

**SAINT LUCIA****No. 18 of 2022****ARRANGEMENT OF SECTIONS***Section*

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I Assent

[L.S.]

ERROL CHARLES,  
*Acting Governor-General.*

*August 10, 2022.*

## SAINT LUCIA

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**No. 18 of 2022**

**AN ACT** to amend the Firearms Act, Cap. 14.12.

[ 12th August, 2022 ]

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

**Short title**

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

**Interpretation**

2. In this Act, “principal Act” means the Firearms Act, Cap. 14.12.

**Amendment of section 2**

3. Section 2 of the principal Act is amended —

- (a) in the definition of the word “appropriate authority” by deleting the words “the Commissioner of Police” and by substituting the word “Board”;
- (b) in the definition of the word “prohibited weapon”, by inserting immediately before the word “replica” the word “a”;
- (c) by deleting the definition of the word “firearm” and by substituting the following —

“firearm” —

(a) means any —

- (i) lethal barrelled weapon capable of discharging a shot, bullet or missile,
- (ii) restricted or prohibited weapon,
- (iii) component part of a weapon described in subparagraph (i) or (ii), or
- (iv) accessory to a weapon described in subparagraph (i) or (ii) designed or adapted to diminish the noise, flash or discharge of a weapon;

(b) includes —

- (i) an air rifle,
- (ii) an air gun,
- (iii) an air pistol;”;

(d) by inserting in the correct alphabetical sequence the following new definitions —

“Board” means the Firearms Licensing Board established under section 2A;

“Chairperson” means the Chairperson appointed under section 2C;”.

#### **Deletion of section 3**

4. The principal Act is amended by deleting section 3.

#### **Insertion of new Part 1A**

5. The principal Act is amended by inserting immediately after Part 1 the following new Part 1A —

### **“PART 1A ADMINISTRATION**

#### **Establishment and composition of the Board**

**2A.**—(1) There is established a Firearms Licensing Board.

(2) The members of the Board are —

- (a) the Commissioner of Police or his or her nominee;
- (b) the Permanent Secretary in the Ministry responsible for national security;
- (c) three persons nominated by the Minister, and approved by the Cabinet, who are of high integrity and are able to exercise good judgment in fulfilling the functions under this Act.

(3) The Minister shall, by notice published in the *Gazette*, appoint the members of the Board.

#### **Disqualification**

**2B.** A person is not qualified to be appointed as a member of the Board if at anytime during the period of five years immediately preceding the appointment —

- (a) he or she is or has been a member of the House of Assembly;

- (b) he or she is or has been nominated as a candidate for election as a representative of a constituency.

**Chairperson of the Board**

**2C.** The Commissioner is the Chairperson of the Board.

**Terms and conditions of appointment**

**2D.—(1)** A member of the Board appointed by the Minister under section 2A(3) —

- (a) shall —
  - (i) unless he or she ceases to be a member of the Board, be a member of the Board for a term which may extend to three years and on such conditions as the Minister determines,
  - (ii) on expiration of the term under subparagraph (i) be eligible for reappointment; and
- (b) may receive remuneration as the Minister, with the approval of the Cabinet, determines.

(2) The remuneration of members of the Board, appointed by the Minister under section 2A(3), is a charge on and paid out of the Consolidated Fund.

**Functions of the Board**

**2E.** The functions of the Board are to —

- (a) receive and consider an application for a licence or a permit;
- (b) grant and renew a licence or permit;
- (c) amend and revoke a licence or permit;
- (d) approve a place for training in firearms and ammunition;
- (e) promote and oversee public education related to the safe and effective use of a firearm and ammunition; and

- (f) perform any other function as the Board is authorized to perform under this Act.

**Powers of the Board**

**2F.**—(1) The Board may —

- (a) subject to subsection (2), investigate an application for a licence or a permit; or
- (b) require an applicant for a licence or a permit to appear before the Board for an interview.

(2) An investigation under subsection (1)(a) is restricted to determining whether the applicant is eligible under the Act to receive a licence or permit and the Board shall cease the investigation after making a determination of the application.

**Resignation**

**2G.** A member of the Board appointed under section 2A(2)(c) may at any time resign his office by notice in writing addressed to the Minister.

**Revocation**

**2H.** The Minister may revoke the appointment of a member appointed under section 2A(2)(c) where the member —

- (a) is absent, without reasonable excuse, from three consecutive meetings of the Board;
- (b) is incapable to performing his or her functions;
- (c) commits an act of misconduct.

**Meetings**

**2I.**—(1) The Board shall meet at times as may be necessary or expedient for the transaction of business.

(2) The meetings of the Board must be held at the place the Chairperson determines.

(3) The Chairperson shall preside at all meetings of the Board and in his or her absence, the Board shall elect a member to act as Chairperson at that meeting.

**Quorum**

**2J.** A quorum at a meeting of the Board shall be three members, one of whom shall be the Commissioner or his or her nominee.

**Declaration of interest and abstention from voting**

**2K.—(1)** A member of the Board, appointed by the Minister under section 2A(2)(c), who has an interest in a matter before the Board shall declare the nature of his or her interest at the first meeting of the Board at which it is practicable to do so.

(2) Where a member of the Board declares an interest under subsection (1), the member of the Board shall leave the meeting on the matter coming up for discussion and shall not receive other communication on the matter.

(3) A declaration under subsection (1) and the departure of a member of the Board from the meeting under subsection (2) must be noted in the minutes of the meeting.

(4) A member of the Board, appointed by the Minister under section 2A(2)(c), commits an act of misconduct if he or she —

- (a) contravenes subsection (1);
- (b) votes in respect of a matter before the Board in which he or she has an interest;
- (c) seeks to influence the vote of another member of the Board in relation to a matter before the Board.

(5) Where a person contravenes subsection (1), his or her appointment may be revoked under section 2H(c).

**Decisions of the Board**

**2L.** A decision of the Board is by a majority of votes of its members present and voting at a meeting and in the case of an equality of votes the Chairperson shall have a casting vote in addition to an original vote.



**Board to regulate its own procedures**

**2M.** Subject to this Act, the Board shall regulate its own procedures.”.

**Amendment of section 15**

**6.** Section 15 of the principal Act is amended by deleting subsection (8) and by substituting the following —

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

- (a) on summary conviction, to a fine which may extend to fifty thousand dollars or to imprisonment for a term which may extend to fifteen years or to both;
- (b) on conviction on indictment, to imprisonment for a term which may extend to twenty-five years.”.

**Amendment of section 16**

**7.** Section 16 of the principal Act is amended by deleting subsection (3) and by substituting the following —

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

- (a) on summary conviction, to a fine which may extend to fifty thousand dollars or to imprisonment for a term which may extend to fifteen years or to both;
- (b) on conviction on indictment, to imprisonment for a term which may extend to twenty-five years.”.

**Amendment of section 21**

**8.** Section 21 of the principal Act is amended —

- (a) in subsection (1), by deleting the word “except”;

(b) by deleting subsection (2) and by substituting the following

—

“(2) A person who contravenes subsection (1) commits an offence and is liable —

(a) on summary conviction to a fine which may extend to fifty thousand dollars or to imprisonment for a term which may extend to fifteen years or to both;

(b) on conviction on indictment to imprisonment for a term which may extend to twenty-five years.”.

**Insertion of new section 21A**

9. The principal Act is amended in Part 4 by inserting immediately before section 22 the following new section 21A —

**“Prohibited weapons and ammunition**

**21A.**—(1) Subject to this Act, a person shall not use, purchase, acquire or have in his or her possession, import or export, carry, manufacture, supply or offer to supply to another or be concerned in the supplying to another, of any of the following —

- (a) any firearm which is 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 the magazine containing the ammunition is empty;
- (b) any weapon designed to fire any rocket and any other projectile;
- (c) any firearm or ammunition which has been cut down, converted or otherwise changed from its original form other than a shot gun the barrel of which has been lawfully shortened under section 16;

- (d) any firearm or ammunition which bears the appearance of having been manufactured in a place other than a place where firearms or ammunition are normally manufactured for commerce or by a person other than a person engaged in the commercial manufacture of firearms;
  - (e) any live bomb or live grenade except a hand grenade manufactured for the purpose of extinguishing fires.
- (2) The Minister may exempt any person or class of persons from the provisions of this section.
- (3) Notwithstanding any other enactment, a person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to a fine which may extend to \$200,000 or to imprisonment for a term which may extend to life.

**Amendment of section 22**

**10.** Section 22 of the principal Act is amended —

- (a) in subsection (3), by inserting immediately before the word “valid” the word “a”;
- (b) by deleting subsection (4) and by substituting the following —
  - “(4) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable —
    - (a) on summary conviction, to a fine which may extend to fifty thousand dollars or to imprisonment for a term which may extend to fifteen years or to both;
    - (b) on conviction on indictment, to imprisonment for a term which may extend to twenty-five years.”.

**Amendment of section 24**

**11.** Section 24 of the principal Act is amended, in subsection (4), by deleting the words “on conviction to a fine of not less than \$10,000 or to imprisonment for a term of not less than 3 years or both” and by substituting the words “on summary conviction to a fine which may

extend to fifty thousand dollars or to imprisonment for a term which may extend to fifteen years or to both”.

**Amendment of section 26**

**12.** Section 26 of the principal Act is amended by deleting subsection (2) and by substituting the following —

“(2) A person who contravenes subsection (1) commits an offence and is liable —

- (a) on summary conviction, to a fine which may extend to fifty thousand dollars or to imprisonment for a term which may extend to fifteen years or to both;
- (b) on conviction on indictment, to imprisonment for a term which may extend to life.”.

**Amendment of section 27**

**13.** Section 27 of the principal Act is amended by —

(a) deleting subsection (2) and by substituting the following —

“(2) A person who contravenes subsection (1) commits an offence and is liable —

- (a) on summary conviction, to a fine which may extend to fifty thousand dollars or to imprisonment for a term which may extend to fifteen years or to both;
- (b) on conviction on indictment, to imprisonment for a term which may extend to life.”;

(b) inserting immediately after subsection (2) the following new subsection (3) —

“(3) A penalty imposed under subsection (2) may be in addition to any other penalty —

- (a) to which a person is liable, for the offence he or she may have committed or attempted to commit;
- (b) for the offence of resisting arrest or attempting to prevent the lawful arrest of himself or herself or any other person.”.

**Substitution of section 28**

**14.** The principal Act is amended by deleting section 28 and by substituting the following —

**“Restriction on manufacturing, selling, transferring, lending, repairing, modifying, testing or proving a firearm or ammunition**

**28.**—(1) A person shall not manufacture, sell, transfer, lend, repair, modify, test or prove a firearm or ammunition.

(2) An offence is not committed under subsection (1), if a firearm dealer sells a firearm or ammunition to a person and at the time of the sale, the person purchasing —

(a) is the holder of and produces a valid licence;

(b) is exempted from the requirements of this Act under section 23.

(3) A person or a firearm dealer who contravenes subsection (1) or (2), commits an offence and is liable —

(a) on summary conviction, to a fine which may extend to fifty thousand dollars or to imprisonment for a term which may extend to fifteen years or to both;

(b) on conviction on indictment, to imprisonment for a term which may extend to twenty-five years.”.

**Substitution of section 29**

**15.** The principal Act is amended by deleting section 29 and by substituting the following —

**“Prohibition on removal or alteration of markings on a firearm or ammunition**

**29.**—(1) A person shall not remove or alter the markings on a firearm or ammunition.

(2) A person who contravenes subsection (1) commits an offence and is liable —

(a) on summary conviction, to a fine which may extend to fifty thousand dollars or to imprisonment for a term which may extend to fifteen years or to both;

(b) on conviction on indictment, to imprisonment for a term which may extend to twenty-five years.

(3) In this section “markings” means a mark that identifies particulars including —

- (a) the country of manufacture;
- (b) the name of the manufacturer;
- (c) the date of manufacture;
- (d) the serial number;
- (e) the type, make and model;
- (f) the calibre.”.

**Insertion of new sections 29A and 29B**

**16.** The principal Act is amended by inserting immediately after section 29, the following new sections 29A and 29B —

**“Restriction on exposure for sale or transfer and possession of a firearm**

**29A.**—(1) A person shall not expose for sale, transfer or have in his or her possession a firearm or ammunition, unless he or she is a firearm dealer.

(2) A person who contravenes subsection (1) commits an offence and is liable —

- (a) on summary conviction, to a fine which may extend to fifty thousand dollars or to imprisonment for a term which may extend to fifteen years or to both;
- (b) on conviction on indictment, to imprisonment for a term which may extend to twenty-five years.”.

**Prohibition on disposing or destroying a firearm or ammunition**

**29B.**—(1) A person shall not, except with the approval of the appropriate authority —

- (a) dispose of a firearm or ammunition;
- (b) destroy a firearm or ammunition.

(2) A person who contravenes subsection (1) commits an offence and is liable —

(a) on summary conviction, to a fine which may extend to fifty thousand dollars or to imprisonment for a term which may extend to fifteen years or to both;

(b) on conviction on indictment, to imprisonment for a term which may extend to twenty-five years.”.

#### **Insertion of new section 31A**

17. The principal Act is amended by inserting immediately after section 31 the following new section 31A —

#### **“Prohibition against illicit trafficking in firearms or ammunition**

**31A.**—(1) A person shall not import, export or otherwise acquire, sell, deliver, move, trans-ship, transfer or broker a firearm or ammunition into, from or across Saint Lucia without a valid licence.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to a fine which may extend to one hundred and fifty thousand dollars or to imprisonment for a term which may extend to twenty-five years or to both.”.

#### **Amendment of section 39**

18. Section 39 of the principal Act is amended, in subsection (3), by deleting the words “on conviction to a fine which may extend to \$7,000 or to imprisonment for a term which may extend to 2 years” and by substituting the words “on summary conviction to a fine which may extend to fifteen thousand dollars or to imprisonment for a term which may extend to two years or to both”.

#### **Amendment of section 40**

19. Section 40 of the principal Act is amended, in subsection (5), by deleting the words “on conviction to a fine of not less than \$5,000 or to imprisonment for a term of not less than one year or to both” and by substituting the words “on summary conviction to a fine which may extend to fifty thousand dollars or to imprisonment for a term which may extend to fifteen years or to both”.

**Amendment of section 47**

**20.** Section 47 of the principal Act is amended —

- (a) in subsection (1), by deleting the words “shall on conviction be sentenced to a term of imprisonment for not less than 15 years” and by substituting the words “is liable on conviction on indictment to imprisonment for a term which may extend to twenty-five years”;
- (b) in subsection (2), by deleting the words “shall, on conviction for the subsequent offence, be sentenced to a term of imprisonment for not less than 20 years” and by substituting the words “is liable on conviction on indictment to imprisonment for a term which may extend to twenty-five years”;
- (c) in subsection (3), by deleting the words “shall on conviction be sentenced to a term of imprisonment for not less than 10 years” and by substituting the words “is liable on conviction on indictment to imprisonment for a term which may extend to twenty-five years”;
- (d) in subsection (4), by deleting the words “shall on conviction be sentenced to a term of imprisonment for not less than 10 years” and by substituting the words “is liable on conviction on indictment to imprisonment for a term which may extend to twenty-five years”.

**Amendment of section 50**

**21.** Section 50 of the principal Act is amended, in subsection (4), by deleting the words “to a fine not less than \$5,000 or to imprisonment for not less than one year or to both” and by substituting the words “to a fine which may extend to twenty-five thousand dollars or to imprisonment for a term which may extend to three years or to both”.

**Insertion of new section 50A**

**22.** The principal Act is amended by inserting immediately after section 50 the following new section 50A —



**“Controlled delivery of firearms and ammunition**

**50A.**—(1) The Minister may enter into an agreement or make an arrangement with another State for the controlled delivery of a firearm or ammunition to identify a person who commits an offence under this Act.

(2) In this section, “controlled delivery” means the technique of allowing a firearm or ammunition to pass out of, through or into Saint Lucia with the knowledge and under the supervision of the Minister or the Commissioner or a person authorized by the Commissioner.”.

**Substitution of section 52**

**23.** The principal Act is amended by deleting section 52 and by substituting the following —

**“General penalty**

**52.** A person who commits an offence for which no penalty is specified is liable —

- (a) on summary conviction, to a fine which may extend to fifty thousand dollars or to imprisonment for a term which may extend to fifteen years or to both;
- (b) on conviction on indictment, to imprisonment for a term which may extend to twenty-five years.”.

**Amendment of section 53**

**24.** Section 53 of the principal Act is amended by deleting paragraph (g) and by substituting the following —

- “(g) controlling or regulating the importation, sale, possession or use of —
  - (i) bombs and hand grenades manufactured for the purpose of extinguishing fires, and the application

of this Act in relation to such bombs and hand grenades,

(ii) air rifles, air guns and air pistols.”.

Passed in the House of Assembly this 26<sup>th</sup> day of July, 2022.

CLAUDIUS J. FRANCIS,  
*Speaker of the House of Assembly.*

Passed in the Senate this 28<sup>th</sup> day of July, 2022.

STANLEY FELIX,  
*President of the Senate.*