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Legality of owning WALTHER P22 and P99 9 mm cal. 9 mm gas pistols on the territory of Poland

Summary

The article describes the problem of selling WALTHER P22 and P99 cal. 9 mm P.A. gas pistols to people not possessing appropriate permission. People who purchase such weapons, without permission to possess them, expose themselves to the charge of illegal possession of firearms. The article presents arguments why these types of weapons are treated as firearms the possession of which requires permission.

Keywords pistol, licence, calibre of weapon

For several months, the Polish firearms market has been offering the possibility to purchase WALTHER P22 (Fig. 1) and P99 (Fig. 2) cal. 9 mm P.A. gas pistols without required permission. With these models, the owner can fire shots using alarm and gas cartridges. The partitions installed firmly in their barrels prevent from firing bullets.

WALTHER P22 cal. 9 mm P.A. gas pistol (Fig. 1) and WALTHER P99 cal. 9 mm P.A. gas pistol (Fig. 2) are classified as gas firearms (Art. 4 of the Act of 21 May 1999 on Arms and Ammunition) because the gas cartridges of 9 mm calibre can be fired from them.

According to the Polish Standard No. PN-V-86005 of October 2000, a gas firearm is a „device made in



Fig. 1. WALTHER P22 cal. 9 mm P.A. gas pistol.



Fig. 2. WALTHER P99 cal. 9 mm P.A. gas pistol.

the form of a revolver, pistol or other, used for throwing incapacitating chemical agents at a distance and producing acoustic effects using propellant"¹.

According to the Polish Standard No. PN-V-01016 of July 2004, a small gas arm is a „small arm used to fire incapacitating agents and producing sound and visual effects”².

WALTHER P22 cal. 9 mm P.A. gas pistol and WALTHER P99 cal. 9 mm P.A. gas pistol meet the requirements of the above definitions of gas weapons because they can throw incapacitating chemical agent at a distance and cause acoustic effect (bang sound) by the action of the propellant present in a pistol gas cartridges cal. 9 mm P.A.

In accordance with Art. 7 of the Act of 21 May 1999 on Arms and Ammunition, a firearm is any portable barrel weapon that fires, is designed to fire or may be converted to fire one or more bullets or substances as a result of the propellant action”³.

WALTHER P22 cal. 9 mm P.A. gas pistol and WALTHER P99 cal. 9 mm P.A. gas pistol meet the requirements of the above statutory definition of a firearm because they can throw incapacitating agent as a result of the pressure of gases produced during the combustion of the propellant placed in the pistol gas cartridges, cal. 9 mm P.A.

The Polish Standard No. PN-V-01016 of July 2004 includes, among others, definitions of the following: firearms, gun barrel, bore and firearm calibre.

In accordance with paragraph 2.1.4 PN-V-01016, a firearm is „a barrel weapon designed, inter alia, for self-defence, enforcing obedience, combating individual and group living targets as well as the firing equipment and firing agents, designed for shooting ammunition of the calibre (with the exception of certain specialized firearms) less than 20 mm”⁴.

In accordance with paragraph 2.3.29 PN-V-01016, a gun barrel is „an essential element of the firearm (2.1.4) in which the velocity and trajectory of the bullet is transmitted in the course of shooting”⁵.

In accordance with paragraph 2.3.47 PN-V-01016, a bore of firearm is a „longitudinal hollow inside the gun barrel (2.3.29) from its rear to the muzzle, where the bullet is placed and passed through the barrel”⁶.

In accordance with paragraph 2.3.47 PN-V-01016, a firearm calibre is „the smallest diameter of the bore of a firearm (2.3.47) expressed in millimetres or inches”⁷.

The above definitions stipulates that the firearm calibre is the smallest diameter of the bore of a firearm. So that the quoted definition of a calibre is not

applicable to the gas and alarm weapons as it is not possible to fire bullets from their bores.

Therefore, WALTHER P22 cal. 9 mm P.A. gas pistol and WALTHER P99 cal. 9 mm P.A. gas pistol are not subject to the provisions of Art. 11 item 11 of the Act of 21 May 1999 on Arms and Ammunition. In the light of the provisions of the Act of 21 May 1999 on Arms and Ammunition, the permission is required in order to own these guns and ammunition used in them.



Fig. 3. The right side of WALTHER P99 cal. 9 mm P.A. gas gun.

The Kolter company, which introduces the above-mentioned pistols on Polish market without requiring the purchasers to have the appropriate permission, have commissioned the weapons manufacturer (UMAREX Company) to put on the surface of the gun the following inscription “barrel calibre less than 6 mm, cal. 9 mm P.A.K. ammunition” (Fig. 3). This inscription suggests that WALTHER P22 and P99 gas pistols fall under Art. 11 of the Act of 21 May 1999 on Arms and Ammunition and the permission to hold them is not required. The inscription, located on the gun surface, misleads the buyers, suggesting that it can be purchased without permission.

Source

Figs. 1–3: author

Translation Ronald Scott Henderson

1 PN-V-86005 of October 2000.

2 PN-V-01016.

3 Act of 21 May 1999 on Arms and Ammunition.

4 4 PN-V-01016.

5 *Ibid.*

6 *Ibid.*

7 *Ibid.*