

2022-10-28

OBJECTS AND REASONS

This Bill would amend the *Firearms Act*, Cap. 179 to

- (a) revise the offences relating to the use of firearms;
- (b) revise the penalties for offences under that Act;
- (c) provide for licences for firearms for the purposes of hunting and sport shooting; and
- (d) provide for related matters.

Arrangement of Sections

1. Short title
2. Amendment of section 2 of Cap. 179
3. Insertion of section 13A into Cap. 179
4. Amendment of section 15 of Cap. 179
5. Amendment of Cap. 179
6. Amendment of section 16 of Cap. 179
7. Repeal and replacement of section 29 of Cap. 179
8. Repeal and replacement of section 30 of Cap. 179
9. Insertion of sections 30A and 30B into Cap. 179
10. Amendment of section 32 of Cap. 179
11. Commencement

BARBADOS

A Bill entitled

An Act to amend the *Firearms Act*, Cap. 179.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Firearms (Amendment) Act, 2022*.

Amendment of section 2 of Cap. 179

2. *Section 2 of the Firearms Act, Cap. 179, in this Act referred to as the principal Act, is amended*

(a) *by deleting the definition of “imitation firearm” and substituting the following:*

“ “imitation firearm” means anything which has the appearance of being a firearm, but is not a firearm, whether or not it is capable of discharging any shot, bullet or other missile;”; and

(b) *by inserting the following definition in the appropriate alphabetical order:*

“ “hunting firearm licence” means a licence granted under section 13B;

“sporting firearm licence” means a licence granted under section 13A;”.

Insertion of section 13A into Cap. 179

3. *The principal Act is amended by inserting the following new section after section 13:*

“Sporting firearm licence

13A.(1) A person who is desirous of possessing or carrying a firearm for sporting purposes shall apply to the Commissioner in the prescribed form for a sporting firearm licence.

- (2) Subject to this Act, the Commissioner shall not grant a sporting firearm licence unless
- (a) he is satisfied that the applicant is a current member of a shooting-club licensed under section 12;
 - (b) the applicant demonstrates that the licence is required for sport or target shooting;
 - (c) the applicant demonstrates that he intends to participate in sport or target shooting competitions; or
 - (d) any combination of (a), (b) and (c) are applicable.
- (3) A person who holds a sporting firearm licence may engage in
- (a) sport or target shooting on a shooting range maintained by a shooting-club;
 - (b) sport or target shooting competitions held by a shooting-club whether alone or in conjunction with any other shooting-club.

Hunting firearm licence

13B.(1) A person who is desirous of possessing or carrying a firearm for hunting purposes shall apply to the Commissioner in the prescribed form for a hunting firearm licence.

- (2) Subject to this Act, the Commissioner shall not grant a hunting firearm licence unless
- (a) the applicant demonstrates that the licence is required for hunting; and
 - (b) the applicant demonstrates that he intends to participate in hunting.
- (3) Subject to any other enactment regulating hunting, a person who holds a hunting firearm licence may engage in hunting.”.

Amendment of section 15 of Cap. 179

4. Section 15 of the principal Act is amended

- (a) *by deleting the shoulder note and substituting the words “Revocation of licences and surrender of firearms and ammunition”;*
- (b) *in subsection (2), by deleting the word “not” appearing in the last line; and*
- (c) *in subsection (3), by inserting immediately after the word “licence” appearing the last line, the words “and the firearm and ammunition”.*

Amendment of Cap. 179

5. The principal Act is amended by deleting the cross-heading appearing immediately after section 14 and substituting the following:

“Revocation of Licences and Surrender of Firearms and Ammunition”.

Amendment of section 16 of Cap. 179

6. Section 16 of the principal Act is amended by deleting the word “it” in subsection (5) and substituting the words “the licence, firearm and ammunition”.

Repeal and replacement of section 29 of Cap. 179

7. Section 29 of the principal Act is deleted and the following is substituted:

“Prosecution and punishment of offences

29.(1) Any person who uses a firearm or an imitation firearm, whether by discharging the firearm or by brandishing or otherwise using the firearm or imitation firearm

- (a) while committing or attempting to commit an indictable offence; or
- (b) during flight after committing or attempting to commit an indictable offence,

whether or not he causes or intends to cause bodily harm to any person as a result thereof, is guilty of an offence.

(2) A person who aids, abets, counsels or procures another or conspires with another to commit an offence under this Act, is guilty of an offence and is liable to the same punishment as is provided for that offence.”.

Repeal and replacement of section 30 of Cap. 179

8. *Section 30 of the principal Act is deleted and the following is substituted:*

“Punishment for certain offences

30.(1) A person who is guilty of an offence under section 3(9), 7(3), or 29(1) shall on conviction on indictment

- (a) in the case of a first offence, except as provided in paragraph (b)(ii), be sentenced to imprisonment for not less than 10 years and not more than 20 years; or

- (b) in the case of

 - (i) a second or subsequent offence be sentenced to imprisonment for life or a lesser term, being not less than 20 years; or
 - (ii) a first offence committed by a person who prior to the commencement of this section was convicted of an indictable offence in the course of which or during his flight after the commission of which he used a firearm be sentenced to imprisonment for life or a lesser term, being not less than 20 years.
- (2) The court shall impose at least the lesser sentence specified in subsection (1)(a), with or without a fine of \$100 000, unless the conditions specified in subsection (3) are satisfied.
- (3) The conditions referred to in subsection (2) are as follows:

 - (a) the person who committed the offence was under the age of 18 years at the time of the commission of the offence;
 - (b) the person who committed the offence has not been previously convicted of an indictable offence of a violent nature;
 - (c) public safety and public order will not be prejudiced; or
 - (d) the court is of the opinion that there are exceptional circumstances relating to the offence or the person convicted of the offence which justify its not doing so.
- (4) Any firearm, imitation firearm or ammunition in respect of which an offence under this Act has been committed shall, with effect from the date of the conviction of the accused person for that offence, be forfeited to the State.”.

Insertion of sections 30A and 30B into Cap. 179

9. *The principal Act is amended by inserting the following new sections after section 30:*

“Joinder of counts

30A.(1) Notwithstanding section 24 of the *Juries Act*, Cap. 115B, section 5 of the *Indictments Act*, Cap. 136, and any other law to the contrary, a count for an offence under section 3(9), 7(3) or 29(1) of this Act may be joined in the same indictment as a count of murder if it is alleged that the accused used a firearm to commit the offence of murder.

(2) For the purposes of this Act,

(a) the array of 12 jurors shall preside at the trial and shall render verdicts in accordance with sections 38 and 39 of the *Juries Act*, Cap. 115B; and

(b) the period of 3 hours set out in sections 41(1) and 43 of the *Juries Act* shall be extended to 4 hours.

Sentencing

30B.(1) Notwithstanding any law to the contrary, a sentence of imprisonment imposed on a person convicted of an indictable offence under this Act shall be served consecutively to any other sentence of imprisonment imposed for an offence arising out of the same event or series of events and to any other sentence to which he is subject at the time the sentence is imposed on him for an offence under this Act.

(2) The court may order that a sentence of imprisonment on a person convicted of an indictable offence under this Act shall not be served in the manner set out in subsection (1) where

- (a) the person who committed the offence was under the age of 18 years at the time of the commission of the offence;
- (b) the person who committed the offence has not been previously convicted of an indictable offence of a violent nature;
- (c) public safety and public order will not be prejudiced; or
- (d) the court is of the opinion that there are exceptional circumstances relating to the offence or the person convicted of the offence which justify its not doing so.”.

Amendment of section 32 of Cap. 179

10. *Section 32 of the principal Act is amended in subsection (1) by inserting the following paragraph after paragraph (d):*

“(d.1) prescribing the conditions relating to sporting and hunting firearm licences;”.

Commencement

11. *This Act shall come into operation on a date to be fixed by Proclamation.*

Read three times and passed the House of Assembly this
day of _____, 2022.

Speaker

Read three times and passed the Senate this _____ day of
, 2022.

President