

ANTIGUA AND BARBUDA



FIREARMS (AMENDMENT) BILL 2024

NO. OF 2024

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AN ACT to amend the Firearms Act, Cap. 171 to increase the penalties for offences under the Act and for other connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows—

1. Short title

This Act may be cited as the Firearms (Amendment) Act 2024.

2. Interpretation

In this Act –

"principal Act" means the Firearms Act, Cap. 171.

3. Amendment of section 6: Possessions with licenses only - Saving

Section 6 of the principal Act is amended as follows –

(a) by repealing subsection (3) and replacing it with 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 imprisonment for a term not exceeding four years; or
 - (ii) on conviction on indictment to imprisonment for a term not exceeding fifteen years.
- (b) an offence under subsection (2)—
 - (i) on summary conviction to imprisonment for a term not exceeding four years; or
 - (ii) on conviction on indictment to imprisonment for a term not exceeding twenty-five years.”

(b) by repealing subsection (4) and replacing it with the following -

“(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 imprisonment for a term not exceeding four years; or
 - (ii) on conviction on indictment to imprisonment for a term not exceeding twenty years.
- (b) an offence under subsection (2)—
 - (i) on summary conviction to imprisonment for a term not exceeding four years; or
 - (ii) on conviction on indictment to a term of imprisonment not exceeding twenty years.”

4. Amendment of section 8 – Carrying firearm or ammunition in prescribed public places

Section 8 of the principal Act is repealed and replaced as follows –

“8. Carrying firearm or ammunition in prescribed public places

A person, other than a Police Officer, a member of the Defence Force, a member of the Armed Force of Her Majesty, a member of the Office of National Drug and Money Laundering Control Policy, or any other law enforcement agency in Antigua and Barbuda, in all cases acting in his capacity as such, or any person or class of persons declared by order of the Minister to be exempt from the provisions of this section is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding four years who carries any firearm or ammunition in any public place that is prescribed by the Minister.”

5. Amendment of section 9 – Offences relating to selling or transferring firearms or ammunition

Section 9 of the principal Act is amended by repealing subsections (1) and (2) thereof and replacing these as follows –

“(1) A person who sells or transfers a firearm or ammunition to any other person who does not hold or is exempted from holding a Firearm User’s License is guilty of an offence and liable –

- (a) on summary conviction to a term of imprisonment not exceeding four years; or
- (b) on conviction on indictment to imprisonment for a term not exceeding twenty years.

(2) A person 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, unfit to be entrusted with such a firearm or ammunition; or

(d) is under the age of eighteen years,

is guilty an offence and liable on summary conviction to a term of imprisonment not exceeding five years.”

6. Amendment of section 10 – Special offence as to possession of firearms in certain circumstances

Section 10 of the principal Act is amended as follows –

(a) in subsection (1), by repealing paragraph (a) thereof and replacing this as follows –

“(a) on summary conviction to a term of imprisonment not exceeding four years; or”

(b) in subsection (2), by repealing paragraph (b) thereof and replacing this as follows –

“(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 on summary conviction to imprisonment for a term not exceeding four 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.”

(c)

7. Amendment of section 12 - Penalty for possessing firearms or ammunition with intent to injure

Section 12 of the principal Act is repealed and replaced as follows –

“12. Penalty for possessing firearms or ammunition with intent to injure

“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 whether any injury to person or property has been caused or not, commits an offence and is liable on conviction on indictment to a term of imprisonment for twenty years.”

8. Amendment of section 13 – Penalty for use and possession of firearms or imitation firearm in certain circumstances

Section 13 of the principal Act is amended by repealing subsection (1) thereof and replacing this as follows –

“(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 the lawful apprehension or detention of himself or some other person, is guilty of an offence and liable on conviction on indictment to a term of imprisonment not exceeding fifteen years.”

9. Amendment of section 15 – Prohibition on manufacture etc. of firearm or ammunition

Section 15 of the principal Act is amended by repealing subsection (3) thereof and replacing this as follows –

“(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 a term not exceeding twenty years;
- (b) an offence in relation to the manufacture of firearms or ammunition, other than a prohibited weapon—
 - (i) on summary conviction to imprisonment for a term not exceeding four years; or
 - (ii) on conviction on indictment to imprisonment for a term not exceeding fifteen years;
- (c) an offence in relation to paragraph (a) or (b) of subsection (1)—
 - (i) on summary conviction to imprisonment for a term not exceeding four years; or
 - (ii) on conviction on indictment to imprisonment for a term not exceeding fifteen years;
- (d) an offence in relation to paragraph (c)—
 - (i) on summary conviction to imprisonment for a term not exceeding four years; or
 - (ii) on conviction on indictment to imprisonment for a term not exceeding twenty years.”

10. Amendment of section 32 – Restriction on importation, exportation and transhipment of firearms and ammunition

Section 32 of the principal Act is amended by repealing subsections (2) and (3) thereof and replacing these as follows –

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

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

(i) on summary conviction to imprisonment for a term not exceeding four years; or

(ii) on conviction on indictment to imprisonment for a term not exceeding fifteen years;

(b) in any other case—

(i) on summary conviction to imprisonment for a term not exceeding four years; or

(ii) on conviction on indictment to imprisonment for a term not exceeding twenty years.”

(3) A person 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 commits an offence and is liable on summary conviction to a term of imprisonment not exceeding four years.”

Passed the House of Representatives on
The day of , 2024.

Passed the Senate on the day of
, 2024.

Speaker

President

Clerk to the House of Representatives

Clerk to the Senate

EXPLANATORY MEMORANDUM

This is a Bill to amend the Firearms Act, Cap. 171. The Bill increase the penalty for several firearms offences as outlined herein.

The Bill contains 10 clauses as follows –

Clause 1 – Short title;

Clause 2 – Interpretation.

[Clause 3. Amendment of section 6: Possessions with licenses only - Saving](#)⁴

[Clause 4. Amendment of section 8 – Carrying firearm or ammunition in prescribed public places.](#)⁵

[Clause 5. Amendment of section 9 – Offences relating to selling or transferring firearms or ammunition](#)⁵

[Clause 6. Amendment of section 10 – Special offence as to possession of firearms in certain circumstances](#)⁶

[Clause 7. Amendment of section 12 - Penalty for possessing firearms or ammunition with intent to injure](#)⁶

[Clause 8. Amendment of section 13 – Penalty for use and possession of firearms or imitation firearm in certain circumstances](#)⁶

[Clause 9. ..Amendment of section 15 – Prohibition on manufacture etc. of firearm or ammunition](#)⁷

[Clause 10. Amendment of section 32 – Restriction on importation, exportation and transhipment of firearms and ammunition](#) ⁸

Honourable Sir Steadroy C. O. Benjamin,
Attorney General
Minister of Justice, Legal Affairs and Public Safety