

ANTIGUA AND BARBUDA



FIREARMS (AMENDMENT) ACT 2017

No. 27 of 2017

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ANTIGUA AND BARBUDA
FIREARMS (AMENDMENT) ACT 2017
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[L.S.]



I Assent,

Rodney Williams,
Governor-General.

17th November, 2017.

ANTIGUA AND BARBUDA
FIREARMS (AMENDMENT) ACT 2017
No. 27 of 2017

An Act to amend the Firearms Act Cap. 171

Enacted by the Parliament of Antigua and Barbuda as follows:

1. Short Title

This Act may be cited as the Firearms (Amendment) Act 2017.

2. Interpretation

In this Act “principal Act” means the Firearms Act Cap. 171.

3. Amendment of the principal Act

The principal Act is amended by repealing the words “Governor-General” wherever it appears in the Act and substituting therefor the word “Minister.”

4. Amendment of section 6(3) and 6(4) and the insertion of new subsection 6(5) of the principal Act-Possession with licences only-Saving

(1) Section 6(3) of the principal Act is amended by repealing section 6(3) and substituting therefore the following —

“6(3) Any person who contravenes any of the provisions of this section is guilty of an offence and liable in the case of—

(a) an offence under subsection (1)—

- (i) on summary conviction to imprisonment for a term not exceeding two years; or
- (ii) on conviction on indictment to imprisonment for a term not exceeding ten years.

(b) an offence under subsection (2)—

- (i) on summary conviction to imprisonment for a term not exceeding two years; or
- (ii) on conviction on indictment to imprisonment for a term not exceeding twenty-five years.”

(2) Section 6(4) of the principal Act is amended by repealing section 6(4) and substituting therefor the following —

“6(4) In addition to any other offence for which he may be convicted, a restricted person who purchases, acquires or has in his possession a firearm or ammunition contrary to subsection (1) is guilty of an offence and in the case of—

(a) an offence under subsection (1)—

- (i) on summary conviction is liable to imprisonment for a term not exceeding two years; or
- (ii) on conviction on indictment to imprisonment for a term not exceeding ten years.

(b) an offence under subsection (2)—

- (i) on summary conviction to imprisonment for a term not exceeding two years; or
- (ii) on conviction on indictment to imprisonment for a term not exceeding fifteen years.”

(3) Section 6 of the principal Act is amended by the insertion of a new subsection (5) to be as follows—

“6(5) Notwithstanding the provision of Subsection (1), the holder of a Firearms User’s Licence who fails to renew the licence when it becomes due is liable to the following penalty if he fails to renew same—

- (a) for a period of up to three months, \$500;
- (b) for a period exceeding three months but not exceeding six months, \$750;
- (c) for a period exceeding six months but not exceeding 12 months, \$1,500; and
- (d) for any period exceeding 12 months, the firearm and ammunition may be confiscated and the holder liable on summary conviction, to a fine of \$2,500.”

5. Amendment of section 8 of the principal Act-Carrying firearm or ammunition in prescribed public places

Section 8 of the principal Act is amended by repealing section 8 and substituting therefor the following —

“A person, other than a Police Officer, a member of the Defence Force, a member of the Armed Force of Her Majesty, a member of the Office of National Drug and Money Laundering Control Policy, or any other law enforcement agency in Antigua and Barbuda, in all cases acting in his capacity as such, or any person or class of persons declared by order of the Minister to be exempt from the provisions of this section is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding two years who carries any firearm or ammunition in any public place that is prescribed by the Minister.”

6. Amendment of section 9(1)(a), 9(1)(b), and 9(2)(a) of the principal Act-Offences relating to selling or transferring firearms or ammunition

(1) Section 9(1)(a) of the principal Act is amended by repealing paragraphs (a) and (b) and substituting therefor the following –

“9(1)(a) on summary conviction to imprisonment for a term not exceeding two years; or

(b) on conviction on indictment to imprisonment for a term not exceeding fifteen years.

(2) Section 9(2)(a) of the principal Act is amended by repealing section 9(2)(a) and substituting the following—

9(2)(a) A person is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding two years who sells or transfers a firearm or ammunition to, or repairs, tests or proves any firearm or ammunition for, any other person whom he knows, or has reasonable cause to believe, to be—

(a) a restricted person.”

7. Amendment of section 10(1)(a), 10(1)(b) and 10(2)(b) of the principal Act-Special offence as to possession of firearms in certain circumstances

(1) Section 10(1) of the principal Act is amended by repealing paragraphs (a) and (b) thereof and substituting the following—

“10(1)(a) on summary conviction to imprisonment for a term not exceeding two years; or

(b) on conviction on indictment to imprisonment for a term not exceeding twenty-five years.

(2) Section 10(2)(b) of the principal Act is amended by repealing paragraph (2)(b) and substituting therefor the following—

10(2)(b) the master or any person in control of such ship, vessel, aircraft, vehicle or other means of conveyance, as the case may be, shall be deemed guilty of an offence under subsection (1) and liable to imprisonment for a term not exceeding two years, unless he proves that the firearms or ammunition were in the ship, vessel, aircraft, vehicle or other means of conveyance without his consent, knowledge or connivance and that he exercised all due diligence to prevent the commission of the offence.”

8. Amendment of section 11(1) of the principal Act-Restrictions relating to the discharge of firearms and ammunition

Section 11(1)(a) of the principal Act is amended by repealing section 11(1)(a) and substituting therefor the following –

“11(1)(a) A person is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding two years who discharges any firearm or ammunition on or within forty yards of any public road or in any public place, except—

(a) in the lawful protection of his person or property or of the person or property of some other person; or”.

9. Amendment of section 14 of the principal Act—Penalty for use of firearms or ammunition in contravention of terms or conditions of licences, &c.

Section 14 of the principal Act is amended by repealing section 14 and substituting therefor the following —

“14. Without prejudice to the foregoing provisions of this Part a person who, being the holder of a licence, certificate or permit, contravenes any of the terms or conditions thereof, is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding two years.”

10. Amendment of section 15(3)(a), 15(3)(b), 15(3)(c) and 15(3)(d) of the principal Act—Prohibition on manufacture &c. of firearm or ammunition

Section 15(3)(a), 15(3)(b), 15(3)(c) and 15(3)(d) of the principal Act is amended by repealing section 15(3)(a), 15(3)(b), 15(3)(c) and 15(3)(d) and substituting therefor the following —

“15(3) A person who contravenes subsection (1) is guilty of an offence and liable in the case of—

- (a) an offence in relation to the manufacture of prohibited weapons on conviction on indictment to imprisonment for a term not exceeding ten years;
- (b) an offence in relation to the manufacture of firearms or ammunition, other than a prohibited weapon—
 - (i) on summary conviction to imprisonment for a term not exceeding two years; or
 - (ii) on conviction on indictment to imprisonment for a term not exceeding ten years;
- (c) an offence in relation to paragraph (a) or (b) of subsection (1)—
 - (i) on summary conviction to imprisonment for a term not exceeding two years; or
 - (ii) on conviction on indictment to imprisonment for a term not exceeding ten years;
- (d) an offence in relation to paragraph (c) —
 - (i) on summary conviction to imprisonment for a term not exceeding two years; or
 - (ii) on conviction on indictment to imprisonment for a term not exceeding fifteen years.”

11. Amendment of section 22(2) of the principal Act-Power to call in firearms and ammunition

Section 22(2) of the principal Act is amended by repealing section 22(2) and substituting therefor the following –

“22(2) A person who fails (within such time as is specified in the Notice) to comply with a Notice under subsection (1) is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding two years.”

12. Amendment of section 24(2) of the principal Act-Special restrictions upon holders of Firearm Dealer’s Licences

Section 24(2) of the principal Act is amended by repealing section 24(2) and substituting therefor the following –

“24(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding two years; or on conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding fifteen years.”

13. Amendment of section 32(2) and 32(3) of the principal Act-Restriction on importation, exportation and transhipment of firearms and ammunition

Section 32(2) and 32(3) of the principal Act is amended by repealing section 32(2) and 32(3) and substituting therefor the following –

“32(2) A person who contravenes or aids or abets any other person in contravening subsection (1) is guilty of an offence and liable—

(a) in the case of an offence relating to a prohibited weapon—

- (i) on summary conviction to imprisonment for a term not exceeding two years; or
- (ii) on conviction on indictment to imprisonment for a term not exceeding ten years;

(b) in any other case—

- (i) on summary conviction to imprisonment for a term not exceeding two years; or
- (ii) on conviction on indictment to imprisonment for a term not exceeding fifteen years.”

32(3) A person is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding two years who, except in accordance with the permission in writing of the Commissioner of Police under section 34, exports any firearm or ammunition from Antigua and Barbuda.”

Passed by the House of Representatives on
The 12th day of October, 2017.

Passed by the Senate
This 13th day of October, 2017.

Gerald Watt, Q.C.,
Speaker.

Alicia Williams Grant,
President.

Ramona Small,
Clerk to the House of Representatives.

Ramona Small,
Clerk to the Senate.