

ANTIGUA AND BARBUDA

LAW REVISION (MISCELLANEOUS) (AMENDMENTS) ACT 1999

Arrangement of Sections

Sections

1. Short title.
2. Amendment of the Firearms Act Cap. 171.
3. Amendment of the Magistrate's Code of Procedure Act, Cap. 255.
4. Amendment of Police Act Cap. 330.
5. Amendment of the Misuse of Drugs Act, Cap. 283.



[L.S.]

I Assent,

Yvonne Maginey,
Governor-General's Deputy.

28th June, 1999.

ANTIGUA AND BARBUDA

No. 8 of 1999

AN ACT to amend the provisions of certain Acts of Parliament.

[8th July, 1999]

ENACTED by the Parliament of Antigua and Barbuda as follows —

1. This Act may be cited as the Law Revision (Miscellaneous) (Amendments) Act 1999.

Short title.

2. The Firearms Act is amended as follows —

Amendment of
the Firearms Act
Cap. 171.

(1) Subsections (3) and (4) of section 6 are repealed and substituted by the following —

"(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 twenty-five thousand dollars or to imprisonment for two years; or

(ii) on conviction on indictment to imprisonment of ten years.

(b) an offence under subsection (2) —

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

(ii) on conviction on indictment to imprisonment for twenty-five 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 thirty-five thousand dollars and to imprisonment for two years; or

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

(b) an offence under subsection (2) —

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

(ii) on conviction on indictment to imprisonment for fifteen years."

(2) In section 8 the words "ten thousand dollars" are repealed and substituted by the words "thirty thousand dollars."

(3) Section 9 is amended as follows —

(a) by repealing paragraphs (a) and (b) of subsection (1) and substituting the following —

- "(i) on summary conviction to a fine of thirty thousand dollars or imprisonment for two years; or
- (ii) on conviction on indictment to imprisonment for ten years."
- (b) by deleting the words "ten thousand" in subsection (2) and substituting the words "thirty thousand dollars."
- (c) by deleting the words "eighteen years" in subsection (2)(d) and substituting the words "twenty five years."

(4) Section 10 is amended as follows —

- (a) by the repeal of paragraph (a) of subsection (1) and the substitution of the following —

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

- (b) by the repeal of paragraph (b) of subsection (2) and the substitution of the following —

"(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) and liable to a fine of one hundred thousand dollars or imprisonment for two years, 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."

(5) Section 11(1) is amended by repealing “one thousand dollars” and substituting therefor “ten thousand dollars or to imprisonment for two years.”

(6) Section 14 is amended by repealing “one thousand dollars” and substituting therefor “ten thousand dollars.”

(7) Section 15 is amended as follows —

(a) by the repeal of subsection (3)(b)(i) and the substitution of the following —

(i) on summary conviction to a fine of fifty thousand dollars or to imprisonment for two years.”

(8) Section 17 is amended by the addition after subsection (6) of the following —

“(7) A person is eligible to hold a licence, certificate or permit only if the person has successfully completed a Firearms Safety course as given by an instructor who is designated by the Commissioner of Police, and passes the test as administered by the instructor.

(8) A person is not eligible to hold a licence, certificate or permit if —

(a) it is desirable, in the interest of the safety of that or any other person, that the person not possess a firearm, a prohibited weapon, or a restricted weapon;

(b) he has been treated for a mental illness, whether in a hospital, mental institute, psychiatric clinic or otherwise or whether or not the person was confined to such a hospital, institute or clinic outside Antigua and Barbuda that was associated with violence or threatened or attempted violence on the part of the person against any person;

- (c) he has a history of behaviour that includes violence or threatened violence or attempted violence on the part of the person against any person.

(9) In determining whether a person is eligible to hold a licence, certificate or permit under subsection (1) the Commissioner of Police shall have regard to whether the person, within the previous five (5) years —

- (a) has been convicted or discharged of —
- (i) an offence under this Act;
 - (ii) an offence in the commission of which violence against another person was used, threatened or attempted;
 - (iii) an offence under the Misuse of Drugs Act, Cap. 283.

(10) Section 22(2) is amended by deleting the words "ten thousand dollars or to imprisonment for one year" and inserting therefor the following words: "fifty thousand dollars and to imprisonment for two years."

(11) Section 32(2) is amended as follows —

- (a) by the repeal of paragraph (a)(i) and (ii) and the substitution of the following —
- "(i) on summary conviction to a fine of one hundred thousand dollars and to imprisonment for five years;
 - (ii) on conviction on indictment to imprisonment for ten years."
- (b) by the repeal of paragraph (b)(i) and the substitution of the following —

"(i) on summary conviction to a fine of thirty thousand dollars or to imprisonment for one year."

(12) Section 32(3) is amended by the deletion of the words "five thousand dollars" and the substitution of the words "thirty thousand dollars."

Amendment of the
Magistrate's Code
of Procedure Act,
Cap. 255.

3. Subsection (3) of section 62 of the Magistrate's Code of Procedure Act is repealed and replaced by the following —

"(3) A Magistrate shall not admit to bail any person charged with any of the following offences —

- (a) high treason, misprision of treason and treason felony;
- (b) murder, or attempted murder;
- (c) robbery with violence, or robbery with aggravation involving the use of firearm or prohibited weapon.

Amendment of
Police Act Cap.
330.

4. Section 28 of the Police Act is repealed and replaced by the following —

No bail to be granted in cases of capital felony etc. "28. Nothing contained in section 26 or 27 shall Authorise any police officer to take bail for any person charged with any of the following offences —

- (a) capital felony;
- (b) unlawful possession of firearms or unlawful possession of ammunition or of prohibited weapon;
- (c) use of an offensive weapon occasioning bodily harm;

- (d) robbery with violence, or robbery with aggravation involving the use of firearm or prohibited weapon.

5. The Misuse of Drugs Act is amended in the Second Schedule —

Amendment of the misuse of Drugs Act, Cap. 283.

(a) by the repeal of the following —

<i>Section Creating Offences</i>	<i>General Nature of Offence</i>	<i>Mode of Prosecution</i>	<i>Punishment Class B drug involved</i>
Section 6(2)	Having possession of controlled drug	(a) Summary	2 years and not less than \$5,000.00 nor exceeding two hundred thousand dollars \$200,000.

(b) by the substitution therefor of the following —

<i>Section Creating Offences</i>	<i>General Nature of Offence</i>	<i>Mode of involved Prosecution</i>	<i>Punishment Class B drug</i>
Section 6(2)	Having possession of controlled drug	(a) Summary	2 years and Not exceeding two hundred thousand dollars \$200,000."

Passed the House of Representatives
this 28th day of May, 1999.

Passed the Senate this 10th
day of June, 1999.

B. Harris,
Speaker.

M. Percival,
President.

S. Walker,
Clerk to the House of Representatives.

S. Walker,
Clerk to the Senate.

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