

AS AMENDED IN THE H.O.R.

No. 14 of 2022

Third Session Twelfth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Firearms Act, Chap. 16:01 and
for other related matters

THE FIREARMS (AMENDMENT) BILL, 2022

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport.)

The purpose of this Bill is to amend the Firearms Act, Chap. 16:01. The Bill contains eleven clauses.

Clause 1 of the Bill would provide the short title of the Act for which this is the Bill.

Clause 2 of the Bill would provide that the Act shall come into operation on such date as is fixed by the President by Proclamation.

Clause 3 of the Bill would provide for the interpretation of the words “the Act” to mean the Firearms Act, Chap. 16:01.

Clause 4 of the Bill would amend certain definitions in section 2 of the Act. The definition of “licence” would be amended to include a Firearm User Identification Card. It would also amend the definition of “prohibited weapon” to provide for prohibited weapons to mean weapons which are designed, manufactured or adapted for the discharge of any noxious liquid, gas or thing.

Clause 5 of the Bill would amend section 6 of the Act by inserting a new subsection (2B). This new subsection would allow a Municipal Police Officer to have in his possession a taser for the purpose of performing his functions.

Clause 6 of the Bill would amend section 7(1)(a) of the Act to allow the Director of the Strategic Services Agency and any employee of the Agency as designated by him to have in their possession a firearm or ammunition during the course of performing their duties under the Act.

Clause 7 of the Bill would repeal and substitute section 8 of the Act to provide that an officer listed in section 7(1)(a) and (aa), which would now include a Municipal Police Officer and the Director and any employee of the Strategic Services Agency acting in their capacity as such, would not be guilty of an offence if they carry any firearm or ammunition in a public place.

Clause 8 of the Bill would amend the Act by inserting a new section 8A to empower the Commissioner of Prisons to grant permission to a prison officer to have in his possession a firearm or ammunition while off-duty where the Commissioner of Prisons

considers the life or safety of the officer is under threat. Additionally, where the Commissioner of Prisons grants permission to a prison officer under this new provision, the Commissioner would be required to issue to the prison officer a Trinidad and Tobago Prison Services Firearm Identification Card.

Clause 9 of the Bill would amend section 9 of the Act to provide that a Municipal Police Officer and the Director and any employee of the Strategic Services Agency 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 or who purchases or acquires any firearm or ammunition is liable on conviction on indictment to imprisonment for life.

Clause 10 of the Bill would amend section 17 by inserting a new subsection (6A) to provide for the Minister of National Security to extend the validity of a Firearm User's Licence beyond the three (3) years specified in subsection (6).

Clause 11 of the Bill would amend regulation 6 of the Firearms Regulations to provide for a Firearm User's License to be in a form set out as a Firearm User Identification Card and would detail the information to be included on the Card. It would also amend regulation 20 to delete the word "President" and substitute the word "Minister".

THE FIREARMS (AMENDMENT) BILL, 2022

Arrangement of Clauses

Clause

1. Short title
2. Commencement
3. Interpretation
4. Section 2 amended
5. Section 6 amended
6. Section 7 amended
7. Section 8 repealed and substituted
- 8. New section 8A inserted**
9. Section 9 amended
10. Section 17 amended
11. Firearms Regulations Chap. 16:01 amended

BILL

AN ACT to amend the Firearms Act, Chap. 16:01 and
for other related matters

[, 2022]

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

1. This Act may be cited as the Firearms Short title
(Amendment) Act, 2022.
2. This Act comes into operation on such date as is Commencement
fixed by the President by Proclamation.
3. In this Act, “the Act” means the Firearms Act.

Interpretation
Chap. 16:01

Section 2 amended

4. Section 2 of the Act is amended—

- (a) in the definition of “licence”, by inserting after the word “Act”, the words “and includes a Firearm User Identification Card”; and
- (b) in the definition of “prohibited weapon” in paragraph (c), by inserting after the words “design which is”, the words “designed, manufactured or”.

Section 6 amended

5. Section 6 of the Act is amended—

- (a) by inserting after subsection (2A), the following subsection:

“(2B) A person who is and is acting in the capacity of a member of a Municipal Police Service within the meaning of Part III of the Municipal Corporations Act may have in his possession for the purpose of performing his functions any weapon of whatever description or design which is designed, manufactured or adapted for the discharge of any noxious liquid, gas or other thing.”;

Chap. 25:04

- (b) in subsection (3)(b), by deleting the words “subsection (2)” and substituting the words “subsections (2) and (2B)”; and
- (c) in subsection (4)(b), by deleting the words “subsection (2)” and substituting the words “subsections (2) and (2B)”.

Section 7 amended

6. Section 7(1) of the Act is amended by deleting paragraph (a) and substituting the following paragraph:

- “(a) a person, whose firearm and ammunition are the property of the Government and

are required in the performance of his duty as—

- (i) a police officer;
- (ii) a member of a Municipal Police Service within the meaning of Part III of the Municipal Corporations Act; Chap. 25:04
- (iii) a member of the Defence Force;
- (iv) a Customs officer;
- (v) a prison officer;
- (vi) the Director, Strategic Services Agency established under the Strategic Services Agency Act; or Chap. 15:06
- (vii) an employee designated by the Director, Strategic Services Agency,

in each case acting in his capacity as such;”.

7. The Act is amended by repealing section 8 and substituting the following section: Section 8 repealed and substituted

“Carrying any firearm or ammunition in public place

8. (1) Subject to subsection (2), any person who carries a firearm or ammunition in a public place so prescribed by the Minister commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years.

(2) Subsection (1) shall not apply to—

- (a) the persons specified in section 7(1)(a) and (aa); and
- (b) the holder of a valid Firearm User’s Licence.”.

New section 8A
inserted

8. The Act is amended by inserting after section 8, the following new section:

“Carrying of
any firearm
or
ammunition
by a prison
officer

8A. (1) Subject to subsection (2), a prison officer may have in his possession any firearm or ammunition **which is the property of the Government**.

(2) The Commissioner of Prisons may grant permission to a prison officer to have in his possession any firearm or ammunition **which is the property of the Government** while off-duty where he considers the life or safety of the officer is under threat.

(3) Where the Commissioner of Prisons grants permission to a prison officer to have in his possession any firearm or ammunition **which is the property of the Government** under subsection (2), he shall issue to the prison officer a Trinidad and Tobago Prison Services Firearm Identification Card.”.

Section 9 amended

9. Section 9(4) of the Act is amended by deleting the words “in section 6(2)(a) to (f) who commits an offence under subsection (1) or (2)” and substituting the words “in section 7(1)(a) and (aa) who commits an offence under subsection (1) or (2)”.

Section 17 amended

10. Section 17 of the Act is amended by inserting after subsection (6) the following subsection:

“(6A) The Minister may, by Order, extend the date of expiry specified in subsection (6).”.

Firearms
Regulations
Chap. 16:01
amended

11. The Firearms Regulations are amended—

(a) in regulation 6 by—

(i) revoking subregulation (1) and substituting the following:

“Form of
Firearm
User’s
Licence

(1) Every Firearm User’s Licence granted under Part II of the Act shall be—

Form 2

(a) in the form set out as Form 2 in the First Schedule and shall contain forms of the certificate set out in Form 3 of the First Schedule; and

Form 3
First
Schedule

(b) for the purposes of production to a licensed dealer or police officer, in a form set out as a Firearm User Identification Card and which shall contain—

(i) the Firearm User’s Licence number;

(ii) the name and address of the holder of the Firearm User’s Licence;

(iii) a photograph of the holder of the Firearm User’s Licence;

(iv) such electronic security features as the Commissioner of Police may determine;

(v) such further particulars as may be stated on the Firearm User's Licence as the Commissioner of Police may determine; and

(vi) any other conditions which the Commissioner of Police may determine.”; and

(ii) inserting after subregulation (2) the following new subregulations:

“(3) Notwithstanding the revocation of subregulation (1), Form 2 and Form 3 as set out in the First Schedule shall continue in force until other forms are made in place of those forms under these Regulations.

(4) Notwithstanding the revocation of subregulation (1), a Firearm User's Licence granted under Part II of the Act in the form as set out under the revoked subregulation (1) shall be valid for such period as the Minister may, by Order, consider appropriate and the holder of a Firearm User's Licence shall apply to the Commissioner of Police for a renewal of his Firearm User's Licence before the expiration of that period."; and

(b) in regulation 20, by deleting the word "President" and substituting the word "Minister".

Passed in the House of Representatives this
day of _____, 2022.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this _____ day of _____,
2022.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 14 of 2022

THIRD SESSION
TWELFTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Firearms Act,
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Received and read the

First time

Second time

Third time