
5th Session Second Parliament Trinidad and Tobago
19 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 44 of 1970

[L.S.]

AN ACT respecting Firearms and Ammunition.

[Assented to 19th November, 1970]

BE IT ENACTED by the Queen's Most Excellent Majesty, Enactment
by and with the advice and consent of the Senate and
House of Representatives of Trinidad and Tobago, and
by the authority of the same, as follows:

1. This Act may be cited as the Firearms Act, 1970. Short title

PRELIMINARY

Interpretation

2. (1) In this Act—

“ammunition” means—

- (a) ammunition for any firearm of any kind;
- (b) every shell, cartridge case, bomb, hand-grenade, bullet or like missile, whether containing any explosive or gas or chemical or not, and whether intended to be discharged from or by any gun or other propelling or releasing instrument or mechanism or not, except missiles which can be used only for the purpose of extinguishing fires;
- (c) every part of any such shell, cartridge case, bomb, hand-grenade, bullet or missile, whether such shell, cartridge case, bomb, hand-grenade, bullet or missile may have been completely formed at any time or not;
- (d) every fuse, percussion cap, or priming cap, adapted or prepared for the purpose of causing the propulsion of or exploding any shell, bomb, hand-grenade, bullet or other projectile;
- (e) every bullet clip or cartridge clip;
- (f) any explosive when enclosed in any case or contrivance adapted or prepared so as to form a cartridge, charge or complete round for any firearm or any other weapon, or to form any tube for firing explosives, or to form a detonator, or a projectile, which can be used (whether singly or in suitable combinations) as, or in connection with, a missile;
- (g) everything declared by Order of the Governor-General to be ammunition;

“artillery” means any cannon, howitzer, mortar or flame-thrower;

“automatic firearm” means any firearm so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until pressure is removed from the trigger or until the magazine containing the missiles is empty;

“cannon” means a firearm that requires mounting and fires explosive shells or projectiles;

“certificate” means a certificate under this Act;

“Commissioner of Police” or “Commissioner” means the person appointed to hold or to act in the office of Commissioner of Police in accordance with section 98 of the Constitution set out in the Second Schedule of the Trinidad and Tobago (Constitution) Order-in-Council;

“firearm” means any lethal barrelled weapon from which ammunition can be discharged or any prohibited weapon, and includes any component part of any such weapon and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon, but does not include any air rifle, air gun, or air pistol of a type prescribed by Order made by the Governor-General and of a calibre so prescribed;

“Firearm Dealer’s Licence” means a licence authorising the holder thereof to buy or sell or buy and sell at such place as may be specified in the licence firearms or ammunition of such type as may be so specified;

“Firearm Disposal Permit” means a permit authorising the holder thereof to dispose of the firearm or ammunition specified therein;

“Firearm Import Permit” means a permit authorising the holder thereof during such period as may be specified therein to import into Trinidad and Tobago from such source as may be specified therein such firearms or ammunition as may be so specified;

“Firearm User’s Licence” means a licence authorising the holder thereof subject to the terms and conditions specified in the licence, to be in possession of the firearm or ammunition so specified;

“Firearm User’s (Employee’s) Certificate” means a certificate issued pursuant to section 18;

“Flame-thrower” includes a tube or container capable of directing a sustained flame for any distance;

“Gunsmith’s Licence” means a licence authorising the holder thereof to carry on the business of repairing, testing or proving firearms or ammunition or such other business incidental to the foregoing as is permitted by the licence at such premises as may be specified in the licence;

“howitzer” includes a firearm designed for high angle firing of shells at low velocity;

“licence” means a licence under this Act;

“mortar” includes a small bore, muzzle-loading high angle of fire firearm or a firearm for firing of shells at high angles;

“officer of customs” means any officer within the meaning of section 2 of the Customs Ordinance;

“permit” means a permit under this Act;

“police officer” has the same meaning as in the Police Service Act, 1965, and includes a member of the Special Reserve Police established under the Special Reserve Police Ordinance;

“prohibited weapon” means—

- (a) any artillery or automatic firearm;
- (b) any grenade, bomb or other like missile; or
- (c) any weapon of whatever description or design which is adapted for the discharge of any noxious liquid, gas or other thing;

Ch. 32. No. 2

No. 30 of 1965.

Ch. 11. No. 3

“regulations” mean regulations made under this Act;

“restricted person” means any person who has at any time within five years next before the event in relation to which the term is used—

(a) been declared by a court pursuant to section 3 to be a restricted person; or

(b) been convicted of an offence involving violence and sentenced to a term of imprisonment, exceeding three months;

“sell” includes exchange or to exchange in part only of the consideration, and “purchase” has a corresponding meaning;

“slaughtering instrument” means a firearm which is specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them.

“vehicle” has the meaning assigned to that expression in the Motor Vehicle and Road Traffic Ordinance.

Ch. 16. No. 3

(2) An order made under subsection (1)(g) shall be subject to negative resolution.

3. A court before which a person is convicted of an offence under this Act (other than an offence against section 28), may declare that person to be a restricted person for the purposes of this Act.

Declaration of restricted person

4. Except in the case of the grant of a licence, certificate or permit under Part II, the functions, powers and duties of the Commissioner of Police under this Act, may be exercised, by any police officer authorised by the Commissioner in that behalf.

Exercise of Commissioner's functions

PART I

*Possession, Sale, Transfer and use
of Firearms and Ammunition*Interpretation
of Part I

5. (1) In this Part—
 “acquire” means hire, accept as a gift or borrow;
 “transfer” includes let, hire, give, lend or part
 with possession.

(2) In any prosecution for an offence under this Part or Part IV a person who is proved to have had in his possession or under his control anything whatsoever in or on which is found any firearm or ammunition shall, until the contrary is proved be deemed to have been in possession of such firearm or ammunition.

Possession with
licences only—
Saving

6. (1) Subject to section 7, a person may purchase, acquire or have in his possession a firearm or ammunition only if he holds a Firearm User's Licence with respect to such firearm or ammunition.

(2) Notwithstanding any other law including any enactment repealed by this Act, a person may not have in his possession any prohibited weapon unless he is a police officer acting in his capacity as such or is a member of the Defence Force established under the Defence Act, 1962 (hereinafter referred to as “The Defence Force”), acting in his capacity as such.

No. 7 of 1962.

(3) Any person who contravenes any of the provisions of this section is guilty of an offence and liable in the case of—

- (a) an offence under subsection (1)—
 (i) on summary conviction to a fine of two thousand dollars or to imprisonment for two years; or
 (ii) on conviction on indictment to imprisonment for five years.
- (b) an offence under subsection (2)—
 (i) on summary conviction to a fine of five thousand dollars or to imprisonment for two years or to both such fine and imprisonment; or
 (ii) on conviction on indictment to imprisonment for ten years.

(4) In addition to any other offence for which he may be convicted, a restricted person who purchases, acquires or has in his possession a firearm or ammunition contrary to subsection (1) is guilty of an offence and, in the case of—

- (a) an offence under subsection (1), on summary conviction is liable to a fine of two thousand five hundred dollars or to imprisonment for two years; or
- (b) an offence under subsection (2)—
 - (i) on summary conviction to a fine of seven thousand five hundred dollars or to imprisonment for three years or to both such fine and imprisonment; or
 - (ii) on conviction on indictment to imprisonment for ten years.

7. (1) The following persons are exempt from the provisions of subsection (1) of section 6 that relate to having a firearm or ammunition in their possession—

- (a) a police officer acting in his capacity as such or a member of the Special Reserve Police established under the Special Reserve Police Ordinance acting in his capacity as such or a member of the Defence Force acting in his capacity as such, if the firearm and ammunition are the property of the Government; Exemptions
Ch. 11. No. 3.
- (b) the holder of a Firearm Dealer's Licence who has in his possession such firearm or ammunition in the ordinary course of business under such licence;
- (c) the holder of a Firearm User's (Employee's) Certificate who has such firearm or ammunition in his possession in the circumstances contemplated by section 18;
- (d) the holder of a Gunsmith's Licence who has in his possession such firearm or ammunition in the ordinary course of business under such licence;
- (e) a member of a cadet corps established under the Cadet Force Act, 1963, who has in his possession such firearm or ammunition when engaged as such a member in or in connection with drill or target practice;

- (f) subject to subsection (2), a person taking part in a theatrical performance or any rehearsal thereof or production of a cinematograph or television film who has such firearm in his possession during and for the purpose of the performance, rehearsal or production;
- (g) subject to subsection (2) a person present at an athletic meeting who has in his possession such firearm and ammunition for the purpose of starting the races at that meeting;
- (h) any person (including a restricted person) who came into possession of any firearm or ammunition in the capacity of executor or administrator of the estate of any deceased person, or Trustee in Bankruptcy or liquidator of any insolvent person or of any company in liquidation, during the period of thirty days after the day upon which he came into possession of such firearm or ammunition;
- (i) any servant or agent of any of the persons referred to in paragraphs (b), (c) and (d) who has possession of any firearm or ammunition entrusted to him with the written permission of the Commissioner for delivery to the owner or to some person who is about to become the owner thereof in accordance with this Act;
- (j) any officer of customs or any police officer who has possession of any firearm or ammunition that came into his possession pursuant to this Act during such period as such firearm or ammunition is retained by him pursuant to this Act;
- (k) the owner of a firearm (not being a slaughtering instrument) or of any ammunition who is exempt from the payment of appropriate fee under section 39(2).

(2) Subsection (1) (f) and (g) shall not apply so as to exempt any person mentioned therein from the provision of subsection (1) of section 6, unless he has obtained from the Commissioner of Police permission in writing to possess such firearm and ammunition for such purpose.

(3) Nothing in subsection (1)(h) shall be taken to authorise any such person so coming into possession of a firearm or ammunition to carry such firearm or ammunition in any public place or in any way to use such firearm or ammunition and if any such person carries except for the purpose of complying with section 42(1), a firearm or ammunition in a public place or in any way uses such firearm or ammunition he is guilty of an offence under subsection (1) of section 6 in addition to any other offence he may have committed.

(4) Nothing in subsection (1) of section 6 shall be construed so as to make any person liable for an offence thereunder, if a firearm or ammunition is in the possession of any officer of a court for the purpose only of any legal proceedings in which the firearm or ammunition is in the custody of the Court.

8. A person other than a Police Officer or a member of the Defence Force in both cases acting in his capacity as such is guilty of an offence and liable on summary conviction to a fine of two thousand dollars or to imprisonment for two years or to both such fine and imprisonment who carries any firearm or ammunition in any public place that is prescribed by the Governor-General.

Carrying firearm
or ammunition in
public place

9. (1) A 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 is guilty of an offence and liable—

Offences relating
to selling or
transferring
firearms or
ammunition

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

(b) on conviction on indictment to imprisonment for five years.

(2) A person is guilty of an offence and liable on summary conviction to a fine of two thousand dollars or to imprisonment for two years who sells or transfers a firearm or ammunition to, or repairs, tests or proves any firearm or ammunition for, any other person whom he knows, or has reasonable cause to believe, to be—

(a) a restricted person;

(b) drunk or under the influence of drugs or of unsound mind;

- (c) at the time of such sale or transfer otherwise unfit to be entrusted with such a firearm or ammunition; or
- (d) under the age of eighteen years.

(3) The provisions of this section shall apply whether or not the person selling or transferring a firearm or ammunition is the holder of a Firearm Dealer's Licence or in the case of a person who repairs, tests or proves a firearm or ammunition a Gunsmith's Licence.

Special offence
as to possession
of firearms in
certain circum-
stances

10. (1) Without prejudice to any liability for the commission of an offence under any other law, a person who has in his possession or under his control in Trinidad and Tobago or elsewhere any firearm or ammunition with intent to sell or transfer such firearm or ammunition to any other person in Trinidad and Tobago for the purpose of the commission of any crime (including an offence under this Act) is guilty of an offence and liable—

- (a) on summary conviction to a fine of five thousand dollars or imprisonment for two years or to both such fine and imprisonment; or
- (b) on conviction on indictment to imprisonment for ten years.

(2) For the purposes of subsection (1), where any firearms or ammunition is found in any ship, vessel, aircraft, vehicle or other means of conveyance in Trinidad and Tobago, including in particular its territorial waters—

- (a) the ship, vessel, aircraft, vehicle or other means of conveyance may be seized by an officer of customs, police officer or by a member of the Defence Force;
- (b) the master or any person in control of such ship, vessel, aircraft, vehicle or other means of conveyance, as the case may be, shall be deemed guilty of an offence under subsection (1), unless he proves that the firearms or ammunition were in the ship, vessel, aircraft, vehicle or other means of conveyance without his consent, knowledge or connivance and that he exercised all due diligence to prevent the commission of the offence.

(3) Nothing in subsection (2)(b) shall apply if the master or other person referred to in subsection (2) proves

to the satisfaction of the court that the firearms or ammunition are cargo properly manifested to consignees in Trinidad and Tobago or elsewhere, or are *bona fide* stores of any ship, vessel or aircraft, in the custody of the proper officer authorised for the purpose.

(4) Nothing in subsection (2) shall apply to any ship, vessel or aircraft belonging to the Naval or Air Forces of any other State, if permission to come into territorial waters of Trinidad and Tobago has been granted by the competent authority.

(5) Where any person is convicted of an offence under this section, the court before which he is convicted shall order that the ship, vessel, aircraft, vehicle or other means of conveyance, if any, used for the purpose of conveying the firearm or ammunition be forfeited and, upon such order being made the ship, vessel, aircraft, vehicle or other means of conveyance, shall, unless an application under subsection (6) is successful, be sold and the proceeds of such sale paid into the general revenue.

(6) Where any ship, vessel, aircraft, vehicle or other means of conveyance is ordered to be forfeited under subsection (3), the owner of such ship, vessel, aircraft, vehicle or other means of conveyance may make a claim to the court for the ship, vessel, aircraft, vehicle or other means of conveyance to be restored to him.

(7) Where a claim is made to the court under subsection (6), the court may, subject to subsection (8), order that the ship, vessel, aircraft, vehicle or other means of conveyance shall be restored to the owner thereof on payment by him of any expenses incurred for transporting and keeping such ship, vessel, aircraft, vehicle or other means of conveyance for the purposes of this section.

(8) A court shall not make an order under subsection (7) unless it is satisfied that the owner, charterer or master of the ship, vessel, aircraft, vehicle or other means of conveyance as the case may be—

- (a) did not permit any person convicted of an offence under subsection (1) to use the ship, vessel, aircraft, vehicle or other means of conveyance for the purpose of conveying any firearm or ammunition in respect of which the offence was committed;
- (b) had no knowledge that any person convicted of an offence under subsection (1) would use

the ship, vessel, aircraft, vehicle or other means of conveyance for the purpose of conveying any firearm or ammunition in respect of which the offence was committed.

Restrictions relating to the discharge of firearms and ammunition

11. (1) A person is guilty of an offence and liable on summary conviction to a fine of one hundred dollars who discharges any firearm or ammunition on or within forty yards of any public road or in any public place, except—

- (a) in the lawful protection of his person or property or of the person or property of some other person; or
- (b) under the direction of some civil or military authority authorised to give such direction; or
- (c) with the permission of the Commissioner.

(2) A police officer may without warrant enter any premises on which he has reasonable cause to believe an offence under subsection (1) was committed and search for and seize any firearms and ammunition there found which he has reasonable cause to believe were used in such contravention and may retain such firearm or ammunition for so long as may be necessary for the purpose of any investigation in relation thereto, and where such investigation results in legal proceedings against any person for any such offence until such legal proceedings are finally determined;

(3) Nothing in subsection (1) shall apply in the case of the accidental discharge of a firearm.

(4) Where any person is charged with an offence under subsection (1), the burden of proving that the discharge of the firearm or ammunition in respect of which the contravention is alleged to have occurred was accidental or otherwise a lawful discharge shall lie upon the person asserting the same.

Penalty for possessing firearms or ammunition with intent to injure

12. (1) A person who has in his possession any firearm or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person to endanger life or cause serious injury to property is, whether any injury to person or property has been caused or not, guilty of felony and liable on conviction on indictment to imprisonment for ten years.

(2) Without prejudice to any other circumstances in which a person may be held to have had the specific intent required by subsection (1), a person shall be held to have had such intent, if, at the time he had a firearm or ammunition in his possession, he made any unlawful demand of, or any threat to, any other person.

13. (1) A person who makes or attempts to make any use whatever of a firearm or imitation firearm in furtherance of the commission of any offence or with intent to resist or prevent the lawful apprehension or detention of himself or some other person, is guilty of an offence and liable on conviction on indictment to imprisonment for ten years.

Penalty for use and possession of firearm or imitation firearms in certain circumstances

(2) Where a person commits an offence against subsection (1) in respect of the commission of a felony or the lawful apprehension or detention of himself for any other offence committed by him, he is liable to the penalty provided by that subsection in addition to any penalty to which he may be sentenced for that felony or other offence.

(3) Where an offence in relation to a firearm or imitation firearm is charged, but the evidence establishes the commission of an offence in relation to an imitation firearm or firearm respectively, the accused shall not be entitled to an acquittal, but he may be convicted of the offence of which the evidence establishes the commission.

(4) In this section "imitation firearm" means anything which has the appearance of being a firearm whether it is capable of discharging any ammunition or not.

14. Without prejudice to the foregoing provisions of this Part a person who, being the holder of a licence, certificate or permit, contravenes any of the terms or conditions thereof, is guilty of an offence and liable on summary conviction to a fine of one hundred dollars or to imprisonment for three months.

Penalty for use of firearms or ammunition in contravention of terms or conditions of licences, &c.

15. (1) No person may manufacture any firearm or ammunition in Trinidad and Tobago, and in particular, a person other than the holder of a Gunsmith's Licence shall not—

Prohibition on manufacture, &c., of firearm or ammunition

(a) shorten the barrel of any firearm;

- (b) convert into a firearm (other than a prohibited weapon) anything which is not a firearm; or
 - (c) convert into a prohibited weapon anything which is not a prohibited weapon.
- (2) The holder of a Gunsmith's Licence shall not do any of the things referred to in subsection (1), except with the prior written approval of the Commissioner of Police.
- (3) A person who contravenes subsection (1) is guilty of an offence and liable in the case of—
- (a) an offence in relation to the manufacture of prohibited weapons on conviction on indictment to imprisonment for ten years or to a fine or to both such imprisonment and fine;
 - (b) an offence in relation to the manufacture of firearms or ammunition, other than a prohibited weapon—
 - (i) on summary conviction to a fine of two thousand dollars or to imprisonment for two years;
 - (ii) on conviction on indictment to imprisonment for five years;
 - (c) an offence in relation to paragraph (a) or (b) of subsection (1),—
 - (i) on summary conviction to a fine of two thousand dollars or to imprisonment for two years; or
 - (ii) on conviction on indictment to imprisonment for five years.
 - (d) an offence in relation to paragraph (c)—
 - (i) on summary conviction to a fine of five thousand dollars or to imprisonment for two years;
 - (ii) on conviction on indictment to imprisonment for ten years.
- (4) A person who has in his possession a firearm—
- (a) the barrel of which has been shortened, or
 - (b) in relation to which an offence under subsection (1)(b) or (c) has been committed
- shall be deemed, unless he proves the contrary, to have committed the offence under subsection (1)(a), (b) or (c), respectively.

PART II

LICENCES

General Provisions

16. Every application for any licence, certificate or permit shall— Application for licences, certificates and permits

- (a) be addressed to the Commissioner of Police;
- (b) be in the prescribed form;
- (c) contain the prescribed particulars;
- (d) be accompanied by the prescribed number (if any) of photographs of the prescribed dimensions of the person to whom the licence, certificate or permit applied for is desired to be granted;
- (e) bear upon it, if so prescribed, a specimen of the signature of the person to whom the licence, certificate or permit applied for is desired to be granted;
- (f) be signed by the applicant; and
- (g) be accompanied by such other documents, if any, as may be prescribed.

17. (1) Subject to this section and to section 16, the grant of any licence, certificate or permit shall be in the discretion of the Commissioner of Police. General provisions as to grant and issue of licences, certificates and permits

(2) No licence, certificate or permit shall be granted in relation to any prohibited weapon.

(3) No licence, certificate or permit other than a Firearm Disposal Permit shall be granted to, or held by a restricted person except with the prior permission of the Governor-General.

(4) A Firearm Import Permit, a Firearm User's Licence or a Firearm User's (Employee's) Certificate shall be granted by the Commissioner of Police only if he is satisfied that the applicant has a good reason for importing, purchasing, acquiring or having in his possession the firearm or ammunition in respect of which the application is made, and can be permitted to have in his possession that firearm or ammunition without danger to the public safety or to the peace; so however, that such a permit certificate or licence shall not be granted to a person whom

the Commissioner has reason to believe to be of intemperate habits or unsound mind, or to be for any reason unfit to be entrusted with such a firearm or ammunition.

(5) A licence or certificate shall not be issued to any person until the appropriate fee has been paid.

(6) A licence shall remain in force until revoked or otherwise terminated.

Firearm User's
(Employee's)
Certificate

18. (1) Subject to the provisions of this Act, the Commissioner, on the application of any person who is acting with the written consent of the holder of a Firearm User's Licence in respect of a particular firearm specified in such application, may grant to such person a Firearm User's (Employee's) Certificate which shall authorise such person to keep, carry and use in connection with the business of the holder of such Firearm User's Licence the particular firearm specified in such certificate and such ammunition therefor as may be so specified.

(2) For the purposes of subsection (1), where application for a Firearm User's (Employee's) Certificate is made by a public officer for the purpose of the exercise of his functions as such, the Permanent Secretary in the Ministry to which that public officer is attached shall be deemed to be the holder of a Firearm User's Licence in respect of any particular firearm specified in such application.

General
provisions
as to licences,
certificates
and permits

19. (1) Every licence, certificate or permit shall be in the prescribed form and shall contain the prescribed particulars and shall specify the conditions (if any) subject to which it is held, and if so prescribed, shall bear upon it a photograph of the prescribed dimensions of the person to whom it is granted and a specimen of the signature of such person.

(2) Subject to subsection (1), every licence, certificate or permit shall be subject to the prescribed conditions and to such other terms and conditions as the Commissioner may impose.

Amendment
of licences,
certificates
and permits

20. (1) The Commissioner of Police may at any time by notice in writing to the holder of a licence, certificate or permit vary the conditions other than such conditions as may be prescribed subject to which such licence, certificate or permit is held.

(2) A licence, certificate or permit may also on the application of the holder thereof, be varied from time to time by the Commissioner.

21. The Commissioner of Police may revoke any licence, certificate or permit—

- (a) if in the case of the holder of a Firearm Dealer's Licence or a Gunsmith's Licence, he is convicted of an offence against this Act or of an offence against the Customs Ordinance; Ch. 32. No. 2.
- (b) if he is satisfied that the holder thereof is of intemperate habits or of unsound mind, or is otherwise unfit to be entrusted with such a firearm or ammunition as may be mentioned in the licence, certificate or permit;
- (c) for non-payment of fees;
- (d) in any other case, if he thinks fit.

22. (1) The Commissioner of Police may at any time he considers it necessary or expedient for the purpose of safeguarding the safety of the public, by Notice published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago temporarily suspend any or all licences, certificates or permits granted by him under this Act and may by such Notice call upon the holders of such licences, certificates or permits, to surrender all firearms and ammunition held by them by delivering the same to a police station.

(2) A person who fails (within such time as is specified in the Notice) to comply with a Notice under subsection (1) is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months.

Special Provisions

23. (1) A holder of a Firearm Dealer's Licence shall not deal in firearms or ammunition elsewhere than at the place specified in his licence or in any amendment thereof.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment with or without hard labour for twelve months; or on conviction on indictment to a fine or to imprisonment with or without hard labour for a term not exceeding two years.

Restrictions
relating to
gunsmiths

24. (1) A person shall not undertake the repair, test or proof of a firearm or ammunition for any other person except under and in accordance with the terms of a Gunsmith's Licence.

(2) A holder of a Gunsmith's Licence shall not accept delivery of any firearm or ammunition for the purpose of effecting any alteration or repair thereto—

(a) elsewhere than at the premises in respect of which he is licensed as a gunsmith; and

(b) from any person unless that person produces or causes to be produced a Firearm Dealer's Licence or a Firearm User's Licence authorising him to buy, sell or be in possession of, as the case may be, such firearm or ammunition.

(3) A holder of a Gunsmith's Licence shall forthwith record in the records to be kept by him pursuant to section 26 particulars of any licence or certificate produced to him pursuant to paragraph (b) of subsection (2), and shall in due course return such licence or certificate to the person who produced it.

(4) Every holder of a Gunsmith's Licence who contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment with or without hard labour for six months.

Notice to be
displayed by
licensees

25. (1) Every holder of a Firearm Dealer's Licence or a Gunsmith's Licence 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 or a gunsmith, 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" or "Licensed as a gunsmith" respectively.

(2) A person who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine of fifty dollars or to imprisonment for one month.

Records and
returns

26. (1) Every licensed dealer shall provide and keep a register of transactions and shall enter or cause to be entered therein such particulars as may be prescribed of all transactions relating to his business as a licensed dealer.

(2) Every such entry shall be made within twenty-four hours after the transaction to which it relates took place, and, in the case of a sale or transfer, every such licensed dealer shall at the time of the transaction require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification, and shall immediately enter the said particulars in the register.

(3) Every such licensed dealer shall on demand allow any police officer duly authorised in writing in that behalf by the Commissioner of Police or any police officer of or above the rank of Inspector to enter and inspect all stock in hand and shall on request by—

(a) any police officer duly authorised in writing in that behalf by the Commissioner; or

(b) an officer of customs; or

(c) any police officer above the rank of Inspector,

produce for inspection the register required to be kept under subsection (1), but so that any written authority required by this subsection shall be produced on demand.

(4) Every person who is required to keep a register of transactions under subsection (1) shall make such returns to such authority in such form, in respect of such periods, at such time and containing such particulars as may be prescribed.

(5) Every person who contravenes this section or knowingly makes any false entry in the register required to be kept under subsection (1) is guilty of an offence.

(6) A person who in furnishing the particulars for any of the purposes of subsection (2) makes any statement which he knows to be misleading, false, or deceptive, or by any dishonest concealment of material facts, or by reckless making of any statement (dishonestly or otherwise) misleads or attempts to mislead any other person, is guilty of an offence and liable on summary conviction to a fine of one thousand five hundred dollars or to imprisonment for two years or to both such fine and imprisonment.

(7) In this section "licensed dealer" means the holder of a Firearm Dealer's Licence or a Gunsmith's Licence.

PART III

POWER OF SEARCH AND TO OBTAIN INFORMATION

Carrying of
firearms and
ammunition in
public places—
power of police
as to

27. (1) The holder of a licence or certificate who is thereby authorised to carry a firearm and ammunition in a public place shall whenever he carries such firearm or ammunition in a public place have with him the licence or certificate in respect of such firearm and ammunition.

(2) Subject to subsection (4), except in the case of a person exempted by virtue of section 7, a police officer may require any person whom he sees or whom he believes to be carrying any firearm or ammunition in any public place to produce to him his licence or certificate in relation to such firearm or ammunition and to produce the firearm or ammunition.

(3) A person so required under subsection (2) who is so carrying a firearm or ammunition and who fails to produce the licence or certificate, as the case may be, or to permit the police officer to read the licence or certificate or to produce the firearm or ammunition or to permit him to examine the firearm or ammunition for the purpose of verifying the particulars in the licence or certificate, is guilty of an offence, and the provisions of subsection (4) as to search, seizure and retention of firearms and ammunition shall apply in any such case, and the police officer may, without warrant, arrest such person or may require that person to declare to him immediately his name and address.

(4) Where a police officer has reasonable cause to suspect that any person is carrying a firearm or ammunition in a public place contrary to any of the provisions of this Act, the police officer may search that person, and may seize and retain any firearm or ammunition carried by that person until such time as legal proceedings against that person for any offence in relation to such firearm or ammunition are finally determined, and may without warrant arrest such person.

(5) A person so required under subsection (3) who refuses to declare his name and address, or fails to give his true name and address is guilty of an offence and the police officer may arrest without warrant any person who refuses so to declare his name and address, or whom he reasonably suspects of giving a false name or address or of intending to abscond.

(6) A police officer authorised in writing by the Commissioner may at any time require the holder of a licence, certificate or permit to produce for inspection the firearm and ammunition to which it relates, and any person who without good cause refuses or fails to do so is guilty of an offence.

(7) A person guilty of an offence under this section is liable on summary conviction to a fine of one thousand dollars or to imprisonment for one year.

28. (1) The holder of a licence, certificate or permit in respect of any firearm or ammunition and any other person lawfully in possession of any firearm or ammunition by virtue of subsection (2) of section 7 shall, within twenty-four hours after he discovers the loss or theft of his licence, certificate or permit, if any, or of such firearm or ammunition, report the loss or theft at a police station.

Report of loss
or theft of
Firearm or
ammunition, &c

(2) A person who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars.

29. (1) A police officer in uniform may stop any vehicle for the purpose of ascertaining whether any firearm or ammunition is being conveyed therein and may search without warrant such vehicle, the driver thereof and any person conveyed therein.

Power to stop
and search
vehicles.

(2) A person is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months who—

- (a) being the driver or person operating a vehicle fails to stop the vehicle at the request of a police officer under this section; or
- (b) being conveyed in a vehicle, prevents or intimidates the driver thereof or other person operating such vehicle from stopping at the request of a police officer under this section; or
- (c) escapes or attempts to escape from a vehicle after a request to stop under this section.

30. (1) A Justice of the Peace on being satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been, is being, or is about to be committed, may grant a search

Search Warrants.

warrant authorising any police officer named therein with the assistance of such other persons as he may require—

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein; and
- (b) to seize any firearm or ammunition which he may find on the premises or in the place, or on any such person, in respect of which or in connection with which he has reasonable grounds for suspecting that an offence under this Act has been, is being, or is about to be committed and to retain such firearm or ammunition for so long as may be necessary for the purpose of any investigation in relation thereto, and where such investigation results in legal proceedings against any person for any such offence, until such legal proceedings are finally determined.

(2) Where firearms or ammunition are found on the premises, the police officer making the search may arrest without warrant any person found on the premises or in the place whom he has reason to believe to be guilty of an offence under this Act other than an offence against section 28.

(3) Every person who hinders or molests or interferes with any police officer or other person referred to in subsection (1), doing anything that he is authorised by subsection (1) to do or prevents or attempts to prevent any police officer or other such person from doing any such thing, is guilty of an offence and liable on summary conviction to a fine of one thousand, five hundred dollars or to imprisonment for two years or to both such fine and imprisonment.

PART IV

IMPORTATION OF FIREARMS, ETC.

31. (1) Notwithstanding any other law but subject to section 32, no person may import into Trinidad and Tobago any firearm or ammunition, except—

- (a) under and in accordance with the terms of

Restriction on importation, exportation and transshipment of firearms and ammunition.

- a Firearm Import Permit (including a permit under section 33); or
- (b) firearms or ammunition that is cargo properly manifested to consignees elsewhere than in Trinidad and Tobago or that are the *bona fide* stores of any ship, vessel or aircraft in the custody of the proper officer authorised for the purpose.
- (2) A person who contravenes or aids or abets any other person in contravening subsection (1) is guilty of an offence and liable—
- (a) in the case of an offence relating to a prohibited weapon—
- (i) on summary conviction to a fine of two thousand dollars or imprisonment for eighteen months;
- (ii) on conviction on indictment to imprisonment for five years;
- (b) in any other case—
- (i) on summary conviction to a fine of one thousand dollars or to imprisonment for twelve months; or
- (ii) on conviction on indictment to imprisonment for two years.
- (3) A person is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for twelve months who, except in accordance with the permission in writing of the Commissioner under section 33, exports any firearm or ammunition from Trinidad and Tobago.

32. (1) Every person who disembarks from any ship, vessel or aircraft which comes into Trinidad and Tobago from any port or place outside Trinidad and Tobago shall, whether or not required so to do by any officer of customs, declare to a customs officer whether he has any, and, if so, what firearms or ammunition in his possession or under his control.

Travellers
to make
declaration
of firearms
and
ammunition.

(2) A person referred to in subsection (1) who has any firearm or ammunition in his possession or under his control unless he is the holder of a Firearm Import Permit, shall either—

- (a) cause such firearm or ammunition to be retained upon the vessel or aircraft upon which

he came into Trinidad and Tobago until after such vessel or aircraft departs from Trinidad and Tobago; or

(b) deliver such firearm or ammunition to an officer of customs to be dealt with in accordance with the regulations.

(3) Without prejudice to any other offence for which he may be convicted under this Act or any other enactment, a person is guilty of an offence and liable on summary conviction to a fine of two thousand dollars or to imprisonment for two years who contravenes or fails to comply with the provisions of this section or makes a statement which he knows to be false or does not believe to be true.

Permission
to take
firearm
abroad.

33. (1) Where the holder of a Firearm User's Licence is about to go outside Trinidad and Tobago and desires to take with him the firearm or ammunition to which such licence relates, he may apply to the Commissioner of Police in the prescribed form for a permit so to do.

(2) The Commissioner may if he thinks fit grant a written permit to any such licensee to take the firearm and ammunition with him, and where such permission is granted, nothing in section 31(1) shall be construed so as to cause such a licensee to be guilty of an offence thereunder by reason only of his bringing the firearm and ammunition back into Trinidad and Tobago on the occasion of his return, save that nothing in this subsection shall affect the operation of section 32 in relation to such firearm or ammunition.

Special
offence
relating to
firearms on
aircraft

34. (1) A person is guilty of an offence if without lawful authority he has on his person or under his personal control any firearm, ammunition, explosive or offensive weapon—

(a) when boarding or attempting to board or when disembarking from any aircraft; or

(b) while on board any aircraft operated by a company registered in Trinidad and Tobago.

(2) For the purposes of this section a person shall not be deemed to be acting with lawful authority unless he is acting in his capacity as a member of the Defence Force, established under the Defence Act, 1962, a police officer or as a security officer employed by the operators

No. 7 of 1962.

of the aircraft, save that where the operator is a company registered in Trinidad and Tobago the security officer shall not be deemed to be acting with lawful authority, unless he is the holder of a licence or certificate.

(3) A person guilty of an offence under this section is liable on summary conviction to a fine of two thousand dollars or to imprisonment for two years or to both such fine and imprisonment and on conviction on indictment to a fine or to imprisonment for five years or to both such fine and imprisonment.

(4) Nothing in this section shall apply to any person who obtains the prior permission of the Commissioner to embark or disembark from, or to be on any aircraft on a flight scheduled to take place exclusively in Trinidad and Tobago, save that the operator of the aircraft may refuse to accept such a person as a passenger.

(5) In this section—

“explosive” has the same meaning as in the Explosives Ordinance;

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“offensive weapon” has the same meaning as in the Prevention of Crimes (Offensive Weapons) Ordinance, 1953;

No. 23 of 1953.

“security officer” means a person employed by the operators of an aircraft for the protection of the aircraft and its passengers while in flight.

(6) For the avoidance of doubt it is hereby declared that the lawful possession of a licence to carry a firearm in any public place shall not in itself afford a defence to any proceedings under this section.

PART V

MISCELLANEOUS

35. Where any firearm or ammunition is carried in parts by two or more persons, each of such persons shall be deemed to carry a firearm or ammunition.

Carrying firearm
or ammunition
in parts.

36. The Governor-General may make regulations for the better carrying out of this Act, and in particular for prescribing anything required or permitted by this Act to be prescribed.

Regulations

Service of
notices

37. Any notice required or authorised by this Act to be given to any person may be sent by registered post in a letter addressed to him at his last or usual place of abode, or in the case of the holder of a Firearm Dealer's Licence or a Gunsmith's Licence at any place or premises in respect of which the licence is issued.

Forfeiture and
disposal by
court

38. Any firearm or ammunition seized and detained under this Act, may be retained for as long as is necessary for the purpose of any examination, investigations, inquiries or legal proceedings; and subject to section 10 a judge or magistrate may, upon application made in such proceedings, direct such firearm or ammunition to be forfeited or otherwise disposed of as he considers just.

Appropriate
fee

39. (1) Subject to subsections (2) and (3) the fee payable in respect of a licence, certificate or permit shall be such as is prescribed by the Governor-General and the Governor-General may prescribe different fees for any class of holders of licences, certificates or permits.

(2) Notwithstanding anything herein to the contrary, no fee shall be payable under this section by the owner of any slaughtering instrument or of any firearm or ammunition in respect of which the Commissioner of Police certifies that he is satisfied that such firearm or ammunition is of an obsolete type and is not intended by the owner to be used by himself or by any other person.

(3) The full amount of the appropriate fee shall be payable in respect of the period commencing with the date of grant of licence or certificate and ending with the next succeeding 31st day of March and thereafter shall be payable in respect of each year in which the licence or certificate is in force and on or before the 1st day of April in that year but so, however, that where a licence or certificate is first granted in the month of March in any year the appropriate fee shall be deemed to apply to the period ending on the 31st day of March of the next succeeding year, and thereafter shall be payable in respect of each year as aforesaid.

Custody of
firearms and
ammunition.

40. (1) Every person who comes into possession of any firearm or ammunition in the circumstances specified in paragraph (h) of subsection (1) of section 7 shall, within thirty days of coming into possession of such firearm or ammunition, unless he has obtained a Firearm User's

Licence in respect thereof within such period, deliver such firearm or ammunition to the officer in charge of the police station nearest to the place at which he comes into possession of such firearm or ammunition together with a written statement as to the date on which, and the circumstances in which he came into possession of such firearm or ammunition.

(2) Where any holder of any Firearm User's Licence is about to leave Trinidad and Tobago and does not desire to take the firearm or ammunition to which such licence relates with him, he shall before leaving Trinidad and Tobago arrange for the storage of such firearm or ammunition at a police station.

(3) Every person who fails to comply with subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of one hundred dollars.

(4) The holder of a Firearm User's Licence may, if he does not desire to retain in his possession the firearm or ammunition to which such licence relates, surrender the licence and deliver the firearm or ammunition to the officer in charge of the police station nearest to the place at which he is ordinarily resident.

(5) Every firearm and any ammunition received at any police station under this section shall—

(a) be delivered to any person who produces a Firearm User's Licence granted to him in relation to such firearm or ammunition either before or after the date on which such firearm or ammunition was received at such police station; or

(b) if not delivered to any person in accordance with paragraph (a) within twelve months of the date on which it was received at such police station, render the owner thereof liable thereafter for payment of a storage fee in such sum or at such rate as may be prescribed and if such fee is not paid within six months of the expiry of the period of twelve months aforesaid the firearm or ammunition, or both as the case may be, shall be forfeited to the Crown.

Evidence.

41. (1) All documents issued by or under the authority of the Commissioner of Police shall be received in evidence in any proceedings for an offence under this Act, in every case in which the original document would be admissible in evidence by production of a copy or extract purporting to be certified by the Commissioner of Police or by an Officer of the First Division of the Police Service above the rank of Senior Superintendent as set out in the First Schedule to the Police Service Act, 1965.

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of 1965

(2) Any copy or extract made in pursuance of this section may be in print or in writing, or partly in print and partly in writing.

(3) No proof shall be required of the handwriting or official position of any person certifying in pursuance of this section to the truth of any copy of or extract from any document.

Transitional.

42. (1) All certificates of fitness, licences and other documents relating to the possession and use of firearms and ammunition issued or made under the Firearms Ordinance repealed by this Act shall remain in force and be subject to this Act until 31st March, 1971, unless sooner revoked or varied.

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(2) The first proviso to subsection (1) of section 3 of the Firearms Ordinance repealed by this Act shall be deemed to continue to have effect until the 31st March, 1971, with respect to the following classes of persons:—

(a) any member of a Rifle Association or Club approved by the Governor-General;

(b) any Revenue Officer or other public officer approved by the Governor-General,

unless the Commissioner in any case directs that the firearms and ammunition be surrendered.

(3) Until the 31st March, 1971, nothing in sections 6(4) and 17(3) shall apply to a person in respect of whom a certificate of fitness or a licence was issued or granted.

Repeal.

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43. Subject to section 42, the Firearms Ordinance is repealed.

44. This Act shall come into operation on a date to be ^{Commencement.} fixed by Proclamation of the Governor-General published in the *Gazette* and such Proclamation may relate to the whole or any Part or Parts thereof.

Passed in the House of Representatives this 2nd day of November, 1970.

J. E. CARTER
Clerk of the House (Acting)

Passed in the Senate this 10th day of November, 1970.

A. A. DARLINGTON
Clerk of the Senate (Acting)