

CHAPTER 14.12

FIREARMS ACT

Revised Edition

Showing the law as at 31 December 2022

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

• Act • Subsidiary Legislation •

ACT

(Acts 9 of 2003 and 18 of 2022)

Act 9 of 2003 .. in force 22 January 2003 (S.I. 33/2003)

Amended by Act 18 of 2022 .. in force 12 August 2022

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AN ACT to make provisions relating to the carrying and the use of firearms and ammunition, to give legal effect and to provide for the implementation of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials, and to provide for related matters.

Commencement [22 January 2003]

PART 1 PRELIMINARY

1. Short title

This Act may be cited as the Firearms Act.

2. Interpretation

In this Act—

“**acquire**” includes buy, accept as a gift or borrow;

“**ammunition**” includes—

- (a) ammunition for any firearm, restricted ammunition, grenades, bombs and other similar prohibited missiles whether capable of use with a firearm or not;
- (b) the complete round or its components, including cartridges cases, primers, propellants, powder, bullets and projectiles that are used in any firearm;

“**antique firearm**” means any firearm that is not less than 50 years old and is incapable of being fired and includes any replica of such firearm;

“**antique firearm collectors licence**” means an antique firearm collectors licence referred to in section 17;

“**appropriate authority**” means the Board; *(Amended by Act 18 of 2022)*

“**approved instructor of a designated institution**” means a person appointed as such under section 41(5);

“**Board**” means the Firearms Licensing Board established under section 2A; *(Inserted by Act 18 of 2022)*

“**Chairperson**” means the Chairperson appointed under section 2C; *(Inserted by Act 18 of 2022)*

“**Commissioner**” means the Commissioner of Police;

“**Comptroller**” means Comptroller of Customs and Excise;

“**designated institution**” means an institution designated as such under section 41;

“**estate gun licence**” means an estate gun licence referred to in section 14;

“**firearm**” means—

- (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;

(Substituted by Act 18 of 2022)

"firearm dealer" means a person who holds a valid firearm dealer licence;

"firearm dealer licence" means a firearm dealer licence referred to in section 15;

"firearm export licence" means a firearm export licence referred to in section 21;

"firearm import licence" means a firearm import licence referred to in section 21;

"firearm user licence" means a firearm user licence referred to in section 13;

"firearm user employee (sub-licence)" means a firearm user (employee) sub-licence referred to in section 20;

"imitation firearm" means any toy or object having the appearance of a firearm whether or not it is capable of discharging a shot, bullet or other missile;

"licence" means a licence or a sublicence issued under this Act;

"Minister" means the Minister responsible for security;

"police officer" means a member of the Royal Saint Lucia Police Force appointed under the Police Act;

"premises" include buildings and land;

"prescribed" means prescribed in regulations made under this Act;

"prohibited weapon" means any firearm, ammunition or weapon referred to in section 3 and includes a replica of such prohibited weapon; *(Amended by Act 18 of 2022)*

"provisional licence" means a provisional licence referred to in section 5;

"public place" includes any highway, premises or place to which at the material time, the public has or is permitted to have access whether by payment of a fee or otherwise;

"restricted ammunition" means any ammunition designed or adapted to contain any noxious liquid, gas or other substance;

"restricted person" means a person who within the preceding 5 years—

- (a) has been so declared under section 11;
- (b) has been convicted of an offence involving violence and sentenced to a term of imprisonment exceeding 6 months; or
- (c) is over 18 years and has been convicted of an indictable offence and sentenced to a term of imprisonment exceeding 2 years;

"restricted weapon" means any weapon designed or adapted for the discharge of noxious liquid, gas or other substance;

"shot gun" means a smooth bore gun with a barrel of not less than 18 inches, not being an air gun and includes any component part, or any accessory of it designed or adapted to diminish the noise or flash caused by firing such gun;

"shooting club licence" means a shooting club licence referred to in section 18;

"slaughtering instrument" means a weapon designed or adapted for the instantaneous slaughter or instantaneous stunning of animals with a view to slaughter;

"sporting firearm" means—

- (a) a .22 calibre pistol with a barrel length of 4 inches and above;
- (b) a .22 calibre rifle with a barrel length of 18 inches and above;
- (c) a shotgun with a barrel length of 26 inches and above and includes any other firearm designed or modified for sporting purposes;

"sporting firearm licence" means a sporting firearm licence referred to in section 19;

"trade as a dealer in firearms" means to import, deal in, repair, test, prove, sell or make firearms or ammunition or both which are not prohibited weapons;

"transfer" includes let, hire, give, lend or part with possession.

3. (Repealed by Act 18 of 2022)

PART 1A ADMINISTRATION

(Part 1A inserted by Act 18 of 2022)

2A. Establishment and composition of the Board

(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.

(Inserted by Act 18 of 2022)

2B. Disqualification

A person is not qualified to be appointed as a member of the Board if at anytime during the period of 5 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.

(Inserted by Act 18 of 2022)

2C. Chairperson of the Board

The Commissioner is the Chairperson of the Board.

(Inserted by Act 18 of 2022)

2D. Terms and conditions of appointment

(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 3 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.

(Inserted by Act 18 of 2022)

2E. Functions of the Board

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.

(Inserted by Act 18 of 2022)

2F. Powers of the Board

(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.

(Inserted by Act 18 of 2022)

2G. Resignation

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.

(Inserted by Act 18 of 2022)

2H. Revocation

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.

(Inserted by Act 18 of 2022)

2I. Meetings

(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.

(Inserted by Act 18 of 2022)

2J. Quorum

A quorum at a meeting of the Board shall be 3 members, one of whom shall be the Commissioner or his or her nominee.

(Inserted by Act 18 of 2022)

2K. Declaration of interest and abstention from voting

(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).

(Inserted by Act 18 of 2022)

2L. Decisions of the Board

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.

(Inserted by Act 18 of 2022)

2M. Board to regulate its own procedures

Subject to this Act, the Board shall regulate its own procedures.

(Inserted by Act 18 of 2022)

PART 2 APPLICATION FOR LICENCE

4. Application for and grant of licence

(1) A person may apply to the appropriate authority in the form prescribed for any licence referred to in Part 3.

(2) An applicant for a licence shall at the time of making the application, supply 3 recent passport size photographs of himself or herself, one of which shall be affixed to the licence at the time of issue.

(3) An application under subsection (1) shall be accompanied by the prescribed fee.

(4) The appropriate authority may subject to subsection (8), section 11, 17(2), 18(2), 19(2) or 20(2) as the case may be, grant or renew a licence if the appropriate authority is satisfied—

- (a) that the applicant—
 - (i) is qualified or competent to hold the licence applied for and has completed a course in firearms and ammunition safety,
 - (ii) holds a certificate of competence, obtained from a designated institution, a copy of which must be attached to the application,
 - (iii) has good cause for purchasing, acquiring or for having in his or her possession the firearm or ammunition in respect of which the application is made,
 - (iv) is not a prohibited person under section 11,
 - (v) has a good knowledge of the law in force in Saint Lucia relating to firearms and ammunition;
- (b) that the grant of the licence will not endanger the public or the peace; and
- (c) that the applicant has made adequate provision for keeping the firearm and ammunition in a secure place when not in use;
- (d) in the case of a firearm user licence, an estate gun licence, a sporting firearm licence or a firearm user (employee) sub-licence, the applicant has previously been granted a provisional licence or has been exempted from the requirement of a provisional licence by the appropriate authority on the basis of having previously held a licence.

(5) Subject to section 15(2), 17(5) or 18(11), where an applicant is desirous of possessing more than one firearm, he or she shall in accordance with this section, submit an application in respect of each such firearm.

(6) Despite anything contained in this Act, a person shall not be granted a licence unless the appropriate authority is satisfied that the person has a justifiable need to own a firearm.

5. Provisional licence

(1) Where the appropriate authority is satisfied that a person, who applies under section 4 for a firearm user licence, an estate gun licence, a sporting firearm licence or a firearm user (employee) sub-licence, is fit to possess a firearm, the appropriate authority may on payment of fee by the applicant grant a provisional licence in the form prescribed.

(2) A provisional licence shall be valid for 6 months and shall be subject to the conditions set out in the provisional licence.

(3) The holder of a provisional licence is not authorised by the provisional licence to possess, purchase or acquire a firearm.

(4) A provisional licence entitles a person only to use a firearm on a shooting range under the supervision of a designated institution.

6. Qualification for licence originally applied for

Where a person has successfully complied with the conditions of a provisional licence, the appropriate authority may, if satisfied that the holder qualifies for a licence in accordance with section 4(5), grant the licence originally applied for, on payment of the prescribed fee by the holder.

7. Duration of licence

(1) A firearm user licence, an estate gun licence, a firearm dealer licence, a sporting firearm licence, an antique firearm collector licence or a firearm user (employees) licence shall unless revoked, be for the period specified on the licence and shall be renewable.

(2) The holder of a firearm user licence, an estate gun licence, a sporting firearm licence, an antique firearm collector licence, a firearm user (employee) sub-licence or a shooting club licence shall submit his or her firearm for inspection immediately prior to renewal and the firearm shall be tested for worthiness by a firearms examiner authorised for that purpose by the appropriate authority.

(3) The provisions of section 4 shall apply in relation to an application for renewal of a licence.

8. Suspension

(1) The appropriate authority may suspend with immediate effect any licence if in his or her opinion it is in the public interest to do so or pending the outcome of any proceedings against a holder—

- (a) under the provisions of this Act;
- (b) under the provisions of any other law in force in Saint Lucia where the holder is charged with an offence in which he or she uses a firearm or ammunition in the course or furtherance of the commission of the offence.

(2) Where the appropriate authority has suspended a licence under subsection (1), the appropriate authority shall notify the holder in writing of the suspension and the holder of the licence shall deliver his or her licence together with the firearm or ammunition to which such licence relates, to the appropriate authority within 7 days of the delivery of the notice.

(3) A person who without lawful excuse (proof of which shall lie on him or her), fails to comply with a notice under subsection (2), commits an offence and is liable on conviction to a fine of not less than \$5,000 or to imprisonment for a term of not less than one year or both.

(4) Despite the outcome of proceedings against a holder under the provisions of this Act, the appropriate authority may if he or she has reasonable cause to do so, revoke a licence which is suspended and the provisions of subsections (2) and (3) shall apply with any modifications necessary.

9. Revocation

(1) Subject to section 10, the appropriate authority may revoke a licence if—

- (a) the appropriate authority is satisfied that the holder—
 - (i) is prohibited from possessing a firearm or ammunition under section 11,
 - (ii) has intemperate habits or is of unsound mind,
 - (iii) is under the age of 18,
 - (iv) is for any reason considered unfit to be entrusted with a firearm;
- (b) the holder fails to comply with a notice under subsection (2);
- (c) the holder is charged with or convicted of an offence in which the use of a firearm or ammunition is an element of the offence;
- (d) the holder has ceased to be a member of a shooting club where he or she was licensed for that purpose;
- (e) the holder fails to comply with any of the provisions in Parts 4, 5 and 6.

(2) Where the appropriate authority revokes a licence under this section the appropriate authority shall notify the holder in writing of the revocation and the holder of the licence shall deliver his or her licence together with the firearm or ammunition to which such licence relates, to the appropriate authority within 3 days of the date of delivery of the notice to the holder of the licence.

(3) Where a licence is revoked under the provisions of subsection (1)(a) or (c) and the holder thereof holds several licences, then all such other licences or permits shall be deemed to have been revoked and the provisions of subsections (2) and (3) shall apply with any modifications necessary.

(4) A person who without lawful excuse (proof of which shall lie on him or her), fails to comply with a notice under subsection (2) commits an offence and is liable on conviction to a fine of \$10,000 or to imprisonment for a term of 3 years or both.

10. Appeals

(1) An applicant aggrieved by a decision of the appropriate authority—

- (a) refusing to grant a licence;
- (b) refusing to amend any licence;
- (c) revoking any licence; or
- (d) refusing to grant any exemption under section 23,

who desires to question the validity of the refusal or revocation, on the ground that the refusal or revocation is not with the powers of the appropriate authority or that any requirement of this Act has not been complied with in relation to the refusal or revocation, may make an application to the High Court under this section in accordance with any rules of court for the time being in force.

(2) Where the aggrieved party is the holder of a licence and has in his or her possession the firearm or ammunition which is the subject matter of the appeal, the firearm or ammunition shall be deposited with the appropriate authority before the application under subsection (1) is made.

(3) This section shall not apply to a decision made by the appropriate authority under section 11.

11. Prohibitions in relation to licences

- (1) A licence shall not be granted to a person with respect to a prohibited weapon.
- (2) A licence shall not be granted to a person—
 - (a) who is restricted person under this Act;
 - (b) of intemperate habits or a known violent nature;
 - (c) under the age of 18 years;
 - (d) who for any reason is considered unfit to be entrusted with a firearm or ammunition.
- (3) A court before which a person is convicted of an offence under this Act or any law in force in Saint Lucia prior to the coming into operation of this Act dealing with the importation, exportation, possession or use in Saint Lucia of any firearm or ammunition may declare that person a restricted person for the purposes of this Act.

12. False statement in connection with licence

Any person who, in or in connection with, an application for the grant of a licence, makes a statement or provides information that to his or her knowledge is false, commits an offence and is liable on summary conviction to a fine of \$10,000 or to imprisonment for a term of 3 years or both.

PART 3 CATEGORIES OF LICENCES

13. Firearm user licence

- (1) In accordance with section 4—
 - (a) a person desirous of using, carrying, possessing, purchasing or acquiring a firearm or ammunition may apply to the appropriate authority for a firearm user licence; and
 - (b) the appropriate authority may grant the firearm user licence.
- (2) A firearm user licence authorises the holder to use, possess, purchase or acquire in accordance with the terms thereof, the firearm or ammunition identified or defined in the firearm user licence.
- (3) The appropriate authority may on the application of the holder of a firearm user licence, authorise any person specified by the holder to carry or use the firearm or ammunition to, from or on premises belonging to the holder and the names of such persons (hereinafter referred to as authorised persons") shall be endorsed on the firearm user licence.
- (4) The appropriate authority shall not endorse a firearm user licence under subsection (2) unless satisfied that the authorised person or persons have adequate proficiency in the use and management of the firearm or ammunition to which the firearm user licence relates.
- (5) The holder of a firearm user licence may on application to the appropriate authority have the licence amended by replacing the names of authorised persons endorsed thereon.
- (6) The appropriate authority shall issue and sign a certificate stating that an authorised person or persons named is entitled to carry or use such firearm or ammunition to which the firearm user licence relates and the duration of such entitlement.
- (7) The authorised person or persons shall produce such certificate at the request of a police officer or other authorised officer.

(8) A firearm user licence shall be in the form prescribed.

14. Estate gun licence

(1) In accordance with section 4—

- (a) a person desirous of using, carrying, possessing, purchasing or acquiring a shot gun may apply to the appropriate authority for an estate gun licence; and
- (b) the appropriate authority may grant the estate gun licence.

(2) An estate gun licence authorises the holder to use or carry, possess, purchase, or acquire a shot gun and ammunition therefor.

(3) The appropriate authority may on the application of the holder of an estate gun licence, authorise any employee specified by the holder to carry or use such shot gun and ammunition to which the estate gun licence relates to, from or on land belonging to the holder and the names of such employees (hereinafter referred to as "authorised employees") shall be endorsed on the estate gun licence.

(4) The appropriate authority shall not endorse an estate gun licence under subsection (2), unless satisfied that the authorised employees have adequate proficiency in the use and management of the shot gun or ammunition to which the estate gun licence relates.

(5) The holder of an estate gun licence may on application to the appropriate authority have the estate gun licence amended by replacing the names of authorised employees endorsed thereon.

(6) The appropriate authority shall issue and sign a certificate stating that an authorised employee named is entitled to carry or use a shot gun to which the estate gun licence relates and the duration of such entitlement.

(7) An authorised employee shall produce a certificate issued under subsection (6) at the request of a police officer or other authorised office.

(8) An estate gun licence shall be in the form prescribed.

15. Firearm dealer licence

(1) In accordance with section 4—

- (a) a person who is desirous of carrying on business or conducting trade as a dealer in firearms or ammunition may apply to the appropriate authority for a firearm dealer licence; and
- (b) the appropriate authority may grant the firearm dealer licence.

(2) The provisions of section 4(6) shall not apply in the case of an application for a firearm dealer licence.

(3) A firearm dealer licence authorises the holder to import, deal in, repair, test, prove and sell firearms and ammunition (not being prohibited weapons) in the ordinary course of business in accordance with the terms of such licence at a place specified in the licence.

(4) A firearm dealer shall keep a register of transactions setting out—

- (a) the quantities and descriptions of firearms and ammunition purchased or acquired with the makes and addresses of the sellers or transferors and the dates of the several transactions;
- (b) the quantities and descriptions of firearms and ammunition accepted for sale, repair, test, proof, cleaning, storage, destruction or other purpose, with the names and addresses of the transferors and the dates of the several transactions;

- (c) the quantities and description of firearms and ammunition sold and transferred with the names and addresses of the purchasers and transferees (except in cases where the purchasers are transferees), and the dates of the several transactions;
- (d) particulars of all firearms and ammunition acquired by him or her.

(5) A firearm dealer shall forward to the appropriate authority every 3 months, a true extract of the register kept under subsection (4) in respect of all transactions entered during the preceding month, or, if there were no such transactions, a statement to that effect.

(6) A firearm dealer shall produce for inspection the book of entries specified in subsection (4) on request by a police officer or other authorised officer.

(7) The holder of a firearm dealer licence shall not deal in firearms or ammunition except at the premises specified in his or her firearm dealer licence.

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

- (a) on summary conviction, to a fine which may extend to \$50,000 or to imprisonment for a term which may extend to 15 years or to both;
- (b) on conviction on indictment, to imprisonment for a term which may extend to 25 years.

(Substituted by Act 18 of 2022)

(9) A firearm dealer licence shall be in the form prescribed.

16. Converting firearm

(1) Subject to subsection (2), a person other than a firearm dealer shall not—

- (a) shorten the barrel of a shot gun to a length of less than 18 inches;
- (b) convert into a firearm anything which is not a firearm;
- (c) convert into a restricted weapon anything which is not a restricted weapon; or
- (d) convert into a prohibited weapon anything which is not a prohibited weapon.

(2) A firearm dealer shall not, without the prior written approval of the appropriate authority, do any of the things referred to in subsection (1).

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

- (a) on summary conviction, to a fine which may extend to \$50,000 or to imprisonment for a term which may extend to 15 years or to both;
- (b) on conviction on indictment, to imprisonment for a term which may extend to 25 years.

(Substituted by Act 18 of 2022)

17. Antique firearm collector licence

(1) In accordance with section 4—

- (a) a person who is desirous of operating as a collector may apply to the appropriate authority for an antique firearm collector licence; and
- (b) the appropriate authority may subject to subsection (2) grant the antique firearm collector licence.

(2) The appropriate authority shall not grant an antique firearm collector licence unless satisfied that the applicant has special knowledge of and experience in the

history and characteristics of the antique firearms and ammunition he or she desires to collect.

(3) A holder of antique firearm collector licence may collect, keep, store and dispose of the antique firearms in accordance with the terms of, and at a place specified, in that antique firearm collector licence.

(4) A holder of a an antique firearm collector licence shall—

- (a) keep in the manner and form to be prescribed by the appropriate authority, a register of his or her stock of firearms and all transactions relating to that stock with the names and addresses of persons involved in those transactions and the dates of those transactions;
- (b) prior to any transaction relating to his or her stock of firearms, notify the appropriate authority of such transaction with the names and addresses of persons involved in those transactions, the nature of the transaction and the dates of those transactions.

(5) The provisions of section 4(6) shall not apply in the case of an application for an antique firearm collector licence.

(6) A person who fails to comply with subsection (4) commits an offence and is liable on summary conviction to a fine not less than \$5,000 or to imprisonment for a term of not less than one year or to both.

(7) An antique firearm collector licence shall be in the form prescribed.

18. Shooting club licence

(1) In accordance with section 4—

- (a) a person desirous of—
 - (i) maintaining a shooting range at a place specified therein,
 - (ii) organising sporting events involving the use of firearms at that shooting range, and
 - (iii) providing facilities for target practice upon such range;may apply to the appropriate authority for a shooting club licence; and
- (b) the appropriate authority may subject to subsection (2) grant the shooting club licence.

(2) The appropriate authority shall not grant a shooting club licence to a club unless satisfied that—

- (a) the rules of the club have been approved by the appropriate authority in writing;
- (b) the primary purpose of the shooting club is to conduct target practice and sporting events;
- (c) the location, construction and equipment of each shooting range, and proposed shooting range of the shooting club are appropriate having regard to the need to protect persons from death or injury and property from unlawful destruction or damage;
- (d) the applicant—
 - (i) demonstrates knowledge and understanding of the obligations of an approved shooting club and the individual's proposed position under this Act,
 - (ii) is of good repute;

- (e) the club will be conducted with proper regard to the preservation of the public safety or the peace.

(3) Any amendment to the rules of the club referred to in subsection (2)(a) shall not have effect unless approved by the appropriate authority.

(4) In approving the rule under subsection (2), the appropriate authority shall take into consideration the criteria for membership of the club and may in particular require the rules to make provision for—

- (a) the suspension or expulsion from membership of persons who are convicted of an offence under this Act;
- (b) any matter which the appropriate authority thinks necessary for carrying this Act into effect.

(5) Despite subsection (2), the Minister may by order published in the *Gazette* pronounce standards to be adhered to by a shooting club.

(6) Where the Minister sets standards under subsection (5) an applicant for a shooting club licence shall not be issued a shooting club licence unless such standard is satisfied.

(7) Where the Minister sets standards for a shooting club under subsection (5) any club already in existence shall comply with the standards set within 6 months.

(8) A club which fails to satisfy any standards laid down by the Minister under subsection (5) commits an offence and is liable to a fine of \$5,000 and to a fine of \$200 for each day during which the offence continues.

(9) A shooting club licence authorises the holder to—

- (a) maintain a shooting range at a place specified therein;
- (b) organise sporting events involving the firearms at that shooting range;
- (c) provide facilities for target practice at the shooting range.

(10) A shooting club shall within 7 days after 31 March, 30 June, 30 September and 31 December in every year, submit returns to the appropriate authority showing—

- (a) the dates upon which functions involving the discharge of firearms were held by the shooting club whether alone or in conjunction with any other shooting club, and the names of the members of the shooting club participating in those functions; and
- (b) an account of the ammunition used at the functions referred to in paragraph (a).

(11) It shall be the duty of the shooting club to keep such records as will enable it to make the returns referred to in subsection (5).

(12) If any return is not furnished in accordance with subsection (5), or if the return is incomplete, misleading or inaccurate, or if any record required under that subsection to be kept is not kept, the secretary, the chairperson and members of the executive committee or governing body of the shooting club commits an offence.

(13) Subject to subsection (14), the appropriate authority may on the application of a shooting club, grant an exemption to the provisions of this Act to allow members of the shooting club to possess sporting firearms and ammunition upon the premises of such shooting club without holding a licence therefore for the purpose of target practice.

(14) For sporting purposes, the appropriate authority may upon application of a shooting club, approve the use in target practice of any firearm of 9 mm calibre and above if the appropriate authority is satisfied that—

- (a) there is adequate provision by the shooting club for keeping the firearm and ammunition in a secure place when not in use;

- (b) the ammunition shall not be removed from the shooting club nor the firearm loaded or discharged in any place other than the shooting range of the shooting club.

(15) A shooting club which fails to comply with the provisions of this section commits an offence and is liable on summary conviction to a fine of \$5,000 and to revocation of its shooting club licence. The future for a period to be determined by the appropriate authority.

(16) The provisions of section 4(6) shall not apply in the case of an application for a shooting club licence.

(17) A shooting club licence shall be in the form prescribed.

19. Sporting firearm licence

(1) In accordance with section 4—

- (a) a person who is desirous of using, possessing or carrying a sporting firearm for sporting purposes may apply to the appropriate authority for a sporting firearm licence; and
- (b) the appropriate authority may subject to subsection (2) grant the sporting firearm licence.

(2) Subject to this Act, the appropriate authority shall not grant a sporting firearm licence unless—

- (a) it is satisfied that the applicant is a current member of a licensed shooting club;
- (b) the applicant demonstrates that the licence is required for sport or target shooting;
- (c) the applicant demonstrates that he or she intends to participate in sport or target shooting competitions; or
- (d) any combination of (a), (b) and (c) are applicable.

(3) A sporting firearm licence authorises the holder to—

- (a) engage in sport or target shooting on a shooting range maintained by a shooting club;
- (b) engage in sport or target shooting competitions held by a shooting club whether alone or in conjunction with any other shooting club;
- (c) subject to the provisions of any law regulating hunting, may engage in recreational hunting.

(4) The provisions of section 4(6) shall not apply in the case of an application for a sporting firearm licence.

(5) A sporting firearm licence shall be in the form prescribed.

20. Firearm user (employee) sub-licence

(1) In accordance with section 4—

- (a) a person who is acting with the written consent of the holder of a firearm user licence in respect of a particular firearm specified in the firearm user licence may apply to the appropriate authority for a firearm user (employee) sub-licence which shall allow such person to keep, carry and use in connection with the business of the holder of the firearm user licence that particular firearm or ammunition; and
- (b) the appropriate authority may grant the firearm user (employee) sub-licence subject to subsection (2).

(2) The appropriate authority may not issue a firearm (employee) sub-licence unless satisfied that the applicant has adequate proficiency in the use and management of the firearm or ammunition to which the application relates.

(3) A firearm user (employee) sub-licence shall be in the form prescribed.

21. Firearm import or export licence

(1) A person shall not import into or export from Saint Lucia any firearm or ammunition unless he or she is the holder of a firearm import licence or a firearm export licence granted by the appropriate authority. *(Amended by Act 18 of 2022)*

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

- (a) on summary conviction to a fine which may extend to \$50,000 or to imprisonment for a term which may extend to 15 years or to both;
- (b) on conviction on indictment to imprisonment for a term which may extend to 25 years.

(Substituted by Act 18 of 2022)

PART 4 PROHIBITIONS IN RESPECT OF FIREARMS AND AMMUNITION

21A. Prohibited weapons and ammunition

(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.

(Inserted by Act 18 of 2022)

22. Prohibition against possession without a licence

(1) A person shall not be in possession or control of a prohibited weapon except as authorised by the law in force in Saint Lucia.

(2) A person shall not be in possession or control of a restricted weapon except as authorised by the appropriate authority under this Act.

(3) Subject to section 23 and to section 54 a person shall not be in possession of any other firearm or ammunition without a valid licence issued under this Act. *(Amended by Act 18 of 2022)*

(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 \$50,000 or to imprisonment for a term which may extend to 15 years or to both;

- (b) on conviction on indictment, to imprisonment for a term which may extend to 25 years

(Substituted by Act 18 of 2022)

(5) In any prosecution for an offence under this section a person who—

- (a) without reasonable excuse is in the company of a person who uses a firearm to commit any offence or an offence involving an assault or the resisting of lawful apprehension of himself or herself or any other person;
- (b) has in his or her possession or under his or her control any vehicle in which is found any firearm or ammunition,
shall if the circumstances give rise to a reasonable presumption that he or she was present to aid or abet the commission of the offence, be regarded as having in his or her possession the firearm or ammunition.

(6) A person who is proved to have used or to have been in possession of a firearm or imitation firearm in any of the circumstances which constitute an offence under section 27 may be charged under this section.

(7) A person who is convicted of a second or subsequent offence under this section shall in addition to being declared a prohibited person under section 11 be liable to a fine of not less than \$30,000 nor more than \$50,000 or to imprisonment for a term of not less than 20 years.

23. Exemptions

(1) Despite the provisions of section 22, a person may be in possession of a firearm or ammunition without a licence where—

- (a) he or she comes into possession of any firearm or ammunition by virtue of being—
 - (i) an executor or administrator of the estate of a deceased person,
 - (ii) the trustee in bankruptcy or liquidation in cases of insolvency;
and the deceased person or bankrupt, prior to his or her death or insolvency was the holder of a valid licence granted under this Act;
- (b) he or she is the servant or agent of any of the persons referred to in paragraph (a) in respect of any firearm entrusted to him or her for delivery to the owner or a person who is about to become the owner;
- (c) he or she is an officer of Customs or any police officer in respect of the period during which the firearm or ammunition is retained by him or her under this Act;
- (d) any firearm is entrusted to him or her for storage under section 34; or
- (e) he or she is a person listed in subsection (2) who possesses a firearm or ammunition by virtue of a certificate issued to him or her by the appropriate authority.

(2) A person referred to in subsection (1)(e) includes—

- (a) any person taking part in a theatrical performance or in the production of a cinematography or television film;
- (b) any person at an athletic event who is responsible for starting the races;
- (c) any person conducting or carrying on a miniature rifle range (whether for a shooting club or otherwise) or a shooting gallery, in respect of miniature rifles not exceeding 22 calibre and ammunition used at the rifle range or shooting gallery.

(3) Despite subsection (1), a person referred to in subsection (1) shall not possess or keep a firearm or ammunition without a licence for a period exceeding 5 days from the date of possession.

24. Prohibition against carrying a firearm or ammunition in public place

(1) A person shall not carry a firearm or ammunition in any public place unless he or she has on his or her person a licence, or certificate granted by the appropriate authority authorising him or her to do so.

(2) A person shall not in a public place while drunk or under the influence of drugs or other intoxicating substance be in possession of a loaded firearm.

(3) A person shall not in a public place wield or in any way brandish a firearm or ammunition.

(4) A person who contravenes a provision of this section commits an offence and is liable on summary conviction to a fine which may extend to \$50,000 or to imprisonment for a term which may extend to 15 years or to both. (*Amended by Act 18 of 2022*)

(5) For purposes of this section, "public place" includes a public meeting whether of a political nature or not.

25. Prohibition against discharging firearm in public

(1) A person shall not discharge any firearm or ammunition within 100 yards of any public road or in any public place except—

- (a) in the protection of his or her person or property or the person or property of another person;
- (b) under the direction of a civil or military authority authorised to give such direction;
- (c) with the permission of the appropriate authority.

(2) A person shall not discharge a firearm or ammunition within 100 yards of a dwelling house or discharge a firearm or ammunition to the damage or danger of any person in a dwelling house except—

- (a) in the protection of his or her person or property or the person or property of another person;
- (b) under the direction of a civil or military authority authorised to give such direction;
- (c) with the permission of the appropriate authority.

(3) Where a contravention of subsection (1) occurs, a police officer may without warrant enter any premises on which he or she has reasonable cause to believe such contravention was committed and seize any firearm or ammunition found which he or she has reasonable cause to believe was used in such contravention and may retain such firearm or ammunition for the purpose of any investigation or legal proceedings, until such investigation or legal proceedings are concluded.

(4) A person who contravenes this section commits an offence and the burden of proof that the discharge of the firearm was lawful shall be upon the person so asserting.

26. Possession of firearm with intent to injure

(1) A person shall not have in his or her possession any firearm or ammunition with intent to endanger life, threaten or cause injury to person or property, or to enable any other person to endanger life, threaten or cause injury to person or property, whether or not any injury has been caused.

- (2) A person who contravenes subsection (1) commits an offence and is liable—
- (a) on summary conviction, to a fine which may extend to \$50,000 or to imprisonment for a term which may extend to 15 years or to both;
 - (b) on conviction on indictment, to imprisonment for a term which may extend to life.

(Substituted by Act 18 of 2022)

27. Use of firearm or imitation firearm with intent to commit offence

- (1) A person shall not use a firearm or imitation firearm—
- (a) with intention to commit an offence or aid in the commission of an offence; or
 - (b) to resist arrest or to attempt to prevent his or her lawful arrest or the arrest of any other person.

- (2) A person who contravenes subsection (1) commits an offence and is liable—
- (a) on summary conviction, to a fine which may extend to \$50,000 or to imprisonment for a term which may extend to 15 years or to both;
 - (b) on conviction on indictment, to imprisonment for a term which may extend to life.

(Substituted by Act 18 of 2022)

(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.

(Inserted by Act 18 of 2022)

28. Restriction on manufacturing, selling, transferring, lending, repairing, modifying, testing or proving a firearm or ammunition

(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 \$50,000 or to imprisonment for a term which may extend to 15 years or to both;
- (b) on conviction on indictment, to imprisonment for a term which may extend to 25 years.

(Substituted by Act 18 of 2022)

29. Prohibition on removal or alteration of markings on a firearm or ammunition

- (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 \$50,000 or to imprisonment for a term which may extend to 15 years or to both;
 - (b) on conviction on indictment, to imprisonment for a term which may extend to 25 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.

(Substituted by Act 18 of 2022)

29A. Restriction on exposure for sale or transfer and possession of a firearm

- (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 \$50,000 or to imprisonment for a term which may extend to 15 years or to both;
 - (b) on conviction on indictment, to imprisonment for a term which may extend to 25 years.

(Inserted by Act 18 of 2022)

29B. Prohibition on disposing or destroying a firearm or ammunition

- (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 \$50,000 or to imprisonment for a term which may extend to 15 years or to both;
 - (b) on conviction on indictment, to imprisonment for a term which may extend to 25 years.

(Inserted by Act 18 of 2022)

30. Prohibition against acquisition etc. by persons under 18 years

- (1) Subject to subsection (2), a person under the age of 18 years shall not purchase, possess or in any way acquire any firearm or ammunition.

(2) Despite the provisions of subsection (1) a person between the ages of 15 years and 18 years may be in possession of a firearm or ammunition for purposes of target shooting on a range operated by a shooting club.

31. Prohibition against supplying firearms to persons under 18 years

(1) Subject to subsection (2), a person shall not give, lend, sell or let on hire or in anyway part with possession of any firearm or ammunition to a person under the age of 18 years.

(2) Subsection (1) shall not apply to a shooting club in relation to persons between the ages of 15 years and 18 years.

(3) A person who contravenes subsection (1) commits an offence.

(4) In proceedings for an offence under this section, it is a defence to prove that the person charged with the offence believed the other person to be of or over the age mentioned in that provision and had reasonable grounds for the belief.

31A. Prohibition against illicit trafficking in firearms or ammunition

(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 \$150,000 or to imprisonment for a term which may extend to 25 years or to both.

(Inserted by Act 18 of 2022)

32. Travellers to declare

(1) Any person who disembarks in Saint Lucia having a firearm or ammunition in his or her possession or under his or her control shall declare it to the appropriate officer of Customs in the prescribed form.

(2) A person shall not fail to comply with subsection (1) or make any false statement in a declaration under subsection (1).

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of not less than \$5,000 or to imprisonment for a term of not less than one year.

33. Travellers in possession of firearms

(1) Any person who disembarks in Saint Lucia and who declares under section 32 that he or she has in his or her possession or under his or her control any firearm or ammunition shall unless he or she is in possession of a firearm import licence—

- (a) keep the firearm or ammunition in the vessel or aircraft in which he or she arrived in Saint Lucia; or
- (b) deliver the firearm or ammunition to an officer of Customs in a sealed packet to be dealt with in accordance with section 34.

(2) A person who contravenes subsection (1) commits an offence.

34. Custody of firearms or ammunition by officer of Customs

(1) A firearm or ammunition received by an officer of Customs under section 33 shall be retained in the sealed packet in which it was received until—

- (a) the person from whom it was received produces a firearm import licence and a licence authorising him or her to be in possession of such firearm or ammunition and pays the appropriate customs duty on such firearm or ammunition;

- (b) the person gives reasonable notice to the Comptroller specifying some port of disembarkation outside Saint Lucia and the date, time and vessel of embarkation, in which event the sealed package shall be delivered to him or her immediately before he or she embarks; or
- (c) another person satisfies the Comptroller that that person is lawfully entitled to the possession of the firearm or ammunition and—
 - (i) produces a firearm import licence,
 - (ii) produces a licence authorising him or her to be in possession of the firearm or ammunition, and
 - (iii) pays the appropriate customs duty in respect of such firearm or ammunition;
- (d) another person lawfully entitled to possession of the firearm or ammunition gives reasonable notice to the Comptroller specifying some port of disembarkation outside Saint Lucia and the date, time and vessel of embarkation, in which event the sealed package shall be delivered to him or her as if he or she were the traveller from whom the firearm or ammunition was received.

(2) The Comptroller may dispose of a firearm or ammunition received under section 34, in circumstances and after such period of time as may be prescribed.

35. Territorial waters

For the purpose of this Part a person does not import firearm or ammunition into Saint Lucia if the firearm or ammunition is in his or her possession or under his or her control—

- (a) on a vessel within the territorial waters of Saint Lucia;
- (b) on an aircraft flying over Saint Lucia or its territorial waters; or
- (c) at an aerodrome in Saint Lucia,

unless he or she lands or attempts to land such firearm or ammunition in Saint Lucia from such vessel or aircraft otherwise than for delivery to an officer of Customs under section 33.

PART 5 POWERS OF POLICE OFFICERS IN CONNECTION WITH FIREARMS AND AMMUNITION

36. Power of Commissioner to store firearms and ammunition

(1) Subject to this Act, the Commissioner may store any firearms or ammunition which comes into the hands of the police.

(2) No liability shall rest upon a police officer or any person acting under the police officer's direction in respect of any loss of or damage to any firearm or ammunition stored under this section.

(3) Where any firearm or ammunition has been stored under the provisions of this section for 2 years such firearm or ammunition shall be deemed to be abandoned and may be disposed of in such manner as the Commissioner may direct.

37. Powers of seizure and arrest

(1) A police officer may require any person carrying a firearm or ammunition in a public place to produce to him or her, his or her licence.

(2) A person shall not fail to produce his or her licence or refuse to allow the police officer to examine the firearm or ammunition for the purpose of verifying the particulars in the licence.

(3) A person who contravenes subsection (2) commits an offence and the police officer may seize and retain the firearm or ammunition until such time as legal proceedings brought against such person are concluded.

(4) Where a person required to produce his or her licence under subsection (2), does not have on his or her person the licence he or she shall be given 24 hours for its production at a designated police station before proceedings are instituted against him or her.

(5) A police officer may arrest without a warrant any person who is required to give his or her name and address under subsection (2) but refuses to give his or her name and address or whom he or she suspects of giving a false name and address or intending to abscond.

(6) A police officer may at any time require the holder of a licence to produce for inspection the firearm or ammunition to which it relates.

(7) A person shall not without good cause refuse or fail to comply with subsection (6).

(8) A person who contravenes subsection (7) commits an offence.

38. Power of search

(1) Where a police officer suspects that a person has concealed a firearm or ammunition on his or her person, he or she may require the person to produce the firearm or ammunition and, unless the person is exempted under section 23, a valid licence granted under this Act.

(2) A person shall not fail to comply with a request made under subsection (1).

(3) A person who contravenes subsection (2) commits an offence and the police may subject to subsection (4), search him or her, seize and retain the firearm or ammunition until such time as legal proceedings against that person are concluded.

(4) Section 37(4) shall apply to this section.

(5) A female shall not be searched under this section except by a police officer who is a woman.

39. Power to stop and search vehicle

(1) A police officer may without a warrant stop and search any vehicle in which he or she suspects any firearm or ammunition is being conveyed, and may search the driver and any person in the vehicle.

(2) A—

- (a) driver shall not fail to stop a vehicle referred to in subsection (1);
- (b) passenger in a vehicle referred to in subsection (1) shall not intimidate the driver so as to prevent the driver from stopping; or
- (c) driver or passenger shall not escape or attempt to escape from a vehicle referred to in subsection (1),

when requested by a police officer to stop under subsection (1).

(3) A driver or passenger who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine which may extend to \$15,000 or to imprisonment for a term which may extend to 2 years or to both. (*Amended by Act 18 of 2022*)

40. Search warrant

(1) Where a magistrate is satisfied that there are reasonable grounds for suspecting that an offence has been, is being or is about to be committed, he or she may grant a search warrant authorising any police officer named in the warrant—

- (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 on the premises or place; and
- (b) to seize any firearm or ammunition which he or she may find on the premises, in the place or on any person.

(2) A police officer authorised under subsection (1) may retain the firearm or ammunition for the duration of any investigation or legal proceedings with respect to the retention.

(3) A police officer authorised under subsection (1) may arrest without a warrant any person found on the premises or in that place whom he or she has reason to believe has committed an offence under this Act.

(4) A person shall not assault, obstruct or in any way interfere with a police officer authorised under subsection (1).

(5) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine which may extend to \$50,000 or to imprisonment for a term which may extend to 15 years or to both. (*Amended by Act 18 of 2022*)

PART 6 MISCELLANEOUS

41. Certification

(1) A person shall not teach another person skills in the use or handling of firearms or ammunition unless the first mentioned person is an approved instructor of a designated institution, and the second mentioned person is the holder of a valid provisional licence.

(2) The Minister may by order in the *Gazette* designate an institution as a designated institution for purposes of this Act.

(3) A designated institution shall—

- (a) in consultation with the appropriate authority develop a training programme designed to improve the level of knowledge and skill of a person in the use and handling of firearms or ammunition;
- (b) issue a certificate of competence to a person who in the opinion of the designated institution, has satisfactorily completed the programme.

(4) A training programme under subsection (3) shall be for such duration and during such times as may be determined by the designated institution in consultation with the appropriate authority.

(5) A designated institution in consultation with the appropriate authority may appoint any number of qualified persons as approved instructors of the designated institution.

(6) The enrolment criteria and fees payable at a designated institution shall be determined by the designated institution in consultation with the appropriate authority.

(7) The appropriate authority may designate any number of institutions for the purposes of this Act.

(8) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not less than \$5,000 or to imprisonment for a term of not less than one year or to both.

42. Custody of firearm

(1) The holder of a firearm user licence, sporting firearm licence or estate gun licence, who is about to leave Saint Lucia and is not taking the firearm or ammunition specified in that firearm user licence, sporting firearm licence, or estate gun licence with him or her shall—

- (a) arrange for the storage of the firearm or ammunition in a place and under the conditions approved by the Commissioner;
- (b) deliver the firearm or ammunition to the holder of a firearm user (employee) sub-licence, or to a person endorsed on his or her licence in respect of that particular firearm; or
- (c) deliver the firearm or ammunition for safe keeping at the nearest police station.

(2) Where a firearm or ammunition received at a police station under subsection (1)(c) is unclaimed within one month of its delivery, a storage fee at such rate as may be prescribed shall be levied, and if the fee is not paid at the end of 6 months, the firearm or ammunition shall be forfeited to the Government.

(3) The owner of the firearm or ammunition under subsection (2) may claim such firearm or ammunition within 6 months of forfeiture on payment of the storage fee if he or she can show reasonable cause for the delay.

43. Slaughtering instruments

A person—

- (a) licensed under section 12 of the Cattle (Branding and Butchering) Act or under any law replacing the Act; or
 - (b) who is the Chief Veterinary Officer or any officer authorised by him or her in writing,
- may have a slaughtering instrument in his or her possession without a licence or permit under this Act.

44. Forfeiture order

(1) The court may, if it thinks fit, make an order for the forfeiture and disposal of any firearm or ammunition found in the possession of a person convicted of an offence under this Act where he or she has been ordered—

- (a) not to possess, use or carry a firearm or ammunition;
- (b) to subject himself or herself to police supervision;
- (c) to enter into recognisance to keep the peace; or
- (d) to be of good behaviour.

(2) The court may cause the conviction or order referred to in subsection (1) to be communicated to the appropriate authority which may in accordance with section 9 revoke any licence held by that person.

45. Carrying firearm or ammunition in parts

Where any firearm or ammunition is carried in parts by 2 or more persons, each of such persons shall be deemed to be carrying a firearm or ammunition.

46. Ballistics certificate

(1) In any criminal proceedings a certificate signed by a ballistics expert shall be admitted as evidence of the matters so certified without the expert being required to attend in person to give evidence at such proceedings.

(2) Despite subsection (1), where it is intended to introduce a certificate as evidence, the party intending to introduce the certificate shall give the other party at least 10 clear days written notice of its intention together with a copy of the certificate.

(3) A party may, within 7 days after receipt of a notice under subsection (2) and before the commencement of the proceedings, object to the admission in evidence of the certificate and may request the court to order the attendance of the ballistic expert to give evidence.

(4) The court may, within 3 days after receiving the request, if satisfied that the request is justifiable, order the attendance of the ballistic expert and the cost of attendance shall be borne by the party making the request unless the court orders otherwise.

(5) In this section '**ballistic expert**' means a person knowledgeable in the science of missiles and firearms who is recognised or certified by the Commissioner by notice published in the *Gazette*.

47. Compulsory imprisonment

(1) Despite any provision to the contrary in the Criminal Code or in any other enactment relating to sentencing, a person, other than a juvenile, who uses a firearm in the commission of the offence of—

- (a) kidnapping or abduction;
- (b) robbery;
- (c) drug trafficking;
- (d) rape or unlawful carnal knowledge,

is liable on conviction on indictment to imprisonment for a term which may extend to 25 years. (*Amended by Act 18 of 2022*)

(2) Despite any provision to the contrary in the Criminal Code or in any other enactment relating to sentencing, a person, other than a juvenile, who having been convicted of any offence in which he or she used a firearm in the commission of the offence is again convicted for the use of a firearm in the commission of another offence is liable on conviction on indictment to imprisonment for a term which may extend to 25 years. (*Amended by Act 18 of 2022*)

(3) Despite any provision to the contrary in the Criminal Code or in any other enactment relating to sentencing, a person, other than a juvenile, who uses or attempts to use a firearm to obstruct or in anyway interfere with a police officer in the exercise of that officer's powers is liable on conviction on indictment to imprisonment for a term which may extend to 25 years. (*Amended by Act 18 of 2022*)

(4) Despite any provision to the contrary in the Criminal Code or in any other enactment relating to sentencing, a person, other than a juvenile, who uses or attempts to use a firearm, to intimidate, threaten or cause injury to—

- (a) the Governor General;
- (b) a member of Parliament;
- (c) a clergyman, priest, pastor, reverend or any religious leader of a recognised church;
- (d) a judge, master or magistrate;
- (e) a public officer engaged in the performance of his or her duties,

is liable on conviction on indictment to imprisonment for a term which may extend to 25 years. (*Amended by Act 18 of 2022*)

48. Power to order surrender of firearms

(1) The Minister may, by order published in the *Gazette*, where the Minister is of the opinion that it is expedient in the interests of public safety or public order so to do,

order the surrender to the Government of all firearms and ammunition specified in the order within the time specified in the order.

(2) A person in possession or control of a firearm or of ammunition shall surrender such firearm or ammunition in accordance with the order made under subsection (1) within the time specified in the order.

(3) A person who contravenes subsection (2) commits an offence.

(4) A firearm or ammunition surrendered in accordance with the provisions of this section lawfully possessed by the person so surrendering them immediately prior to such surrender shall be stored by the Commissioner in accordance with section 36.

49. Duty to report loss etc

(1) A person who is the holder of a licence under this Act, shall not transfer or otherwise dispose of the firearm to which the licence relates without forthwith informing the Commissioner thereof.

(2) A person who is the holder of a firearm licence shall, as soon as is reasonably practicable, but in any event not later than 72 hours after the loss is discovered, inform the Commissioner that—

- (a) the firearm or any of the ammunition cannot be found; or
- (b) there are grounds for believing or suspecting that the firearm or any of the ammunition is improperly in the possession or under the control of some other person.

(3) A person who contravenes subsection (1) or (2) commits an offence.

50. Inquiry by appropriate authority

(1) Upon receipt of a true extract of a register under section 15, the appropriate authority may, if the appropriate authority has reason to do so, hold or cause an inquiry to be held into any purchase or purchases of ammunition by a holder to determine whether such purchase or purchases is or are reasonable or justifiable taking to account the reasons for the issuance of a licence and the category of licence issued to the holder.

(2) Where, following an inquiry under subsection (1), the appropriate authority has reason to believe that the ammunition was acquired for reasons outside the scope of this Act, the appropriate authority may—

- (a) suspend the holder's licence and the provisions of section 8 shall apply with the necessary modification;
- (b) revoke the holders licence and the provisions of section 9 shall apply with the necessary modifications.

(3) For purposes of an inquiry under this section, the appropriate authority may—

- (a) summon a holder to appear before him or her by a date to be specified in the summons;
- (b) require the holder to provide any information relevant to the inquiry.

(4) Any person who fails to comply with this section commits an offence and is liable on summary conviction to a fine which may extend to \$25,000 or to imprisonment for a term which may extend to 3 years or to both. *(Amended by Act 18 of 2022)*

50A. Controlled delivery of firearms and ammunition

(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.

(Inserted by Act 18 of 2022)

51. Powers of the appropriate authority to give permission for shooting range etc.

(1) A person not being a holder of a shooting club licence, shall not use or maintain any premises as a shooting range or for target practice without the permission, in writing, of the appropriate authority.

(2) A request for permission under subsection (1) shall be in the prescribed form and the appropriate authority shall, by notice in the *Gazette*, prescribe the criteria, including safety considerations, which the premises must meet before a request is granted.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than \$5,000 or to imprisonment for not less than one year or to both.

52. General penalty

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 \$50,000 or to imprisonment for a term which may extend to 15 years or to both;
- (b) on conviction on indictment, to imprisonment for a term which may extend to 25 years.

(Substituted by Act 18 of 2022)

53. Regulations

The Minister may make regulations—

- (a) prescribing the form of certificates, licences, returns or other documents under this Act;
- (b) prescribing the criteria to be satisfied by an applicant for purposes of section 4(5)(a) to 4(5)(i);
- (c) prescribing the requirements to be satisfied in respect of a place where firearms or ammunition are to be stored or kept before such place may be approved by the Commissioner as a place of safety for the purposes of this Act and for the manner in which such place is to be secured;
- (d) prescribing fees for the grant or renewal of licences or permits;
- (e) prescribing fees for endorsements under section 13;
- (f) prescribing the manner by which any notice under this Act may be given;
- (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;

(Substituted by Act 18 of 2022)

- (h) prescribing the standard for shooting ranges;

- (i) prescribing anything which, by this Act, is permitted or required to be prescribed;
- (j) generally for carrying this Act into effect.

54. Non application of Act

This Act shall not apply to—

- (a) any firearm or ammunition, the property of the Government of Saint Lucia;
- (b) any person lawfully in possession of a firearm or ammunition which is the property of the Government of Saint Lucia;
- (c) any member of the Cadet Force of Saint Lucia in his or her capacity as a member of that force;
- (d) any firearm or ammunition on board any ship or aircraft forming part of the equipment of such ship or aircraft;
- (e) any member of the crew of any ship or aircraft or any employee of an aerodrome in possession of a firearm or ammunition in the course of his or her duties in connection with (d); or
- (f) firearms or ammunition the property of the Government of a country in circumstances and subject to such conditions as may for the time being be approved by the Minister.

55. Savings

The provisions of this Act shall not apply to the holders of existing licences for a period to be prescribed by the appropriate authority by notice in the *Gazette*.

CHAPTER 14.12 FIREARMS ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Firearms (Fees) Regulations
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Firearms (Fees) Regulations

(Statutory Instrument 2/2002 and 57/2013)

Statutory Instrument 2/2002 .. in force 12 January 2002

Amended by S.I. 57/2013 .. in force 5 August 2013

ARRANGEMENT OF REGULATIONS

1. Citation
 2. Interpretation
 3. Fees
- Schedule

FIREARMS (FEES) REGULATIONS

Commencement [12 January, 2002]

1. Citation

These Regulations may be cited as the Firearms (Fees) Regulations.

2. Interpretation

In these Regulations “**Act**” means the Firearms Act.

3. Fees

The fees payable under the Act shall be as prescribed in the Schedule.

Schedule

Fees

1.	Application form	\$5.00
2.	Application fee (<i>non-refundable</i>)	\$50
3.	Firearms user licence	\$300 per firearm for a term of 3 years
4.	Estate gun licence	\$500 per firearm for a term of 3 years
5.	Firearms dealer licence	\$3,000 per annum
6.	Certificate of Character	
	(a) regular application	\$15.00
	(b) emergency application	\$25.00
7.	Antique firearm collection licence	\$50.00 per firearm per annum
8.	Shooting club licence	\$1,000.00 per annum
9.	Firearm employee permit	\$100.00 per firearm per annum
10.	Import or export permit (<i>for persons who are not firearm dealers</i>)	\$150.00 per firearm
11.	Provisional licence or permit	\$50.00 per firearm
12.	Sporting firearm licence	\$200.00 per firearm for a term of 3 years

(Amended by S.I. 57/2013)
