

**CHAPTER 386  
FIREARMS ACT**

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• Act • Subsidiary Legislation •

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**ACT**

Act No. 12 of 1995

**Amended by**

SRO 24 of 1995

SRO 7 of 1996

Act No. 25 of 1996

Act No. 4 of 1999

SRO 43 of 2003

Act No. 3 of 2004

Act No. 37 of 2004

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**CHAPTER 386  
FIREARMS ACT**

**An Act to repeal the Firearms Act and make further and better provisions with respect to firearms, and matters incidental thereto.**

**Be it enacted by the Queen’s Most Excellent Majesty by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same as follows.**

[Act No. 12 of 1995 amended by SRO 24 of 1995, SRO 7 of 1996, Act No. 25 of 1996, Act No. 4 of 1999, SRO 43 of 2003, Act No. 3 of 2004, Act No. 37 of 2004.]

[Date of commencement: *17th October, 1995.*]

**PART I***Preliminary***1. Short title**

This Act may be cited as the Firearms Act, 1995.

**2. Interpretation**

In this Act—

“**acquire**” means hire, accept as a gift or borrow;

“**ammunition**” includes ammunition for any firearm, restricted ammunition, grenades, bombs and other similar prohibited missiles whether capable of use with a firearm or not;

“**appropriate authority**” means—

- (a) for the purpose of the granting, renewal or revocation of a licence or permit, the Commissioner of Police;
- (b) for the purpose of the granting or revocation of a transshipment permit, the Comptroller of Customs and Excise;

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

[Definition of “automatic firearm” amended by SRO 7 of 1996.]

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

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

“**Estate Gun Licence**” means a licence referred to at section 8;

“**firearm**” means—

- (a) any lethal barrelled weapon capable of discharging any shot, bullet or missile;
- (b) any restricted or prohibited weapon;
- (c) any component part of a weapon described at paragraph (a) or (b);
- (d) any accessory to any weapon described at paragraph (a) or (b) designed or adapted to diminish the noise or flash or discharge of such weapon;

[Definition of “firearm” amended by SRO 7 of 1996.]

“**firearm dealer**” means a person who deals in, sells, makes or repairs firearms or sells ammunition;

“**Firearm Dealer’s Licence**” means a licence authorising the holder to deal in, sell, make or repair firearms or to sell ammunition;

“**Firearm Export Permit**” means a permit authorising the holder (during the time stated in the permit) to export from Saint Vincent and the Grenadines to a specified destination in a specified manner such type of firearms or ammunition as may be described;

“**Firearm Import Permit**” means a permit authorising the holder (during the time stated in the permit) to import into Saint Vincent and the Grenadines from such source as may be specified such type of firearm or ammunition as may be described;

“**Firearm User’s Licence**” means a licence authorising the holder to own, possess or use a firearm;

“**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 any licence referred to at section 4(1);

“**Minister**” means the Minister responsible for security;

“**police officer**” includes constable;

“**premises**” includes buildings and land;

“**prohibited weapon**” means—

- (a) any automatic firearm;
- (b) any grenade, bomb or other similar missile;

“**public place**” includes any highway and any 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 five years—

- (a) has been so declared under section 7(2);
- (b) has been convicted of an offence involving violence and sentenced to a term of imprisonment exceeding six months;
- (c) is over eighteen years and has been convicted of an indictable offence and sentenced to a term exceeding two 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 twenty-four inches, not being an air gun, and any component part and any accessory thereof designed or adapted to diminish the noise or flash caused by firing such gun;

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

“**transfer**” includes to let or hire, give, lend or part with possession.

## PART II

*Licences and Permits***3. Application for licence or permit**

(1) For the purposes of this Act, a person shall not have in his possession any firearm or ammunition unless he is in possession of the appropriate licence or permit specified in section 4(1) and (2) respectively.

(2) An application for the grant of a licence shall—

- (a) be in the form prescribed in Form A of the First Schedule;
- (b) be addressed to the appropriate authority;
- (c) contain the prescribed particulars;
- (d) be accompanied, if required, by photographs of the applicant of the number and dimension prescribed;
- (e) bear, if prescribed, a specimen of the applicant's signature;
- (f) be signed by the applicant;
- (g) be accompanied by the prescribed fee;
- (h) be accompanied by any other document as may be prescribed.

(3) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring whether for himself or another person, the grant of a licence or permit under this Act.

(4) The fees for the grant and renewal of licences shall be the fees prescribed in the Second Schedule as amended by order from time to time by the Minister.

**4. Licences and permits**

(1) The appropriate authority may grant the following categories of licences in the forms prescribed in the Schedule—

- (a) a Firearm User's Licence in Form B;
- (b) an Estate Gun Licence in Form C;
- (c) a Firearm Dealers Licence in Form D.

(2) The appropriate authority may grant the following categories of permits—

- (a) a Firearm (Employees) Permit;
- (b) a Firearm Import Permit;
- (c) a Firearm Export Permit.

(3) Any person who has a firearm or ammunition in his possession without a licence or permit or forges or counterfeits any licence or permit issued under this Act or knowingly uses any forged licence commits an offence and on summary conviction is liable to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding seven years, or both.

[Subsection (3) amended by Act No. 37 of 2004.]

**5. Duration of licence or permit**

(1) Subject to section 6, a licence shall (unless before revoked or cancelled) be for a period of one year from the date of issue renewable annually on Form A1 in the Schedule on payment of the prescribed fee.

(2) A permit shall, unless revoked or cancelled, continue in force until the act authorised to be done is accomplished.

(3) The holder of a licence shall submit his firearm annually for inspection on the date coinciding with that on which his licence is granted or renewed.

(4) Any person who fails to renew a licence or permit as required commits an offence and on summary conviction is liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

**6. Requirements for grant of licence or permit**

(1) The appropriate authority may grant or renew a licence or permit if satisfied—

(a) that the applicant—

(i) is qualified or competent to hold the licence or permit applied for,

(ii) has good cause for having in his possession, purchasing or acquiring the firearm or ammunition in respect of which the application is made,

(iii) is not a prohibited person under section 7;

(b) that the grant of such licence or permit will not endanger the public or the peace.

(2) No licence or permit shall be granted in respect of a restricted weapon or ammunition except with the prior approval of the Minister.

**7. Prohibitions**

(1) No licence or permit shall be granted to a person—

(a) in relation to any prohibited weapon;

(b) who is a restricted person under this Act;

(c) subject to section 6(2), in relation to any restricted weapon or ammunition;

(d) of intemperate habits;

(e) under the age of twenty-one or who for any reason is considered unfit to be entrusted with a firearm or ammunition.

(2) A Court before which a person is convicted of an offence under this Act or any law in force prior to the coming into operation of this Act dealing with the importation, exportation, possession or use in Saint Vincent and the Grenadines of any ammunition may declare that person a restricted person for the purpose of this Act.

**8. Estate Gun Licence**

(1) The holder of an Estate Gun Licence may carry a shot gun and may—

(a) authorise any employee named in such licence to carry such gun to, from and on land belonging to the holder;

- (b) have the licence amended from time to time on application to the Commissioner and with his sanction, by deleting the names of employees named therein and substituting the names of others.

(2) The Commissioner shall issue a certificate under his hand stating that the employee named is entitled to carry a shot gun under the Estate Gun Licence specified and the duration of such entitlement.

(3) The employee shall produce such certificate at the request of the Police or other authorised person.

### **9. Additional provisions relating to Firearm User's Licence and Estate Gun Licence**

Notwithstanding the provisions of section 6, a Firearm User's Licence or an Estate Gun Licence shall not be granted until the applicant therefor has—

- (a) satisfied the appropriate authority of his proficiency in the use and management of the type of firearm in respect of which his application is made;
- (b) satisfied the appropriate authority that he has made adequate provision for keeping the firearm in respect of which his application is made in a secure place when not in use;
- (c) if the application is in respect of a firearm already in the possession of an applicant, produced the firearm for inspection by the appropriate authority.

### **10. Permits**

(1) A person may be in possession of a firearm or ammunition if he has obtained one of the categories of permits referred to in section 4(2) subject to the terms and conditions contained in such permit.

(2) A person who makes any false statement for the purpose of obtaining a permit for himself or any other person commits an offence and is liable on conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding two years, or to both such fine and imprisonment.

### **11. Firearm (Employees) Permit**

Subject to the provisions of this Act, the appropriate authority may on the application of any person who is acting with the written consent of the holder of a Firearm User's Licence in respect of a particular firearm specified in such licence grant to that person a Firearm (Employees) Permit which shall authorise such person to keep, carry and use in connection with the business of the holder of such licence, that particular firearm.

### **12. Revocation**

(1) Subject to section 13, the appropriate authority may revoke a licence or permit if—

- (a) he is satisfied that the holder—
  - (i) is prohibited under this Act from possessing a firearm or ammunition pursuant to section 7,
  - (ii) is of intemperate habits or unsound mind,

(iii) is under the age of twenty-one or is for any reason considered unfit to be entrusted with a firearm;

(b) the holder fails to comply with a notice under subsection (2).

(2) Where the appropriate authority revokes any licence or permit under this section he shall notify the holder in writing—

(a) of such revocation;

(b) to deliver such licence or permit to him within seven days of the date specified in the notice such date not being less than three days from the date of delivery of the notice.

(3) Every person who without lawful excuse (the proof whereof shall lie on such person) fails to comply with a notice under subsection (2) commits an offence and is liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

### **13. Appeals**

(1) An aggrieved party may within the prescribed time and in the prescribed manner appeal to Cabinet against any decision of the appropriate authority—

(a) refusing to grant a licence or permit;

(b) refusing to amend any licence or permit;

(c) revoking any licence or permit;

(d) refusing to grant any exemption pursuant to section 15.

(2) Where the aggrieved party is the holder of a licence or permit and has in his possession the firearm or ammunition which is the subject matter of the appeal, the firearm or ammunition may not be retained by him pending the outcome of the appeal.

(3) The provisions of this section shall not apply to a decision made by the Minister under section 6(2) and such ammunition as may be specified.

## **PART III**

### *Possession and Use of Firearm*

#### **14. Possession of firearm or ammunition**

(1) No person may be in possession of a prohibited weapon save as authorised by statute.

(2) No person may be in possession of a restricted weapon save as authorised by the Minister under section 6(2).

[Subsection (2) amended by SRO 7 of 1996.]

(3) Subject to section 15 no person may be in possession of any other firearm or ammunition without a licence or permit pursuant to section 4.

(4) Any person who possesses a firearm or ammunition in contravention of this section commits an offence and is liable—

(a) if in possession of a prohibited weapon—

- (i) on summary conviction to a term of imprisonment not exceeding ten years,
- (ii) on conviction on indictment to a term of imprisonment not exceeding twenty years;  
[Paragraph (a) amended by Act No. 4 of 1999.]
- (b) if in possession of a restricted weapon or ammunition—
  - (i) on summary conviction to a fine not exceeding ten thousand dollars or imprisonment for a term not exceeding five years,
  - (ii) on conviction on indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding fifteen years;
- (c) in any other case—
  - (i) on summary conviction to a fine not exceeding seven thousand dollars or to imprisonment for a term not exceeding three years,
  - (ii) on conviction on indictment to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding ten years.
- (5) In any prosecution for an offence under this section—
  - (a) any person who 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 any other person; or
  - (b) any person who has in his possession or under his control any vehicle in which is found any firearm or ammunition,

shall if the circumstances give rise to a reasonable presumption that he was present to aid or abet the commission of the offence, be regarded as having in his possession such firearm or ammunition.

(6) Any 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 19 may be charged under this section.

## **15. Exemptions**

- (1) Notwithstanding the provisions of section 14, a person may be in possession of a firearm and ammunition without a licence or permit where—
- (a) he is the holder of a Firearm Dealer's Licence in respect of any firearm or ammunition—
    - (i) being part of his stock in trade,
    - (ii) for the purpose of repairing, testing or proving, in the ordinary course of business;
  - (b) he is—
    - (i) the executor or administrator of the estate of a deceased person, or
    - (ii) the Trustee in bankruptcy or liquidator of an insolvent person or a company in liquidation,

where the person, prior to decease, insolvency or liquidation as the case may be, was the holder of a Firearm Dealer's Licence in respect of any firearm or ammunition forming part of the stock-in-trade of such person;

- (c) he comes into possession of any firearm or ammunition by virtue of being—
  - (i) an executor or administrator of the estate of a deceased person, or
  - (ii) the Trustee in bankruptcy or liquidator in cases of insolvency;
- (d) he is the servant or agent of any of the persons referred to in paragraph (a), (b) or (c) in respect of any firearm entrusted to him for delivery to the owner or some person who is about to become the owner;
- (e) he is an officer of customs or any police officer in respect of the period during which the firearm or ammunition is retained by him pursuant to this Act;
- (f) any firearm is entrusted to him for storage under section 27; or
- (g) he possesses a firearm or ammunition by virtue of a certificate or permit issued to him by the appropriate authority:

Provided that no person shall keep a firearm or ammunition in his possession without a licence for a period exceeding seven days from the date of possession under section 1(c).

(2) Subsection (1)(g) relates to—

- (a) any person taking part in a theatrical performance or in the production of a cinematograph or television film;
- (b) any person at an athletic event who is responsible for starting the races;
- (c) any person conducting or carrying a miniature rifle range (whether for a rifle club or otherwise) or a shooting gallery, in respect of miniature rifles not exceeding 23 calibre and ammunition there for used at the rifle range or shooting gallery.

## **16. Carrying firearm and ammunition in public prohibited**

(1) Subject to the proviso to section 29(2), a person shall not carry a firearm or ammunition in any public place unless he has on his person a licence, permit or certificate granted by the appropriate authority authorising him to do so.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding two thousand dollars.

## **17. Discharging firearm in public prohibited**

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

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

(2) Where a contravention of subsection (1) occurs, a police officer may without warrant enter any premises on which he has reasonable cause to believe such

contravention was committed and seize any firearm or ammunition found which he has reasonable cause to believe was used in such contravention and may retain such firearm or ammunition for the purpose of any investigation and where legal proceedings are implemented in relation to the offence, until such proceedings are concluded.

(3) Any person who contravenes this section commits an offence and the burden of proof of the facts tending to establish that the discharge of the firearm was lawful shall be upon the person so asserting.

#### **18. Possessing firearm with intent to injure**

Any person having in his possession any firearm or ammunition with intent to endanger life or cause injury to person or property or to enable any other person to endanger life or cause injury to person or property whether or not any injury has been caused commits an offence and is liable—

- (a) on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding five years;
- (b) on conviction on indictment to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding twenty years.

[Section 18 amended by Act No. 4 of 1999.]

#### **19. Possession of firearm of imitation with intent to commit offence**

(1) A person who uses a firearm or imitation firearm—

- (a) with intent to commit an offence or aid in the commission of an offence; or
- (b) to resist arrest or to attempt to prevent the lawful apprehension of himself or any other person,

commits an offence.

(2) A person convicted of an offence under subsection (1) is liable—

- (a) on summary conviction to imprisonment for a term not exceeding five years;
- (b) on conviction on indictment to imprisonment for a term not exceeding twenty-five years,

in addition to any other penalty to which he may be liable for the offence he may have committed or attempted to commit or for the offences of resisting arrest or attempting to prevent the lawful apprehension of himself or any other person.

[Subsection (2) amended by Act No. 4 of 1999.]

### **PART IV**

#### *Trading in Firearms and Ammunition*

#### **20. Restriction on sale of firearms**

(1) A person shall not, unless he is a licensed firearms dealer under this Act—

- (a) manufacturer, sell, transfer, lend, repair, test, or prove any firearm or ammunition;

(b) expose for sale or transfer or have in his possession for any of the purposes of subsection (1) any firearm or ammunition;

(c) convert into a firearm an imitation firearm or other gadget.

(2) A person shall not sell any firearm or ammunition to anyone other than—

(a) a registered firearms dealer;

(b) a person licensed in accordance with section 4;

(c) a person holding a permit under section 4.

(3) The Governor-General may by proclamation prohibit the sale of firearms and ammunition within Saint Vincent and the Grenadines for such time as may be specified in such proclamation.

(4) Any person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine not exceeding seven thousand dollars or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

## **21. Restriction on sale of ammunition**

(1) A person shall not sell ammunition to anyone other than a licensed firearms dealer unless at the time of the sale that person—

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

(b) is the holder of a permit to keep, carry or use a gun pursuant to section 4;

(c) is exempted from the requirements of this Act pursuant to section 15.

(2) Every firearms dealer who sells ammunition shall before delivery make an entry in a book to be kept for that purpose specifying—

(a) the nature and quantity of the ammunition sold;

(b) the date of sale;

(c) the name and address of the purchaser;

(d) the office of issue of the licence;

(e) the number and date of the licence or permit;

(f) the circumstances, if any, exempting the person from possessing a licence.

(3) A firearms dealer shall produce for inspection the book of entries specified at subsection (2) on request by a police officer or other authorised person.

(4) The holder of a Firearm Dealer's Licence shall not deal in firearms except at the premises specified in the licence.

(5) Any person who contravenes the provisions of this section commits an offence.

## **22. Prohibited weapon**

(1) A person shall not purchase, acquire, sell or transfer a prohibited weapon.

(2) Any person who contravenes the provisions of this section commits an offence and is liable—

(a) on summary conviction to imprisonment for a term not exceeding five years;

- (b) on conviction on indictment to imprisonment for a term not exceeding twenty years.

[Subsection (2) amended by Act No. 4 of 1999.]

### **23. Converting firearms**

(1) Subject to subsection (2), a person other than the holder of a valid Firearm Dealer's Licence shall not—

- (a) shorten the barrel of a shot gun to a length of less than twenty 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;
- (d) convert into a prohibited weapon anything which is not a prohibited weapon.

(2) The holder of a Firearm Dealer's Licence shall not, without the prior written approval of the Commissioner, do any of the things referred to in subsection (1).

(3) Any person who acts in contravention of this section commits an offence and is liable—

- (a) on summary conviction to imprisonment for a term not exceeding five years;
- (b) on conviction on indictment to imprisonment for a term not exceeding fifteen years.

## PART V

### *Import and Export*

### **24. Import and export permit**

(1) A person shall not import into, export from or tranship, in Saint Vincent and the Grenadines any firearm or ammunition except if he is the holder of a Firearm Import Permit or a Firearm Export Permit or a Firearm Transshipment Permit issued by the appropriate authority.

(2) Any person acting in contravention of subsection (1) commits an offence and is liable—

- (a) for a prohibited weapon—
  - (i) on summary conviction to imprisonment for a term not exceeding ten years,
  - (ii) on conviction on indictment to imprisonment for a term not exceeding twenty years;

[Paragraph (a) amended by Act No. 4 of 1999.]

- (b) for a restricted weapon or restricted ammunition—
  - (i) on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding five years,
  - (ii) on conviction on indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding fifteen years;

- (c) in any other case—
  - (i) on summary conviction to a fine not exceeding seven thousand dollars or to imprisonment for a term not exceeding three years,
  - (ii) on conviction on indictment to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding ten years.

## **25. Travellers**

(1) Every traveller who disembarks in Saint Vincent and the Grenadines having a firearm or ammunition in his possession or under his control shall make a declaration to that effect to the appropriate officer of customs in the prescribed form.

(2) A person who makes any false statement in such declaration commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years.

## **26. Travellers in possession of firearms**

(1) Every person who disembarks in Saint Vincent and the Grenadines and who declares under section 25 that he has in his possession any firearm or ammunition shall (unless he is in possession of a Firearm Import Permit)—

- (a) cause the firearm or ammunition to remain on the vessel or aircraft upon which he arrived in Saint Vincent and the Grenadines; or
- (b) deliver the firearm or ammunition to an officer of customs in a sealed packet to be dealt with in accordance with section 27.

[Subsection (1) amended by Act No. 4 of 1999.]

(2) Every person who contravenes the provisions of subsection (1) commits an offence.

## **27. Custody of firearms or ammunition by officer of customs**

(1) A firearm or ammunition received by an officer of customs under section 26 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 Permit and a licence or permit authorising him 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 embarkation for some place outside of Saint Vincent and the Grenadines and the date, time and vessel of embarkation in which event the sealed package shall be delivered to him immediately before he disembarks;
- (c) some other person satisfies the Comptroller that that person is lawfully entitled to the possession of the firearm or ammunition and—
  - (i) produces a Firearm Import Permit,
  - (ii) produces a licence authorising him to be in possession of the firearm or ammunition, and
  - (iii) pays the appropriate customs duty in respect of such firearm or ammunition, or

(iv) complies with the requirements of paragraph (b),

in which event the sealed package shall be delivered to him as if he was the traveller from whom the firearm or ammunition was received.

(2) The Comptroller may dispose of any such firearm or ammunition in such circumstances after such period of time as may be prescribed.

## **28. Territorial waters**

For the purposes of this Part, a person does not import firearm or ammunition into Saint Vincent and the Grenadines if the firearm or ammunition is in his possession or under his control—

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

unless he causes or attempts to cause such firearm or ammunition to be landed in Saint Vincent and the Grenadines from such vessel or aircraft otherwise than for delivery to an officer of customs under section 26.

## **PART VI**

### *Power of Search and Seizure*

## **29. Power 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 his licence or permit.

(2) If any person fails to produce his licence or permit or refuses to allow the police officer to examine the firearm or ammunition for the purpose of verifying the particulars in the licence or permit, he 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:

Provided that a person who does not have on his person a licence or permit shall be given five days for its production at a designated police station before proceedings are instituted against him.

(3) The police officer who seizes and retains a firearm or ammunition under subsection (2) shall require the holder of the firearm or ammunition to declare his name and address.

(4) A police officer may arrest without a warrant any person who under subsection (3) refuses to give his name and address and whom he reasonably suspects of giving a false name and address or of intending to abscond.

(5) A police officer may at any time require the holder of a licence or permit to produce for inspection the firearm or ammunition to which it relates and any person who without good cause refuses or fails to do so commits an offence.

## **30. Power to search persons**

(1) Where a police officer reasonably suspects that any person is carrying a firearm or ammunition concealed about his person he may—

- (a) ask that person if he is carrying a firearm;
- (b) if that person is carrying a firearm or ammunition require that person to produce the firearm or ammunition and, unless he is exempted under section 15, his licence or permit.

(2) If any person fails to comply as requested under subsection (1), he commits an offence and the police officer may seize and retain the firearm or ammunition until such time as legal proceedings against that person are concluded.

(3) If any person denies that he is carrying a firearm or ammunition about his person, the police officer may search that person and seize and retain any firearm found until such time as legal proceedings are concluded against that person and shall require that person to declare to him his name and address.

(4) A police officer authorised by the Commissioner may without a warrant enter any premises on which he has reasonable cause to believe that firearms or ammunition are concealed, made or sold without a licence and may—

- (a) search the premises and every person found therein;
- (b) seize and retain any firearm or ammunition found in that place or on such person until investigations are completed and where legal proceedings result until such time as legal proceedings are concluded.

(5) The provisions of section 29(3) and (4) shall apply to this section.

(6) The occupier of any premises in which any firearm or ammunition is found shall for the purposes of this Act be deemed to be the owner or keeper of such firearm or ammunition until the contrary is proved.

### **31. Power to stop and search vehicles**

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

(2) Any person who under this section—

- (a) being the driver fails to stop the vehicle at the request of a police officer; or
- (b) being a person conveyed in a vehicle prevents or intimidates the driver so as to prevent him from stopping at the request of a police officer; or
- (c) escapes or attempts to escape from a vehicle stopped by a police officer,

commits an offence and is liable on conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years.

### **32. Search warrants**

(1) A Magistrate or Justice of the Peace on being satisfied by information on oath that there are reasonable grounds for suspecting that an offence has been, is being or is about to be committed, may grant a search warrant authorising any police officer named therein—

- (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 those premises or in that place;

- (b) to seize any firearm or ammunition which he may find on the premises, in that place or on any person in connection with which or in respect of which he has reasonable grounds for suspecting that an offence has been, is being or is about to be committed; and
- (c) to retain any such firearm and ammunition found at paragraph (b), if any, for the duration of any investigation and where legal proceedings result until such legal proceedings are concluded.

(2) If a Judge of the High Court is satisfied by information on oath sworn by a police officer of the rank of Inspector and above that the circumstances so require, he may by warrant under his hand authorise the Commissioner to conduct a general search by police officers of all buildings, structures, conveyances, vehicles, articles and persons in the locality specified in the warrant.

(3) Any person who under this section refuses access to the police to any yard, building, structure, vehicle, conveyance, premises or in any other way unreasonably hinders or obstructs or molests the police in the execution of their duties under this section commits an offence and is liable on conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years.

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

## PART VII

### *Miscellaneous*

#### **33. Custody of firearms**

(1) The holder of a Firearm User's Licence who is about to leave Saint Vincent and the Grenadines and is not taking the firearm or ammunition specified in that licence with him shall—

- (a) arrange for the storage of the firearm or ammunition in a place and under conditions approved by the Commissioner; or
- (b) deliver the firearm or ammunition to the holder of a Firearm User's (Employees) Permit in respect of that particular firearm; or
- (c) deliver the firearm or ammunition for safe keeping to the nearest police station.

(2) A firearm or ammunition received at a police station under this section shall—

- (a) be delivered to any person who produces a Firearm User's Licence in respect of such firearm or ammunition;
- (b) incur, if the firearm or ammunition is unclaimed within twelve months of its delivery under paragraph (a), a storage fee at such rate as may be prescribed, and if the fee is unpaid at the end of six months be forfeited to the Crown:

Provided that the owner may claim such firearm or ammunition within six months of forfeiture on payment of the storage fee if he can show reasonable cause for the delay.

#### **34. Slaughtering instrument**

(1) A person who is the Chief Veterinary Officer or any officer authorised by him in writing may have a slaughtering instrument in his possession without a licence.

(2) The provisions of section 9(a), (b) and (c) shall apply, *mutatis mutandis*, to any such person.

### **35. Forfeiture order**

Where a person is—

- (a) convicted of an offence under this Act;
- (b) has been ordered to—
  - (i) be subject to police supervision,
  - (ii) enter into recognisance to keep the peace, or
  - (iii) be of good behaviour,

a condition of which is that the offender shall not possess, use or carry a firearm or ammunition,

the Court may make an order as to forfeiture and disposal of any firearm or ammunition found in his possession as the Court thinks fit and may cause the conviction or order to be certified to the appropriate authority which may in accordance with section 12 revoke any licence or permit held by that person.

### **36. Carrying firearm or ammunition in parts**

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

### **37. Ballistics certificate**

(1) Subject to subsection (2), in any criminal proceedings any 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) Where pursuant to subsection (1) it is intended to submit a certificate as evidence, the prosecution shall give at least fourteen days written notice of such intention together with a copy of the certificate and the person charged may before the commencement of the proceedings, object to the admission of the certificate, and may require the attendance of the ballistics expert to give evidence.

(3) In this section, “**ballistics expert**” means a person versed in the science of missiles and firearms who is designated an expert by the Commissioner by notice published in the *Gazette*.

### **38. Regulations**

The Minister may make regulations for the better carrying out of the provisions of this Act, and in particular but without prejudice to the foregoing may make regulations for prescribing anything by this Act to be prescribed.

[Section 38 amended by Act No. 25 of 1996.]

### **39. Obstruction**

Any person who hinders, molests or obstructs any police officer or officer of customs or any other authorised person in the exercise of the powers and duties imposed upon him under this Act, commits an offence.

#### **40. Altering**

Any person who wilfully obliterates, defaces, alters, counterfeits or forges any identifying marks on any firearm registered under this Act commits an offence.

#### **41. Onus of proof**

Whenever in any prosecution under this Act the defendant claims to be licensed or claims any qualification or exemption from liability the burden of proving such licence, qualification or exemption shall lie on him.

#### **42. Rewards**

If in any proceedings under this Act, any person other than a police officer or public officer gives evidence whereby any other person is ordered to pay a fine or other penalty, or any forfeiture is ordered, the Governor-General may, acting on the recommendation of the prosecutor, direct payment to any such person giving such evidence of any sum not exceeding one half of the amount recovered in respect of the order.

#### **43. Collection of firearms**

(1) The Governor-General may by proclamation order that within any town or district specified in such proclamation all firearms shall be given up to the Commissioner or other police officer authorised by him.

(2) Any person who refuses or neglects to comply with such order commits an offence and is liable on conviction to a fine not exceeding two thousand five hundred dollars and to imprisonment for six months, and in addition the firearms in respect of which the offence was committed shall be forfeited.

(3) Notwithstanding subsection (2), the Governor-General may proclaim a period of amnesty for a duration of time to be specified in such proclamation during which persons in possession of unlicensed may surrender their firearms to the Commissioner or other police officers or other persons authorised by him without incurring a penalty.

[Subsection (3) inserted by Act No. 4 of 1999.]

#### **44. General penalty provisions**

A person convicted of an offence under this Act for which no penalty is prescribed shall be liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months.

#### **45. Savings**

This Act shall not apply to—

- (a) antique or obsolete firearms which are sold, transferred, purchased or acquired as a curiosity, ornament or collectors item and so certified by the Commissioner;
- (b) any firearm or ammunition, the property of the Government of Saint Vincent and the Grenadines;

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- (c) any person lawfully in possession of a firearm, the property of the Government of Saint Vincent and the Grenadines;
- (d) any member of the Cadet Force of Saint Vincent and the Grenadines in his capacity as a member of that force;
- (e) any firearm or ammunition on board any ship or aircraft forming part of the equipment of such ship or aircraft;
- (f) 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 duties in connection with paragraph (e);
- (g) firearms or ammunition the property of the government of a country other than Saint Vincent and the Grenadines in circumstances and subject to such conditions as may for the time being be approved by the Minister.

[Section 45 amended by SRO 7 of 1996.]

**46. Repeal**

The Firearms Act, 32 of 1956, as amended is hereby repealed.

[Chapter 275 of the Revised Laws 1990 Edition.]

**First Schedule**

[Section 3. First Schedule amended by SRO 7 of 1996, Act No. 25 of 1996.]

**FIREARMS ACT**

*Application Forms*

**FORM A**

**PART 1**

To Commissioner of Police

1. I hereby apply for—

- (a) Licence to keep firearms and ammunition.
- (b) Estate gun licence.
- (c) Licence to deal in firearms and ammunition.

(Note.—Application must delete type of licence NOT required)

The following particulars are submitted—

- 2. Full name of applicant ..... Age ..... Years .....
- 3. Address .....
- 4. Occupation of applicant .....
- 5. Brief particulars of land and/or property occupied by the applicant .....
- 6. Type of licence required i.e. (a) (b) or (c). If (b), state name, age and address of watchman or servants .....
- 7. Type of firearms for which licence is required—  
(Description to be full and accurate specifying whether rifle, gun, revolver or semi-automatic, number of barrels, chambers, magazine or repeater, number of shots, bore or calibre, makers name, identification number, etc.).

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Note.—If applicant does not intend to keep a firearm but wishes only to use one, this fact should be stated by writing in between maker and number “Any registered firearm of the type stated.”

Type ..... Calibre .....

Maker ..... Number .....

8. The maximum amount of ammunition described to be kept at any one time is .....

9. My reasons for wishing to acquire and keep such firearms are—

1. ....

2. ....

3. ....

4. ....

5. ....

6. ....

10. The firearm required is available at .....

.....

Applicant

Date: .....

PART 2

For Police Use Only

This application is (NOT) approved and a licence may now/not be issued (on payment of the appropriate stamp duty) in the following term—

Type .....

Calibre .....

Make .....

Identification number .....

Maximum number of rounds of ammunition which may be kept or acquired at any one time .....

..... Calibre .....

Name of watchmen or servants approved—

.....

.....

.....

Commissioner of Police

Date: .....

PART 3

Licence No. .... Issued on .....

Expiring on ....., 20 .....

Stamps To be Affixed Here and Cancelled by Issuing Officer

.....

Signed

.....

Date

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Particulars entered in relevant Registers by—

.....  
(Rank) (Name)  
On .....

FIREARMS ACT  
[Section 5(1).]

FORM A1

Application for Renewal of—

- \* Licence to keep firearms
\* Estate gun licence
\* Licence to deal in firearms
(\* Delete where inapplicable)

Applicant’s full name .....
Applicant’s address .....

I hereby apply for a renewal of my licence as above for the year 20 ..... I certify that the
gun(s) is/are still in my possession, has/have not/been altered in any way and is/are in sound
working condition.

.....
Signed
.....
Date

Stamps to be Affixed Here
and
Cancelled By Issuing Officer

Licence issued on .....
.....
Signature

FIREARMS ACT  
[Section 4(1).]

FORM B

Licence to Keep Firearms

Licence No. ....
Police Headquarters,
Saint Vincent and the Grenadines

I hereby license .....
Full name .....
Address .....
to keep the following firearms (a) and ammunition—
Type ..... Calibre ..... Make ..... No. ....

Firearms Act – Subsidiary Legislation

.....  
.....  
from this date until the ....., 20 .....

.....  
*Issuing Officer for Commissioner of Police*  
Date of Issue: .....

FIREARMS ACT

[Section 4(1).]

FORM C

*Estate Gun Licence*

Licence No. ....

Police Headquarters,  
Saint Vincent and the Grenadines

As the holder of a licence No. .... to keep firearms  
and ammunition under the provisions of the Firearms Act.

Full name .....

Address .....

is hereby licensed to authorise such of the parties, named below, as continue in his employ as  
watchman or servant to carry, for the service of the licensee, any gun and ammunition belonging to  
the licensee and to use the same on the lands belonging to the licensee until the ....., 20  
.....

Full Name	Address	Occupation
.....	.....	.....
.....	.....	.....

Date this ..... day of ....., 20 .....

.....  
*Commissioner of Police*

FORM D

*Licence to Deal in Firearms and Ammunition*

*Not Transferable*

Licence No. ....

Saint Vincent and the Grenadines

(a) ..... of ..... having paid the sum of one  
thousand dollars, is hereby licensed to deal in firearms and ammunition and to trade as a licensed  
firearm dealer, under the provisions of the Firearms Act, at the premises known as— (b)

No. .... Street, ..... until the ....., 20 .....

Dated this ..... day of ....., 20 .....

(a) Full name and address

(b) Address of business premises

*Firearms Act – Subsidiary Legislation*

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**Second Schedule**

[Section 3(4). Second Schedule amended by SRO 24 of 1995, Act No. 25 of 1996, SRO 43 of 2003, Act No. 3 of 2004.]

*Fees for Licences*

Shotguns .....	\$ 125.00
Revolvers and pistols .....	\$ 250.00
Rifles .....	\$ 250.00
Firearms for watchman and servants .....	\$ 250.00
Dealers in firearms .....	\$ 1,000.00

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**CHAPTER 386  
FIREARMS ACT**

**SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*

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