
CHAPTER 213**FIREARMS**

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CHAPTER 213
FIREARMS**An Act to repeal and replace the Firearms Act.**

[Assent 1st May, 1969]

[Commencement 17th July, 1969]

PART I**PRELIMINARY**

- 12 of 1969
10 of 1972
15 of 1974
E.L.A.O., 1974
13 of 1980
10 of 1990
21 of 1994
10 of 2000
21 of 2006
38 of 2011
25 of 2013
10 of 2014
1. This Act may be cited as the Firearms Act. Short title.
2. (1) In this Act, unless the context otherwise requires — Interpretation.
- “acquiring” includes hiring, accepting as a gift and borrowing and the expressions “acquire” and “acquisition” shall be construed accordingly;
- “ammunition” means the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorisation and includes grenades, bombs and other missiles whether capable of use with a firearm or not and prohibited ammunition; 10 of 2014, s. 2.
- “antique firearm” means any firearm manufactured before the first day of January, A.D. 1850 and purchased, acquired or possessed as a curiosity or ornament without any ammunition therefor;
- “body armour” means a bullet proof vest, protective jacket or other article of apparel designed to resist the penetration of ammunition discharged from a firearm; 10 of 2014, s. 2.
- “Commissioner” means the Commissioner of Police;
- “dealer’s licence” means a licence issued to a firearms dealer;
- “export” means to take or cause to be taken out of The Bahamas by land, air or sea; 10 of 2014, s. 2.
- “export licence” means a permit authorising the taking of firearms and ammunition outside of The Bahamas by land, air or sea; 10 of 2014, s. 2.

10 of 2014, s. 2.

“exporter” means any person engaged in the business of exporting or sending firearms, their parts and components and ammunition from The Bahamas;

“firearm” means any barrelled weapon of any description capable of inflicting injury from which any shot, bullet or other missile can be discharged and includes —

- (a) any prohibited weapon;
- (b) any component part of any firearm or prohibited weapon;
- (c) any accessory to any firearm or prohibited weapon designed or adapted to diminish the noise or flash caused by firing the same; and
- (d) any dummy pistol or revolver capable of being converted or used as a firearm,

Third Schedule.

but does not include any weapon or article of a kind specified in the Third Schedule to this Act;

“firearm certificate” means a certificate granted under the provisions of section 10 of this Act;

“firearms dealer” means a person who, by way of trade or business manufactures, sells, transfers, repairs, tests or proves firearms or ammunition to which Parts III and IV of this Act apply;

“gun” means a firearm to which Part IV of this Act applies;

“gun licence” means a licence issued under the provisions of section 16 of this Act;

10 of 2014, s. 2.

“high powered firearm” means any rifle designed or chambered to discharge any rifle cartridge of .22 caliber or greater and with a muzzle energy of 900 foot/pounds or higher;

10 of 2014, s. 2.

“illicit manufacturing” means the development, production, or assembly of firearms, their parts and components or ammunition, and the conversion or transformation of something that is not a firearm into a firearm —

- (a) from parts and components illicitly trafficked;
- (b) without a licence or authorisation from the Licensing Authority; or

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- (c) without marking the firearms at the time of manufacture;
- “illicit trafficking” means the import, export, acquisition, sale, delivery, movement, or transfer of firearms, their parts and components and ammunition from or across the borders of one country to that of another country without legal authorisation issued by the Licensing Authority; *10 of 2014, s. 2.*
- “import” means to bring or cause to be brought into The Bahamas or any other country, as the case may be, by land, air or water; *38 of 2011, s. 2.*
- “in-transit” means imported into The Bahamas for the sole purpose of being exported from The Bahamas to another country; *10 of 2014, s. 2.*
- “in-transit licence” means a permit granted by the Licensing Authority; *10 of 2014, s. 2.*
- “Licensing Authority” means that person or authority who is for the time being charged with responsibility under the relevant provisions of the Constitution for matters relating to internal security;
- “marking” means a unique brand, heading, label ticket, name, signature, word, letter, numeral or any combination thereof which —
- (a) identifies the country of manufacture; and
 - (b) provides information that enables the Licensing Authority of that country to identify the manufacturer and serial number;
- “Minister” means the Minister responsible for the Police Department; *E.L.A.O., 1974.*
- “Out Island District” means a district constituted under the provisions of the Local Government Act or any Act passed in amendment thereof or in substitution therefor; *Ch. 37.*
- “parts and components” means any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block and any device designed or *10 of 2014, s. 2.*

adapted to diminish the sound caused by firing a firearm;

“pistol” means a short-barrelled firearm constructed so as to enable it to be aimed and fired with one hand only and includes a pistol constructed so as to discharge any noxious gas or liquid;

“prescribed” means prescribed by rules made under the provisions of section 47 of this Act;

“prohibited ammunition” means any ammunition referred to in section 30 of this Act;

“prohibited weapon” means any firearm or weapon referred to in section 30 of this Act;

10 of 2014, s. 2.

“readily convertible firearm” means an object which can be converted into an imitation firearm without any special skill on the part of the person converting it and the work involved in converting it does not require equipment or tools other than such as are in common use;

“revolver” includes a pistol and every part thereof but does not include antique revolvers or any toy pistol from which any shot, bullet or missile is discharged by the force of a spring alone;

38 of 2011, s. 2.

“rifle” means a firearm that has a rifled barrel and is designed to be discharged from the shoulder and includes a rifle that is so modified to be discharged otherwise;

“slaughtering instrument” means a firearm which is specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them;

10 of 2014, s. 2.

“tracing” means the systematic tracking of firearms and where possible, their parts and components and ammunition across countries including The Bahamas;

10 of 2014, s. 2.

“trafficking” means the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition into, from or throughout The Bahamas without legal authorisation issued by the Licensing Authority;

“transferring” includes letting on hire, giving, lending and parting with possession, and the expressions “transfer”, “transferee” and “transferor” shall be construed accordingly;

“trap shooting” means shooting at a moving dish-shaped target launched by mechanical means, common known also as skeet or clay-pigeon shooting.

“United Nations Convention Against Transnational Organized Crime” means the United Nations Convention Against Transnational Organized Crime adopted by the United Nations General Assembly on the 15th November 2000; signed in December, 2000 at Palermo, Italy; entered into force on the 29th September, 2003; deposited with the Secretary General of the United Nations; and signed by The Commonwealth of The Bahamas on the 9th April, 2001. *10 of 2014, s. 2.*

(2) For the purpose of this Act the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing.

(3) Any decision of the Licensing Authority made in the exercise of the powers conferred upon him by this Act may be signified under the hand of such public officer as the Authority may from time to time direct.

(4) This Act applies to — *10 of 2014, s. 2.*

- (a) an offence committed wholly or partly within the territory of The Bahamas;
- (b) an offence committed wholly or partly on board a vessel or aircraft that is registered under the laws of The Bahamas;
- (c) an offence committed wholly or partly by a national of The Bahamas whose extradition is refused on the grounds of nationality.

3. (1) From and after the coming into operation of this Act all firearms imported into The Bahamas shall be deposited by the person importing the same in such warehouse or place as shall be appointed by the Licensing Authority. *Importation.*

(2) Subject to the provisions of sections 43 and 44 of this Act no firearm shall be withdrawn or removed from the warehouse or place in which it is deposited except by a

person possessing and producing a dealer's licence or a special licence, firearm certificate or gun licence relating to that firearm, as the case may be, and a record shall be kept of every such withdrawal or removal by the officer in charge of the place from whence the same is withdrawn.

38 of 2011, s. 3.

(3) Any person withdrawing or removing a firearm in contravention of this section shall be liable on summary conviction to imprisonment for a term in the range of two years to four years or to a fine of five hundred dollars or to both such imprisonment and fine.

Importation of
firearms and
ammunition.

38 of 2011, s. 4.

3A. (1) Subject to subsection (3), no person shall import, cause to be imported or take any steps preparatory to importing any firearm or ammunition into The Bahamas except in pursuance of and in accordance with the provisions of this Act.

(2) Any person who contravenes the provisions of subsection (1) commits an offence and is liable —

(a) on conviction on information to a term of imprisonment in the range of ten to fifteen years;

10 of 2014, s. 3.

(b) on summary conviction to a term of imprisonment in the range of two years to ten years,

38 of 2011, s. 4.

and in addition to such term of imprisonment, every such firearm or ammunition shall be forfeited to the Crown.

(3) This section does not apply to the importation of revolvers which are provided for otherwise under this Act.

Exportation of
firearms and
ammunition
without a licence.

10 of 2014, s. 4.

3B. (1) No person shall, except in pursuance of and in accordance with the provisions of this Act —

(a) export or transport, cause to be exported or take any steps preparatory to exporting any firearm, its parts and components or ammunition from The Bahamas without an export licence issued by the Licensing Authority;

(b) carry in-transit any firearm, its parts and components or ammunition from The Bahamas without an in-transit licence issued by the Licensing Authority;

(c) conduct a transnational transfer of any firearm, its parts and components or ammunition from or across the territory of The Bahamas to another

country without legal authorisation or a licence issued in accordance with this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable —

- (a) on conviction on information, to a term of imprisonment in the range of ten to fifteen years;
- (b) on summary conviction, to a term of imprisonment in the range of two to twelve years,

and in addition to such term of imprisonment every such firearm or ammunition shall be forfeited to the Crown.

3C. (1) Every person who knowingly imports, exports or otherwise acquires, sells, delivers, moves or transfers any firearm or its parts and components or ammunition from or across the territory of The Bahamas to another country without legal authorisation or licence issued in accordance with this Act commits an offence.

Offence of transnational transfer without legal authorisation.
10 of 2014, s. 4.

(2) Any person who contravenes the provisions of subsection (1) commits an offence and is liable.

PART II REVOLVERS

4. (1) Subject to the provisions of sections 6, 43 and 44 of this Act, no person shall import into The Bahamas or possess any revolver unless he shall have obtained a special licence in the prescribed form from the Licensing Authority authorising him to import or possess the same.

Introduction and possession of revolvers only under special licence.
38 of 2011, s. 5.

(2) The grant or refusal of a special licence under the provisions of this section shall be at the discretion of the Licensing Authority and every such special licence shall be issued subject to such conditions and restrictions as he may deem fit.

(3) Every such special licence shall cease and be of no effect at midnight on the thirty-first day of December in the year in which it was issued but may be renewed at the discretion of the Licensing Authority:

Provided that an application for the renewal of a special licence shall be made within fourteen days after the expiration of the special licence concerned.

15 of 1974, s. 2.

(4) It shall be lawful for the Licensing Authority by writing under his hand to vest all or any of his powers under the provisions of this section in the Commissioner, but any person aggrieved by any decision made by the Commissioner in the exercise of these powers may appeal to the Licensing Authority and the Licensing Authority may revoke, vary or confirm the decision so appealed against and his decision shall be final and shall not be called in question in any court.

(5) There shall be payable upon issue of a special licence under the provisions of this section a fee of such amount as may be prescribed.

Grant or refusal
of valid export
licence or in-
transit licence.
10 of 2014, s. 5.

4A. (1) The grant or refusal of an export or in-transit licence shall be at the discretion of the Licensing Authority and shall be issued subject to such conditions and restrictions as he may deem fit.

(2) The Licensing Authority may, prior to issue of an export licence or in-transit licence, require the applicant to provide —

- (a) the original or certified copy of any documentation in support of the application;
- (b) a copy of the import licence stating the —
 - (i) country of issuance,
 - (ii) date of issuance and expiration,
 - (iii) identification of authoritative agency,
 - (iv) the final recipient and a description and the quantity of the firearms or their parts and components or ammunition, or
 - (v) a copy of documentation demonstrating that an application for an import licence has been made; and
- (c) authenticated copies of in-transit licences from the countries through which the firearms have been transported.

(3) A licence shall cease and be of no effect at midnight on the thirty-first day of December in the year in which it was issued but may be renewed at the discretion of the Licensing Authority:

Provided that an application for the renewal of an export licence or in-transit licence shall be made within fourteen days prior to the expiration of the special licence concerned.

(4) There shall be payable upon issuance of a licence under this section such fee as may be prescribed.

5. Any person importing a revolver into The Bahamas or being found in possession of a revolver in contravention of this Part shall be liable —

Penalties for
revolvers.

38 of 2011, s. 6.

(a) on conviction on information to imprisonment for a term in the range of ten years to fifteen years;

(b) on summary conviction, to imprisonment for a term in the range of twelve months to ten years,

10 of 2014, s. 6.

and in addition to such term of imprisonment every such revolver shall be forfeited to the Crown:

Provided that where the court is satisfied that such person was the holder of a special licence issued under this Part and did not renew such licence during the period specified in the proviso to subsection (3) of section 4, or during the period of six months next following that period, the court may, in lieu of passing a sentence of imprisonment, impose on such person a fine not exceeding five thousand dollars.

6. Nothing in this Part of this Act shall be deemed to relate to the possession of a revolver by a person, other than a resident of The Bahamas, belonging to or on board of any foreign vessel arriving at any port therein, provided that —

Temporary
exemption of
certain persons
aboard foreign
vessels.

38 of 2011, s. 7.

(a) no such person brings the revolver on shore;

(b) no such person uses the revolver while in the territorial waters of The Bahamas; and

(c) such person makes, in the prescribed form, a declaration of his possession of any such revolver to a proper officer of customs or an Out Island Commissioner at the first port of call in The Bahamas within forty-eight hours of the arrival of the vessel.

7. A special licence issued under the provisions of this Part of this Act may be withdrawn at any time, without giving any reason therefor, by serving upon the holder a notice in writing to that effect given by or under the authority of the Licensing Authority. Such service may be effected personally or by leaving the same at the address given on the said licence.

Withdrawal of
special licence.

PART III
PURCHASE AND POSSESSION OF CERTAIN
FIREARMS AND AMMUNITION

Application.

8. (1) This Part of this Act applies to all firearms as defined in section 2 of this Act except the following weapons and component parts thereof and accessories thereto, namely —

- (a) a revolver;
- (b) a prohibited weapon;
- (c) a smooth bore gun having a barrel not less than twenty inches in length;
- (d) an air gun, air rifle or pistol not being of a type declared by the rules made under the provisions of section 47 of this Act to be specially dangerous:

Provided that subsections (7) and (8) of section 12 and section 13 of this Act shall apply to a revolver and to ammunition therefor as they apply to any other firearm or ammunition.

38 of 2011, s. 8.

(2) This Part of this Act applies to all ammunition as defined in section 2 of this Act, except for the following articles, namely —

- (a) ammunition for an air gun or air rifle or air pistol; and
- (b) blank cartridges not exceeding one inch in diameter.

(3) For the purposes of this section the diameter of a cartridge shall be measured immediately in front of the rim or cannellure of the base of the cartridge.

Occupier of house, building, premises, vehicle or vessel.

38 of 2011, s. 9.

8A. (1) The occupier of any house, building, or premises or the person who has control of any privately operated vehicle, aircraft or vessel in which a firearm is found shall, for the purposes of this Act be deemed to be in possession of such firearm unless the contrary is proved.

(2) For the purposes of this section, “privately operated vehicle, aircraft or vessel” does not include a vehicle, aircraft or vessel that is operated as public transportation.

Penalty for purchase or possession without certificate.

9. (1) Subject to the provisions of section 12, 43 and 44 of this Act, no person shall purchase, acquire or have in his possession any firearm or ammunition to which this Part

of this Act applies unless he holds a firearm certificate in force at the time.

(2) If any person —

21 of 2006, s. 2.

- (a) purchases, acquires or has in his possession any firearm or ammunition to which this Part of this Act applies, without holding a firearm certificate in force at the time, or otherwise than as authorised by such certificate, or, in the case of ammunition in quantities in excess of those so authorised; or
- (b) fails to comply with any condition subject to which a firearm certificate is held by him,

he shall, subject to the provisions of sections 12, 43 and 44 of this Act, for each offence be liable —

- (i) on conviction on information, to imprisonment for a term being in the range of ten years to fifteen years;
- (ii) on summary conviction, to imprisonment for a term in the range of twelve months to ten years:

38 of 2011, s. 10.

10 of 2014, s. .7

Provided that where the court is satisfied that such person was the holder of a firearm certificate granted under this Part and did not renew such firearm certificate during the period specified in the proviso to subsection (4) of section 10, or during the period of six months next following that period, the court may, in lieu of passing a sentence of imprisonment, impose on such person a fine not exceeding five thousand dollars.

38 of 2011, s. 10.

9A. (1) It is an offence for a person to have a firearm or ammunition in his possession with intent to supply it to another in contravention of the provisions of this Act.

Possession of firearm and ammunition with intent to supply.

(2) A person who contravenes this section commits an offence and is liable —

38 of 2011, s. 11.

- (a) on conviction on information to a term of imprisonment in the range of ten years to fifteen years;
- (b) on summary conviction to imprisonment to a term in the range of four years to seven years.

(3) For the purposes of subsection (1), where a person is found in possession of two or more firearms or twenty-five or more rounds of ammunition without a firearm certificate, it shall be presumed, unless the contrary

is proved, that he is in possession of the said firearm or said ammunition with intent to supply it to another person irrespective of whether that person is within The Bahamas or elsewhere.

(4) For the purposes of this Act, “supply” includes sell, transfer or otherwise distribute.

Grant, renewal, variation and revocation of certificates.

10. (1) An application for the grant of a certificate under the provisions of this section shall be made in the prescribed form and manner to the Commissioner, and shall state such particulars as may be required by the said form.

(2) The certificate may be granted by the Commissioner if he is satisfied that the applicant has a good reason for purchasing, acquiring or having in his possession the firearm or ammunition in respect of which the application is made, and can be permitted to have in his possession that firearm or ammunition without danger to the public safety or to the peace:

Provided that a certificate shall not be granted to a person whom the Commissioner has reason to believe to be prohibited by this Act from possessing a firearm to which this Part of this Act applies, or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm.

(3) A certificate granted under this section shall be in the prescribed form and shall specify the conditions (if any) subject to which it is held, the nature and number of the firearm to which it relates, and, with respect to ammunition, the quantities authorised to be purchased and to be held at any one time thereunder.

(4) A firearm certificate shall, unless previously revoked, continue in force until midnight of the thirty-first day of December of the year in which it was issued but shall be renewable from year to year by the Commissioner, and the foregoing provisions of this section shall apply to a renewal of a certificate as they apply to the grant of a certificate:

Provided that an application for renewal of a firearm certificate shall be made within fourteen days after the expiration of the certificate concerned.

(5) The Commissioner may at any time by notice in writing vary the conditions subject to which the certificate is held, except such of them as may be prescribed, and may

by notice require the holder to deliver up the certificate to him within twenty-one days from the date of the notice for the purpose of amending the conditions specified therein.

(6) A firearm certificate may also, on the application of the holder thereof, be varied from time to time by the Commissioner.

(7) A firearm certificate may be revoked by the Commissioner if —

- (a) he is satisfied that the holder is prohibited by this Act from possessing a firearm to which this Part of this Act applies, or is of intemperate habits or unsound mind, or is otherwise unfitted to be entrusted with such a firearm; or
- (b) the holder fails to comply with a notice under subsection (5) of this section requiring him to deliver up the certificate.

(8) Any person aggrieved by a refusal of the Commissioner to grant him a certificate under this section or vary or renew a firearm certificate or by the revocation of a firearm certificate under paragraph (a) of the last foregoing subsection, may appeal to the Licensing Authority and the Licensing Authority may confirm, vary or revoke the decision so appealed against and his decision thereon shall be final and shall not be called in question in any court.

(9) In any case where a firearm certificate is revoked by the Commissioner, he shall by notice in writing require the holder to surrender the certificate, and if the holder fails to do so within twenty-one days from the date of the notice the holder shall be liable on summary conviction to a fine of twenty dollars and to confiscation of the firearm and any ammunition to which the certificate relates:

Provided that where an appeal is brought against the revocation, this subsection shall not apply to that revocation unless the appeal is abandoned or dismissed, but shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

(10) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a certificate under this section, or the variation, or renewal of a firearm certificate, he shall for each offence be liable on summary

conviction to imprisonment for six months or to a fine of sixty dollars or to both such imprisonment and fine.

Fees in respect of certificate.

11. (1) Subject to the provisions of this section and of sections 43 and 44 of this Act, there shall be payable on the grant of a firearm certificate (in this section referred to as a “certificate”) and on the renewal of a certificate, or on any variation of a certificate which increases the number of firearms to which the certificate relates, or on the replacement of a certificate which has been lost or destroyed, a fee of such amount as may be prescribed.

(2) No fee shall be payable on the grant, variation or renewal of a certificate if the Commissioner is satisfied that the certificate relates solely to and, in the case of variation, will continue to relate solely to —

- (a) a signalling apparatus, or ammunition therefor which the applicant requires as part of the equipment of a ship or an aircraft or aerodrome; or
 - (b) a slaughtering instrument, or ammunition therefor which the applicant requires for the purpose of slaughtering animals.
- (3) No fee shall be payable —
- (a) on the grant of a renewal of a certificate relating solely to a firearm which is shown to the satisfaction of the Commissioner to be kept by the applicant as a souvenir of active service in time of war and without any ammunition capable of being used in connection therewith; or
 - (b) on any variation of a certificate the sole effect of which is to add such a firearm as aforesaid to the firearms to which the certificate relates, if the certificate is granted, renewed or varied subject to the condition that the firearm shall be rendered unserviceable for use as such.

Exemptions from holding certificate.

12. (1) The following provisions of this section shall have effect notwithstanding anything in section 9 of this Act.

(2) A person carrying on the business of a firearms dealer and registered as such, or a servant of such dealer authorised in writing by that dealer, may, without holding a firearms certificate (in this section referred to as a “certificate”) purchase, acquire or have in his possession a firearm or ammunition in the ordinary course of that business.

(3) A person carrying on the business of an auctioneer, carrier or warehouseman or a servant of such person authorised in writing by that person, may, without holding a certificate, have in his possession a firearm or ammunition for the purposes of sale, carriage or storage, as the case may be, in the ordinary course of that business:

Provided that an auctioneer shall first have obtained from the Commissioner a temporary permit in the prescribed form entitling him to have a firearm in his possession or under his control for the purpose of sale by auction.

- (4) Any person may, without holding a certificate —
- (a) have in his possession a signalling apparatus or ammunition therefor on board a ship or an aircraft or at an aerodrome, as part of the equipment of the ship, aircraft or aerodrome; and
 - (b) remove a signalling apparatus or ammunition therefor, being part of the equipment of an aircraft, from one aircraft to another at an aerodrome, or from or to an aircraft at an aerodrome to or from a place appointed for the storage thereof in safe custody at that aerodrome, and keep any such apparatus or ammunition at such place; and
 - (c) if he has obtained from the Commissioner a permit for the purpose in the prescribed form, remove a signalling apparatus from or to a ship, an aircraft or aerodrome, to or from such place and for such purpose as may be specified in the permit.

10 of 1990, s. 4.

(5) A member of a cadet corps approved by the Licensing Authority may, without holding a certificate, have in his possession a firearm and ammunition when engaged as such a member in, or in connection with, drill or target practice and a member of a rifle club or miniature rifle club so approved may, without holding a certificate, have in his possession a firearm or ammunition when engaged as such a member in, or in connection with, target practice at a range.

(6) A person conducting or carrying on a miniature rifle range (whether for a rifle club or otherwise) or shooting gallery at which no firearms are used other than miniature rifles not exceeding .23 calibre may, without holding a certificate, purchase, acquire or have in his possession such miniature rifles and ammunition suitable therefor; and any person may, without holding a

certificate, use any such rifle and ammunition at such a range or gallery.

(7) A person taking part in a theatrical performance or any rehearsal thereof, or in the production of a cinematographic film, may, without holding a certificate, have a firearm in his possession during and for the purpose of the performance, rehearsal or production.

(8) Any person may, without holding a certificate, have a firearm in his possession for any purpose of and incidental to starting races at an athletic meeting or a yachting event.

Penalty for taking in pawn as security for debt, firearms or ammunition.

13. (1) No pawnbroker shall take in pawn from any person any firearm or ammunition to which this Part of this Act applies.

(2) No person shall have possession of or keep any firearm or ammunition to which this Part of this Act applies as security for any debt without a firearm certificate therefor.

(3) If any pawnbroker or person contravenes the provisions of this section he shall, for each offence, be liable on summary conviction to imprisonment for a term in the range of five years to seven years or to a fine of one hundred and fifty dollars or to both such imprisonment and fine.

38 of 2011, s. 12.

PART IV PURCHASE AND POSSESSION OF GUNS

Application.

14. This Part of this Act applies to —

(a) smooth bore guns; whether single or double barrelled having such barrel or barrels not less than twenty inches in length; and

(b) air guns, air rifles or air pistols not being of a type prescribed by the rules made under the provisions of section 47 of this Act to be specially dangerous,

15 of 1974, s. 5.

any such weapon being hereinafter in this Part of this Act referred to as a “gun”.

Penalty for purchasing or possessing a gun without a licence.

15. (1) Subject to the provisions of this Act, no person shall purchase, acquire or have in his possession, use or carry any gun unless he holds a licence therefor in force at the time.

(2) Any person who purchases, acquires or has in his possession, uses or carries a gun without a licence therefor shall be liable — *21 of 2006, s. 34.*

(a) on conviction on information, to imprisonment for a term being in the range of ten years to fifteen years; *38 of 2011, s. 13.*

(b) on summary conviction, to imprisonment for a term being in the range of twelve months to ten years: *10 of 2014, s. 8.*

Provided that where the court is satisfied that such person was the holder of a gun licence granted under this Part and did not renew such gun licence during the period specified in the proviso to subsection (3) of section 16, or during the period of six months next following that period, the court may, in lieu of passing a sentence of imprisonment, impose on such a person a fine not exceeding five thousand dollars. *38 of 2011, s. 13.*

(3) If such gun is proved to be the property of some person other than the person in whose possession it is found, or who carries or uses it, such person shall also be liable on summary conviction to the same punishment unless he proves that he holds a gun licence and that the person in whose possession the gun was found had such gun in his possession or carried or used it without the knowledge or against the consent of such other person.

(4) Where a gun is carried in parts by two or more persons in company, each and every one of such persons shall be deemed to carry the gun.

16. (1) An application for the grant of a gun licence under the provisions of this section shall be made in the prescribed form to the Commissioner and shall state such particulars as may be required by the said form *Grant of licences.*

(2) The licence may be granted by the Commissioner if he is satisfied on good and sufficient evidence that the applicant is a fit and proper person to be granted a gun licence:

Provided that a licence shall not be granted to a person whom the Commissioner has reason to believe to be prohibited by this Act from possessing a gun to which this Part of this Act applies, or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a gun.

10 of 1972, s. 2.

(3) A gun licence granted under this section shall be in the prescribed form and shall specify any condition subject to which it is held and shall, unless previously revoked, continue in force until midnight of the thirty-first day of December of the year in which it was granted but shall be renewable from year to year by the Commissioner: and the foregoing provisions of this section shall apply to a renewal of a gun licence as they apply to the grant of such a licence:

Provided that an application for the renewal of a gun licence shall be made within fourteen days after the expiration of the gun licence concerned.

(4) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a licence under this section he shall be liable on summary conviction to imprisonment for six months or to a fine of sixty dollars or to both such imprisonment and fine.

(5) The Licensing Authority may direct in writing that all or any of the powers and functions vested in the Commissioner under the provisions of this section shall for the time being be exercisable in any Out Island District by any police officer of or above the rank of inspector, or by the commissioner of that district, subject to such conditions and restrictions as he may think fit.

Fees for licences.

10 of 1972, s. 3.

17. (1) There shall be payable on the grant or the renewal of a gun licence and on the replacement of a gun licence which has been lost or destroyed a fee of such amount as may be prescribed.

25 of 2013, s. 2.

(2) A person who fails to make an application for the renewal of a gun licence within fourteen days after the expiration thereof in accordance with section 16(3), shall be liable to pay a late fee of fifty dollars per gun per annum.

(3) A record of every licence issued under this Part of this Act shall be entered in the prescribed book.

Exemptions.

18. (1) The following provisions of this section shall have effect notwithstanding anything contained in section 15 of this Act.

(2) A person carrying on the business of a firearms dealer and registered as such, or a servant of such a person, may without holding a gun licence, purchase, acquire or

have in his possession a gun in the ordinary course of that business.

(3) A person carrying on the business of an auctioneer, carrier, or warehouseman, or a servant of such person may, without holding a gun licence, acquire or have in his possession a gun in the ordinary course of that business.

(4) A person into whose custody the holder of a gun licence has entrusted the gun, the subject of such licence, for the temporary custody, not exceeding thirty days, of such gun need not hold a gun licence if he does not use the gun, whether he is a servant of the licence holder or otherwise.

(5) Any member or guest of a trap-shooting club or association which has been approved in writing by the Licensing Authority and any customer resorting to a trap-shooting range, the owner or manager of which has been approved in writing by the Licensing Authority, may for the purpose of trap-shooting organised by such club or association or conducted at such range, as the case may be, have in his possession and use a gun without holding a gun licence, so long as there is in force in relation to that gun a valid licence granted to a responsible officer of the club or to the owner or manager of the range, as the case may be.

(6) A person who has obtained from the Commissioner a permit for the purpose in the prescribed form may without holding a gun licence have in his possession, or have in his possession and use, a gun and ammunition therefor in accordance with the terms of the permit.

19. (1) The Commissioner may withdraw any gun licence issued under the provisions of this Part of this Act —

Withdrawal of licences.

- (a) when the holder is convicted of an offence under this Act or is prohibited by this Act from possessing a gun; or
- (b) when, for reasons to be recorded in writing, the Licensing Authority deems it necessary for the public peace.

(2) A gun licence shall be withdrawn by serving upon the holder a notice in writing to that effect signed by the Commissioner.

20. (1) Any person who is aggrieved by the decision of the Commissioner refusing to grant or renew or withdrawing a gun licence may within one month of such

Appeal.

refusal or withdrawal, as the case may be, appeal to the Licensing Authority and the Licensing Authority, after such enquiry as may appear necessary, may confirm or reverse such decision.

(2) The decision of the Licensing Authority shall be final and shall not be called in question in any court.

Guns to be marked.

21. (1) Whenever any gun for which a licence is required is not marked with such names and figures, or in such other manner that the same may be readily identified, the Commissioner may, whenever application is made for a gun licence before granting the licence, require the applicant to produce the gun, and thereupon to cause it to be marked on the lock, stock and barrel with some permanent mark whereby the same may afterwards be known and identified, but in such manner as not to injure or disfigure the same and such gun when duly marked shall, with the licence relating thereto, be delivered to the applicant.

(2) Any person who wilfully obliterates or defaces or alters, counterfeits or forges any mark placed on any gun or accepted by the Commissioner under the provisions of subsection (1) of this section, or marks any gun with any mark resembling or intended to resemble any mark so used by the Commissioner, with intent thereby to expose any person to any fine, or to commit any other fraud, shall be liable for each such offence to a fine of one hundred and fifty dollars.

Offence of transnational transfers of unmarked or improperly marked firearms.
10 of 2014, s. 9.

21A. (1) Any person who knowingly —

- (a) marks a complete firearm, or a firearm that is complete yet unassembled, with false markings at the time of manufacture;
- (b) marks imported firearms with false markings, commits an offence and is liable —
 - (i) on conviction on information to a term of imprisonment in the range of ten to fifteen years;
 - (ii) on summary conviction to a term of imprisonment in the range of two to ten years.

(2) Any person who knowingly exports or otherwise acquires, sells, delivers, moves or transfers any unmarked firearm from or across The Bahamas to another country commits an offence and is liable —

- (a) on conviction on information to a term of imprisonment in the range of ten to fifteen years;
- (b) on summary conviction to a term of imprisonment in the range of two to ten years.

PART V FIREARMS DEALERS

22. (1) Subject to the provisions of this section, no person shall, by way of trade or business —

- (a) illicitly manufacturing, traffic, sell, transfer, repair, test or prove; or
- (b) expose for sale or transfer, or have in his possession for sale, transfer, repair, test or proof,

Penalty for manufacturing or dealing in firearms without being registered.
10 of 2014, s. 10.

any firearm (other than a revolver), its parts or components or ammunition unless he is registered as a firearm dealer:

Provided that it shall be lawful for an auctioneer to sell by auction, expose for sale by auction and have in his possession for sale by auction any such firearm or ammunition without being registered as aforesaid, if he has obtained from the Commissioner a permit for that purpose in the prescribed form and he complies with the terms of the permit.

(2) If any person contravenes the provisions of this section or makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a permit under this section, he shall for each offence be liable on summary conviction to imprisonment for a term in the range of two years to ten years or to a fine of one hundred and fifty dollars or to both such imprisonment and fine.

*38 of 2011, s. 14.
10 of 2014, s. 10.*

23. (1) For the purposes of this Act, the Commissioner shall keep in the prescribed form a register of firearms dealers and, subject as hereinafter provided, shall enter therein the name of any person who having, or proposing to have, a place of business, applies to be registered as a firearms dealer and furnishes him with the prescribed particulars.

Registration of firearms dealers.

(2) The Commissioner shall not register any person as a firearms dealer unless he is satisfied that —

- (a) the applicant is of good character;
- (b) the applicant has taken or proposes to take adequate precautions for the security of his business premises and of any firearms to be kept therein; and
- (c) in all other respects the applicant is capable of complying fully with the provisions of this Act relating to the duties of a firearms dealer.

(3) It shall be lawful for the Commissioner to impose such conditions as he may think fit upon the registration of any person as a firearms dealer and any such condition shall be endorsed upon the certificate granted under section 24 of this Act.

(4) On the registration of an applicant as a firearms dealer in any area there shall be payable a fee of such amount as may be prescribed, and a fee of like amount shall be due and payable upon each anniversary of the registration of such firearms dealer so long as his name remains upon the register for that area:

Provided that no fee shall be payable if the Commissioner is satisfied that the only place of business in respect of which the application is made is one to which the applicant proposes to transfer the business previously carried on by him at a place entered in the register for another area.

(5) If the Commissioner, after giving reasonable notice to any person whose name is on the register, is satisfied that that person —

- (a) is no longer carrying on business as a firearms dealer; or
- (b) has ceased to have a place of business in the area for which he is registered; or
- (c) has contravened any provision of this Act relating to firearms dealers or any condition imposed by the Commissioner under the provisions of this section; or
- (d) cannot be permitted to continue to carry on business as a firearms dealer without danger to the public safety or the peace; or

(e) has failed or neglected for a period of six months or upwards to pay any fee payable under subsection (4) of this section,

he shall cause the name of that person to be removed from the register.

(6) The Commissioner shall also cause the name of any person to be removed from the register if that person so desires.

(7) Any person aggrieved by a refusal of the Commissioner to register him as a firearms dealer, or by the removal of his name from the register, may appeal and the provisions of section 10 with regard to appeals under that section shall apply to appeals under the provisions of this section.

(8) If any person, for the purpose of procuring the registration of himself or of any other person as a firearms dealer, makes any statement which he knows to be false, he shall, for each offence, be liable on summary conviction to imprisonment for a term in the range of twelve months to ten years or to a fine of one hundred and fifty dollars or to both such imprisonment and fine.

38 of 2011, s. 15.

10 of 2014, s. 11.

24. (1) The Commissioner shall grant or cause to be granted to any person who is registered under the last preceding section a certificate of registration.

Certificates of registration.

(2) In any case where the Commissioner causes the name of any firearms dealer to be removed from the register, he shall by notice in writing require the dealer to surrender his certificate of registration and if the dealer fails to do so within one month from the date of the notice he shall be liable on summary conviction to a fine of sixty dollars:

Provided that, where an appeal is brought against removal, this subsection shall not apply to that removal unless the appeal is abandoned or dismissed, and shall in that case have effect as if for the reference to the date of the notice there was substituted a reference to the date on which the appeal was abandoned or dismissed.

25. (1) The prescribed particulars which a person applying to be registered in any area as a firearms dealer under the provisions of section 23 of this Act is required to furnish shall include particulars of every place of business

Registration of places of business of firearms dealers.

at which he proposes to carry on business within the area as a firearms dealer, and the Commissioner shall, subject as hereinafter provided, enter in the register every such place of business.

(2) Every person registered as a firearms dealer in any area who proposes to carry on business as such at any place of business in that area which is not entered in the register, shall notify the Commissioner and furnish him with such particulars as may be prescribed, and the Commissioner shall, subject as hereinafter provided, enter that place of business in the register.

(3) The Commissioner, if he is satisfied that any place of business notified to him by any person under subsection (1) or (2) of this section, or any place entered as a place of business of any person in the register of firearms dealers, is a place at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace, may refuse to enter that place of business in the register or remove it from the register, as the case may be.

(4) Any person aggrieved by any such refusal or removal may appeal and the provisions of section 10 with regard to appeals under that section shall apply to appeals under the provisions of this section.

(5) If —

- (a) any person being a registered firearms dealer, has a place of business which is not entered on the register for the area in which ‘that place is situated, and carries on business as a firearms dealer at that place; or
- (b) any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the entry of any place of business in the register of firearms dealers.

he shall, for each offence, be liable on summary conviction to imprisonment for a term in the range of twelve months to ten years or to a fine of one hundred and fifty dollars or to both such imprisonment and fine.

*38 of 2011, s. 16.
10 of 2014, s. 12.*

Register of
transactions in
firearms.

First Schedule.

26. (1) Every person who by way of trade or business manufactures, sells or transfers firearms or ammunition shall provide and keep a register of transactions and shall enter or cause to be entered therein the particulars set out in the First Schedule to this Act.

(2) Every such entry shall be made within twenty-four hours after the transaction to which it relates took place, and, in the case of a sale or transfer, every such person as aforesaid shall at the time of the transaction require the purchaser or transferee, if not known to him, to produce a certificate together with sufficient proof of identity authorising him to purchase or acquire such firearm or ammunition or to satisfy him that he is otherwise authorised under the provisions of this Act to purchase and acquire the same, and shall immediately enter such particulars in the register.

(3) Every such person as aforesaid shall on demand allow any peace officer, duly authorised in writing in that behalf by the Commissioner, to enter and inspect all stock in hand, and shall on request —

- (a) by any peace officer duly authorised in writing in that behalf by the Commissioner; or
- (b) by an officer of the customs duly authorised in that behalf by the Comptroller of Customs, produce for inspection the register so required to be kept as aforesaid:

Provided that in each case where a written authority is required by this subsection, the authority shall be produced on demand.

(4) Every registered firearms dealer shall, on the thirty-first day of March and the thirtieth day of September in every year, submit to the Commissioner a written return specifying —

- (a) the quantities and description of all firearms and ammunition sold or transferred by him within the preceding six months, together with the names and addresses of the transferees; and
 - (b) the quantities and description of firearms and ammunition remaining for sale or transfer as part of his stock-in-trade at that date.
- (5) If any person —
- (a) fails to comply with any of the provisions of this section; or
 - (b) knowingly makes any false entry in the register required to be kept under this section,

he shall, for each offence, be liable on summary conviction to imprisonment for a term of twelve months to ten years

*38 of 2011, s. 17.
10 of 2014, s. 13.*

or to a fine of one hundred and fifty dollars or to both such imprisonment and fine.

(6) Nothing in this section shall apply to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under the proviso to subsection (1) of section 22 of this Act.

E.L.A.O., 1974.
First Schedule.

(7) The Minister may, by rules under this Act, vary or add to the First Schedule to this Act and references in this Act to that Schedule shall be construed as references to the Schedule as for the time being varied or added to.

Powers of court
in case of
offences by
firearms dealers.

27. Where a registered firearms dealer is convicted of an offence under the provisions of this Act or of an offence against the enactments relating to customs in respect of the import or export of firearms or ammunition, the court may order —

- (a) that the name of the registered dealer be removed from the register; and
- (b) that neither the dealer nor any person who acquires the business of that dealer, nor any person who took part in the management of the business and was knowingly a party to the offence shall be registered as a firearms dealer; and
- (c) that any person, who after the date of the order knowingly employs in the management of his business the dealer convicted of the offence, or any person who was knowingly a party to the offence shall not be registered as a firearms dealer or, if so registered, shall be liable to be removed from the register; and
- (d) that any stock in hand consisting of firearms and ammunition shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order:

Provided that a person aggrieved by an order made under this section may appeal against the order in the same manner as against the conviction and the court may, if it thinks fit, suspend the operation of the order pending the appeal.

PART VI
MISCELLANEOUS

28. (1) No person shall sell or transfer to any other person, other than a registered firearms dealer, a firearm or ammunition, unless that other person produces a firearm certificate or a gun licence authorising him to purchase or acquire or shows that he is by virtue of this Act entitled to purchase or acquire it without such a certificate or licence:

Restrictions on sale, repair of firearms and ammunition.

Provided that this subsection shall not prevent —

- (a) a person parting with the possession of a firearm or ammunition, otherwise than in pursuance of a contract of sale or hire, or by way of gift or loan, to a person who shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding such a certificate or licence; or
- (b) the delivery of a firearm or ammunition by a carrier or warehouseman, or a servant authorised in writing by such carrier or warehouseman, in the ordinary course of his business or employment as such.

(2) Every person who sells, lets or hires, gives or lends a firearm or ammunition to any person other than a registered firearms dealer, shall, unless that other person shows that he is by virtue of this Act entitled to purchase or acquire the firearm or ammunition without holding a firearm certificate or gun licence, comply with any instructions contained in the certificate or licence produced and in the case of a firearm shall within forty-eight hours from the transaction, send by registered post notice of the transaction to the Commissioner.

(3) No person, unless authorised in writing by the Commissioner, shall undertake the repair, test or proof of a firearm or ammunition for another person other than a registered firearms dealer as such, unless that other person produces or causes to be produced a firearm certificate or gun licence authorising him to have possession of the firearm or ammunition, or shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding such a certificate or licence.

- (4) If any person —
 - (a) contravenes or fails to comply with any of the provisions of this section; or

- (b) with a view to purchasing or acquiring, or procuring the repair, test or proof of a firearm or ammunition, produces a false firearm certificate or licence or a firearm certificate or licence in which any false entry has been made, or impersonates a person to whom a firearm certificate or gun licence has been granted, or makes any false statement,

38 of 2011, s. 18.

10 of 2014, s. 14.

he shall, for each offence, be liable on summary conviction to imprisonment for a term in the range of twelve months to ten years or to a fine of one hundred and fifty dollars or to both such imprisonment and fine.

Restriction on purchase and possession of firearms by young persons.

29. (1) Save as in this section expressly provided —

- (a) no person under the age of eighteen years shall purchase, hire, use or carry, accept as a gift or borrow any firearm or ammunition;
- (b) no person shall sell or let on hire, give or rent out any firearm or ammunition to any other person whom he knows or has reasonable grounds for believing to be under the age of eighteen years; and
- (c) no person shall permit the using or carrying of any firearm or ammunition by a person under the age of eighteen years.

10 of 2014, s. 15.

38 of 2011, s. 19.

(2) If any person contravenes the provisions of subsection (1) of this section he shall for each offence be liable on summary conviction to imprisonment for a range of twelve months to ten years or to a fine of one hundred and fifty dollars or to both such imprisonment and fine.

38 of 2011, s. 19.

(3) Notwithstanding anything contained in subsection (1) of this section, a person between the ages of fourteen and eighteen years may accept as a gift or borrow, use or carry, any gun or ammunition to which Part IV of this Act applies while under the supervision of a parent or guardian or a person over twenty-one years who has the permission of the said parent or guardian and no person shall be guilty of any offence under the provisions of this section by reason of his permitting such a person to do so in such circumstances:

Provided that a person under the age of eighteen years shall not have any gun in his possession in a public place except a gun which is so covered with a securely fastened gun cover that it cannot be fired or except while using such

a gun or ammunition at a shooting gallery where the only firearms used are guns not exceeding .23 calibre.

30. (1) It shall not be lawful for any person without the express written authority of the Licensing Authority to manufacture, sell, transfer, purchase, acquire or have in his possession —

Prohibited
weapons and
ammunition.

- (a) any firearm which is so designed or constructed as to discharge any explosive matter; or
- (b) any firearm which is so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until the pressure is removed from the trigger or the magazine containing the missiles is empty; or
- (c) any weapon of whatever description designed or adapted for the discharge of any noxious or inflammable liquid, gas or other thing; or
- (d) any ammunition containing or designed or adapted to contain any such noxious or inflammable thing;
- (e) any rifle designed to discharge ammunition of 22 calibre and above except 22 long rifle calibre and 22 short calibre;
- (f) any firearm which is of a class declared by the Licensing Authority by order to be a prohibited class of firearms for the purposes of this section.

38 of 2011, s. 20.

(2) Where any person contravenes the provisions of subsection (1) he shall be liable —

- (a) on conviction on information to imprisonment for a term in the range of ten years to twenty-five years;
- (b) on summary conviction to imprisonment for a term in the range of two years to ten years.

38 of 2011, s. 16.

10 of 2014, s. 16.

(3) Where the Licensing Authority is satisfied, on the application of a person in charge of a theatrical performance, that such firearm as is mentioned in paragraph (b) of subsection (1) of this section is required for the purpose of the performance, he may, if he thinks fit, not only authorise that person to have possession of the firearm but also authorise such other persons, as he may select, to have possession thereof while taking part in the performance. In this subsection the expression “theatrical performance” includes a rehearsal of such a performance and the production of a cinematographic film.

(4) Any written authority given to any person under this section shall be subject to such conditions as may be specified therein, and if that person fails to comply with any such conditions he shall for each offence be liable on summary conviction to imprisonment for three months or to a fine of one hundred and fifty dollars or to both such imprisonment and fine.

(5) The Licensing Authority may at any time, if he thinks fit, revoke the authority given by him to any person under this section by notice in writing requiring that person to deliver up the authority to such persons as may be specified in the notice within twenty-one days from the date of the notice, and if that person fails to comply with that requirement he shall be liable on summary conviction to a fine of seventy-five dollars.

(6) The foregoing provisions of this section shall be in addition to and not in derogation of any other provisions of this Act, but —

- (a) the Commissioner shall not refuse to grant or renew, and shall not revoke, a firearm certificate in respect of a prohibited weapon or prohibited ammunition if the applicant is for the time being authorised by the Licensing Authority to have possession of that weapon or ammunition; and
- (b) the Commissioner shall not refuse to enter in the register of firearms dealers the name of a person for the time being authorised to manufacture, sell or transfer a prohibited weapon or prohibited ammunition, or remove the name of such person from the register, save on the ground that he cannot be permitted to carry on, or to continue to carry on business as a firearms dealer without danger to the public safety or to the peace; and

where any authority to purchase, acquire or have possession of a prohibited weapon or prohibited ammunition is revoked under this section the firearm certificate relating to that weapon or ammunition shall be revoked or varied accordingly by the Commissioner.

30A. A person who, without the express permission of the Licensing Authority, manufactures, sells, transfers, purchases, exports, imports, transits, acquires or has in his possession any high powered firearm as defined in this Act, commits an offence and is liable on conviction to a

Prohibited high powered firearm.
10 of 2014, s. 17.

term of imprisonment of twenty-five years to life imprisonment.

31. (1) No person shall sell or transfer any firearms or ammunition to, or repair, prove or test any firearm or ammunition for, any other person whom he knows or has reasonable ground for believing to be drunk or of unsound mind.

Prohibition of sale of firearms to drunk or insane persons.

(2) If any person contravenes any provision of this section, he shall for each offence be liable on summary conviction to imprisonment for two years to ten years or to a fine of one hundred and fifty dollars.

*38 of 2011, s. 21.
10 of 2014, s. 18.*

32. (1) Subject to the provisions of this section, a person who has been sentenced to imprisonment for a term of three months or upwards for any crime shall not, at any time during the period of five years from the date of his release, have a firearm or ammunition in his possession.

Prohibition on person convicted of crime purchasing or possessing firearms.

(2) Subject to the provisions of this section a person who is subject to the supervision of the police, or is subject to a recognisance to keep the peace, or to be of good behaviour a condition of which is that he shall not possess, use or carry a firearm, shall not, at any time during which he is so subject, have a firearm or ammunition in his possession.

(3) A person prohibited under this section from having in his possession a firearm or ammunition may apply for the removal of the prohibition as if such application were an appeal under the provisions of section 10 of this Act and if the application is granted, then the provisions of this section shall not apply to that person.

(4) No person shall sell or transfer a firearm or ammunition to, or repair, test or prove a firearm or ammunition for any person whom he knows, or has reasonable ground for believing, to be prohibited by this section from having a firearm or ammunition in his possession.

(5) If any person contravenes any provision of this section, he shall for each offence be liable —

21 of 2006, s. 2.

(a) on conviction on information, to imprisonment for a term in the range of ten years to fifteen years;

38 of 2011, s. 22.

(b) on summary conviction, to imprisonment for a term in the range of twelve months to ten years

10 of 2014, s. 19.

and in addition to a fine of five thousand dollars, such gun or ammunition shall be forfeited to the Crown.

Penalty for possessing firearms with intent to injure.

33. If any person has in his possession any firearm or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property, he shall, whether any injury to person or property has been caused or not, be guilty of an offence, and shall be liable —

10 of 2014, s. 20.

(a) on conviction on information to a term of imprisonment in the range of ten years to fifteen years;

10 of 2014, s. 20.

(b) on summary conviction to a term of imprisonment in the range of two years to ten years.

Penalty for use or possession of firearms or imitation firearms in certain cases.

34. (1) Any person who has with him a firearm or imitation firearm with intent to commit an indictable offence, or to resist or prevent the lawful arrest or detention of himself or any other person, or with intent to put any other person in fear, shall be guilty of an offence and shall be liable —

10 of 2014, s. 21.

(a) on conviction on information to a term of imprisonment in the range of ten years to fifteen years;

10 of 2014, s. 21.

(b) on summary conviction to a term of imprisonment in the range of two years to ten years.

10 of 2014, s. 21.

(2) In any proceeding for an offence under this section proof that the accused person had a firearm or imitation firearm with him and that he intended to commit an offence or to resist or prevent arrest or detention or put another person in fear, shall be evidence that he intended to have it with him while so doing.

(3) A person who commits an offence under this section in respect of the lawful arrest or detention of himself for any other offence committed by him, shall be liable to the penalty provided by this section in addition to any penalty to which he may be liable for that other offence.

(4) If any person, at the time of committing, or at the time of his apprehension for, any offence specified in the Second Schedule to this Act, has in his possession any firearm or imitation firearm, he shall, unless he shows that

10 of 2014, s. 21.
Second Schedule.

he had it in his possession for a lawful object, be guilty of an offence under this subsection and liable —

- (a) on conviction on information to a term of imprisonment in the range of four years to seven years;
- (b) on summary conviction to imprisonment for a term in the range of two years to five years.

(5) If on the trial of any person for an offence under subsection (1) of this section, the jury is not satisfied that he is guilty of an offence under subsection (1) of this section, the jury may find him guilty of the offence under subsection (4) of this section, and he shall be punished therefor accordingly.

(6) A firearm or imitation firearm shall notwithstanding that it is not loaded or is otherwise incapable of discharging any shot, bullet or other missile, be deemed to be an offensive weapon or instrument for the purpose of the Penal Code.

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(7) In this section, the expression “imitation firearm” means anything which has the appearance of being a firearm.

35. Any person who while he has a firearm with him enters or is found in any building or part of a building as a trespasser and without reasonable excuse, the proof whereof shall lie upon him, shall be sentenced on summary conviction to imprisonment for a term in the range of two years to seven years

Trespassing with firearms in a building.

15 of 1974, s. 7.

10 of 2014, s. 22.

36. (1) No person other than a registered firearms dealer shall shorten the barrel of a smooth bore gun to a length less than twenty inches.

Provisions as to shortening guns and converting imitation firearms into firearms.

(2) No person other than a registered firearms dealer shall convert into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through the barrel thereof.

(3) If any person contravenes any of the foregoing provisions of this section he shall for each offence be liable on conviction on information to imprisonment for a term in the range of four years to seven years or to a fine of three hundred dollars or to both such imprisonment and fine, or on summary conviction, to imprisonment for a term in the range of twelve months to five years or to a fine of one

38 of 2011, s. 26.

10 of 2014, s. 23.

hundred and fifty dollars or to both such imprisonment and fine.

21 of 1994, s. 6.

(4) If any person purchases, acquires or has in his possession a smooth bore gun which has been shortened, or a firearm which has been converted as aforesaid (whether by a registered firearms dealer or not) without holding a firearm certificate authorising him to purchase, acquire or possess it, he shall be liable —

*10 of 2000, s. 2.
38 of 2011, s. 26.
10 of 2014, s. 23.*

(a) on conviction on information to imprisonment for a term in the range of ten years to fifteen years;

*10 of 2000, s. 2.
38 of 2011, s. 26.
10 of 2014, s. 23.*

(b) on summary conviction before a Stipendiary and Circuit Magistrate to imprisonment for a term in the range of twelve months to ten years,

and in addition to a fine of ten thousand dollars.

Restriction on the discharge of firearms.

*15 of 1974, s. 9.
38 of 2011, s. 27.*

37. Any person who wantonly discharges any fire-arms to the annoyance or danger of any person shall be guilty of an offence and liable on summary conviction to imprisonment for a term in the range of four years to seven years or to a fine of three hundred dollars or to both such imprisonment and fine.

Conspiracy, attempt, aiding and abetting.
*38 of 2011, s. 27.
10 of 2014, s. 24.*

37A.(1) Where two or more persons agree or act together with a common purpose in committing or abetting an offence under this Act whether with or without any previous concert or deliberation, each of them commits conspiracy to commit or abet that offence as the case may be, and shall be liable —

(a) on conviction on information to a term of imprisonment in the range of fifteen years to twenty years;

(b) on summary conviction to a term of imprisonment in the range of twelve months to ten years.

(2) A person in the jurisdiction of the courts may be found guilty of conspiracy by agreeing with another person who is beyond the jurisdiction for the commission or abetment of any offence under this Act to be committed by them together or by either of them or by any other person, either within or beyond the jurisdiction.

(3) For the purposes of subsection (2), with regard to the offence to be committed beyond the jurisdiction, “offence” means any act which, if done within the jurisdiction would be an offence under this Act.

(4) Where any person commits an offence under this Act, or solicits or incites another person to commit such an offence, he shall, without prejudice to any other liability, be liable —

- (a) on conviction on information to a term of imprisonment in the range of ten years to twenty years;
- (b) on summary conviction to a term of imprisonment in the range of twelve months to ten years.

10 of 2014, s. 24.

(5) A person who in The Bahamas aids, abets, counsels or procures the commission in any place outside of The Bahamas of any offence punishable under the provisions of any corresponding law in force in that place or does any act preparatory to, or in furtherance of any act which, if committed in The Bahamas, would constitute an offence under this Act is liable —

- (a) on conviction on information to a term of imprisonment in the range of ten years to twenty years;
- (b) on summary conviction to a term of imprisonment in the range of twelve months to ten years.

38 of 2011, s. 28.

10 of 2014, s. 24.

37B. (1) The Licensing Authority may, subject to such conditions as it thinks fit, give approval to a person or class of persons and may revoke an approval or vary the conditions of such approval.

Unauthorised possession of body armour.
38 of 2011, s. 28.

(2) A person who without the approval in writing of the Licensing Authority —

- (a) manufactures, sells, distributes, supplies or otherwise deals in body armour; or
- (b) has possession of or uses body armour, commits an offence and is liable —

- (i) on conviction on information to imprisonment for a term in the range of ten years to fifteen years;
- (ii) on summary conviction to imprisonment for a term in the range of six months to ten years.

10 of 2014, s. 25.

(3) In this section, “body armour” means a bulletproof vest, protective jacket or other article of apparel designed to resist the penetration of ammunition discharged from a firearm.

**PART VII
GENERAL**

Provision as to forfeiture of firearms and cancellation of certificates and licences.

- 38.** (1) Where any person —
- (a) is convicted of an offence under this Act or is convicted of any crime for which he is sentenced to imprisonment; or
 - (b) has been ordered to be subject to police supervision, or to enter into a recognisance to keep the peace or to be of good behaviour, a condition of which is that the offender shall not possess, use or carry a firearm,

38 of 2011, s. 29.

the court before which he is convicted or by which the order was made shall, unless the court is satisfied that the person was, at the time of the commission of the offence, not the owner and not acting with the authority of the owner of such firearm or ammunition, order any firearm or ammunition found in his possession to be forfeited to the Crown, and may cancel any firearm certificate or gun licence held by the person convicted.

(2) Where the court cancels a firearm certificate or gun licence under this section —

- (a) the court shall cause notice to be sent to the Commissioner; and
- (b) the Commissioner shall by notice in writing require the holder of the certificate or licence to surrender it; and
- (c) if the holder fails to surrender the certificate or licence within twenty-one days from the date of the notice received by him, he shall be liable on summary conviction to a fine of sixty dollars.

Production of certificates and licences.

39. (1) Any of the following officers, namely any peace officer or any officer of customs or any other Government officer who is authorised in writing in that behalf by the Commissioner, may demand from any person —

- (a) possessing, carrying or using; or
- (b) whom he believes to be in possession of,

a revolver or a firearm or ammunition to which Part III of this Act applies or a gun to which Part IV of this Act applies, the production of his special licence or his firearm certificate or licence, as the case may be.

(2) If any person upon whom a demand is so made fails to produce the special licence or certificate or licence or to permit the officer to read it, or to show that he is entitled by virtue of this Act to have the said revolver or firearm or ammunition or gun in his possession or to carry or to use the same without holding a special licence or certificate, the officer may seize and detain the said revolver or firearm or ammunition or gun, as the case may be, and may require that person to declare to him immediately his name and address.

(3) If any person refuses to declare his name and address or fails to give his true name and address he shall be liable, on summary conviction, to a fine of seventy-five dollars and the officer may apprehend without warrant any person who refuses so to declare his name and address, or whom such officer suspects of giving a false name and address or of intending to abscond.

40. (1) Any peace officer, or any officer of customs authorised in that behalf by the Commissioner may if necessary by force, enter and search at any time all premises of persons suspected of possessing, making or selling any firearm or ammunition without a licence or certificate or authority, as in this Act provided, and any place, vessel, boat or conveyance which he reasonably suspects to contain firearms or ammunition for which there is no licence or certificate or authority and every person therein, and then and there to take charge and remove any firearm or ammunition which he reasonably suspects to be without licence, certificate or authority as aforesaid. All firearms and ammunition so seized and removed shall be delivered to the Commissioner or to the officer in charge of the nearest police station.

Power to search premises.

(2) If the premises or place so searched under the provisions of subsection (1) of this section are those of a registered firearms dealer then the officer may examine any books relating to the business.

(3) The officer making the search may arrest without warrant any persons found on the premises or place so searched under the provisions of subsection (1) of this section whom he has reason to believe to be guilty of an offence under this Act.

(4) A magistrate may, on application being made to him in that behalf by or on behalf of the Commissioner,

order any firearm or ammunition seized and detained under the provisions of this Act to be forfeited to the Crown.

Additional power
of peace officers.

41. (1) A peace officer may require any person whom he has reasonable cause to suspect of having a firearm, with or without ammunition, with him and to be committing or about to commit an offence under Part VI of this Act, to hand over the firearm and ammunition for examination by the peace officer and any person having a firearm or ammunition with him who fails to hand over the same when required to do so under this subsection shall be liable on summary conviction to imprisonment for a term of three months or to a fine of three hundred dollars or both such imprisonment and fine.

(2) If a peace officer has reasonable cause to suspect any person of having a firearm with him and to be committing or about to commit an offence under Part VI of this Act, the peace officer may search that person and detain him for the purpose of searching him.

(3) If a peace officer has reasonable cause to suspect that there is a firearm in a vehicle in a public place or that a vehicle is being or is about to be used in connection with the commission of an offence under Part VI of this Act in any place, he may search the vehicle and for that purpose may require the person driving or in control of it to stop it.

(4) A peace officer may arrest without warrant any person whom he has reasonable grounds for suspecting to be committing an offence under Part VI of this Act.

(5) Without prejudice to the powers otherwise vested in him by law to enter any place, a peace officer shall for the purpose of exercising the powers conferred upon him by this section be entitled to enter any place without a warrant.

Time for
commencing
proceedings.

42. Notwithstanding any provision of any Act prescribing the period within which summary proceedings may be instituted, summary proceedings for an offence under this Act may be instituted at any time within the period of four years after the commission of the offence.

Provided that no such proceedings shall be instituted after the expiration of six months after the commission of the offence, unless they are instituted by, or by the direction of, the Attorney-General.

43. (1) Nothing contained in this Act shall render it necessary for any person employed as an Out Island Commissioner or as an immigration officer in the Immigration Department or in the Prisons Department in the control or supervision of prisoners, or in the Customs Department or serving in Her Majesty's Forces, or in the Imperial Lighthouse Service, or in any Police Force within The Bahamas, to obtain a licence or certificate in respect of any firearm or ammunition entrusted to or used by such person in such capacity.

General
exemptions.
10 of 1990, s. 2.

(2) Nothing in this Act shall apply —

12 of 1980, s. 8.

(a) to any antique firearm; or

(b) to any pen, or any article having the appearance of being a pen, which is designed or adapted for the discharge of tear gas.

(3) Nothing in this Act shall be deemed to prohibit the possession of a firearm or ammunition after the death or bankruptcy of a person who was the holder of a valid special licence, firearm certificate, gun licence or dealer's licence relating thereto by the following persons and for the following periods, that is to say —

(a) a member of the immediate family of such deceased person, not being his legal personal representative, for a period of one month after his death; or

(b) the legal personal representative of such deceased person for a period of six months after his death; or

(c) the receiver in bankruptcy of such person for a period of six months after his appointment as such receiver.

(4) Nothing in this Act shall be deemed to relate to the possession of a firearm by a person, other than a resident of The Bahamas, belonging to or on board any foreign ship or vessel during the period of three months next following the arrival of such ship or vessel at her first port of call on any visit to The Bahamas provided that that person —

10 of 1972, s. 6.

(a) makes at that port within forty-eight hours after the arrival of the ship or vessel a declaration in the prescribed form of his possession of the firearm to a proper officer of customs or a commissioner; and

(b) does not use the firearm while in the territorial waters of The Bahamas; and

(c) does not bring the firearm on shore.

Special
exemption.

44. The Licensing Authority may, from time to time, by writing under the hand of the Commissioner, exempt any person or the holder of any office during his tenure thereof from the operation of this Act, and may cancel or revoke any such exemption without giving any reason therefor, and while such exemption continues in force none of the provisions of this Act shall be deemed to apply to any person so exempted.

Reduction of
remission of
sentence.

45. Notwithstanding any written law providing for the remission of a term of imprisonment by reason of good conduct and industry, the term of incarceration that a person convicted for an offence under the provisions of this Act undergoes, shall not be less than the specific period of imprisonment imposed by the respective sentence of the court.

38 of 2011, s. 30.

Consent of
Attorney-General
required.
21 of 1994, s. 7.

46. No prosecution for an offence under section 5, 30(2)(a) or 36(4)(a) shall be instituted except with the consent of the Attorney-General.

Rules.
E.L.A.O., 1974.

47. The Minister may make rules —

- (a) prescribing the categories of air guns, air rifles or air pistols to be declared as specially dangerous for the purposes of this Act;
- (b) adding to, deleting from or altering the provisions of the Third Schedule to this Act;
- (c) prescribing any matter or thing which by this Act may be or is to be prescribed, including the amount of any fee; and
- (d) generally for the better carrying into effect the objects of this Act.

Third Schedule.

FIRST SCHEDULE (Section 26)

PARTICULARS TO BE ENTERED BY FIREARMS DEALERS IN REGISTER OF TRANSACTIONS

1. The quantities and description of firearms and ammunition manufactured and the dates thereof.

2. The quantities and description of firearms and ammunition purchased or acquired, with the names and addresses of the sellers or transferors and the dates of the several transactions.

3. The quantities and description of firearms and ammunition accepted for sale, repair, test, proof, cleaning,

storage, destruction or other purpose, with the names and addresses of the transferors and the dates of the several transactions.

4. The quantities and description of firearms and ammunition sold or transferred with the names and addresses of the purchasers or transferees and (except in cases where the purchaser or transferee is a registered dealer) the area in which the firearm certificates or gun licences were issued, and the dates of the several transactions.

5. The quantities and description of firearms and ammunition in possession for sale or transfer at the date of the last stocktaking or such other date in each year as may be specified in the register.

6. In this Schedule references to firearms and ammunition shall be construed as references to firearms and ammunition to which Part III of this Act applies and to guns to which Part IV of this Act applies.

SECOND SCHEDULE (Section 34)

OFFENCES TO WHICH SUBSECTION (4) OF SECTION 35 APPLIES

Offences under the following sections of the Penal Code (Chapter 84) —

Sections 264, 265, 266, 267, 269-273 (inclusive), 274-276 (inclusive), 282, 323-331 (inclusive), 338-340 (inclusive), 342, 345, 346, 362-365 (inclusive).

THIRD SCHEDULE (Section 2)

EXEMPTED WEAPONS AND ARTICLES

15 of 1974, s. 10.

1. Toy guns.
2. Imitation or dummy firearms, incapable of discharging any shot, bullet or other missile.
3. Spear-guns, designed for underwater use.