

# FIREARM LICENSING AUTHORITY

## Highlights of the Firearms Act



### Restrictions relating to the Discharge of Firearms, Section 23

(1) A person shall not discharge any firearm or ammunition on or within forty yards of any public road or in any public place except under the following circumstances;

(a) in the lawful protection of his person or property or of the person or property of some other person; <sup>4</sup> or

(b) in the lawful shooting of a trespassing animal; <sup>5</sup> or

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

(d) with the permission of the Minister.

<sup>4</sup> Jamaican law allows for *reasonable force, up to and including the use of, or the threat of, lethal force, to be employed in the defense of a person's life. The threat must be of a **criminal or careless and reckless nature** and, the threat must be **clear, identifiable, and able to immediately cause serious injury or death.***

*This also applies to someone committing arson. This is because arson is deemed to be a crime committed by a deadly weapon (fire).*

*While the law allows the use of a firearm for the protection of property, it is not recommended (except as outlined above in the case of arson). The fact is that most property is insured and/or easily replaced – and the **mandatory** legal response of the police authorities will often result in the **seizure** of the firearm until investigations are complete (timeframe indeterminable) and **possible prosecution** if there is any doubt as to the legitimacy of that usage. The use of a firearm to protect (replaceable) property is not worth risking your freedom or the continued ownership and use of the firearm.*

<sup>5</sup> Except cows, horses, mules, donkeys (see the Pound Act)

### Search & Seizure relating to the discharge of Firearm, Section 23

(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.