



THE PARLIAMENT OF
TRINIDAD AND TOBAGO

BILL ESSENTIALS

Date introduced: November 21, 2022

House: Senate

Minister: Minister of National
Security

HOR Bill No: 14 of 2022

Links: The links to the Bill, and its
progress can be found on the Bill's
home page through the Parliament's
website

<https://www.ttparliament.org/publication/the-firearms-amendment-bill-2022/>

BILL ESSENTIALS

BILL ESSENTIALS NO. 4 2022–2023

3rd Session, 12th Parliament

The Firearms (Amendment) Bill, 2022

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BACKGROUND

The **Firearm Amendment Bill** (“the Bill”) was introduced in the House of Representatives on November 11, 2022 by the Minister of National Security, the Honourable Fitzgerald Hinds and aims to amend the **Firearms Act Chap. 16:0 (“the Act”)**.

The Firearms Act was previously amended by the Firearms (Amendment) Act, 2019 and the Firearms (Amendment) Act, 2021.

The Bill will notably allow for Municipal Police Officers to use tasers in performing their duties and will allow for persons in their State mandated duties to carry their Government-issued firearms in public.

KEY FEATURES OF THE BILL

Section 2 Amended

1. **Clause 4** would amend Section 2 of the Act by amending the definitions for “licence” and “prohibited weapon”. Under the Bill, a licence under this Act, would also include a Firearm User Identification Card. Further, “prohibited weapon” now includes weapons, which are designed or manufactured or adapted for the discharge of any noxious liquid, gas or other thing.¹ This definition would include tasers which have been designed or manufactured for the discharge of electrical energy.

Section 6 Amended

2. **Clause 5** of the Bill would amend **section 6** of the Act by introducing a **new subsection 6(2B)** which would allow a member of the Municipal Police Service to have in his possession any weapon of whatever description or design which is designed, manufactured or adapted for the discharge of any noxious gas,² liquid or other thing for performing their functions.

Section 7 Amended

3. **Clause 6** of the Bill would amend section 7 of the Act by deleting and replacing paragraph 7(1) (a) with a **new paragraph 7(1)(a)**. **New paragraph 7(1)(a)** makes clear that only persons, in the performance of their duties, and whose firearm and ammunition have been provided by the Government are exempt from holding a Firearm Users’ Licence for said firearm and ammunition.
4. The exemption will now include the Director and designated employees of the Strategic Services Agency.

¹ In modernizing the TTPS, their Use of Force policy now includes the use of non-lethal weapons. ([source](#))

² For example, tear gas.

Section 8 Repealed and Replaced

5. **Clause 7** would repeal the current section 8 of the Act and replace it with a **new section 8**. The **new section 8** provides for an expansion of the persons who are now exempt from liability for carrying firearms or ammunition in a public place.
6. The effect of this amendment is that more persons, in the performance of their duties, will be allowed to carry Government issued firearm or ammunition in public instead of only police officers or members of the Defence Force.

New Section 8A Inserted

7. **Clause 8** of the Bill will introduce **section 8A** which empowers the Commissioner of Prisons permit off duty prison officers to possess firearms and ammunition, if, in his consideration, their life or safety is threatened. Consequently, the Commissioner would be required to issue a Trinidad and Tobago Prison Services Firearm Identification Card to the prison officer.

Section 9 Amended

8. **Clause 9** of the Bill would amend **section 9(4)** of the Act to ensure that the following persons are captured under section 9 which prohibits the sale or transfer of firearms or ammunition:



a police officer;



a prison officer;



a Customs officer;



a member of the Municipal Police Service and Defence Force, respectively,



the Director and employee of the Strategic Services Agency, respectively; or



the Director of the Trinidad and Tobago Forensic Forensic Centre and any scientific officer designated by him to act in the capacity of Director.

9. Should a member of the enumerated categories above commit an offence relating to the sale or transfer of firearms or ammunition, they would be held liable and convicted accordingly.





Section 17 Amended

10. **Clause 10** of the Bill would amend **section 17** of the Act to insert a **new subsection (6A)** which would empower the Minister of National Security to extend the validity of a Firearm User's Licence beyond the three (3) years specified in subsection (6).

Firearms Regulations Amended

11. **Clause 11** of the Bill would amend **regulation 6(1)** of the Firearms Regulations to provide for the form of the Firearm User's License, one of which is a Firearm User Identification Card that would contain particulars pertaining to the holder of the firearm and ammunition.
12. The Firearm User Identification Card would be valid for such period as the Minister may consider appropriate








COMPARATIVE LEGISLATION

<p>TRINIDAD AND TOBAGO THE FIREARMS (AMENDMENT) BILL, 2022</p>	<p>JAMAICA THE FIREARMS (PROHIBITION, RESTRICTION AND REGULATION) ACT, 2022</p>
<p>The new section 8A empowers the Commissioner of Police to grant permission to prison officer to possess a firearm or ammunition while off-duty if the Commission of Police considers the life or safety of the prison officer is under threat.</p>	<p>The Act does not make any provision for prison officer to possess a firearm or ammunition while off-duty.</p>
<p>Section 9(1) states that any 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 (“FUL”) commits an offence.</p> <p>Penalty:</p> <p>Section 9(1) states that this person is liable on:</p> <ul style="list-style-type: none">  on summary conviction for a first offence to a fine of five hundred thousand dollars and to imprisonment for ten years;  on conviction on indictment for a first offence to imprisonment for twenty years;  on conviction on indictment for a second offence to imprisonment for twenty-five years;  on conviction on indictment for a third or any subsequent offence to imprisonment for life.³ 	<p>Section 40(9)(b) states that no person shall sell or transfer a firearm or ammunition unless the person to whom that person sells or transfers such firearm or ammunition is the holder of a Firearm User’s Licence, Firearm Dealer’s Licence, or Firearm Broker’s Licence, in respect of the firearm or ammunition.</p> <p>Penalty:</p> <p>The Sixth Schedule provides that on conviction before a Circuit Court, a person in contravention of section 40(9)(b) is liable to a fine or imprisonment for a term not exceeding fifteen years.</p>


³ Act 18 of 2019

<p>The new subsection 17(6A) would empower of Minister of National Security to extend the validity of a FUL beyond the 3 years.</p>	<p>Subsection 73(4) states that the Authority shall issue a certificate of registration shall be valid from the date of issue thereof until the next birthday of the licence holder. Therefore, it is valid for a period of approximately one year.</p>
<p>The new Regulation 6(1) of the Firearm Regulations provides for a FUL for the purposes of production to a licensed dealer or police officer, to be in the form of a Firearm User Identification Card which would detail the particulars of the holder of the FUL, the firearm or ammunition.</p>	<p>Section 66 identifies the different forms of firearm authorisations.</p> <p>Section 66(1) states that every firearm authorisation granted by the Board shall—</p> <ul style="list-style-type: none"> (a) subject to the provisions of this section, be issued to the holder in the prescribed form; (b) contain the prescribed particulars; and (c) specify the prescribed terms and conditions, and such other terms and conditions (if any) as are imposed by the Board. <p>Section 66(8) states that Every Firearm User’s Licence issued by the Board shall specify the particulars of the firearm or ammunition which the holder is authorised to possess and use.</p>
<p>The new section 7 (1)(a) would provide that certain persons can be in lawful possession of a firearm or ammunition without a FUL for the purpose of carrying out their duties, namely:</p> <ul style="list-style-type: none"> - a police officer; - a member of a Municipal Police; - a member of the Defence Force; - a Customs officer; - a prison officer; - the Director, Strategic Services Agency; <p>or</p>	<p>Section 46⁴ provides that specified persons are in the lawful possession of a firearm or ammunition when on duty, includes:</p> <ul style="list-style-type: none"> - the firearm is the property of the Jamaican Government and the person is authorised by the Government to be in possession a firearm or ammunition while acting within the lawful execution of their duties; - the firearm or ammunition is used as a slaughtering instrument for veterinary

⁴ Persons not in active officer duties can also be in lawful possession of a firearm in Jamaica under this section, which includes executors and administrators of an estate of person who owned a firearm and held a firearms licence, persons with a Gunsmith’s Licence in possession of a firearm for the purpose of repairing, testing or proofing the firearm and auctioneers, bailiffs and assistant bailiffs of the court and landlord bailiffs.

<p>- an employee designated by the Director, Strategic Services Agency.</p>	<p>services or agriculture and are authorised to be in the possession of a firearm or ammunition for those purposes by the Ministry of Local Government;</p> <ul style="list-style-type: none"> - the person is a customs officer, an authorised officer, a constable, an officer designated by the Director-General of the Major Organised Crime and Anti-Corruption Agency under the Major Organised Crime and Anti-Corruption Agency Act, or an investigator of the Independent Commission of Investigations; - the person is a member of the Jamaica Combined Cadet Force in possession of the firearm or ammunition in support of the person’s training and development as a cadet;
<p>Offence:</p> <p>The new section 8(1) provides that a person who carries a firearm or ammunition in a public place commits an offence.</p> <p>Exception:</p> <p>The new section 8(2) exempts the following persons from being charged with the offence of carrying a firearm or ammunition in public:</p> <ul style="list-style-type: none">  a police officer;  a member of a Municipal Police;  a member of the Defence Force;  a Customs officer;  a prison officer;  the Director and employee of the Strategic Services Agency, respectively;  the Director of the Trinidad and Tobago Forensic Science Centre and any scientific officer of the Centre, respectively; or 	<p>Offence:</p> <p>Section 47 (1) provides that a person shall not carry any firearm or ammunition in any public place.</p> <p>Exception:</p> <p>This does not apply if the person has in his possession, at the time he is carrying such firearm or ammunition, the appropriate firearm authorisation.</p> <p>Condition:</p> <p>Section 48 (1) requires a person authorised to carry a firearm in a public place to conceal the firearm at all times, except for certain circumstances.⁶</p> <p>Penalty:</p> <p>The Sixth Schedule states that a person carrying a firearm or ammunition in any public place</p>

⁶ See section 51(1)(a), (b) and (c) of the Firearms (Prohibition, Restriction and Regulation) Act, 2022

<p> the holders of a valid Firearm User's Licences.</p> <p>Penalty:</p> <p>Person is liable on summary conviction to a fine of two hundred and fifty thousand dollars <i>and</i> to imprisonment for ten years.⁵</p>	<p>commits an offence and is liable on summary conviction to a fine not exceeding five million dollars Jamaican currency (approximately two hundred and twenty thousand dollars Trinidad and Tobago currency) <i>or</i> to imprisonment for a term not exceeding five years.</p>
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⁵ Act 18 of 2019

REFERENCES

KEY LEGISLATION

- **Firearms (Amendment) Bill, 2022**
<https://www.ttparliament.org/wp-content/uploads/2022/11/b2022h14.pdf>
- **Firearms Act Chap. 16:01**
http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/16.01.pdf
- **Firearms (Amendment) Act, 2021**
<https://www.ttparliament.org/wp-content/uploads/2022/01/a2021-07g.pdf>
- **Firearms (Amendment) Act, 2019**
<https://www.ttparliament.org/wp-content/uploads/2022/01/a2019-18g.pdf>

COMPARATIVE LEGISLATION

- **The Firearms (Prohibition, Restriction and Regulation) Act, 2022 (Jamaica)**
<https://www.mns.gov.jm/sites/default/files/speeches/The%20Firearms%20%28Prohibition%2C%20Restriction%20and%20Regulation%29%20Act%2C%202022.pdf>



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