

Fourth Session Fourth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 22 of 1995

[L.S.]

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

[Assented to 28th September, 1995]

ENACTED by the Parliament of Trinidad and Tobago as ^{Enactment}
follows:—

1. This Act may be cited as the Firearms ^{Citation}
(Amendment) Act, 1995.

2. In this Act "the Act" means the Firearms Act.

Interpretation
Chap. 16:01

Section 6 amended

3. Section 6 of the Act is amended—**(a) in subsection (2)—**

- (i) by renumbering paragraphs “(c)” and “(d)” as “(e)” and “(f)” respectively;
- (ii) by inserting after paragraph (b) the following:

“(c) Director, Trinidad and Tobago Forensic Science Centre;

“(d) any scientific officer designated by the Director, Trinidad and Tobago Forensic Science Centre.”;

(b) in subsection (3)—

- (i) in paragraph (a)(i) by deleting the words “four” and “two” and substituting the words “ten” and “five” respectively;
- (ii) in paragraph (a)(ii) by deleting the word “five” and substituting the word “ten”;
- (iii) in paragraph (b)(i) by deleting the words “ten” and “two” and substituting the words “twenty” and “five” respectively;
- (iv) in paragraph (b)(ii) by deleting the word “ten” and substituting the word “fifteen”;

(c) in subsection (4)—

- (i) in paragraph (a) by deleting the words “five thousand dollars or to imprisonment for two years” and substituting the words “ten thousand dollars and to imprisonment for five years”;

- (ii) in paragraph (b)(i) by deleting the words “fifteen” and “three” and substituting the words “twenty-five” and “seven” respectively;
- (iii) in paragraph (b)(ii) by deleting the word “ten” and substituting the word “fifteen”.

4. Section 7 of the Act is amended in subsection (1) Section 7 amended by adding the following:

“(1) the Director, Trinidad and Tobago Forensic Science Centre and such scientific officers as are designated by him.”.

5. Section 15 of the Act is amended—

Section 15 amended

(a) in subsection (3)—

- (i) in paragraph (a) by deleting the words “imprisonment for ten years and to a fine” and substituting the words “a fine of twenty-five thousand dollars and to imprisonment for fifteen years.”;
- (ii) in paragraph (b)(i) by deleting the words “four thousand dollars or to imprisonment for two years” and substituting the words “ten thousand dollars and to imprisonment for five years”;
- (iii) in paragraph (b)(ii) by deleting the word “five” and substituting the word “ten”;
- (iv) in paragraph (c)(i) by deleting the words “four thousand dollars or to imprisonment for two years” and substituting the words “ten thousand dollars and to imprisonment for five years”;

- (v) in paragraph (c)(ii) by deleting the word “five” and substituting the word “ten”;
- (vi) in paragraph (d)(i) by deleting the words “ten thousand dollars or to imprisonment for two years” and substituting the words “twenty thousand dollars and to imprisonment for five years”;
- (vii) in paragraph (d)(ii) by deleting the word “ten” and substituting the word “fifteen”.

Section 21A inserted

6. The Act is amended by inserting after section 21, the following:

“Appeals

21A. A person aggrieved by the decision of the Commissioner under section 17 or 21 may appeal to the Firearms Appeal Board established under this Act.”.

The Act amended

7. The Act is amended by inserting after section 22, the following:

“The Firearms Appeal Board

Establishment
of Board

22A. (1) There is established a Board to be known as the Firearms Appeal Board which shall hear and determine appeals from the decision of the Commissioner under sections 17 and 21.

(2) In the determination of an appeal, the Board shall either—

- (a) dismiss the appeal; or
- (b) allow the appeal and direct the Commissioner with or without conditions to grant or reinstate the licence, permit or certificate.

- Composition 22B. The Board shall consist of—
- (a) the Chairman of the Complaints Authority, established under section 4 of the Police Complaints Authority Act, who shall be the Chairman; and
 - (b) two other members to be appointed by the President.
- Disqualifica-
tion 22c. No person is qualified to be a member of the Board who is—
- (a) a member of the Senate;
 - (b) a member of the House of Representatives;
 - (c) a member of the Tobago House of Assembly;
 - (d) a member of a local authority;
 - (e) a person who holds or is acting in any public office or has held public office within a period of three years prior to the date of his appointment;
 - (f) a person who has at any time been convicted of an offence punishable by a term of imprisonment.
- Terms and
conditions 22D. (1) A member of the Board shall be appointed for a period of three years and shall be eligible for reappointment.
- (2) Where a member of the Board is incapable of performing his functions and duties due to illness or any other reason, the President may appoint another person to act in his place.
- (3) The remuneration and terms and conditions of office of the members of the Board shall be determined by the President.

(4) The salaries and allowances of the members of the Board shall be a charge on the Consolidated Fund.

Oath 22E. Before entering upon the duties of his office, a member of the Board shall take an oath or affirm before the President or a person appointed by the President for that purpose.

Resignation 22F. A member of the Board may resign by instrument in writing addressed to the President.

Revocation of appointment 22G. The President may revoke the appointment of a member of the Board where he is satisfied that the member—

- (a) has failed without reasonable excuse to carry out his duties for a continuous period of three months;
- (b) is incapacitated physically or mentally to such an extent as to impair his ability and render him unable to perform his duties or is otherwise unfit to perform his duties;
- (c) is a person to whom the provisions of section 22(c) now apply.

Procedure 22H. (1) Subject to subsection (2) the Board may regulate—

- (a) its own procedure; and
- (b) the procedure for conducting appeals.

(2) The Board shall hear applications in camera and may permit—

- (a) an applicant or his representative;
- (b) the Commissioner or his representative,

to appear before the Board.

(3) Any question before the Board shall be determined by the opinion of the majority of the members.

Staff

22I. The Board with the approval of the Prime Minister may by regulations or otherwise confer powers and impose duties on any public officer or any authority of the Government of Trinidad and Tobago for the purpose of the exercise of the functions of the Board.”.

8. Section 31 of the Act is amended in Section 31 amended subsection (2)—

- (a) in paragraph (a)(i) by deleting the words “four thousand dollars or to imprisonment for eighteen months” and substituting the words “ten thousand dollars and to imprisonment for four years”;
- (b) in paragraph (a)(ii) by deleting the word “five” and substituting the word “ten”;
- (c) in paragraph (b)(i) by deleting the words “two thousand dollars or to imprisonment for twelve months” and substituting the words “ten thousand dollars and to imprisonment for three years”;
- (d) in paragraph (a)(ii) by deleting the word “two” and substituting the word “five”.

9. Section 32 of the Act is amended—

Section 32 amended

- (a) in subsection (2) by inserting after the word “(1)”, the following words “other than a pleasure craft visitor,”;
- (b) by renumbering subsection (3) as subsection (6);

(c) by inserting after subsection (2) the following subsections:

“ (3) A pleasure craft visitor shall upon disembarking in Trinidad and Tobago lodge any firearm or ammunition in his possession with the officer of customs at the port of disembarkation.

(4) Where the stay of the pleasure craft visitor is for a period exceeding four weeks, an officer of customs shall deliver the firearm or ammunition to the police station which is located nearest to the port of disembarkation unless otherwise prescribed.

(5) The officer in charge of the police station referred to in subsection (4) shall provide an armed escort for the officer of customs responsible for transporting the firearm or ammunition referred to in subsection (4) to and from that police station.”.

Passed in the Senate this 9th day of May, 1995.

D. DOLLY

Acting Clerk of the Senate

Passed in the House of Representatives this 24th day of July, 1995.

J. SAMPSON

Clerk of the House

House of Representatives amendments agreed to by the Senate this 12th day of September, 1995.

D. DOLLY

Acting Clerk of the Senate