
First Session Twelfth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 7 of 2021

[L.S.]

AN ACT to amend the Firearms Act, Chap. 16:01

[Assented to 6th July, 2021]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Short title
Firearms (Amendment) Act, 2021.

2. In this Act, "the Act" means the Interpretation
Firearms Act, Chap. 16:01.

Section 2 amended

3. Section 2 of the Act is amended—

(a) in the definition of—

(i) “ammunition”, by deleting the word “President” and substituting the word “Minister”;

(ii) “firearm”, by deleting the words “or air pistol of a type prescribed by Order made by the President”, and substituting the words “, air pistol or pepper spray of a type prescribed by Order made by the Minister”; and

(b) by inserting in the appropriate alphabetical sequence, the following definitions:

“Minister” means the Minister to whom responsibility for national security is assigned;

“pepper spray” means any inflammatory agent which, when applied on the body of an individual, may cause the mucous membranes in the eyes, nose, throat and lungs of the individual to become inflamed resulting in the immediate closing of the eyes, difficulty breathing, runny nose, and coughing;

“Pepper Spray Import Permit” means a permit authorising the holder during such period and from such source as may be specified in the permit, to import pepper spray into Trinidad and Tobago;

“Pepper Spray Permit” means a permit authorising the holder during such period as may be specified in the permit to—

(a) manufacture, produce, export, divert, sell or distribute pepper spray; or

(b) purchase, acquire or have in his possession pepper spray.”.

4. The Act is amended by deleting the heading for Part I, and substituting the following heading: Part I deleted and substituted

“PART I

POSSESSION, SALE, TRANSFER AND USE OF FIREARMS AND AMMUNITION AND PEPPER SPRAY”

5. Section 5(2) of the Act is amended in— Section 5 amended

(a) the chapeau, by deleting the words “Part or” and substituting the words “Part, sections 16B, 16C, 17A(2), 40A or”; and

(b) by deleting the words “or ammunition” wherever they occur and substituting, in each case, the words “, ammunition or pepper spray”.

6. Section 6 of the Act is amended by inserting after subsection (2), the following subsection: Section 6 amended

“(2A) Notwithstanding section 6A(2), the following persons may have in their possession pepper spray for the purpose of performing their functions:

(a) an Estate Police under the Supplemental Police Act; Chap. 15:02

(b) a Special Reserve Officer under the Special Reserve Police Act; Chap. 15:03

(c) a Municipal Police Officer under the Municipal Corporation Act; or Chap. 25:04

(d) any other person approved by the Minister by Order.”.

New sections 6A, 6B
and 6C inserted

7. The Act is amended by inserting after section 6, the following sections:

“Manufacture
production,
importation,
exportation,
etc. of pepper
spray

6A. (1) For the purposes of the manufacture, production, importation, exportation, diversion, sale or distribution of pepper spray under this Act, the Minister may by Order subject to negative resolution of Parliament approve the type, strength and volumetrical content of pepper spray permitted in a canister.

(2) Subject to subsection (1), a person may—

- (a) manufacture, produce, import, export, divert, sell or distribute; or
- (b) purchase, acquire or have in his possession,

pepper spray, only if he holds a Pepper Spray Import Permit or a Pepper Spray Permit, as the case may be, issued by the Commissioner of Police or a police officer authorised by him.

(3) Any pepper spray that is not approved by the Minister under subsection (1), is a prohibited weapon for the purposes of this Act.

(4) A person who contravenes subsection (2) commits an offence and is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for five years; or
- (b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and imprisonment for fifteen years.

Application for or renewal of Pepper Spray Import Permit or Pepper Spray Permit 6B. A person who is desirous of obtaining or renewing a Pepper Spray Import Permit or a Pepper Spray Permit shall submit an application to the Commissioner of Police or a police officer authorised by him in a form approved by the Minister.

False or misleading statement or information when applying for permit 6C. Any person who, in applying for a Pepper Spray Import Permit or Pepper Spray Permit under section 6B, makes any statement or gives any information which to his knowledge is false, or in any material respect misleading, commits an offence and is liable—

- (a) on summary conviction to a fine of fifty thousand dollars and imprisonment for five years; or
- (b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and imprisonment for fifteen years.”.

8. Section 8 of the Act is amended by deleting the word “President” and substituting the word “Minister”.

Section 8 amended

9. The Act is amended by inserting after section 9A, the following section:

New section 9B inserted

“Offences relating to the sale or transfer of pepper spray 9B. Any person who sells or transfers pepper spray to any other person who does not hold or is not exempt from holding a Pepper Spray Import Permit or Pepper Spray Permit is liable—

- (a) on summary conviction to a fine of five hundred and fifty thousand dollars and to imprisonment for five years; or
- (b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and imprisonment for fifteen years.”.

New sections 16B
and 16C inserted

10. The Act is amended by inserting after section 16A, the following sections:

- “Persons prohibited from obtaining a Pepper Spray Import Permit or Pepper Spray Permit
Chap. 4:60
- 16B (1) A person who is—
- (a) charged or convicted with an offence specified in Schedule II;
 - (b) charged or convicted with an offence listed in Part II of the Bail Act; or
 - (c) charged or convicted with an offence under the Domestic Violence Act,
- Chap. 45:56

is prohibited from obtaining a Pepper Spray Import Permit or Pepper Spray Permit.

(2) For the purposes of subsection (1), a person who is the subject of an Undertaking, Interim Order or Protection Order in proceedings under the Domestic Violence Act shall be prohibited from obtaining a Pepper Spray Import Permit or Pepper Spray Permit unless a Court determines otherwise.

(3) A person who is prohibited from obtaining a Pepper Spray Import Permit or Pepper Spray Permit under subsections (1) or (2) and is found with pepper spray in his possession, commits an offence and is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for five years; or
- (b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and imprisonment for fifteen years.”.

Prohibited persons to return Pepper Spray Import Permit or Pepper Spray Permit and pepper spray

16C. (1) Where a holder of a Pepper Spray Import Permit or Pepper Spray Permit is charged or convicted for an offence under section 16B(1) or (2), that person shall, within seven days of becoming a person prohibited from obtaining a Pepper Spray Import Permit or Pepper Spray Permit, return the Pepper Spray Import Permit or Pepper Spray Permit and pepper spray to a police station.

(2) A person who contravenes subsection (1), commits an offence and is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for five years; or
- (b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and imprisonment for fifteen years.”.

11. Section 17 of the Act is amended—

Section 17 amended

- (a) in subsection (3), by deleting the word “President” and substituting the word “Minister”;
- (b) by inserting after subsection (4), the following subsection:

“Grant of Pepper Spray Import Permit or Pepper Spray Permit by the Commissioner of Police

(4A) A Pepper Spray Import Permit or Pepper Spray Permit shall be granted by the Commissioner of Police or such police officer as may be authorised by the Commissioner, only if the Commissioner or the police officer

as authorised by him, is satisfied that the applicant has good reason to—

(a) manufacture, produce, import, export, divert, sell or distribute; or

(b) purchase, acquire or have in his possession,

pepper spray in respect of which the application is made, and can be permitted to manufacture, produce, import, export, divert, sell or distribute pepper spray or to purchase, acquire or have in possession pepper spray, without danger to the public safety or to the peace, however, such permit shall not be granted to a person whom the Commissioner of Police or the police officer authorised by him, as the case may be, has reason to believe to be of intemperate habits or unsound mind, or to be for any reason unfit to be entrusted with pepper spray.”; and

(c) in subsection (5), by deleting the words “or certificate” and substituting in each case, the words “, certificate, Pepper Spray Import Permit or Pepper Spray Permit”.

New section 17A
inserted

12. The Act is amended by inserting after section 17, the following section:

“General provisions for the grant of a Pepper Spray Import Permit or Pepper Spray Permit

17A. (1) Notwithstanding section 17(2A), a person may be issued with a Pepper Spray Import Permit or Pepper Spray Permit where—

(a) that person is eighteen years of age and over; or

(b) in the case of a child who is sixteen years of age and over, the parent, guardian or person with responsibility for the child has given written permission for the child to be in possession of pepper spray.

(2) A person authorised to purchase, acquire or have in his possession pepper spray, shall only use the pepper spray in self-defence.

(3) A person who uses pepper spray in the commission of a criminal offence is liable—

(a) on summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for five years; or

(b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and imprisonment for fifteen years.”.

13. Section 21 of the Act is amended in—

Section 21 amended

(a) paragraph (a), by deleting the words “or a Gunsmith’s Licence” and substituting the words “, a Gunsmith’s Licence, Pepper Spray Import Permit or Pepper Spray Permit”; and

(b) paragraph (b), by deleting the words “as may be mentioned in the licence, certificate or permit” and substituting the words “, pepper spray as may be mentioned in the licence, certificate or permit”.

14. Section 21A of the Act is amended by inserting after the words “under section 17”, the words “, 17A”.

Section 21A.
amended

Section 21C
amended

15. The Act is amended by repealing section 21C and substituting the following section:

“Firearms
Register

21C. The Commissioner shall establish and maintain a Register to be known as—

(a) “the Trinidad and Tobago Firearms Register”, in which shall be kept in such form a record of—

- (i) every licence, registration certificate and permit that is issued, renewed or revoked by the Commissioner;
- (ii) every application for a licence, registration certificate or permit or renewal thereof that is refused by the Commissioner;
- (iii) every import into or export from Trinidad and Tobago of a firearm and ammunition of which the Commissioner is informed under this Act;
- (iv) every loss, finding, theft or destruction of a firearm and ammunition of which the Commissioner is informed under section 28; and
- (v) such other matters as may be prescribed; and

(b) “the Trinidad and Tobago Pepper Spray Register”, in which shall be kept in such form a record of such matters as may be prescribed.”.

16. The Act is amended in section 22 by deleting the Section 22 amended words “and ammunition” and substituting the words “, ammunition or pepper spray as the case may be”.

17. Section 22A(1) of the Act is amended by inserting Section 22A amended after the words “under sections 17”, the words “, 17A”.

18. The Act is amended in section 23 by repealing Section 23 amended subsection (1) and substituting the following subsection:

“(1) A holder of a—

(a) Firearm Dealer’s Licence shall not deal in firearms or ammunition; or

(b) Pepper Spray Import Permit or Pepper Spray Permit under section 6A(2)(a) shall not deal in pepper spray,

elsewhere than at the place specified in his licence or in any amendment thereof.”.

19. Section 25 of the Act is amended by repealing sub- Section 25 amended section (1) and substituting the following subsection:

“(1) Every holder of a Firearm Dealer’s Licence, Gunsmith’s Licence, Pepper Spray Import Permit or Pepper Spray Permit 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, gunsmith or a dealer in pepper spray, 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”, “Licensed as a gunsmith” or “Authorised dealer in pepper spray”, respectively.”.

Section 26 amended **20.** Section 26 of the Act is amended in subsection (7) by deleting the words “or a Gunsmith’s Licence” and substituting the words “, Gunsmith’s Licence, Pepper Spray Import Permit or Pepper Spray Permit”.

Section 27 amended **21.** Section 27 of the Act is amended—

(a) by repealing subsection (1) and substituting the following subsection:

“(1) The holder of a licence, certificate or Pepper Spray Permit who is thereby authorised to carry a firearm and ammunition or pepper spray, as the case may be, in a public place shall whenever he carries such firearm, ammunition or pepper spray in a public place have with him the applicable licence, certificate or Pepper Spray Permit in respect of such firearm and ammunition or pepper spray.”.

(b) in subsection (2)—

(i) by deleting the words “or ammunition” wherever they occur and substituting, in each case, the words “, ammunition or pepper spray”; and

(ii) by deleting the words “or certificate” and substituting the words “, certificate or Pepper Spray Permit”;

(c) in subsection (3), by—

(i) deleting the words “or ammunition” wherever they occur and substituting,

- in each case, the words “, ammunition or pepper spray”;
- (ii) deleting the words “or certificate”, wherever they occur, and substituting in each case the words “, certificate or Pepper Spray Permit”; and
 - (iii) inserting after the words “and ammunition”, the words “or pepper spray”;
- (d) in subsection (4), by deleting the words “or ammunition” wherever they occur and substituting, in each case, the words “, ammunition or pepper spray”; and
- (e) in subsection (6), by inserting after the words “and ammunition”, the words “or pepper spray”.

22. The Act is amended—

Section 36 amended

- (a) by renumbering section 36 as section “36(1)”;
- (b) in section 36(1), as renumbered, by—
 - (i) deleting the words “The President may make Regulations for the better carrying out of this Act, and in particular for prescribing” and substituting the words “The Minister may make Regulations in respect of any of the following matters:”;
 - (ii) inserting after paragraph (a), the following paragraphs:
 - “(aa) the manufacture, production, importation, exportation, diversion, sale or distribution of pepper spray;
 - (ab) the possession, storage and transfer of pepper spray;

(ac) the prescription of the records that are to be kept by any person in connection with the manufacture, production, importation, exportation, diversion, receipt, sale, disposal and distribution of pepper spray;” and

(iii) inserting after subsection (1), as renumbered, the following subsection:

“(2) Regulations made under subsection (1) shall be subject to negative resolution of Parliament and may prescribe a fine of two hundred and fifty thousand dollars and imprisonment for two years.”.

Section 37 amended **23.** Section 37 of the Act is amended, by deleting the words “or a Gunsmith’s Licence” and substituting the words “, Gunsmith’s Licence, Pepper Spray Import Permit or Pepper Spray Permit”.

Section 38 amended **24.** Section 38 of the Act is amended, by deleting the words “firearm or ammunition” wherever they occur and substituting, in each case, the words “firearm or ammunition, or pepper spray”.

Section 39(1) amended **25.** Section 39(1) of the Act is amended, by deleting the word “President” and substituting the word “Minister”.

Section 40 amended **26.** The Act is amended by inserting after section 40, the following section:

“Custody of pepper spray 40A (1) Any person who finds or otherwise comes into possession of pepper spray shall, within seven days of finding or

otherwise coming into possession of the pepper spray, deliver up the pepper spray to a police station.

(2) A person who holds a Pepper Spray Permit and has pepper spray in his possession shall, when not carrying such pepper spray on his person, ensure that it is safely stored out of the reach of children.

(3) A person who in the absence of lawful excuse, contravenes subsection (1) or (2), commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and imprisonment for six months.”.

27. The Act is amended by—

Schedule II inserted

- (a) renumbering the Schedule as “Schedule I”; and
- (b) inserting after Schedule I, as renumbered, the following schedule:

“SCHEDULE II

16B(1)(c)

PERSONS PROHIBITED FROM OBTAINING A PEPPER
SPRAY PERMIT

- (a) Offences under the Offences Against the Person Act, as follows:

Chap. 11:08

- (i) shooting or wounding with intent to do grievous bodily harm – section 12;
- (ii) inflicting injury with or without weapon – section 14;
- (iii) attempting to choke, etc., in order to commit any indictable offence – section 15;
- (iv) using drugs, etc. with intent to commit offence – section 16; and

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- (v) administering poison, etc., so as to endanger life or inflict grievous bodily harm – section 17;
- (b) An offence of burglary under section 27 of the Larceny Act;
Chap. 11:12
- (c) Offences under the Kidnapping Act, as follows:
Chap. 11:26
- (i) kidnapping for ransom – section 3;
- (ii) knowingly receiving ransom – section 4; and
- (iii) knowingly negotiating to obtain a ransom – section 5.
- (d) Offences under the Trafficking in Persons Act, as follows:
Chap. 12:10
- (i) trafficking in persons – section 16;
- (ii) inciting, organising or directing another person to traffic in persons – section 17;
- (iii) trafficking in children – section 18; and
- (iv) inciting, organising or directing another person to traffic in children - section 19;
- (e) Offences under the Children Act, as follows:
Chap 46:01
- (i) female genital mutilation – section 9;
- (ii) aiding and abetting, counselling or procuring a girl to engage in female genital mutilation – section 10;
- (iii) allowing children to be in brothels – section 11;
- (iv) causing or encouraging the seduction, prostitution or sexual penetration of a child – section 12;
- (v) paying for sexual services of a child – section 13;
- (vi) causing or inciting prostitution – section 14;

- (vii) Controlling a child prostitute – section 15;
- (viii) Arranging or facilitating child prostitution – section 16;
- (ix) sexual penetration of a child – section 18;
- (x) sexual touching of child – section 19;
- (xi) causing or inciting a child to engage in sexual activity – section 21;
- (xii) causing or inciting a child to engage in sexual activity with an animal – section 22;
- (xiii) engaging in sexual activity in the presence of a child – section 23;
- (xiv) causing a child to watch a sexual act – section 24;
- (xv) meeting a child following sexual grooming – section 25;
- (xvi) abuse of positions of trust and familial relationships – section 29;
- (xvii) child pornography – section 40;
- (xviii) exposing a child to pornography – section 41; and
- (xix) inciting or facilitating child pornography – section 42;

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(f) Offences under the Trespass Act, as follows:

- (i) forcible entry – section 5A; and
- (ii) forcible detainer – section 5B.”.

28. The Firearms Regulations are amended, by inserting after regulation 17, the following regulations:

“Duration
and renewal
of Pepper
Spray Import
Permit or
Pepper Spray
Permit

17A. (1) An application for renewal of a Pepper Spray Import Permit or Pepper Spray Permit to—

(a) manufacture, produce, import,

Firearms
Regulations
Chap. 16:01
amended

export, divert, sell, or distribute pepper spray shall be valid for a period of five years; or

- (b) purchase, acquire or have in his possession pepper spray shall be valid for a period of three years,

may be submitted to the Commissioner of Police or the police officer authorised by him, as the case may be, no sooner than three months before the date of expiration of the permit together with the fee prescribed in the Third Schedule.

(2) An expired Pepper Spray Import Permit or Pepper Spray Permit to—

- (a) manufacture, produce, import, export, divert, sell, or distribute pepper spray; or
- (b) purchase, acquire or have in one's possession pepper spray,

may be renewed, no more than three months after the date of expiration of the permit, by submitting the appropriate application to the Commissioner of Police or the police officer authorised by him as the case may be together with the fee prescribed in the Third Schedule.

(3) A person issued with a Pepper Spray Permit to purchase, acquire or have in his possession pepper spray is authorised to purchase and have in his possession one canister of pepper spray and may only purchase another canister of

pepper spray where the pepper spray is—

- (a) expired and the expired canister of pepper spray is provided at the time of purchase; or
- (b) lost or stolen and appropriate authorisation is provided from the police station at which the report of the lost or stolen canister of pepper spray was made.

17B. (1) Where a Pepper Spray Import Permit or Pepper Spray Permit or pepper spray is lost or stolen, the holder of the permit or the owner of the pepper spray as the case may be shall, within twenty-four hours after the holder of the permit or owner of the pepper spray discovers that his permit or pepper spray was lost or stolen, report the lost or stolen permit or pepper spray at a police station.

(2) Where a permit for pepper spray is lost or stolen, the holder of the permit may, after providing satisfactory proof that the permit was lost or stolen, apply to the Commissioner or the police officer authorised by him as the case may be for a duplicate Pepper Spray Permit.

(3) A duplicate Pepper Spray Import Permit or Pepper Spray Permit issued under subregulation (1) shall only be valid for the unexpired duration of the original Pepper Spray Permit.

17C. A person authorised to import pepper spray under section 6A(2)(a) shall—

- (a) ensure that appropriate records

are established and maintained in relation to—

- (i) the manufacture, production, importation, diversion, sale and distribution of pepper spray;
- (ii) the source from which the pepper spray was imported;
- (iii) the quantity of pepper spray imported;
- (iv) names and addresses and other important information of all persons purchasing pepper spray and the quantity of pepper spray purchased; or
- (v) any other matter as the Commissioner of Police may require; and

(b) submit a return, to the Commissioner of Police in such form, as approved by the Commissioner, quarterly or for such other period as the Commissioner may prescribe.

Persons authorised to buy and sell pepper spray shall—

17D. A person authorised to buy and sell pepper spray under section 6A(2)(a) shall—

- (a) ensure that appropriate records are established and maintained in relation to—
 - (i) the source from which the pepper spray was bought;

- (ii) the quantity of pepper spray bought;
 - (iii) names and addresses and other important information of all persons who purchased pepper spray; or
 - (iv) any other matter as the Commissioner of Police may require; and
- (b) submit a return to the Commissioner of Police in such form, as approved by the Commissioner, quarterly or for such other period as the Commissioner may prescribe.”.

29. The Third Schedule of the Firearms Regulations ^{Third Schedule amended} is amended by inserting, after item 14, the following item:

- “15. Pepper Spray Import Permit \$50.00
 16. Pepper Spray Permit \$50.00”.

30. (1) A person who has possession of pepper spray ^{Transitional provision} prior to the coming into force of this Act shall, within six months from the date of commencement of the Act, apply to the Commissioner of Police or the police officer authorised by him as the case may be for a Pepper Spray Permit.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars.

(3) The Minister may, by Order, extend the period for application of a permit for possession of pepper spray under subsection (1).

Consequential
amendments
Schedule 3

31. The written laws specified in the First Column of the Schedule are amended to the extent specified in the Second Column of that Schedule.

SCHEDULE

FIRST COLUMN <i>Written Law</i>	SECOND COLUMN <i>Extent of Amendments</i>
The Offences Against the Persons Act, Chap. 11:08	The Offences Against the Persons Act is amended in section 18, by inserting after the words “any person”, the words “, pepper spray”.
The Dangerous Drugs Act, Chap. 11:25	The Dangerous Drugs Act is amended in the Fourth Schedule by inserting after item 36, the following item: “37 Pepper Spray”.
The Domestic Violence Act, Chap. 45:56	The Domestic Violence Act is amended in section 6(1)(c)(v), by deleting the words “firearm or other weapon” and substituting the words “Pepper Spray Import Permit or Pepper Spray Permit, firearm or other weapon, or pepper spray”.
The Miscellaneous Provisions (Law Enforcement Officers) Act, 2019	The Miscellaneous Provisions (Law Enforcement Officers) Act is amended in section 2, in the definition of “prohibited article”, by inserting after the words “dangerous drugs”, the words “pepper spray,”.

Passed in the Senate this 18th day of May, 2021.



Clerk of the Senate

Passed in the House of Representatives this 16th day of June, 2021.



Clerk of the House