

CHAPTER 171

THE FIREARMS ACT

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FIREARMS

*(1st May, 1973.)*11/1972.
28/1986.
18/1989.

1. This Act may be cited as the Firearms Act. **Short title.**

PRELIMINARY

2. (1) In this Act— **Interpretation.**

“ammunition” means—

(a) ammunition for any firearm of any kind;

(b) every shell, cartridge case, bomb, hand-grenade, bullet or like missile, whether containing any explosive or gas or chemical or not, and whether intended to be discharged from or by any gun or other propelling or releasing instrument or mechanism or not except missiles which can be used only for the purpose of extinguishing fires;

(c) every part of any such shell, cartridge case, bomb, hand-grenade, bullet or missile, whether such shell, cartridge case, bomb, hand-grenade, bullet or missile may have been completely formed at any time or not;

(d) every fuse, percussion cap, or priming cap, adapted or prepared for the purpose of causing the propulsion of or exploding any shell, bomb, hand-grenade, bullet or other projectile;

(e) every bullet clip or cartridge clip;

(f) any explosive when enclosed in any case or contrivance adapted or prepared so as to form a cartridge, charge or complete round for any firearm or any other weapon, or to form any tube for firing explosives, or to form a detonator, or a projectile, which can be used (whether singly or in suitable combinations) as or in connection with, a missile;

(g) everything declared by Order of the Governor-General to be ammunition:

"artillery" means any cannon, howitzer, mortar or flame-thrower;

"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 until the magazine containing the missiles is empty;

"cannon" means a firearm that requires mounting and fires explosive shells or projectiles;

"certificate" means a certificate under this Act;

"Commissioner of Police" means the Gazetted Police Officer in charge of the Royal Police Force of Antigua and Barbuda and includes any police officer, or Government officer authorised in writing by the Commissioner of Police to act on his behalf in relation to the licensing of firearms;

"firearm" means any lethal barrelled weapon from which ammunition can be discharged or 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 Order made by the Governor-General and of a calibre so prescribed;

"Firearm Dealer's Licence" means a licence authorising 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 authorising the holder thereof to dispose of the firearm or ammunition specified therein;

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

"Firearm User's Licence" means a licence authorising the holder thereof, subject 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 18;

"flame-thrower" includes a tube or container capable of directing a sustained flame for any distance;

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

"howitzer" includes a firearm designed for high angle firing of shells at low velocity;

"licence"⁷ means a licence under this Act;

“mortar” includes a small bore, muzzle-loading high angle of fire firearm or a firearm for firing of shells at high angles;

“officer of customs” includes any person employed in the Customs Division or the Harbour Division of Antigua and Barbuda and any police officer;

“permit” means a permit under this Act;

“police officer” means any member of the Royal Police Force of Antigua and Barbuda or any special constable or member of a Fire Brigade established in Antigua and Barbuda acting in his capacity as a special constable;

“prescribed” means prescribed by regulations made under this Act;

“prohibited weapon” means—

(a) any artillery or automatic firearm;

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

(c) any weapon of whatever description or design which is adapted for the discharge of any noxious liquid, gas or other thing;

“regulations” mean regulations made under this Act;

“restricted person” means any person who has at any time within five years next before the event in relation to which the term is used—

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

(b) been convicted of an offence involving violence and sentenced to a term of imprisonment exceeding three months;

“sell” includes exchange or to exchange in part only of the consideration, and “purchase” has a corresponding meaning;

“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;

“vehicle” has the meaning assigned to that expression in the Vehicles and Road Traffic Act.

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(2) An order made under subsection (1) (g) shall be subject to negative resolution of the House of Representatives.

3. A court before which a person is convicted of an offence under this Act (other than an offence against section 29), may declare that person to be a restricted person for the purposes of this Act.

Declaration of restricted person.

4. Except in the case of the grant of a licence, certificate or permit under Part II, the functions, powers and duties of the Commissioner of Police under this Act, may be exercised, by any police officer authorised by the Commissioner of Police in that behalf.

Exercise of the functions of the Commissioner of Police.

PART I

Possession, Sale, Transfer and Use of Firearms and Ammunition

5. (1) In this Part—

Interpretation of Part 1.

“acquire” includes hire, accept as a gift or borrow;

“transfer” includes let, hire, give, lend or part with possession.

(2) In any prosecution for an offence under this Part or Part IV a person who is proved to have had in his possession or under his control anything whatsoever in or on which is found any firearm or ammunition shall, until the contrary is proved, be deemed to have been in possession of such firearm or ammunition.

6. (1) Subject to section 7, a person may purchase, acquire or have in his possession a firearm or ammunition only if he holds a Firearm User's Licence with respect to such firearm or ammunition.

Possession with licences only—Saving.

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(2) Notwithstanding any other law including any enactment repealed by this Act, a person may not have in his possession any prohibited weapon unless he is a police officer acting in his capacity as such or is a member of the Defence Force established under the Defence Act (hereinafter referred to as "The Defence Force") acting in his capacity as such or a member of the Armed Forces of Her Majesty acting in his capacity as such.

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

- (a) an offence under subsection (1)
 - (i) on summary conviction to a fine of ten thousand dollars or to imprisonment for two years; or
 - (ii) on conviction on indictment to imprisonment for five years.
- (b) an offence under subsection (2)
 - (i) on summary conviction to a fine of fifteen thousand dollars or to imprisonment for two years or to both such fine and imprisonment; or
 - (ii) on conviction on indictment to imprisonment for ten years.

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

- (a) an offence under subsection (1)
 - (i) on summary conviction is liable to a fine of fifteen thousand dollars or to imprisonment for two years; or
 - (ii) on conviction on indictment to imprisonment for seven years.
- (b) an offence under subsection (2)
 - (i) on summary conviction to a fine of twenty-five thousand dollars or to imprisonment for

two years or to both such fine and imprisonment; or

- (ii) on conviction on indictment to imprisonment for ten years.

7. (1) The following persons are exempt from the provisions of subsection (1) of section 6 that relate to having a firearm or ammunition in their possession— **Exemptions.**

(a) a police officer acting in his capacity as such or a member of the Defence Force acting in his capacity as such, if the firearm and ammunition are the property of the Government;

(b) the holder of a Firearm Dealer's Licence who has in his possession such firearm or ammunition in the ordinary course of business under such licence;

(c) the holder of a Firearm User's (Employee's) Certificate who has such firearm or ammunition in his possession in the circumstances contemplated by section 18;

(d) the holder of a Gunsmith's Licence who has in his possession such firearm or ammunition in the ordinary course of business under such licence;

(e) a member of the Armed Forces of Her Majesty acting in his capacity as such, if the firearm and ammunition are the property of Her Majesty;

(f) a member of a recognised cadet corps or rifle club who has in his possession such firearm or ammunition when engaged as such a member in or in connection with drill or target practice:

Provided that a cadet corps or rifle club shall be deemed to be recognised hereunder only after the Governor-General has ordered that the members of such cadet corps or the rifle club shall be exempt from the provisions of subsection (1) of section 6 and provided also that the Governor-General may at any time revoke such order of exemption;

(g) subject to subsection (2) a person taking part in a theatrical performance or any rehearsal thereof or production of a cinematograph or television film who

has such firearm in his possession during and for the purpose of the performance, rehearsal or production;

(*h*) subject to subsection (2) a person present at a sporting event who has in his possession such firearm and ammunition for the purpose of starting the races at that event;

(*i*) any person (including a restricted 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;

(*j*) any servant or agent of any of the persons referred to in paragraphs (*b*) and (*d*) who has possession 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;

(*k*) any officer of customs or any police officer who has possession of any firearm or ammunition that came into his possession pursuant to this Act during such period as such firearm or ammunition is retained by him pursuant to this Act;

(*l*) the owner of a firearm (not being a slaughtering instrument) or of any ammunition who is exempt from the payment of the appropriate fee under section 40(3);

(*m*) any person or class of persons declared by order of the Governor-General to be exempt from the provisions of subsection (1) of section 6.

(2) Subsection (1) (*g*) and (*h*) shall not apply so as to exempt any person mentioned therein from the provision of subsection (1) of section 6, unless he has obtained from the Commissioner of Police permission in writing to possess such firearm and ammunition for such purpose.

(3) Nothing in subsection (1) (*i*) shall be taken to authorise any such person so coming into possession of a

firearm or ammunition to carry such firearm or ammunition in any public place or in any way to use such firearm or ammunition and if any such person carries except for the purpose of complying with section 41(1), a firearm or ammunition in a public place or in any way uses such firearm or ammunition he is guilty of an offence under subsection (1) of section 6 in addition to any other offence he may have committed.

(4) Nothing in subsection (1) of section 6 shall be construed so as to make any person liable for an offence thereunder, if a firearm or ammunition is in the possession of any officer of a court for the purpose only of any legal proceedings in which the firearm or ammunition is in the custody of the court.

8. A person, other than a Police Officer, a member of the Defence Force or a member of the Armed Forces of Her Majesty, in all cases acting in his capacity as such, or any person or class of persons declared by order of the Governor-General to be exempt from the provisions of this section is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars or to imprisonment for two years or to both such fine and imprisonment who carries any firearm or ammunition in any public place that is prescribed by the Governor-General.

Carrying firearm or ammunition in prescribed public places.

9. (1) A person who sells or transfers a firearm or ammunition to any other person who does not hold or who is not exempted from holding a Firearm User's Licence is guilty of an offence and liable—

Offences relating to selling or transferring firearms or ammunition.

(a) on summary conviction to a fine of ten thousand dollars or imprisonment for two years; or

(b) on conviction on indictment to imprisonment for five years.

(2) A person is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars or to imprisonment for two years who sells or transfers a firearm or ammunition to, or repairs, tests or proves any firearm or ammunition for, any other person whom he knows, or has reasonable cause to believe, to be—

(a) a restricted person;

(b) drunk or under the influence of drugs or of unsound mind;

(c) at the time of such sale or transfer otherwise unfit to be entrusted with such a firearm or ammunition; or

(d) under the age of eighteen years.

(3) The provisions of this section shall apply whether or not the person selling or transferring a firearm or ammunition is the holder of a Firearm Dealer's Licence or in the case of a person who repairs, tests or proves a firearm or ammunition a Gunsmith's Licence.

Special offence as to possession of firearms in certain circumstances.

10. (1) Without prejudice to any liability for the commission of an offence under any other law, a person who has in his possession or under his control any firearm or ammunition with intent to sell or transfer such firearm or ammunition to any other person for the purpose of the commission of any crime (including an offence under this Act) is guilty of an offence and liable—

(a) on summary conviction to a fine of fifteen thousand dollars or imprisonment for two years or to both such fine and imprisonment; or

(b) on conviction on indictment to imprisonment for ten years.

(2) For the purposes of subsection (1), where any firearm or ammunition is found in any ship, vessel, aircraft, vehicle or other means of conveyance in Antigua and Barbuda including in particular its territorial sea—

(a) the ship, vessel, aircraft, vehicle or other means of conveyance may be seized by an officer of customs, police officer or by a member of the Antigua and Barbuda Defence Force;

(b) the master or any person in control of such ship, vessel, aircraft, vehicle or other means of conveyance, as the case may be, shall be deemed guilty of an offence under subsection (1), unless he proves that the firearms

or ammunition were in the ship, vessel, aircraft, vehicle or other means of conveyance without his consent, knowledge or connivance and that he exercised all due diligence to prevent the commission of the offence.

(3) Nothing in subsection (2)(b) shall apply if the master or other person referred to in subsection (2) proves to the satisfaction of the court that the firearms or ammunition are cargo properly manifested to consignees in Antigua and Barbuda or elsewhere, or are *bona fide* stores of any ship, vessel or aircraft, in the custody of the proper officer authorised for the purpose.

(4) Nothing in subsection (2) shall apply to any ship, vessel or aircraft belonging to the Naval or Air Forces of any other State, if permission to come into the territorial sea has been granted by the competent authority.

(5) Where any person is convicted of an offence under this section, the court before which he is convicted shall order that the ship, vessel, aircraft, vehicle or other means of conveyance if any, used for the purpose of conveying the firearm or ammunition be forfeited and, upon such order being made the ship, vessel, aircraft, vehicle or other means of conveyance, shall unless an application under subsection (6) is successful, be sold and the proceeds of such sale paid into the Consolidated Fund.

(6) Where any ship, vessel, aircraft, vehicle or other means of conveyance is ordered to be forfeited under subsection (5), the owner of such ship, vessel, aircraft, vehicle or other means of conveyance may make a claim to the court for the ship, vessel, aircraft, vehicle or other means of conveyance to be restored to him.

(7) Where a claim is made to the court under subsection (6) the court may, subject to subsection (8), order that the ship, vessel, aircraft, vehicle or other means of conveyance shall be restored to the owner thereof on payment by him of any expenses incurred for transporting and keeping such ship, vessel, aircraft, vehicle or other means of conveyance for the purposes of this section.

(8) A court shall not make an order under subsection (7) unless it is satisfied that the owner, charterer or master of the ship, vessel, aircraft, vehicle or other means of conveyance as the case may be—

(a) did not permit any person convicted of an offence under subsection (1) to use the ship, vessel, aircraft, vehicle or other means of conveyance for the purpose of conveying any firearm or ammunition in respect of which the offence was committed; or

(b) had no knowledge that any person convicted of an offence under subsection (1) would use the ship, vessel, aircraft, vehicle or other means of conveyance for the purpose of conveying any firearm or ammunition in respect of which the offence was committed.

Restrictions relating to the discharge of firearms and ammunition.

11. (1) A person is guilty of an offence and liable on summary conviction to a fine of one thousand dollars who discharges any firearm or ammunition on or within forty yards of any public road or in any public place, except—

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

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

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

(d) with the permission of the Commissioner of Police.

(2) A police officer may without warrant enter any premises on which he has reasonable cause to believe an offence under subsection (1) was committed and search for and seize any firearm and ammunition there found which he has reasonable cause to believe were used in such contravention 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 determined.

(3) Nothing in subsection (1) shall apply in the case of the accidental discharge of a firearm or the discharge of a firearm in the case of lawful game shooting.

(4) Where any person is charged with an offence under 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 accidental or otherwise a lawful discharge shall lie upon the person asserting the same.

12. A person who has in his possession any firearm or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person to endanger life or cause serious injury to property is, whether any injury to person or property has been caused or not, guilty of felony and liable on conviction on indictment to imprisonment for ten years.

Penalty for possessing firearms or ammunition with intent to injure.

13. (1) A person who makes or attempts to make any use whatever of a firearm or imitation firearm in furtherance of the commission of any offence or with intent to resist or prevent the lawful apprehension or detention of himself or some other person, is guilty of an offence and liable on conviction on indictment to imprisonment for ten years.

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

(2) Where a 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 is liable to the penalty provided by that subsection in addition to any penalty to which he may be sentenced for that felony or other offence.

(3) Where an offence in relation to a firearm or imitation firearm is charged, but the evidence establishes the commission of an offence in relation to an imitation firearm, or firearm respectively, the accused shall not be entitled to an acquittal but he may be convicted of the offence of which the evidence establishes the commission.

(4) In this section "imitation firearm" means anything which has the appearance of being a firearm whether it is capable of discharging any ammunition or not.

Penalty for use of firearms or ammunition in contravention of terms or conditions of licences. &c.

14. Without prejudice to the foregoing provisions of this Part a person who, being the holder of a licence, certificate or permit, contravenes any of the terms or conditions thereof, is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for one year.

Prohibition on manufacture &c. of firearm or ammunition.

15. (1) No person may manufacture any firearm or ammunition in Antigua and Barbuda, and in particular, a person other than the holder of a Gunsmith's Licence shall not—

(a) shorten the barrel of any firearm;

(b) convert into a firearm (other than a prohibited weapon) anything which is not a firearm; or

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

(2) The 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) A person who contravenes subsection (1) is guilty of an offence and liable in the case of—

(a) an offence in relation to the manufacture of prohibited weapons on conviction on indictment to imprisonment for ten years or to a fine or to both such imprisonment and fine;

(b) an offence in relation to the manufacture of firearms or ammunition, other than a prohibited weapon—

(i) on summary conviction to a fine of ten thousand dollars or to imprisonment for two years;

(ii) on conviction on indictment to imprisonment for five years;

(c) an offence in relation to paragraph (a) or (b) of subsection (1)—

(i) on summary conviction to a fine of three thousand dollars or to imprisonment for one year; or

- (ii) on conviction on indictment to imprisonment for five years.
- (d) an offence in relation to paragraph (c)—
 - (i) on summary conviction to a fine of fifteen thousand dollars or to imprisonment for two years;
 - (ii) on conviction on indictment to imprisonment for ten years.
- (4) A person who has in his possession a firearm—
 - (a) the barrel of which has been shortened, or
 - (b) in relation to which an offence under subsection (1) (b) or (c) has been committed

shall be deemed, unless he proves the contrary, to have committed the offence under subsection (1) (a), (b) or (c) respectively.

PART II

Licences

General Provisions

16. Every application for any licence, certificate or permit shall—

Application for licences, certificates and permits.

- (a) be addressed to the Commissioner of Police;
- (b) be in the prescribed form;
- (c) contain the prescribed particulars;
- (d) be accompanied by the prescribed number (if any) of the photographs of the prescribed dimensions of the person to whom the licence, certificate or permit applied for is desired to be granted;
- (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;
- (f) be signed by the applicant; and
- (g) be accompanied by such other documents, if any, as may be prescribed.

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

17. (1) Subject to this section and to sections 16 and 23 the grant of any licence, certificate or permit shall be in the discretion of the Commissioner of Police.

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

(3) No licence, certificate or permit other than a Firearm Disposal Permit shall be granted to, or held by a restricted person except with the prior permission of the Governor-General.

(4) A Firearm Import Permit, a Firearm User's Licence or a Firearm User's (Employee's) Certificate shall be granted by the Commissioner of Police 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; so however, that such a permit, certificate or licence shall not be granted to a person whom the Commissioner of Police has reason to believe to be of intemperate habits or unsound mind, or to be for any reason unfit to be entrusted with such a firearm or ammunition.

(5) A licence, certificate or permit shall not be issued to any person until the appropriate fee has been paid.

(6) A licence, certificate or permit shall remain in force for the period specified therein unless sooner revoked or otherwise terminated.

Firearm User's (Employee's) certificate.

18. (1) Subject to the provisions of this Act, the Commissioner of Police 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 a person a Firearm User's (Employee's) Certificate which shall authorise such person to keep, carry and use in connection with the business of the holder of such Firearm User's Licence for such period as may be specified therein the particular firearm specified in such certificate and such ammunition therefor as may be so specified.

(2) For the purposes of subsection (1), where application for a Firearm User's (Employee's) Certificate is made by a public officer for the purpose of the exercise of his functions as such, the Permanent Secretary in the Ministry to which that public officer is attached shall be deemed to be the holder of a Firearm User's Licence in respect of any particular firearm specified in such application.

19. (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.

General provisions as to licences, certificates and permits.

(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 Commissioner of Police may impose.

20. (1) The Commissioner of Police may at any time by notice in writing to the holder of a licence, certificate or permit vary the conditions other than such conditions as may be prescribed subject to which such licence, certificate or permit is held.

Amendment of licences, certificates and permits.

(2) A licence, certificate or permit may also on the application of the holder thereof, be varied from time to time by the Commissioner of Police.

21. The Commissioner of Police may revoke any licence, certificate or permit—

Revocation of licences, certificates and permits.

(a) if in case of the holder of a Firearm Dealer's Licence or a Gunsmith's Licence, such holder is convicted of an offence against this Act or of an offence against the Trade and Revenue Act;

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

(g) for non-payment of fees.

**Power to call in
firearms and
ammunition.**

22. (1) The Commissioner of Police with the approval of the Minister responsible for the Police may at any time he considers it necessary or expedient for the purpose of safeguarding the safety of the public, by Notice published in the Gazette and in at least one newspaper circulating in Antigua and Barbuda temporarily suspend any or all licences, certificates or permits granted by him under this Act and may by such Notice call upon the holders of such licences, certificates or permits, to surrender all firearms and ammunition held by them by delivering the same to a police station.

(2) A person who fails (within such time as is specified in the Notice) to comply with a Notice under subsection (1) is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars or to imprisonment for one year.

Appeals.

23. (1) Subject to this section, any aggrieved party may appeal to the Minister against any decision of the Commissioner of Police:

(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

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

(2) Such appeal shall be by Notice in writing served on the Minister and the Commissioner of Police within ten days of the decision of the Commissioner of Police.

(3) Upon the determination of any appeal under this section the Minister shall give to the Commissioner of Police such directions as the Minister may think fit.

(4) In this section the expression—

(a) "aggrieved party" means the applicant for the holder of any licence, certificate 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;

(b) "Minister" means the Minister responsible for the Police.

Special Provisions

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

Restrictions upon holders of Firearm Dealer's Licences.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of five thousand dollars or to imprisonment with or without hard labour for one year; or on conviction on indictment to a fine or to imprisonment with or without hard labour for a term not exceeding two years.

25. (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.

Restrictions relating to gunsmiths.

(2) 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 licence, certificate or permit authorising him to buy, sell or be in possession of, as the case may be, such firearm or ammunition.

(3) A holder of a Gunsmith's Licence shall forthwith record in the records to be kept by him pursuant to section 27 particulars of any licence or certificate produced to him pursuant to paragraph (b) of subsection (2), and shall in due course return such licence or certificate to the person who produced it.

(4) Every holder of a Gunsmith's Licence who contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of five thousand dollars

or to imprisonment with or without hard labour for one year.

Notice to be displayed by licensees.

26. (1) Every holder of a Firearm Dealer's Licence or a Gunsmith'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 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 dealer" or "Licensed as a gunsmith" respectively.

(2) A person who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for one year.

Records and returns.

27. (1) Every licensed dealer shall provide and keep a register of transactions and shall enter or cause to be entered therein such particulars as may be prescribed for 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 police officer duly authorised in writing in that behalf by the Commissioner of Police or any police officer of or above the rank of Sergeant to enter and inspect all stock in hand and shall on request by—

(a) any police officer duly authorised in writing in that behalf by the Commissioner of Police; or

(b) an officer of customs; or

(c) any police officer of or above the rank of Sergeant,

produce for inspection the register required to be kept under subsection (1), but so 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) is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars or to imprisonment for two years or to both such fine and imprisonment.

(6) A person who in furnishing the particulars for any of the purposes of subsection (2) makes any statement which he knows to be misleading, false, or deceptive, or by any dishonest concealment of material facts, or by the reckless making of any statement (dishonestly or otherwise) misleads or attempts to mislead any other person, is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars or to imprisonment for two years or to both such fine and imprisonment.

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

PART III

Power of Search and to Obtain Information

28. (1) The holder of a licence or certificate who is thereby authorised to carry a firearm and ammunition in a public place shall whenever he carries such firearm or ammunition in a public place have with him the licence or certificate in respect of such firearm and ammunition.

Carrying of fire arms and ammunition in public places - power of police as to.

(2) Subject to subsection (4), except in the case of a person exempted by virtue of section 7, a police officer may

require any person whom he sees or whom he believes to be carrying any firearm or ammunition in any public place to produce to him his licence or certificate in relation to such firearm or ammunition and to produce the firearm or ammunition.

(3) A person so required under subsection (2) who is so carrying a firearm or ammunition and who fails to produce the licence or certificate as the case may be, or to permit the police officer to read the licence or certificate or to produce the firearm or ammunition or to permit him to examine the firearm or ammunition for the purpose of verifying the particulars in the licence or certificate, is guilty of an offence, and the provisions of subsection (4) as to search, seizure and retention of firearms and ammunition shall apply in any such case, and the police officer may, without warrant, arrest such person or may require that person to declare to him immediately his name and address.

(4) Where a police officer has reasonable cause to suspect that any person is carrying a firearm or ammunition in a public place contrary to any of the provisions of this Act, the police officer may search that person, and may seize and retain any firearm or ammunition carried by that person until such time as legal proceedings against that person for any offence in relation to such firearm or ammunition are finally determined, and may without warrant arrest such person.

(5) A person so required under subsection (3) who refuses to declare his name and address, or fails to give his true name and address is guilty of an offence and the police officer may arrest without warrant any person who refuses so to declare his name and address, or whom he reasonably suspects of giving a false name or address or of intending to abscond.

(6) A police officer authorised in writing by the Commissioner 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 is guilty of an offence.

(7) A person guilty of an offence under this section is liable on summary conviction to a fine of five thousand dollars or to imprisonment for one year.

29. (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 7 shall, within twenty-four hours after he discovers the loss or theft of his licence, certificate or permit, if any, or of such firearm or ammunition, report the loss or theft at a police station.

Report of loss or theft of firearm or ammunition, &c.

(2) A person who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

30. (1) A police officer in uniform may stop any vehicle for the purpose of ascertaining whether any firearm or ammunition is being conveyed therein and may search without warrant such vehicle, the driver thereof and any person conveyed therein.

Power to stop and search vehicles.

(2) A person is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for one year who—

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

(c) escapes or attempts to escape from a vehicle after a request to stop under this section.

31. (1) A Magistrate 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 authorising any police officer named therein with the assistance of such other persons as he may require—

Search warrants.

(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 determined.

(2) Where firearms or ammunition are found on the premises, the police officer 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 29.

(3) Every person who hinders or molests or interferes with any police officer or other person referred to in subsection (1), doing anything that he is authorised by subsection (1) to do or prevents or attempts to prevent any police officer or other such person from doing any such thing, is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars or to imprisonment for two years or to both such fine and imprisonment.

Part IV

Importation of Firearms, Etc.

32. (1) Notwithstanding any other law but subject to section 33 no person may import into Antigua and Barbuda any firearm or ammunition, except—

(a) under and in accordance with the terms of a Firearm Import Permit (including a permit under section 34); or

(b) firearms or ammunition that is cargo properly manifested to consignees elsewhere than in Antigua and

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

Barbuda or that are the *bona fide* stores of any ship, vessel or aircraft in the custody of the proper officer authorised for the purpose.

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

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

(i) on summary conviction to a fine of ten thousand dollars or imprisonment for two years; or

(ii) on conviction on indictment to imprisonment for five years;

(b) in any other case—

(i) on summary conviction to a fine of five thousand dollars or to imprisonment for one year; or

(ii) on conviction on indictment to imprisonment for two years.

(3) A person is guilty of an offence and liable on summary conviction to a fine of five thousand dollars or to imprisonment for one year who, except in accordance with the permission in writing of the Commissioner of Police under section 34, exports any firearm or ammunition from Antigua and Barbuda.

33. (1) Every person who disembarks from any ship, vessel or aircraft which comes into Antigua and Barbuda from any port or place outside Antigua and Barbuda shall, whether or not required so to do by any officer of customs, declare to a customs officer whether he has any, and, if so, what firearms or ammunition in his possession or under his control.

Travellers to make declaration of firearms and ammunition.

(2) A person referred to in subsection (1) who has any firearm or ammunition in his possession or under his control 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 came into Antigua and Barbuda until after such vessel or aircraft departs from Antigua and Barbuda; or

(b) deliver such firearm or ammunition to an officer of customs to be dealt with in accordance with the regulations.

(3) Without prejudice to any other offence for which he may be convicted under this Act or any other enactment, a person is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars or to imprisonment for two years who contravenes or fails to comply with the provisions of this section or makes a statement which he knows to be false or does not believe to be true.

Permission to
take firearm
abroad.

34. (1) Where the holder of a Firearm User's Licence is about to go outside Antigua and Barbuda and desires to take with him the firearm or ammunition to which such licence relates, he may apply to the Commissioner of Police in the prescribed form for a permit so to do.

(2) The Commissioner of Police may if he thinks fit grant a written permit to any such licensee to take the firearm and ammunition with him, and where such permission is granted, nothing in section 32 (1) shall be construed so as to cause such a licensee to be guilty of an offence thereunder by reason only of his bringing the firearm and ammunition back into Antigua and Barbuda on the occasion of his return, save that nothing in this subsection shall affect the operation of section 33 in relation to such firearm or ammunition.

Special offence
relating to
firearms on
aircraft.

35. (1) A person is guilty of an offence if without lawful authority he has on his person or under his personal control any firearm, ammunition, explosive or offensive weapon—

(a) when boarding or attempting to board or when disembarking from any aircraft;

(b) while on board any aircraft operated by a company registered in Antigua and Barbuda.

(2) For the purposes of this section a person shall not be deemed to be acting with lawful authority unless he is acting in his capacity as a member of the Defence Force established under the Defence Act, a police officer or as a security officer employed by the operators of the aircraft, save that where the operator is a company registered in Antigua and Barbuda the security officer shall not be deemed to be acting with lawful authority, unless he is the holder of a licence or certificate. Cap. 132.

(3) A person guilty of an offence under this section is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for two years or to both such fine and imprisonment and on conviction on indictment to a fine or to imprisonment for five years or to both such fine and imprisonment.

(4) Nothing in this section shall apply to any person who obtains the prior permission from the Commissioner of Police to embark or disembark from, or to be on any aircraft on a flight scheduled to take place exclusively in Antigua and Barbuda save that the operator of the aircraft may refuse to accept such a person as a passenger.

(5) In this section—

“explosive” has the same meaning as in the Explosives Act; Cap. 159.

“offensive weapon” includes—

(a) any article made or adapted for use for causing injury to the person or intended by the person having it with him for such use by him, and

(b) any article or device made or adapted for use for causing damage to any property or intended by the person having it with him for such use by him;

“security officer” means a person employed by the operators of an aircraft for the protection of the aircraft and its passengers while in flight.

(6) For the avoidance of doubt it is hereby declared that the lawful possession of a licence to carry a firearm in any

public place shall not in itself afford a defence to any proceedings under this section.

Part V

Miscellaneous

Carrying firearm
or ammunition
in parts.

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

Regulations and
Orders.

37. (1) The Governor-General may make regulations for the better carrying out of this Act, and in particular for prescribing anything required or permitted by this Act to be prescribed.

(2) The Governor-General may make such Orders as are required or permitted by this Act to be made by him.

Service of
notices.

38. Any notice required or authorised 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 a Gunsmith's Licence at any place or premises in respect of which the Licence is issued.

Forfeiture and
disposal by
court.

39. Any firearm or ammunition seized and detained under this Act, may be retained for as long as is necessary for the purpose of any examination, investigation, inquiry or legal proceedings; and subject to section 10 a judge or magistrate may, upon application made in such proceedings, direct such firearm or ammunition to be forfeited or otherwise disposed of as he considers just.

Appropriate fee.

40. (1) The Governor-General may prescribe fees (herein called the "appropriate fee") for the purposes of subsection (4) hereof and subsection (5) of section 17 and different fees may be prescribed for different classes of holders of licences, certificates or permits or for different types of firearms.

(2) Subject to subsection (4), the holder of a Firearm User's Licence that includes more than one firearm shall pay the appropriate fee for each firearm included in the licence.

(3) Notwithstanding anything herein to the contrary, no fee shall be payable under this section by the owner of any slaughtering instrument or of 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.

(4) The full amount of the appropriate fee shall be payable in respect of the period commencing with the date of grant of licence or certificate and ending with the next succeeding 31st day of May and thereafter shall be payable in respect of each year in which the licence or certificate is in force and on or before the 1st day of June in that year but so, however, that where a licence or certificate is first granted in the month of May in any year the appropriate fee shall be deemed to apply to the period ending on the 31st day of May of the next succeeding year, and thereafter shall be payable in respect of each year as aforesaid.

41. (1) Every person who comes into possession of any firearm or ammunition in the circumstances specified in paragraph (i) of subsection (1) of section 7 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 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 signed by him as to the date on which, and the circumstances in which he came into possession of such firearm or ammunition.

Custody of
firearms and
ammunition.

(2) Every person who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

(3) 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 officer in charge of the police station nearest to the place at which he is ordinarily resident.

(4) 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 thereafter 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.

Evidence.

42. (1) All documents issued by or under the authority of the Commissioner of Police shall be received in evidence in any proceedings for an offence under this Act, in every case in which the original document would be admissible in evidence by production of a copy or extract purporting to be certified by the Commissioner of Police.

(2) Any copy or extract made in pursuance of this section may be in print or in writing, or partly in print and partly in writing.

(3) No proof shall be required of the handwriting or official position of any person certifying in pursuance of this section to the truth of any copy of or extract from any document.
