

MILITARY TRAINING (PROHIBITION) ACT

CHAPTER 15:04

Act
14 of 1996

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 15:04

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CHAPTER 15:04

MILITARY TRAINING (PROHIBITION) ACT

14 of 1996. **An Act to prohibit the training, drilling and equipping of persons with firearms, ammunition, artillery or explosives and the practice of military exercises otherwise than permitted under any written law, to increase the penalty for unlawfully wearing a police uniform and for related matters.**

Commencement. [2ND JULY 1996]

Short title. **1.** This Act may be cited as the Military Training (Prohibition) Act.

Interpretation. **2.** In this Act—
“ammunition” means—

- (a) ammunition for a firearm of any kind;
- (b) a shell, cartridge case, bomb, hand-grenade, bullet or like missile, whether or not containing an explosive or gas or chemical and whether or not intended to be discharged from or by any gun or other propelling or releasing instrument or mechanism, other than missiles which can be used only for the purpose of extinguishing fires;
- (c) a part of a shell, cartridge case, bomb, hand grenade, bullet or missile, whether or not such shell, cartridge case, bomb, hand grenade, bullet or missile can be completely formed at any time;
- (d) a fuse, percussion cap, or priming cap, adapted or prepared for the purpose of causing the propulsion of or exploding of a shell, bomb, hand grenade, bullet or other projectile;
- (e) a bullet clip or cartridge clip;
- (f) an explosive enclosed in a case or contrivance, adapted or prepared so as to form a cartridge, charge or complete round for a firearm or 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) anything declared by Order of the President to be ammunition;

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

“explosive” means gunpowder, nitroglycerine, dynamite, guncotton, blasting powders, fulminate of mercury or of other metals, coloured fires and every other substance used or manufactured with a view to producing a practical effect, by explosion or a pyrotechnic effect, and includes fog signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive;

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

“military exercise” means an exercise, manoeuvre or other tactical campaign of a training nature ordinarily carried out by the military forces;

“Minister” means the Minister to whom responsibility for national security is assigned;

“officer” means a member of the Police Service;

“place or premises” includes a room, building, vessel, vehicle, aircraft, land or enclosure;

“subversive activity” means—

(a) an act aimed at the overthrow of the Government; or

(b) an act aimed at usurping the functions of the law enforcement agencies or the military forces of the State; or

- (c) the use or display of physical force by persons in such a manner as to arouse reasonable apprehension that those persons are organised, trained, drilled or equipped to carry out the acts described in paragraph (a) or (b).

Prohibition
against certain
activities.

3. (1) Except with the written authorisation of the President, no person shall—

- (a) organise, manage, control, train, drill, equip or take part in the organising, control, training or drilling of another person in the use of firearms, ammunition, artillery or explosives or in the practice of military exercises;
- (b) solicit or provide financial or other support for the management, control, training, drilling or equipping of another person in the use of, firearms, ammunition, artillery or explosives or in the practice of military exercises.

(2) A person who contravenes this section commits an offence and is liable—

- (a) on summary conviction, to a fine of fifty thousand dollars and to imprisonment for five years;
- (b) on conviction on indictment, to a fine of two hundred thousand dollars and to imprisonment for a period not exceeding twenty years.

Assembly of
persons.

4. (1) No person shall meet or assemble at any place or premises for the purpose of training, drilling or equipping another person or of being organised, managed, controlled, trained, drilled or equipped in the use of firearms, ammunition, artillery or explosives or in the practice of military exercises unless he is a member of an organisation or association authorised in writing so to do by the President.

(2) A person who contravenes this section commits an offence and is liable—

- (a) on summary conviction to a fine of fifty thousand dollars and to imprisonment for five years;

(b) on conviction on indictment, to a fine of two hundred thousand dollars and to imprisonment for a period not exceeding twenty years.

(3) In any proceeding against a person charged under this section that person may, as a defence to the charge, prove that he reasonably believed that the organisation or association of which he is a member was authorised by the President.

5. (1) A person commits an offence who, for the purpose of engaging in subversive activities, takes part in—

Prohibition
against
activities for
subversive
intent.

(a) organising, controlling, managing, training, drilling or equipping other persons;

(b) soliciting or providing financial or other support for the organisation, management, control, training, drilling or equipping of other persons; or

(c) any meeting or assembly at any place or premises for the training, drilling or equipping of persons,

in the use of firearms, ammunition, artillery or explosives.

(2) A person commits an offence who, for the purpose of engaging in subversive activities, takes part in any military exercise.

(3) A person who commits an offence is liable—

(a) on summary conviction, to a fine of one hundred thousand dollars and to imprisonment for seven years;

(b) on conviction on indictment, to a fine of three hundred thousand dollars and to imprisonment for a period not exceeding thirty years.

(4) In any proceedings against a person charged under this section, that person may as defence to the charge, prove that he neither consented to, nor connived at—

(a) the organisation, control, management, training, drilling or equipping of other persons; or

(b) the solicitation or provision of financial or other support for the management, control, training, drilling or equipping of other persons; or

(c) the meeting or assembly at any place for the purposes referred to in subsection (1)(c),

in the use of firearms, artillery or explosives or in the taking part in any military exercise, for the purpose of subversive activities.

Admissibility of evidence.

6. In any proceedings under section 5 proof of things done or of words written, spoken or published, whether or not in the presence of any party to the proceedings, by any person assisting or taking part in the control or management of an association, or in the organising, training, drilling or equipping of members or supporters of the association, is admissible as evidence of intent to engage in subversive activities.

Search and seizure.

7. (1) Where a magistrate is satisfied by information on oath that—

- (a) there are reasonable grounds for suspecting that an offence under this Act has been committed or is being committed; and
- (b) evidence of the commission of the offence is likely to be found at the place or premises specified in the information,

the magistrate may, upon application made by an officer of a rank not lower than that of Inspector, grant a search warrant to that officer in accordance with subsection (2).

(2) Subject to subsection (4), a search warrant granted by a magistrate under this section shall authorise the officer named in the warrant—

- (a) to enter the place or premises specified in the warrant within six months of the date of issue of the warrant;
- (b) to search such place or premises and every person found therein; and
- (c) to seize any article, apparatus, device or other thing found on such place or premises, or on any such person found therein, where the

officer has reasonable grounds to suspect that the article, apparatus, device or thing may be used as evidence of the commission of an offence under this Act.

(3) Every search, of a female person under this section shall be conducted by a female officer.

(4) Where any article, apparatus, device or other thing is seized from any place or premises or from any person found therein pursuant to this section—

- (a) a list of those articles, apparatus, devices or things shall be compiled by an officer present at time of the search; and
- (b) a copy of that list shall, within twenty-four hours of the search, be given to the person who appears to be the occupier of the place or premises.

(5) A person who obstructs an officer in the execution of his duty under this section or who incites another person to do so, commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for five years.

8. Notwithstanding any written law to the contrary, where a person is convicted of an offence under this Act and any article, apparatus, device or other thing in relation to the offence is seized pursuant to section 7(2), such article, apparatus, device or thing—

Forfeiture.

- (a) is, upon conviction, in addition to any punishment imposed for the offence, forfeited to the State; and
- (b) may be destroyed or otherwise disposed of as the Minister directs where no appeal is pending from the conviction.

9. This Act does not apply to the training or drilling of persons or to the practice of military exercises in accordance with the Defence Act or any other written law.

Non-application.

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10. No prosecution shall be instituted for an offence under this Act without the prior consent of the Director of Public Prosecutions.

Consent of DPP.