

*Legal Supplement Part A to the "Trinidad and Tobago Gazette", Vol. 50,
No. 11, 10th February, 2011*

First Session Tenth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 2 of 2011

[L.S.]

AN ACT to amend the Firearms Act, Chap. 16:01

[Assented to 8th February, 2011]

WHEREAS it is enacted by section 13(1) of the ^{Preamble} Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	1. This Act may be cited as the Firearms (Amendment) Act, 2011.
Commencement	2. This Act shall come into operation on such date as is fixed by the President by Proclamation.
Act inconsistent with Constitution	3. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.
Interpretation Chap. 16:01	4. In this Act, “the Act” means the Firearms Act.
Section 5 amended	5. Section 5 of the Act is amended by repealing subsection (2) and substituting the following subsection: <p>“ (2) For the purposes of any prosecution for an offence under this Part or Part IV, a person who—</p> <p>(a) is found with any firearm or ammunition;</p> <p>(b) occupies, controls or is in possession of any land, building, room, vessel, vehicle, aircraft or place in or on which is found any firearm or ammunition;</p> <p>(c) is proved to have had with him or under his control any firearm or ammunition;</p> <p>or</p>

(d) is proved to have had with him or under his control anything in or on which is found any firearm or ammunition,

shall be deemed to be in possession of such firearm or ammunition in the absence of lawful excuse, the proof of which lies on the person.”.

6. Section 6 of the Act is amended—

- (a) in subsection (3)(a)(i), by deleting the words “ten” and “five” and substituting the words “fifteen” and “eight” respectively;
- (b) in subsection (3)(a)(ii), by deleting the word “ten” and substituting the word “fifteen”;
- (c) in subsection (3)(b)(i), by deleting the words “fifty” and “ten” and substituting the words “seventy-five” and “fifteen” respectively;
- (d) in subsection (3)(b)(ii), by deleting the word “fifteen” and substituting the word “twenty”;
- (e) in subsection (4)(a), by deleting the words “fifty” and “ten” and substituting the words “seventy-five” and “fifteen” respectively;
- (f) in subsection (4)(b)(i), by deleting the words “fifty” and “ten” and substituting the words “seventy-five” and “fifteen” respectively;
- (g) in subsection (4)(b)(ii), by deleting the word “twenty” and substituting the word “twenty-five”; and
- (h) by inserting after subsection (4), the following subsection:

Section 6 amended

“ (5) Notwithstanding subsections (3) and (4), a person who has at least two previous convictions for an offence under subsection (3) or (4) and who is charged with an offence under any of those subsections, shall be tried on indictment and is liable on conviction for the offence to imprisonment for life.

-
- Section 7 amended **6A.** Section 7(1) of the Act is amended—
- (a) in paragraph (h), by deleting the word “fifteen” and substituting the word “thirty”; and
 - (b) by deleting paragraph (l).
- Section 8 amended **7.** Section 8 of the Act is amended by deleting the words “twenty-five” and “five” and substituting the words “forty” and “eight” respectively.
- Section 9 amended **8.** Section 9 of the Act is amended—
- (a) in subsection (1)—
 - (i) in paragraph (a), by deleting the words “fifty” and “five” and substituting the words “seventy-five” and “eight,” respectively; and
 - (ii) in paragraph (b), by deleting the word “ten” and substituting the word “fifteen”;
 - (b) in subsection (2), in the *chapeau*, by deleting the words “twenty-five” and “seven” and substituting the words “forty” and “ten” respectively; and
 - (c) by inserting after subsection (3), the following subsection:
 - “ (4) Notwithstanding subsections (1) and (2), a person specified in section 6(2)(a) to (f) who commits an offence under subsection (1) or (2), is liable on conviction on indictment to imprisonment for twenty years.”.
- Section 10 amended **9.** Section 10(1) of the Act is amended in—
- (a) paragraph (a), by deleting the words “ten” and “two” and substituting the words “fifteen” and “five” respectively; and
 - (b) paragraph (b), by deleting the word “ten” and substituting the word “fifteen”.

10. Section 11(1) of the Act is amended by deleting Section 11 amended the word “ten” and substituting the word “fifteen”.

11. Section 13(1) of the Act is amended by deleting Section 13 amended the word “ten” and substituting the word “fifteen”.

12. Section 13A(1) of the Act is amended by deleting Section 13A amended the words “twenty” and “two” and substituting the words “thirty” and “five” respectively.

13. Section 14 of the Act is amended by deleting the Section 14 amended words “two” and “three” and substituting the words “three” and “six” respectively.

14. Section 15(3) of the Act is amended in— Section 15 amended

- (a) paragraph (a), by deleting the words “twenty-five” and “fifteen” and substituting the words “forty” and “twenty-five” respectively;
- (b) paragraph (b)(i), by deleting the words “fifty” and “ten” and substituting the words “seventy-five” and “fifteen” respectively;
- (c) paragraph (b)(ii), by deleting the word “twenty” and substituting the word “twenty-five”;
- (d) paragraph (c)(i), by deleting the words “fifty” and “ten” and substituting the words “seventy-five” and “fifteen” respectively;
- (e) paragraph (c)(ii), by deleting the word “fifteen” and substituting the word “twenty-five”;
- (f) paragraph (d)(i), by deleting the words “fifty” and “ten” and substituting the words “seventy-five” and “fifteen” respectively; and
- (g) paragraph (d)(ii), by deleting the word “twenty” and substituting the word “twenty-five”.

Section 21B amended **15.** Section 21B of the Act is amended—

- (a) in subsection (1), by deleting the word “shall” and substituting the word “may”; and
- (b) by repealing subsection (2) and substituting the following subsection:

Chap. 45:56

“ (2) Where a person is convicted of a domestic violence offence under the Domestic Violence Act, the Commissioner may refuse to grant that person a Firearm User’s Licence or a Firearm User’s (Employee’s) Certificate for a period of five years from the date of conviction.”.

Section 22 amended **16.** Section 22(2) of the Act is amended by deleting the words “two” and “six” and substituting the words “three” and “nine” respectively.

Section 22B repealed and substituted **17.** Section 22B of the Act is repealed and the following section is substituted:

“Composition 22B. The Board shall consist of—

- (a) the chairman who shall be an attorney-at-law within the meaning of the Legal Profession Act, with not less than ten years standing; and

Chap. 90:03

- (b) two other members,

all of whom shall be appointed by the President.”.

Section 23 amended **18.** Section 23 of the Act is amended by repealing subsection (2) and substituting the following subsection:

“(2) A person who contravenes subsection (1) is liable—

- (a) on summary conviction to a fine of three thousand dollars or to imprisonment for eighteen months; or

(b) on conviction on indictment to a fine of five thousand dollars or to imprisonment for three years.”.

19. Section 24(4) of the Act is amended by deleting Section 24 amended the words “one” and “six” and substituting the words “two” and “twelve” respectively.

20. Section 25(2) of the Act is amended by deleting Section 25 amended the words “one hundred dollars or to imprisonment for one month” and substituting the words “five hundred dollars or to imprisonment for six months”.

21. Section 26(6) of the Act is amended by deleting Section 26 amended the words “three” and “two” and substituting the words “five” and “three” respectively.

22. Section 27(7) of the Act is amended by deleting Section 27 amended the words “two” and “one year” and substituting the words “three” and “eighteen months” respectively.

23. Section 28 of the Act is amended— Section 28 amended

(a) in subsection (1A), by deleting the words “five thousand dollars” and substituting the words “seven thousand, five hundred dollars”;

(b) by repealing subsection (1B); and

(c) in subsection (2), by—

(i) deleting the words “and (1B)”; and

(ii) deleting the words “five thousand dollars” and substituting the words “seven thousand dollars or to imprisonment for three years”.

24. Section 29(2) of the Act is amended by deleting Section 29 amended the words “five thousand” and “two” and substituting the words “seven thousand” and “three” respectively.

Section 30 amended

25. Section 30(5) of the Act is amended—

- (a) in subsection (2), by deleting the words “other than an offence against section 28”; and
- (b) in subsection (5), by deleting the words “ten” and “four” and substituting the words “fifteen” and “six” respectively.

Section 31 amended

26. Section 31 of the Act is amended in subsection(2)—

- (a) in paragraph (a)(i) by deleting the words “fifty” and “ten” and substituting the words “three hundred” and “twenty” respectively;
- (b) in paragraph (a)(ii), by deleting the word “twenty” and substituting the word “twenty-five”;
- (c) by renumbering paragraph (b) as paragraph (c) and inserting after paragraph (a) the following paragraph (b):
 - “ (b) in the case of an offence relating to the importation of multiple firearms for distribution or resale, on conviction on indictment to imprisonment for life.”;
- (d) in paragraph (c)(i) as renumbered, by deleting the words “fifty” and “eight” and substituting the words “seventy-five” and “twelve”; and
- (e) in paragraph (c)(ii) as renumbered, by deleting the word “fifteen” and substituting the word “twenty”.

Section 32 amended

27. Section 32(6) of the Act is amended by deleting the words “twenty-five” and “five” and substituting the words “forty” and “eight” respectively.

28. Section 33(5) of the Act is amended by deleting Section 33 amended the words “fifty”, “ten”, “one hundred and fifty” and “fifteen” and substituting the words “seventy-five”, “fifteen”, “two hundred and twenty-five” and “twenty” respectively.

29. Section 34(3) of the Act is amended by deleting Section 34 amended the words “fifty”, “ten”, “one hundred and fifty” and “fifteen” and substituting the words “seventy-five”, “fifteen”, “two hundred and twenty-five” and “twenty” respectively.

30. Section 40(8) of the Act is amended by deleting Section 40 amended the words “ten thousand dollars” and substituting the words “fifteen thousand dollars or to imprisonment for six years”.

Passed in the Senate this 19th day of January, 2011.

N. JAGGASSAR

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of 29 Senators.

N. JAGGASSAR

Clerk of the Senate

Passed in the House of Representatives this 21st day of January, 2011.

J. SAMPSON-MEIGUEL

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say, by the votes of 36 members of the House.

J. SAMPSON-MEIGUEL

Clerk of the House