shooting at bears with the aim of scaring them, the gun should if possible be aimed at the animal's hind quarters so as to avoid injuring the animal.
- Dealers are obliged to inform purchasers that shotguns loaded with rubber bullets must be regarded exclusively as a secondary and defensive means of protection.

3.2. Bear repellent spray/ pepper-balls

- The use, trade and import of bear repellent spray and pepper-balls for protection against polar bears in Svalbard is prohibited. The Governor of Svalbard is currently looking into the regulation of bear repellent spray and pepper-balls for protection against polar bears.

3.3. Flare guns, flare pens and tripwire alarms

- The acquisition, use, trade and import of flare guns, flare pens and tripwire alarms is permitted for protection against polar bears for anyone over the age of 18.
- The loan of flare guns to young persons between the ages of 16 and 18 may be permitted provided that the following conditions have been met:
 - The person must be over the age of 16.
 - The person must be a permanent resident.
 - The person must have the written consent of his/her guardians.
 - The person must have undergone flare gun training before the consent of the guardians is given.
- The hire of flare guns to young persons under the age of 18 is not permitted, cf. Section 4 below.

4. Hire of firearms and equipment including scare devices

4.1. Rifles

It is prohibited to hire out any type of firearm other than rifles approved for protection against polar bears, cf. Section 2.1 above. Firearms may only be hired out for use as protection against polar bears. It is prohibited to hire out firearms for hunting purposes.

Rifles may be hired out provided that the following conditions have been met:

Hire to private individuals:

- Firearms may only be hired out by licensed firearms dealers.
- Rifles suitable for use as protection against polar bears can be hired out for a period of up to 6 months to persons over the age of 18 who have a permit from the police to hire a firearm, or who have a Norwegian firearm permit, European firearm permit or other documentation showing that they have a permit to possess a firearm in their homeland.
- Hired firearms may not be entrusted to other people.
- The dealer shall enter the person's name, the firearm permit's number and the authority that issued the permit in a continuously updated register which shows every hire transaction. The dealer shall provide the person hiring the firearm with a dated and signed declaration.
- The declaration of hire shall contain:
 - a) the name and address of the dealer and the person hiring the firearm,
 - b) the dealer's firearm permit (number and issuing authority),
 - c) the type, calibre, manufacturer's mark and the firearm number of the firearm that is being hired out,
 - d) the intended use of the firearm,
 - e) the intended period for which the firearm will be hired.
- The declaration of hire is valid as a firearm permit and shall be shown to and checked by the police on request. The person hiring the firearm shall have the declaration of hire on his/her person whenever he/she is carrying or transporting the firearm or ammunition.

Hire to tour operators and research institutions:

- Rifles suitable for use as protection against polar bears can be hired out for a period of up to six months to responsible individuals associated with a tour operator or research institution, who in the course of their work need a firearm to protect themselves, other employees or clients.
- The responsible individual must be over the age of 18 and have a permit from the police to hire a firearm, or be the holder of a Norwegian firearm permit, European firearm permit or other documentation showing that he/she has a permit to possess a firearm in his/her homeland.

- The dealer shall enter the responsible individual's name, their firearm permit number (if applicable) and the authority that issued the permit in a continuously updated register which shows every hire transaction.
- The dealer shall provide the recipient with a dated and signed control slip. The control slip shall provide information about:
 - a) the name and address of the dealer and the person hiring the firearm,
 - b) the dealer's firearm permit (number and issuing authority),
 - c) the type, calibre, manufacturer's mark and firearm number of the firearms that are being hired out,
 - d) the intended use of the firearms,
 - e) the intended period for which the firearms will be hired.
- The control slip is valid as a firearm permit and shall be shown to and checked by the police on request. The person hiring the firearm shall have the control slip on his/her person whenever he/she is carrying or transporting the firearms or ammunition.
- The dealer must keep a list of firearms hired out. The hire list must provide information about:
 - a) the name and organisation number of the hiring organisation,
 - b) the person responsible for the institution's firearms (firearm components),
 - c) the conditions on which the firearms have been hired out – firearm permits or other permits issued by the Governor of Svalbard
- The person hiring the firearm must keep a continuously updated register of:
 - a) the recipients' name,
 - b) the type, calibre, manufacturer's mark and firearm number of the firearms (firearm components) that have been issued,
 - c) the date of hire, and
 - d) the date of return.
- A register of the persons who are entitled to use the firearms shall be attached to the list of firearms hired out. The dealer shall have a copy of this register.

General guidelines:

- Dealers are obliged to keep a continuously updated list/register of all the firearms which they hire out.
- The person hiring the firearm must be able to present valid identification when hiring firearms.
- Dealers are recommended to make a copy of the valid photo identification, and to keep a copy of this until the firearm is returned.
- When hiring out a firearm, the dealer may sell or entrust a reasonable quantity of ammunition to the person hiring the firearm.
- For each instance of firearm hire, the dealer shall review the Governor of Svalbard's checklist regarding firearm hire. It is incumbent upon the dealer to ensure that the person hiring the firearm can handle the firearm safely and responsibly, and to provide the necessary instruction on how to handle the hired firearm(s).

- It is no longer permitted for foreign owners of firearms to store firearms in a location other than on their own premises, and anyone providing such storage facilities must notify the owner of the firearm of this. If the owner of the firearm does not undertake to rectify the situation (retrieve or sell the firearm), the Governor of Svalbard shall be notified of this in order to follow this up further.

4.2. Flare guns

- Persons over the age of 18 may hire flare guns. If a flare gun is hired out to a young person aged between 16 and 18, as mentioned in Section 3.3, a guardian must still be registered as the person hiring the firearm.
- It is incumbent upon the dealer to ensure that the person hiring the firearm can handle the flare gun safely and responsibly, and to provide necessary instruction on how to handle the equipment.