

FIREARMS ACT (16TH MARCH 1967)

Regulation | Objects & Reasons | Cases

ARRANGEMENT OF SECTIONS

Acts 1 of 1967 | 29 of 1973 | 38 of 1973 | 8 of 1974 S.19. | 17 of 1974 | 1 of 1983 S.10 | 12 of 1985 Sch. | Act 26 of 2005

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1. Short title.Cases

1. This Act may be cited as the Firearms Act.

2. Interpretation.

2. (1) In this Act -

"acquire" means hire, accept as a gift or borrow;

"appointed day" means the 16th March, 1967;

"ammunition" means ammunition for any firearm and includes restricted ammunition;

"artillery" means any cannon, howitzer, mortar or flamethrower except of a type commonly in use before the year one thousand eight hundred and fifty;

"Authority" means the Firearm Licensing Authority established under section 26A;

"automatic firearm" means any firearm so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty;

"certificate" means a certificate under this Act;

"chief officer of police" means -

(a) in respect of a parish which constitutes a single police division, the officer designated by the Commissioner of Police to be the chief officer of police in that parish for the purpose of this Act; or

(b) in respect of each police division of a parish which comprises two or more police divisions, the officer designated by the Commissioner of Police to be the chief officer of police in that police division for the purposes of this Act;

"firearm" means any lethal barrelled weapon from which any shot, bullet or other missile can be discharged, or any restricted weapon or, unless the context otherwise requires, any prohibited weapon, and includes any component part of any such weapon and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon, but does not include any air rifle, air gun, or air pistol of a type prescribed by the Minister and of a calibre so prescribed,

"Firearm Dealer's Licence" means a licence authorizing the holder thereof to buy or sell or buy and sell at such place as may be specified in the licence firearms or ammunition of such type as may be so specified;

"Firearm Disposal Permit" means a permit authorizing the holder thereof to dispose of the firearm or ammunition specified therein;

"Firearm Export Permit" means a permit authorizing the holder thereof during such period as may be specified therein to export from Jamaica to such destination and in such manner such firearms or ammunition of such type as may be so specified;

"Firearm Import Permit" means a permit authorizing the holder thereof during such period as may be specified therein to import into Jamaica from such source as may be specified herein such firearms or ammunition as may be so specified;

"Firearm Manufacturer's Licence" means a licence authorizing the holder thereof to manufacture in Jamaica at such place as may be specified in the licence firearms or ammunition of such type as may be so specified and to buy and sell in Jamaica at such place as may be so specified firearms or ammunition of such type as may be so specified (whether manufactured by the holder or not);

"Firearm Transhipment Permit" means a permit authorizing the holder thereof during such period as may be specified therein to tranship from some vessel so specified to some other vessel so specified such firearms or ammunition of such type as may be so specified;

"Firearm User's Licence" means a licence authorizing the holder thereof, subject to section 22 and to the terms and conditions specified in the licence, to be in possession of the firearm or ammunition so specified;

"Firearm User's (Employee's) Certificate" means a certificate issued pursuant to section 30;

"Firearm User's (Special) Permit" means a permit authorizing the holder thereof to be in possession of the firearm or ammunition specified therein within any area so specified to which section 22 applies upon such occasions as may be so specified;

"Gunsmith's Licence" means a licence authorizing the holder thereof to carry on the business of repairing, testing or proving firearms or ammunition at such premises as may be specified in the licence;

"licence" means a licence under this Act;

"officer of customs" means any officer within the meaning of section 2 of the Customs Act;

"permit" means a permit under this Act;

"prohibited weapon" means -

(a) any artillery or automatic firearm; or

(b) any grenade, bomb or other like missile;

"restricted ammunition" means any ammunition containing or designed to contain any noxious liquid, gas or other thing;

"restricted person" means any person who -

(a) is a habitual criminal within the meaning of section 54 of the Criminal Justice (Administration) Act; or

(b) has at any time within five years next before the event in relation to which the term is used -

(i) been declared by a court pursuant to section 3 to be a restricted person; or

(ii) been convicted of an offence involving violence and sentenced to a term of imprisonment, whether with or without hard labour exceeding three months;

"restricted weapon" means any weapon of whatever description or design which is adapted for the discharge of any noxious liquid, gas or other thing;

"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;

"transfer" includes let on hire, give, lend and part with possession;

"traveller" means any person who arrives in Jamaica as an officer or member of the crew or passenger or stowaway upon any vessel or aircraft.

(2) For the purposes of this Act any firearm or ammunition shall be deemed to be of an obsolete type if of a type commonly in use before the year one thousand eight hundred and fifty or of such other type as the Commissioner of Police may certify as being obsolete.

3. Declaration of restricted person.

3. A court before which a person is convicted of an offence under this Act (other than an offence against section or under any law in force before the appointed day in respect of the importation, exportation, possession or use in Jamaica of any firearm or ammunition, may declare that person to be a restricted person for the purposes of this Act.

4. Restriction on importation, exportation and transshipment of firearms and ammunition.Cases

4. (1) A person shall not import into, export from or tranship in Jamaica any firearm or ammunition except under in accordance with the terms of a Firearm Import Permit, Firearm Export Permit or Firearm Transhipment Permit, as the case may be.

(2) Every person who contravenes subsection (1) shall be guilty of an offence and shall be liable -

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

(i) on summary conviction before a Resident Magistrate to imprisonment with or without hard labour for a term not exceeding two years;

(ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour;

(b) in the case of an offence relating to a restricted weapon or to restricted ammunition -

(i) on summary conviction before a Resident Magistrate to a fine not exceeding two hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years; or

(ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour;

(c) in any other case -

(i) on summary conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months; or

(ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour.

5. Travellers to make declaration of firearms and ammunition.

5. (1) Every traveller who disembarks in Jamaica shall, on being required so to do by any officer of customs, make a declaration in the prescribed form stating whether he has any, and, if so, what firearms or ammunition in his possession or under his control.

(2) Every traveller who -

(a) contravenes subsection (1); or

(b) in any declaration required by subsection (1) makes a statement which he knows to be false or does not believe to be true,

shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding one hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

6. Further provisions relating to declaration of firearms or ammunition by travellers.

6. (1) Every traveller who declares under section 5 that he has any firearm or ammunition in his possession, unless he is the holder of a Firearm Import Permit, shall either -

- (a) cause such firearm or ammunition to be retained upon the vessel or aircraft upon which he arrived into Jamaica until after such vessel or aircraft departs from Jamaica; or
- (b) deliver such firearm or ammunition to an officer of customs in a sealed packet to be dealt with in accordance with section 7.

(2) Every person who contravenes subsection (1) shall be guilty of an offence.

7. Custody of firearms and ammunition by officer of customs.

7. Every firearm or ammunition received by any officer customs pursuant to section 6 shall be retained in the sealed packet in which it is received until either -

(a) the traveller from whom it was received produces to an officer of customs a Firearm Import Permit in respect of such firearm or ammunition and a licence or certificate authorizing him to be in possession of such firearm or ammunition and pays the appropriate customs duty and tax on such firearm or ammunition, in which event it shall be delivered to the traveller; or

(b) such traveller gives reasonable notice in writing to the Commissioner of Customs and Excise or some other officer of customs specifying some port at which he intends to embark for some place outside Jamaica and the date, time and vessel upon which he intends so to embark, in which event the sealed packet containing such firearm or ammunition shall be delivered to the traveller immediately before he so embarks; or

(c) some person satisfies the Commissioner of Customs and Excise that he is lawfully entitled to the possession of such firearm or ammunition and either -

(i) produces a Firearm Import Permit in respect of such firearm or ammunition and a licence or certificate authorizing him to be in possession of such firearm or ammunition, and pays the appropriate customs duty and tax on such firearm or ammunition, in which event it shall be delivered to such person; or

(ii) gives to the Commissioner of Customs and Excise a notice of the nature referred to in paragraph (b), in which event such firearm or ammunition shall be delivered to such person as if he had been the traveller from whom such firearm or ammunition was received; or

(d) the Commissioner of Customs and Excise is authorized to dispose of such firearm or ammunition in such circumstances and after such period as may be prescribed.

8. Firearms and ammunition not to be held to be imported into Jamaica in certain circumstances.

8. For the purposes of this Part, a person shall not be held to import any firearm or ammunition into Jamaica merely by reason of such firearm or ammunition being in his possession or under his control on some vessel within the territorial waters of Jamaica or on some aircraft flying over Jamaica or its territorial waters or at some aeroplane in Jamaica, unless he causes or attempts to cause or permits such firearms or ammunition to be landed from such vessel or aircraft Jamaica otherwise than for the purpose of being delivered to, officer of customs in accordance with section 6.

9. General restrictions upon manufacture and dealing in firearms and ammunition.

9. (1) A person shall not manufacture or deal in -

(a) firearms or ammunition except under and in accordance with the terms of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence; or

(b) any prohibited weapon.

(2) Every person who contravenes subsection (1) shall be guilty of an offence and shall be liable in the case of -

(a) an offence in relation to the manufacture of, or to dealing in, prohibited weapons -

(i) on summary conviction before a Resident Magistrate to imprisonment with or without hard labour for a term not exceeding five years; or

(ii) on conviction before a Circuit Court imprisonment for life with or without hard labour; or

(b) an offence in relation to the manufacture of any firearm (other than a prohibited weapon) or ammunition or to dealing in restricted weapons or restricted ammunition -

(i) on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding five years; or

(ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour;

(c) an offence in relation to dealing in firearms or ammunition, other than prohibited or restricted weapons or restricted ammunition -

(i) on summary conviction before a Resident Magistrate to a fine not exceeding three hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding three years; or

(ii) on conviction before a Circuit Court to a fine or to imprisonment with or without hard labour for a term not exceeding five years.

10. Restrictions upon acquisition or disposal of firearms and ammunition.

10. (1) A person shall not purchase, acquire, sell or transfer any prohibited weapon.

(2) A person shall not purchase or acquire any firearm or ammunition from or sell or transfer any firearm or ammunition to any other person whom he knows or has reasonable cause to believe to be under the age of seventeen years, except where such other person is the holder of a certificate issued under paragraph (1) of subsection (2) of section 20.

(3) A person shall not purchase or acquire any firearm or ammunition unless -

(a) subject to subsection (9), he is the holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence or a Firearm User's Licence in relation to a firearm or ammunition of the type so purchased or acquired by him; and

(b) subject to subsections (8) and (9), the person from whom he purchases or acquires such firearm or ammunition is the holder of a Firearm Manufacturer's Licence, or a Firearm Dealer's Licence, or a Firearm Disposal Permit in respect of the firearm or ammunition so purchased or acquired from such person.

(4) A person shall not sell or transfer any firearm or ammunition unless -

(a) subject to subsections (8) and (9), he is the holder of a Firearm Manufacturer's Licence, or a Firearm Dealer's Licence, or a Firearm Disposal Permit in respect of the firearm or ammunition so sold or transferred by him; and

(b) subject to subsection (9), the person to whom he sells or transfers such firearm or ammunition is the holder of a Firearm User's Licence or a Firearm Dealer's Licence or a Firearm Manufacturer's Licence in respect of a firearm or ammunition of the type so sold or transferred to such person.

(5) A person other than the holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence shall not accept the delivery of any firearm or ammunition pursuant to any purchase or acquisition of such firearm or ammunition except in accordance with section 11.

(6) A person shall not, pursuant to any purchase or acquisition of any firearm or ammunition, deliver such firearm or ammunition to any person other than the holder of a

Firearm Manufacturer's Licence or of a Firearm Dealer's Licence except in accordance with section 11.

(7) Every person who contravenes this section shall be guilty of an offence, and shall be liable -

(a) in the case of the purchase, acquisition, sale or transfer of a prohibited weapon -

(i) on summary conviction before a Resident Magistrate to imprisonment with or without hard labour for a term not exceeding five years; or

(ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour;

(b) in the case of the purchase, acquisition, sale or transfer of a restricted weapon or of restricted ammunition by any person or of the purchase, acquisition, sale or transfer of a firearm or ammunition other than a prohibited or restricted weapon or restricted ammunition by a restricted person -

(i) on summary conviction before a Resident, Magistrate, to a fine not exceeding one million dollars or to imprisonment with or without hard labour for a term not exceeding five years; or

(ii) on conviction before a Circuit Court to a fine or to imprisonment with or without hard labour for a term not exceeding ten years;

(c) in any other case, on summary conviction before a Resident Magistrate, to a fine not exceeding five hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding three years.

(8) Notwithstanding anything to the contrary, firearms (other than prohibited weapons) or ammunition may be sold at a public auction pursuant to section 88 of the Customs Act without any such licence or permit as is referred to in paragraph (a) of subsection (4).

(9) Subsections (3) and (4) in so far as they relate to the acquisition or transfer of a firearm or ammunition shall not apply to the obtaining of possession of a firearm or ammunition by any such person as is mentioned in paragraphs (b) to (i) of subsection (2) of section 20 in the circumstances set out in those paragraphs.

11. Restriction on delivery of firearm and ammunition.

11. (1) Where any person (in this section referred to as purchaser") other than the holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence proposes to purchase or acquire any firearm or ammunition from any other person (in this section referred to as "the vendor") -

(a) the vendor and purchaser shall certify to the chief officer of police in writing particulars as to -

(i) the purchasers name and address;

(ii) the vendor's name and address; and

(iii) the type of firearm or ammunition to be purchased or acquired; and

(b) the chief officer of police shall notify the purchaser and vendor in writing as to the terms and conditions on the fulfilment of which delivery of the firearm or ammunition will be permitted.

(2) Where delivery of any firearm or ammunition is effected in contravention of any terms or conditions imposed by a chief officer of police pursuant to subsection (1) the purchaser or, as the case may be, the vendor of such firearm or ammunition shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months unless he proves that at the time of the delivery he was unaware of the contravention.

12. Special restrictions upon holders of Firearm Manufacturer's or Firearm Dealer's Licences.

12. (1) A holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence shall not manufacture or deal in firearms or ammunition elsewhere than at the place specified in his licence or in any amendment thereof.

(2) Every person who contravenes subsection (1) shall be guilty of an offence and shall be liable -

(a) if such offence relates to any restricted weapon or restricted ammunition -

(i) on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding five years; or

(ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour; or

(b) in any other case -

(i) on summary conviction before a Resident Magistrate to a fine not exceeding three hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months; or

(ii) on conviction before a Circuit Court to a fine or to imprisonment with or without hard labour for a term not exceeding five years.

13. General restriction on repair and transfer of firearms and ammunition.

13. (1) A person shall not undertake the repair, test or proof of a firearm or ammunition for any other person except under and in accordance with the terms of a Gunsmith's Licence.

(2) A person shall not 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 cause to believe, to be a restricted person, or to be drunk or of unsound mind or, at the time, otherwise unfitted to be entrusted with such a firearm or ammunition.

(3) Every person who contravenes this section shall be guilty of an offence.

14. Restrictions re gunsmiths.

14. (1) A holder of a Gunsmith's Licence shall not accept delivery of any firearm or ammunition for the purpose of effecting any alteration or repair thereto -

(a) elsewhere than at the premises in respect of which he is licensed as a gunsmith; and

(b) from any person unless that person produces or causes to be produced a Firearm Manufacturer's Licence, a Firearm Dealer's Licence, or a Firearm User's Licence, or a certificate issued under paragraph (i) of subsection (2) of section 20 authorizing him to manufacture, buy, sell or be in possession of, as the case may be, such firearm or ammunition.

(2) A holder of a Gunsmith's Licence shall forthwith record in the records kept by him pursuant to section 17 particulars of any licence or certificate produced to him pursuant to paragraph (b) of subsection (1), and shall in due course return such licence or certificate to the person who produced it.

(3) Every holder of a Gunsmith's Licence who contravenes subsection (1) or (2) shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding three hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

15. Special restrictions on shortening firearms and converting imitation firearms into firearms.

15. (1) Subject to subsection (5), a person other than Special the holder of a Gunsmith's Licence shall not -

(a) shorten a barrel of any smooth bore gun to a length of less than twenty inches; or

(b) convert into a firearm anything which is not a firearm; or

(c) convert into a prohibited weapon anything which is not a prohibited weapon; or

(d) convert into a restricted weapon anything which is not a restricted weapon.

(2) A holder of a Gunsmith's Licence shall not do any of the things referred to in subsection (1) except with the prior written approval of the Commissioner of Police.

(3) Every person who contravenes subsection (1) or (2) shall be guilty of an offence, and in the case of a contravention of paragraph (c) of subsection (1) shall be liable -

(a) on summary conviction before a Resident Magistrate to imprisonment with or without hard labour for a term not exceeding two years;

(b) on conviction before a Circuit Court to imprisonment for life with or without hard labour.

(4) For the purposes of this section 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.

(5) This section shall not apply to the holder of a Firearm Manufacturer's Licence operating in accordance with the terms of that licence.

16. Notice to be displayed by licensees.

16. (1) Every holder of a Firearm Manufacturer's Licence shall cause to be affixed and keep affixed over one of the principal entrances of the place in which or premises upon which he carries on business as a firearm manufacturer or a firearm dealer or a gunsmith, as the case may be, a board on which shall be printed in legible letters at least two inches in height the name in full of such licensee and the words "Licensed as a firearm manufacturer" or "Licensed as a firearm dealer" or "Licensed as a gunsmith", as the case may be.

(2) Every person who contravenes subsection (1) shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding fifty thousand dollars or to imprisonment with or without hard labour for a term not exceeding three months.

17. Records and returns.

17. (1) Every licensed dealer (as defined in this section) shall provide and keep a register of transactions and shall enter or cause to be entered therein such particulars as may be prescribed of all transactions relating to his business as a licensed dealer.

(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 licensed dealer shall at the time of the transaction require the purchaser or transferee, if not known

to him, to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the register.

(3) Every such licensed dealer shall on demand allow any constable duly authorized in writing in that behalf by the chief officer of police, or any member of the Constabulary Force of or above the rank of Inspector to enter and inspect all stock in hand and shall on request by -

(a) any constable duly authorized in writing in that behalf by the chief officer of police; or

(b) an officer of customs; or

(c) any member of the Constabulary Force as aforesaid, produce for inspection the register required to be kept under subsection (1):

Provided that any written authority required by this subsection shall be produced on demand.

(4) Every person who is required to keep a register of transactions under subsection (1) shall make such returns to such authority in such form, in respect of such periods, at such time and containing such particulars as may be prescribed.

(5) Every person who contravenes this section or knowingly makes any false entry in the register required to be kept under subsection (1) shall be guilty of an offence.

(6) In this section "licensed dealer" means the holder of a Firearm Manufacturer's Licence, a Firearm Dealer's Licence or a Gunsmith's Licence.

18. Revocation of licences in case of certain offences.

18. (1) Where a licensed dealer (as defined in this section) is convicted of an offence under this Act or of an offence against the Customs Act in relation to the import or export of firearms or ammunition, the court shall cause the conviction to be certified to the Authority who may, giving notice in accordance with subsection (2) of section 36 and subject to section 37, revoke the licence of the licensed dealer.

(2) In this section "licensed dealer" means the holder of a Firearm Dealer's Licence or a Gunsmith's Licence. person any firearm or ammunition.

19. Penalty for taking in pawn firearms or ammunition.

19. (1) A pawnbroker shall not take in pawn from any person any firearm or ammunition.

(2) Any pawnbroker who contravenes subsection (1) shall be guilty of an offence and if such offence relates to a prohibited weapon shall be liable -

(a) on summary conviction before a Resident Magistrate to imprisonment with or without hard labour for a term not exceeding two years;

(b) on conviction before a Circuit Court to imprisonment with or without hard labour for a term not exceeding ten years.

20. Possession of firearms and ammunition.Cases

20. (1) A person shall not -

(a) save as authorized by a licence which continues in force by virtue of any enactment, be in possession of a prohibited weapon; or

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(b) subject to subsection (2), be in possession of any other firearm or ammunition except under and in accordance with the terms and conditions of a Firearm User's Licence.

(2) Subsection (1), except in so far as it relates to a prohibited weapon, shall not apply -

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(a) to any holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence in respect of any firearm or ammunition manufactured by him or forming part of his stock in trade as a firearm manufacturer or a firearm dealer; or

(b) to the executor or administrator of any deceased person or to the Trustee in Bankruptcy or liquidator of any insolvent person, or of any company in liquidation, who before his decease, or becoming insolvent or going into liquidation, as the case may be, was the holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence, in respect of any firearm or ammunition forming part of the stock in trade of such person during the administration by such executor, administrator, Bankruptcy or liquidator of the affairs of person; or

(c) to the holder of any Gunsmith's Licence, in respect of any firearm or ammunition in his possession for the purpose of repairing, testing or proving such firearm or ammunition; or

(d) to any person who came into possession of any firearm or ammunition in the capacity of executor or administrator of the estate of any deceased person, or Trustee in Bankruptcy or liquidator of any insolvent person or of any company in liquidation, during the period of thirty days after the day upon which he came into possession of such firearm or ammunition; or

(e) to any person who came into possession of any firearm or ammunition in the capacity of auctioneer, bailiff or assistant bailiff of a court, or landlord bailiff, during the period of thirty days after the day upon which he came into possession of such firearm or ammunition; or

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(f) to any servant or agent of any of the persons referred to in paragraphs (a) to (e) (both inclusive) in respect of any firearm or ammunition entrusted to him for delivery to the owner or to some person who is about to become the owner thereof in accordance with this Act; or

(g) to any officer of customs or to any constable in respect of his possession of any firearm or ammunition which comes into his possession pursuant to this Act during such period as such firearm or ammunition is retained by him pursuant to this Act; or

(h) to any person in respect of the possession by him of any firearm or ammunition entrusted to him by any constable for transportation pursuant to section 11, from any place to any other place during such period, not being longer than is reasonably necessary for the transportation of such firearm or ammunition, as such firearm or ammunition is contained in a sealed packet; or

(i) to any person in respect of the possession by him of any firearm or ammunition delivered to him for storage in accordance with subsection (2) of section 45, during the period of the absence from Jamaica of the owner of such firearm or ammunition and two weeks thereafter, or the period of twelve months from the date of the departure of such owner from Jamaica, whichever is the shorter; or

(j) to any person to whom this paragraph relates in respect of the possession by him of any firearm or ammunition under and in accordance with the terms of a certificate issued to him in respect thereof by the Authority.

(3) The persons to whom paragraph (j) of subsection (2) relates are -

(a) any person taking part in a theatrical performance or any rehearsal thereof, or in the production of a or television film;

(b) any person present at an athletic meeting for the purpose of starting races at that meeting;

(c) any person conducting or carrying on a miniature rifle range (whether for a rifle club or otherwise) or shooting gallery, in respect of miniature rifles not exceeding 0.23 calibre and ammunition therefor used at such rifle range or shooting gallery,

(d) any other person prescribed under section 48.

(4) Every person who contravenes this section shall be guilty of an offence, and shall be liable -

(a) if the offence relates to the possession of a prohibited weapon -

(i) on summary conviction before a Resident Magistrate to imprisonment with or without hard labour for a term not exceeding five years;

(ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour;

(b) if such person is a restricted person or if the offence relates to the possession of a restricted weapon or restricted ammunition -

(i) on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding five years; or

(ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour; and

(c) in any other case -

Cases

(i) on summary conviction before a Resident Magistrate to a fine not exceeding three hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding three years; or

(ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour.

Cases

(5) In any prosecution for an offence under this section -

Cases

(a) any person who is in the company of someone who uses or attempts to use a firearm to commit -

(i) any felony; or

(ii) any offence involving either an assault or the resisting of lawful apprehension of any person,

shall, if the circumstances give rise to a reasonable presumption that he was present to aid or abet the commission of the felony or offence aforesaid, be treated, in the absence of reasonable excuse, as being also in possession of the firearm;

(b) any person who is proved to have in his possession or under his control any vehicle or other thing in or on which is found any firearm shall, in the absence of a reasonable explanation, be deemed to have in his possession such firearm;

(c) any person who is proved to have used or attempted to use or to have been in possession of a firearm, or an imitation firearm, as defined in section 25 of this Act in any of the circumstances which constitute an offence under that section shall be deemed to be in possession of a firearm in contravention of this section.

21. General restriction upon carrying firearms and ammunition in public.Cases

21. (1) A person shall not carry any firearm or ammunition in any public place unless at the time when he carries such firearm or ammunition he has about his person a licence, certificate or permit granted by the Authority, authorizing him to carry such firearm or ammunition in such place and, if such place is a place to which section 22 applies, a Firearm User's (Special) Permit authorizing him to carry such firearm or ammunition in such place on such occasion.

(2) Every person who contravenes subsection (1) shall be guilty of an offence, and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding two hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

22. Special restriction on carrying of firearms and ammunition in public places.

22. (1) The Minister may by order apply this section Special to any area, parish, district, town or village specified in such order.

(2) Every order under subsection (1) -

(a) shall remain in force for a period of not more than one month (without prejudice to the power to issue a further order at or before the end of such period);

(b) shall be published in the *Gazette*; and

(c) may at any time be varied, altered, amended or revoked by the Minister.

(3) A person shall not carry any firearm or ammunition in any public place within any area, parish, district, town or village to which this section applies, except in accordance with the terms of a Firearm User's (Special) Permit.

(4) Every person who contravenes this section shall be guilty of an offence and shall be liable -

(a) on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment with or without hard labour for a term not exceeding two years;

(b) on conviction before a Circuit Court to a fine or to imprisonment with or without hard labour for a term not exceeding seven years.

(5) Where any person is arrested for, or legal proceedings are instituted against, any person in respect of any contravention of this section, any firearm or ammunition found upon such person at the time of the arrest or at the time of the alleged contravention of this section shall be retained by the police until such time as any legal proceedings against such person in respect of such contravention are finally disposed of.

23. Restrictions relating to the discharge of firearms and ammunition.

23. (1) A person shall not discharge any firearm or the ammunition on or within forty yards of any public road or in any public place except -

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

(b) in the lawful shooting of a trespassing animal; or

(c) under the direction of some civil or military authority authorized to give such direction; or

(d) with the permission of the Minister.

(2) Where any contravention of subsection (1) occurs, any Justice of the Peace or constable may without warrant enter any premises on which he has reasonable cause to believe such contravention was committed and seize any firearms and ammunition there found which he has reasonable cause to believe were used in such contravention or are about to be used in the commission of a contravention of subsection (1) and may retain such firearm or ammunition for so long as may be necessary for the purpose of any investigation in relation thereto, and where such investigation results in legal proceedings against any person for any such offence until such legal proceedings are finally disposed of.

(3) Every person who contravenes subsection (1) shall be guilty of an offence.

(4) Where any person is charged with a contravention of subsection (1), the burden of proving that the discharge of the firearm or ammunition in respect of which the contravention is alleged to have occurred was a lawful discharge shall lie upon the person asserting the same.

24. Penalty for possessing firearm or ammunition with intent to injure.

24. Every person who has in his possession any firearm or ammunition with intent by means thereof to endangering life or cause serious injury to property, or to enable any other person to endanger life or cause serious injury to property shall, whether any injury to person or property has been caused or not, be guilty of felony and shall be liable on conviction on indictment -

(a) before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment with or without hard labour for a term not exceeding five years; or

(b) before a Circuit Court to imprisonment for life with or without hard labour.

25. Penalty for use and possession of firearm or imitation firearm in certain circumstances.Cases

25. (1) Every person who makes or attempts to make any use whatever of a firearm or imitation firearm with intent to commit or to aid the commission of a felony or to resist or prevent the lawful apprehension or detention imitation of himself or some other person, shall be guilty of an firearm offence against this subsection.

(2) Every person who, at the time of committing or at the time of his apprehension for, any offence specified in the First Schedule, has in his possession any firearm or imitation firearm, shall, unless he shows that he had it in his possession for a lawful object, be guilty of an offence against this subsection and, in addition to any penalty to which he may be sentenced for the first mentioned offence, shall be liable to be punished accordingly.

(3) Any person guilty of an offence against subsection (1) or (2) shall be liable on conviction on indictment -

(a) before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment with or without hard labour for a term not exceeding five years; or

(b) before a Circuit Court to imprisonment for life with or without hard labour,

and where any person commits an offence against subsection (1) in respect of the commission of a felony or the lawful apprehension or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by this subsection in addition to any penalty to which he may be sentenced for that felony or other offence.

(4) On the trial of any person for an offence against subsection (1) the Resident Magistrate or jury, not being satisfied that that person is guilty of that offence, but being satisfied that he is guilty of an offence against subsection (2), may find him guilty of the offence against subsection (2) and thereupon he shall be liable to be punished accordingly.

(5) In this section -

"firearm" means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes any prohibited weapon and any restricted weapon, whether such a lethal weapon or not;

"imitation firearm" means anything which has the appearance of being a firearm within the meaning of this section whether it is capable of discharging any shot, bullet or missile or not.

26. Penalty for use of firearm or ammunition in contravention of terms or conditions of licences, etc.

26. Every person who, being the holder of a licence, certificate or permit, contravenes any of the terms or conditions thereof, shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to not exceeding two hundred thousand dollars or to imprisonment terms or with or without hard labour for a term not exceeding twelve, months.

Part V Licences, Certificates and Permits

26A. Establishment of Authority

26A.-(1) There is hereby established for the purposes of this Act, a body to be known as the Firearm Licensing Authority.

(2) The provisions of the Third Schedule shall have effect as to the constitution of the Authority and otherwise in relation thereto.

26B. Functions of Authority.

26B.-(1) Subject to section 38, the functions of the Authority shall be-

- (a) to receive and consider applications for firearm licences, certificates or permits;
- (b) to grant or renew firearm licences, certificates or permits;
- (c) to revoke any firearm licence, certificate or permit granted under this Act;
- (d) to amend the terms of a firearm licence, certificate or permit;
- (e) to receive and investigate any complaint regarding a breach of a firearm licence, certificate or permit.

(2) The Authority shall have the power to-

- (a) summon witnesses;
- (b) call for and examine documents; and
- (c) do all such other things as it considers necessary or expedient for the purpose of carrying out its functions under this Act.

27. Types of licences, certificates and permits.

27. Subject to section 22 and to this Part, the Authority may grant the following licences, certificates or permits -

- (a) a Firearm Import Permit; or
- (b) a Firearm Export Permit; or
- (c) a Firearm Transshipment Permit; or
- (d) a Firearm Manufacturer's Licence; or
- (e) a Firearm Dealer's Licence; or
- (f) a Gunsmith's Licence; or
- (g) a Firearm Disposal Permit; or
- (h) a Firearm User's Licence; or
- (i) a Firearm User's (Special) Permit; or
- (j) a certificate under paragraph (j) of subsection (2) of section 20; or
- (k) a Firearm User's (Employee's) Certificate.

28. Application for licences, certificates and permits.

28. application for any licence, certificate or permit Application shall -

- (a) be addressed to the Authority; and
- (b) be in the prescribed form; and
- (c) contain the prescribed particulars; and
- (d) be accompanied by the prescribed number (if any) of photographs of the prescribed dimensions of the person to whom the licence, certificate or permit applied for is desired to be granted; and
- (e) bear upon it, if so prescribed, a specimen of the signature of the person to whom the licence, certificate or permit applied for is desired to be granted; and
- (f) be signed by the applicant; and
- (g) be accompanied by the receipt for the prescribed application fee (if any) and by such other documents, if any, as may be prescribed.

29. General provisions as to grant and issue of licences, certificates and permits.

29. (1) Subject to this section and to sections 28 and 37, the grant of any licence, certificate or permit shall be in the discretion of the Authority.

(2) No licence, certificate or permit shall be granted in relation to any prohibited weapon.

(3) No licence, certificate or permit shall be granted to a restricted person or in relation to any restricted weapon or restricted ammunition except with the prior approval of the Minister:

Provided that this subsection shall not apply to the grant to any restricted person of a Firearm Disposal Permit.

(4) A Firearm Import Permit, a Firearm User's Licence, a Firearm User's (Special) Permit, a Firearm User's (Employee's) Certificate or a certificate issued under paragraph (j) of subsection (2) of section 20 shall be granted by the appropriate authority only if he is satisfied that the applicant has a good reason for importing, 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 such a permit, certificate or licence shall not be granted to a person whom the appropriate authority has reason to believe to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm or ammunition:

Provided further that no Firearm User's Licence, Firearm User's (Special) Permit or Firearm User's (Employee's) Certificate shall be granted until the applicant therefor has -

(a) satisfied the Authority of his proficiency in the use and management of the type of firearm in respect of which his application is made;

(b) satisfied the Authority that he has made adequate provision for keeping the firearm in respect of which his application is made in a secure place when it is not being carried or used in accordance with the Licence, Permit or Certificate; and

(c) if the application is in respect of a firearm already in the possession of the applicant, produced the firearm in respect of which his application is made for inspection by the appropriate authority.

(5) Subsection (1) shall not apply to the grant of any Firearm Disposal Permit.

(6) A licence or certificate shall not be issued to any person until the appropriate authority is satisfied that the appropriate duty has been paid.

(7) Where the application for a licence or certificate is refused, the applicant may on the presentation of a certificate to that effect from the appropriate authority, obtain from the Collector of Taxes a refund of the duty paid in respect of that application.

30. Firearm User's (Employee's) Certificate.

30. Subject to the provisions of this Act, the Authority, on the application of any person who is acting) with the written consent of the holder of a Firearm User's Licence in respect of a particular firearm specified in such application, may grant to such person a Firearm User's (Employee's) Certificate which shall authorize such person to keep, carry and use in connection with the business of the holder of such Firearm User's Licence the particular firearm specified in such certificate and such ammunition therefor as may be so specified.

31. Special provisions relating to Firearm User's (Special) Permit.

31. (1) Subject to the provisions of this Act, the Authority on the application of any person who is the holder of a Firearm User's Licence may grant to such person a Firearm User's (Special) Permit authorizing such person during the continuance in force of any order under section 22 to carry the firearm and ammunition in respect of which he is the holder of a Firearm User's Licence in any public place within the area, parish, district, town or village to which such order applies upon the occasions and subject to the conditions specified in such permit.

(2) Every permit under subsection (1) shall specify the area, parish, district, town or village to which it relates.

32. Special provisions relating to Firearm Disposal Permit.

32. (1) The Authority, on the application of any person who he is satisfy is the owner or is acting with the authority of the owner of any firearm or ammunition, shall grant to such applicant a Firearm Disposal Permit authorizing the holder thereof within thirty days of the grant of such permit to transfer or to sell, subject to this Act and permit, the firearm or ammunition specified in such permit.

(2) Any person who transfers or sells any firearm or ammunition in contravention of any term or condition imposed in a permit under subsection (1) shall be guilty of an offence.

33. General provisions as to licences, certificates and permits.

33. (1) Every licence, certificate or permit shall be in the prescribed form and shall contain the prescribed particulars and shall specify the conditions (if any) subject to which it is held, and if so prescribed, shall bear upon it a photograph of the prescribed dimensions of the person to whom it is granted and a specimen of the signature of such person.

(2) Subject to subsection (1), every licence, certificate or permit shall be subject to the prescribed conditions and to such other terms and conditions as the Authority may impose.

(3) Every licence, certificate or permit -

(a) in respect of the grant of which the Minister is the appropriate authority; or

(b) in respect of the grant of which the prior approval of the Minister is required by this Act, shall be subject to such conditions as the Minister in his absolute discretion may specify or direct to be specified therein.

34. Duration of licence or permit.

34. (1) Subject to sections 18, 36 and 46 and to the payment in each financial year of the appropriate duty prescribed by section 44, every licence shall continue in force for five years from the day on which it is granted.

(2) Subject to sections 36 and 46, every permit, except a Firearm Users (Special) Permit, shall continue in force until the act authorized to be done by such permit has been done or the expiration of the period specified in such permit, whichever shall first happen.

(3) Subject to sections 36 and 46, every Firearm User's (Special) Permit shall continue in force until the revocation or expiration of the order applying section 27 to the area, parish, district, town or village to which such permit relates.

35. Amendment of licences, certificates and permits'.Cases

35. (1) Subject to section 37 the Authority licence, certificate or permit vary the conditions subject to which may at any time by notice in writing to the holder of a such licence, certificate or permit is held except such of them as may be prescribed.

(2) A notice under subsection (1) shall specify the nature of the variation of conditions proposed and require the holder to deliver up the licence, certificate or permit to the Authority on or before a day specified in the notice (not being less than three days after delivery of the notice) for the purpose of amending the conditions specified therein.

(3) Every person who fails without lawful excuse (the proof whereof shall lie on such person) to comply with a notice under this section requiring him to deliver up a licence, certificate or permit to the Authority shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred dollars or to imprisonment with or without hard labour for a term not exceeding twelve months or to both such fine and imprisonment.

(4) A licence, certificate or permit may also on the application of the holder thereof, be varied from time to time. by the appropriate authority.

35A. Delivery of firearms to appropriate authority for safe keeping.

35A. (1) Where the Minister is satisfied that it is necessary in the interest of national security so to do, he may by notification in accordance with subsection (2), require the delivery to the Authority, of such firearms and ammunition as may specified in the notification, subject to such terms and conditions as may be specified in that notification.

(2) A notification pursuant to subsection (1) shall be published in the *Gazette* and in a daily newspaper published and circulating in Jamaica, and upon a notification being so published, any person to whom the requirement contained therein applies shall, within fourteen days from the date of such publication, deliver any firearm and ammunition to which the notification relates, to the Authority for safe keeping.

(3) The Authority may, if satisfied that the circumstances so warrant, exempt in writing, any applicant from the requirement to deliver a firearm to such Authority pursuant to a notification under subsection (1), so, however, that the exemption may be granted on such terms and subject to such conditions as the Authority may specify therein.

(4) The Authority may from time to time grant to the holder of a licence, certificate or permit in respect of any firearm or ammunition which he has delivered to that Authority pursuant to any requirement under this section, a certificate authorising him to recover the said firearm or ammunition, as the case may be, from the Authority aforesaid, for such purpose, for such period and subject to such conditions as may be specified in that certificate.

(5) Any person who without lawful excuse (the proof whereof shall lie on such person) fails to comply with the requirements of a notification pursuant to subsection (1), shall be guilty of an offence and shall be liable on summary conviction thereof before a Resident Magistrate, to a fine not exceeding one million dollars or to imprisonment with or without hard labour for a term not exceeding five years and the court in which he is convicted shall cause such conviction to be certified to the Authority who may revoke the licence in respect of the firearm concerned.

(6) Subject to the provisions of subsections (3) and (4) of this section and of subsection (1A) of section 37, where after the expiry of ninety days from the date of publication of any notification pursuant to subsection (1) any firearm or ammunition to which the notification relates has not been delivered to the Authority in accordance with that notification, any licence, certificate or permit in relation to that firearm or ammunition as the case may be, shall forthwith be deemed to be revoked.

36. Revocation of licences, certificates and permits. Cases

36. (1) Subject to section 37, the Authority may revoke any licence, certificate or permit if –

Cases

(a) the Authority is satisfied that the holder thereof is of intemperate habits or of unsound mind, or is otherwise unfitted to be entrusted with such a firearm or ammunition as may be mentioned in the licence, certificate or permit; or

(b) the holder thereof has been convicted in Jamaica or in any other country for an offence involving-

(i) the illegal importation or exportation of firearms or ammunition;

- (ii) the illegal possession or use of a firearm or ammunition;**
- (iii) the use of violence for which a sentence of imprisonment of three months or more was imposed;**
- (c) the holder thereof has been convicted of an offence against the Dangerous Drugs Act or any other offence for which a sentence of two years or more was imposed;**
- (d) the holder thereof has been convicted of an offence involving-**
 - (i) the unlawful discharge of a firearm in a public place;**
 - (ii) failure to adequately secure a firearm or ammunition at his place of abode or work or on his person;**
 - (iii) the unlawful use of a firearm to threaten violence against another person; or**
 - (iv) negligence, resulting in the loss of a firearm or ammunition;**
- (e) the holder thereof fails to comply with a notice under section 35.**

Cases

(2) Where the Authority revokes any licence, certificate or permit under this section or under section 18 or 46, he shall give notice in writing to the holder thereof -

- (a) specifying that the Authority has revoked such licence, certificate or permit;**
- (b) requiring such person to deliver up such licence' certificate or permit to the Authority on or before the day (not being less than three days after delivery of such notice) specified in such notice.**

(3) Every person who fails without lawful excuse (the proof whereof shall lie on such person) to comply with a notice under subsection (2) requiring him to deliver up a licence, certificate or permit to the Authority shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

37. Review of decision of Authority. Cases

37. (1) Subject to this section and section 37A, any aggrieved party may within the prescribed time and in the prescribed manner apply to the Review Board for the review of a decision of the Authority -

- (a) refusing to grant any application for a licence, certificate or permit; or**

(b) amending or refusing to amend any licence, certificate or permit; or

Cases

(c) revoking or refusing to revoke any licence, certificate or permit; or

(d) refusing to grant any exemption pursuant to sub section (3) of section 35A or any certificate to subsection (4) of section 35A.

Cases

(1A) Where any aggrieved party applies for the review of a decision of the Authority pursuant to paragraph (d) of subsection (1), the firearm or ammunition in relation to which the review is sought may be retained by the holder of a licence, certificate or permit in respect thereof until such time as the review has been determined.

(2) Upon the determination of any appeal under this section the Minister shall give to the appropriate authority against whose decision such appeal is taken such directions as the Minister may think fit.

(3) In this section the expression "aggrieved party" means the applicant for or the holder of any licence, certificate, exemption or permit in respect of the refusal to grant or the amendment or the revocation of which any appeal is taken and the owner of the firearm or ammunition to which such application, licence, certificate or permit relates.

(4) The provisions of this section shall not apply to any application for a licence, certificate or permit approval for the grant of which has been refused by the Minister or to any licence, certificate or permit the appropriate authority for the grant of which is the Minister.

(1B) Every person who pursuant to subsection (1) applies for the review of a decision of the Authority shall at the time of making the application pay the prescribed fee";

(e) deleting subsections (2) and (4);

(f) in subsection (3), by deleting the words "any appeal is taken" and substituting therefor the words "an application for review is made".

37A. Review Board.

37A.-(1) For the purpose of a review under section 37, there is hereby established a Review Board consisting of persons appointed by the Minister in accordance with the Fourth Schedule."

(2) The Review Board appointed under subsection (1) shall within ninety days of receiving an application for review-

- (a) hear, receive and examine the evidence in the matter under review; and
 - (b) submit to the Minister, for his determination, a written report of its findings and recommendations.
- (3) The Minister upon receipt and consideration of the reports of the Review Board shall give to the Authority such directions as the Minister may think fit.
- (4) Where the Review Board fails to comply with subsection (2), the Minister may hear and determine the matter under review.

38. Firearm Trans-shipment Permit.

38. The Minister shall be responsible for the grant, amendment or revocation of any Firearm Transshipment Permit.

39. Power of constable to require production of licence, certificate or permit.

39. (1) Any constable who sees any person carrying any firearm or ammunition in any public place may require such person unless he is exempted by virtue of subsection (2) of section 20 to produce to him his licence or certificate in relation to such firearm or ammunition and if such place is within any area to which section 22 applies to produce his Firearm User's (Special) Permit in relation to such firearm or ammunition.

(2) If any person so required fails unless he is exempted as aforesaid to produce the licence, certificate or permit, as the case may be, or to permit the constable to read the licence, certificate or permit or to examine the firearm or ammunition for the purpose of verifying the particulars in the licence, certificate or permit -

- (a) that person shall be guilty of an offence; and
 - (b) the constable may seize and retain the firearm or ammunition until such time as legal proceedings against that person in respect of that offence are finally disposed of and may require that person to declare to him immediately his name and address.
- (3) If any person so required refuses to declare his name and address, or fails to give his true name and address, he shall be guilty of an offence and the constable may arrest without warrant any person who refuses so to declare his name and address, or whom he suspects of giving a false name or address or of intending to abscond.
- (4) A constable authorized in writing by a chief officer of police may at any time require the holder of a licence, certificate or permit to produce for inspection the firearm and ammunition to which it relates, and any person who without good cause refuses or fails to do so shall be guilty of an offence.

40. Further provisions relating to production of licence, certificate or permit.

40. (1) Where any constable suspects that any person is carrying any firearm or ammunition concealed about his person he may -

(a) ask that person if he is carrying such firearm or ammunition; and

(b) if that person admits that he is carrying such firearm or ammunition require that person to produce such firearm or ammunition and, unless he is exempted by virtue of subsection (2) of section 20, his licence or certificate in respect thereof and if the place in which that person is carrying such firearm or ammunition is within any area to which section 22 applies to produce his Firearm User's (Special) Permit in relation to such firearm or ammunition.

(2) If any person so required fails, unless he is exempted as aforesaid, to produce the licence, certificate or permit, as the case may be, or to permit the constable to read the licence, certificate or permit or to examine the firearm or ammunition for the purpose of verifying the particulars in the licence, certificate or permit -

(a) that person shall be guilty of an offence; and

(b) the constable may seize and retain the firearm or ammunition until such time as legal proceedings against that person in respect of that offence are finally disposed of and may require that person to declare to him immediately his name and address.

(3) If any person denies that he is carrying any firearm or ammunition about his person the constable may search that person and seize and retain any firearm or ammunition carried by that person until such time as legal proceedings against that person in respect of that offence are finally disposed of and may require that person to declare to him immediately his name and address.

(4) If any person so required refuses to declare his name and address, or fails to give his true name and address, he shall be guilty of an offence and the constable may arrest without warrant any person who refuses so to declare his name and address or whom the constable suspects of giving a false name or address or of intending to abscond.

41. Report of loss or theft of firearm or ammunition.

41. (1) The holder of a licence, certificate or permit in respect of any firearm or ammunition and any other person lawfully in possession of any firearm or ammunition by virtue of subsection (2) of section 20 shall, within forty-eight hours after he discovers the loss or theft of such firearm or ammunition, report the loss or theft at a police station.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

41A. Loss of firearm through negligence. Cases

41A. Any person who, being the holder of any licence, certificate or permit in respect of a firearm or being lawfully in possession of a firearm by virtue of subsection (2) of section 20, loses such firearm through negligence on his part shall be guilty of an offence and on summary conviction thereof before a Resident Magistrate, shall be liable to a fine not exceeding one hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

42. Power to stop and search vehicles.

42. (1) Any constable may without warrant stop any vehicle in which he suspects any firearm or ammunition is being conveyed, and may search such vehicle and the driver thereof and any person conveyed therein.

(2) Any person who -

(a) being the driver or person operating a vehicle fails to stop the vehicle at the request of a constable under this section; or

(b) being conveyed in a vehicle, prevents or intimidates the driver thereof or other person operating such vehicle from stopping at the request of a constable under this section; or

(c) escapes or attempts to escape from a vehicle requested to be stopped under this section,

shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding five hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years.

43. Search warrants.

43. (1) A Justice of the Peace on being satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been, is being, or is about to be committed, may grant a search warrant authorizing any constable named therein -

(a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein; and

(b) to seize any firearm or ammunition which he may find on the premises or in the place, or on any such person, in respect of which or in connection with which he has reasonable grounds for suspecting that an offence under this Act has been, is being, or is about to be committed and to retain such firearm or ammunition for so long as may be necessary for the purpose of any investigation in relation thereto, and where such investigation results in legal proceedings against any person for any such offence, until such legal proceedings are finally disposed of.

(2) The constable making the search may arrest without warrant any person found on the premises or in the place whom he has reason to believe to be guilty of an offence under this Act other than an offence against section 41

44. Appropriate duty.

44. (1) Subject to subsections (2) and (3), the appropriate duty payable to a Collector of Taxes shall be -

(a) on every Firearm Manufacturer's Licence, ten thousand dollars; and

(b) on every Firearm Dealer's Licence, ten thousand dollars; and L.N. 23P/9887E/03

(c) on every Gunsmith's Licence, two hundred dollars; and

(d) on every Firearm User's Licence, the terms and conditions of which authorize the holder to carry a firearm or ammunition anywhere in Jamaica, three thousand dollars; and
L.N. 23P/9887E/03

(e) on any Firearm User's Licence, the terms and conditions of which authorize the holder to carry a firearm or ammunition in some specified place or area in Jamaica, three thousand dollars; and L.N. 23P/9887E/03

(f) on any Firearm User's (Employee's) Certificate, six hundred dollars. L.N. 23P/98

(2) Notwithstanding anything to the contrary, no duty shall be payable under this section-

(a) by the members of any rifle club recognized by the Minister, in respect of -

(i) a Firearm User's Licence in relation to any rifle, pistol, shot gun, air gun, air rifle or air pistol to be used solely for drill or target practice; or

(ii) a Firearm Manufacturer's Licence in relation to any ammunition manufactured solely for use for target practice or drill by such members;

(b) by the owner of any rifle in respect of which the prescribed authority certifies that such rifle is ordinarily used in the training of members of the Jamaica Combined Cadet Force, constituted under the Jamaica Combined Cadet Force Act;

(c) by the owner of any firearm or ammunition to which subsection (3) applies.

(3) This subsection applies to any firearm or ammunition in respect of which the Commissioner of Police certifies that he is satisfied that such firearm or ammunition is of an obsolete type and is not intended by the owner to be used by himself or by any other person.

(3A) In respect of every Firearm User's Licence, upon each occasion of payment of the appropriate duty other than the occasion prior to the application for the licence, the holder

of the licence shall, not sooner than one month prior to such payment, produce the firearm to which the licence relates to the chief officer of police for the parish or police division in which he resides for inspection, and the Collector of Taxes shall not accept payment of the appropriate duty relating to that firearm unless the payment is accompanied by a certificate from that officer that the firearm has also been so presented and inspected.

(4) The appropriate duty shall be payable in respect of the period commencing with the date of grant of the licence or certificate and ending with the next succeeding 31st day of March, and thereafter shall be payable in respect of each financial year in which the licence or certificate is in force and on or before the 30th day of April in that financial year:

Provided that where a licence or certificate is first granted in the month of March in any year the appropriate duty shall be deemed to apply to the period ending on the 31st day of March of the next succeeding year, and thereafter shall be payable in respect of each financial year as aforesaid.

(5) Any person who fails to pay the appropriate duty in accordance with the provisions of this section shall be guilty of an offence and on summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding two hundred thousand dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding twelve months.

(6) The Minister responsible for finance may from time to time by order revoke, increase, reduce or alter any duty payable under subsection (1).

(7) Every order under subsection (6) shall be subject to affirmative resolution of the House of Representatives.

(8) Notwithstanding the provisions of sections 15 and 18 of the Tax Collection Act, the appropriate duty shall be payable in one sum.

45. Custody of firearms and ammunition.

45. (1) Every person who comes into possession of any Custody of firearm or ammunition in the circumstances specified in paragraph (d) or (e) of subsection (2) of section 20 shall, within thirty days of coming into possession of such firearm or ammunition, unless he has obtained a Firearm User's Licence in respect thereof within such period, deliver such firearm or ammunition to the sub-officer in charge of the police station nearest to the place at which he comes into possession of such firearm or ammunition together with a written statement as to the date on which, and the circumstances in which he came into possession of such firearm or ammunition.

Cases

(2) Where any holder of any Firearm User's Licence is about to leave Jamaica and does not desire to take the firearm or ammunition to which such licence relates with

him, he shall before leaving Jamaica arrange for the storage of such firearm or ammunition in such place and under such conditions as may be approved by the chief officer of police, or deliver such firearm or ammunition either -

(a) to some person who is the holder of a Firearm User's Licence in respect of such firearm or ammunition as the case may be; or

(b) to the sub-officer in charge of any police station specified in the Second Schedule.

(3) Every person who contravenes subsection (1) or (2) shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding two hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

(4) The holder of a Firearm User's Licence may, if he does not desire to retain in his possession the firearm or ammunition to which such licence relates, surrender the licence and deliver the firearm or ammunition to the sub-officer in charge of the police station nearest to the place at which he is ordinarily resident.

(5) Every firearm and any ammunition received at any police station under this section shall -

(a) be delivered to any person who produces a Firearm User's Licence granted to him in relation to such firearm or ammunition either before or after the date on which such firearm or ammunition was received at such police station; or

(b) if not delivered to any person in accordance with paragraph (a) within twelve months of the date on which it was received at such police station, render the owner thereof liable for payment of a storage fee in such sum or at such rate as may be prescribed and if such fee is not paid within six months of the expiry of the period of twelve months aforesaid the firearm or ammunition, or both, as the case may be, shall be forfeited to the Crown.

(6) The Minister may from time to time by order amend the Second Schedule by adding thereto or removing therefrom any police station.

46. Forfeiture of firearms and ammunition.

46. Where any person -

(a) is convicted of an offence under this Act, or of any crime for which he is sentenced to imprisonment whether with or without hard labour; or

(b) has been ordered to be subject to police supervision or to enter into a recognizance to keep the peace or be of good behaviour, a condition of which is that the offender shall not possess, use or carry a firearm or ammunition, the court before which he is convicted or

by which the order is made may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as the court thinks fit, and shall cause the conviction or order, as the case may be, to be certified to the Authority who may, giving notice in accordance with subsection (2) of section 36 and subject to section 37, revoke any licence, certificate or permit held by the person convicted.

46A. Ballistics certificates admissible in evidence.

46A. (1) Notwithstanding anything to the contrary, but subject to the provisions of subsection (2), any certificate signed by a ballistics expert shall, in any criminal proceedings, be admitted as evidence of the matters so certified, without the ballistics expert being called upon to attend and to give evidence on oath.

(2) Where, in any criminal proceedings, it is intended to put in evidence a certificate as provided in subsection (1), the prosecution shall, at least three clear days before the proceedings, serve upon the person charged a written notice of such intention, together with a copy of the certificate, and that person may, before the commencement of the proceedings, by written notice served on the prosecution, object to the admission of the certificate, and may require the attendance of the ballistics expert to give evidence on oath.

(3) Any document purporting to be such a certificate as is mentioned in this section shall be deemed to be such a certificate, unless the contrary is proved.

Cases

(4) In this section, "ballistics expert" means any person designated as a ballistics expert by the Commissioner of Police by notice published in the *Gazette*.

47. Carrying firearms or ammunition in parts.

47. Where any firearm or ammunition is carried in parts by two or persons in company, each of such persons shall be deemed to carry a firearm or ammunition.

48 (1) . Regulations.

48. The Minister may , subject to subsection (2) make regulations for the better carrying out of this Act, and in particular, but without prejudice to the generality of the foregoing, for prescribing anything required or permitted by this Act to be prescribed.

(2) Regulations which relate to any matter falling within the functions of the Authority shall be made after consultation by the Minister with the Authority.

49. Service of notices.

49. Any notice required or authorized by this Act to be given to any person may be sent by registered post in a letter addressed to him at his last or usual place of abode, or in the case of the holder of a Firearm Dealer's Licence or of a Firearm Manufacturer's Licence or of a Gunsmith's Licence at any place or premises in respect of which the licence is issued.

50. General penalty.

50. Any person guilty of an offence under this Act for which no penalty is otherwise provided shall on summary conviction before a Resident Magistrate be liable to a fine not exceeding three hundred thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

51. Compulsory imprisonment for certain offences.

51. Notwithstanding any other provisions to the contrary, a sentence of imprisonment shall be imposed on every person other than a juvenile within the meaning of the Juveniles Act found guilty of an offence under this Act relating to a prohibited weapon.

52. Savings.

52. This Act shall not apply -

(a) to any firearm or ammunition the property of the Government of Jamaica except, at a time when such firearm or ammunition is in the possession of some person other than a person authorized by or on behalf of the Government of Jamaica to be in possession of such firearm or ammunition; or

(b) to any firearm or ammunition or signalling apparatus or ammunition therefor forming part of the equipment of any ship or aircraft or of any aerodrome at any time when such firearm or ammunition or signalling apparatus or ammunition therefor is on board of such ship or aircraft or at such aerodrome, as the case may be; or

(c) to any slaughtering instrument the property of the Kingston and St. Andrew Corporation or of any Parish Council or of the Jamaica Society for the Prevention of Cruelty to Animals or of any prescribed person except at a time when such slaughtering instrument is in the possession of some person other than a person authorized under this section to be in possession of such slaughtering instrument; or

(d) to any person authorized by the Government of Jamaica to be in possession of a firearm or ammunition, in respect of any firearm or ammunition the property of the Government of Jamaica in his possession pursuant to that authority; or

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(e) to any member of the Jamaica Combined Cadet Force constituted under the Jamaica Combined Cadet Force Act, or to any constable or any Special Constable or any Parish Special Constable, in respect of any firearm or ammunition in his possession in his capacity as a member of the Jamaica Combined Cadet Force, or as such constable, Special Constable or Parish Special Constable, as the case may be; or

(f) to any officer or member of the crew of any ship or aircraft or any employee at any aerodrome in respect of his possession on board of such ship or aircraft or at such aerodrome, and in his capacity as an officer or member of the crew of such ship or aircraft or an employee of such aerodrome, as the case may be, of any

firearm or ammunition, signalling apparatus or ammunition therefor referred to in paragraph (b); or

(g) to any employee of the Kingston and St. Andrew Corporation or any Parish Council or the Jamaica Society for the Prevention of Cruelty to Animals or of any prescribed person in respect of his possession in his capacity as such employee of any slaughtering instrument; or

(h) to any firearm or ammunition forming part of any collection owned by the Institute of Jamaica for museum purposes except at a time when such firearm or ammunition is in the possession of a person not authorized by the Institute of Jamaica to be in possession of such firearm or ammunition; or

(i) to such firearms and ammunition the property of the Government of such country in such circumstances and subject to such conditions as may for the time being be approved by the Minister, and to such persons in respect of their possession thereof as may be so approved.

FIRST SCHEDULE

Offences in relation to which possession of a firearm or imitation firearm contravenes subsection (2) of section 25

1. Offences against sections 5 to 7, 17 to 20, 38 to 41, paragraphs (2), (3) and (4) of section 42 and sections 43 and 44 of the Larceny Act.
2. Offences against sections 2 to 13, 15, 16, 26, 27 to 29 and 36 of the Malicious Injuries to Property Act.
3. Offences against sections 22 to 24, 31, 36, 43, 44, 55 to 57 and 69 of the Offences against the person Act.
4. Offences against section 45 of the Road Traffic Act.
5. Offences against the Treason Felony Act.
6. Aiding and abetting the commission of any offence specified in paragraphs (1) to (6) and attempting to commit any such offence other than an offence against section 9 of the Malicious Injuries to Property Act.

SECOND SCHEDULE

List of Police Stations

1. Kingston (Central) East Queen Street

2. Kingston (Eastern) Elletson Road
3. Kingston (Western)... .. Denham Town
4. St. Andrew (North)... .. Constant Spring
5. St. Andrew (Central)... .. Halfway Tree
6. St. Andrew (South)... .. Hunts Bay
7. Morant Bay
8. Port Antonio
9. Port Maria
10. St. Ann's Bay
11. Falmouth
12. Montego Bay
13. Lucea
14. Savanna-la-Mar
15. Black River
16. Mandeville
17. May Pen
18. Spanish Town
19. Police Training School Port Royal

THIRD SCHEDULE

(Section 26A)

Constitution of Firearm Licensing Authority

Constitution of Authority. 1. The Authority shall consist of the following persons-(a) a person who has retired from the post of-(i) Director of Public Prosecutions; or(ii) Senior Civil Servant;(b) a retired Judge of the Court of Appeal or the Supreme Court;(c) a retired Police Officer not below the rank of Senior Superintendent at the time of retirement; and(d) two other persons who the Minister is satisfied are of high integrity and able to exercise sound judgment in fulfilling their responsibilities under this Act.

Tenure of Office. 2. The members shall be appointed by the Minister by instrument in writing and shall, subject to the provisions of this Schedule, hold office for a period of three years.

Re-appointment. 3. Every member shall be eligible for re-appointment.

Chairman. 4. -(1) The Minister shall appoint one of the members to be chairman of the Authority.(2) The chairman shall preside at all meetings of the Authority at which he is present, and in the case of the chairman's absence from any meeting, the members present and forming a quorum shall elect one of their number to preside at that meeting.

Acting appointments. 5. If any member is absent or unable to act, the Minister may appoint any person to act in the place of that member, so, however, that such appointment

shall be made in the same manner and from among the same category of persons as would be required in the case of a substantive appointment.

Remuneration of members. 6. There shall be paid to the members of the Authority such remuneration as the Minister may determine.

Resignation. 7.-(1) Any member other than the chairman may, at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of receipt by the Minister of such instrument, that person shall cease to be a member.(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of that instrument.

Filling of vacancies. 8. If any vacancy occurs in the membership of the Authority, such vacancy shall be filled by the appointment of another member, so, however, that such appointment shall be made in the same manner and from the same category of persons as would be required in the case of the original appointment.

Gazetting of Membership. 9. The names of all members of the Authority as first constituted and every change therein, shall be published in the *Gazette*.

Quorum. 10. The quorum of the Authority shall be three members.

Funds of Authority. 11. The funds of the Authority shall consist of such funds as may from time to time be placed at their disposition for the purposes of this Act by Parliament, and such other moneys as may be lawfully paid to the Authority.

Staff of Authority. 12. For the due administration of the Authority, the Governor-General shall appoint-(a) a Secretary or Chief Executive Officer, as the case may be, who shall be responsible for the day-to-day administration of the Authority; and(b) such other officers and agents as may be necessary for the efficient operation of the Authority.

Accounts and Audit. 13.-(1) The Authority shall keep accounts and other records in relation to its activities and shall prepare annually a statement of accounts in a form satisfactory to the Minister and conforming to established accounting principles.(2) The accounts of the Authority shall be audited annually by the Auditor-General.

Annual reports and estimates. 14. (1) The Authority shall, within four months after the end of each financial year, or within such longer period as the Minister may in special circumstances approve, cause to be made and shall transmit to the Minister a report dealing generally with the activities of the Authority during the preceding financial year.(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the Auditor-General's report thereon to be laid on the Table of the House of Representatives and of the Senate.(3) The Authority shall, in each financial year, before a date specified by the Minister, submit to the Minister for his approval, estimates of income and expenditure for the ensuing financial year.(4) For the purposes of this

paragraph, "financial year" means the period of twelve months ending on the 31st day of August in each year.

Power of Minister to require returns. 15. The Authority shall furnish the Minister with such returns, accounts and other information as he may require with respect to the activities of the Authority and shall afford him facilities for verifying such information in such manner and at such times as he may reasonably require.

FOURTH SCHEDULE

(Section 37A)

Constitution of the Review Board

Constitution of Review Board. 1. The Review Board shall consist of-(a) a person who has served in the post of-(i) Director of Public Prosecutions; or(ii) a senior member of staff of the Office of the Director of Public Prosecutions;(b) a person who has served as a Judge of the Court of Appeal or the Supreme Court;(c) a person who served as an Officer of the Jamaica Constabulary Force not below the rank of Superintendent.

Tenure of Office. 2. The members shall be appointed by the Minister by instrument in writing and shall, subject to the provisions of this Schedule, hold office for a period of three years.

Re-appointment. 3. Every member shall be eligible for re-appointment.

Chairman. 4.-(1) The Minister shall appoint one of the members to be chairman of the Review Board.(2) The chairman shall preside at all meetings of the Review Board at which he is present, and in the case of the chairman's absence from any meeting, the members present and forming a quorum shall elect one of their number to preside at that meeting.

Acting appointments. 5. If any member is absent or unable to act, the Minister may appoint any person to act in the place of that member, so, however, that such appointment shall be made in the same manner and from among the same category of persons as would be required in the case of a substantive appointment.

Remuneration of members. 6. There shall be paid to the members of the Review Board such remunerations as the Minister may determine.

Resignation. 7.-(1) Any member other than the chairman may, at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of receipt by the Minister of such instrument, that person shall cease to be a member.(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of that instrument.

Filling of vacancies. 8. If any vacancy occurs in the membership of the Review Board, such vacancy shall be filled by the appointment of another member, so, however, that such appointment shall be made in the same manner and from the same category of persons as would be required in the case of the original appointment.

Gazetting of Membership. 9. The names of all members of the Review Board as first constituted and every change therein, shall be published in the Gazette. "