

FIREARMS AND AMMUNITION (AMENDMENT) ACT, 2021

(Act 30 of 2021)

ARRANGEMENT OF SECTIONS

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FIREARMS AND AMMUNITION (AMENDMENT) ACT, 2021

(Act 30 of 2021)



I assent

A handwritten signature in black ink, appearing to read "Wavel".

Wavel Ramkalawan
President

23rd July, 2021

AN ACT to revise the monetary penalties and the terms of imprisonment imposed under the law for unlawful activities in relation to firearms and ammunition; and for matters incidental thereto.

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Firearms and Ammunition (Amendment) Act, 2021, and shall be read and construed as one with the Firearms and Ammunition Act, Cap 80, hereinafter referred to as the “principal Act”.

Amendment of section 2

2. Section 2 of the principal Act is amended —

(a) in the definition of “ammunition” —

(i) in paragraph (i) by inserting immediately after the words “hand grenade,” the words “bullet or like missile,”;

(ii) in paragraph (ii) by inserting immediately after the words “hand grenade” wherever they appear, the words “, bullet or missile,”;

(iii) in paragraph (iii) by inserting immediately after the words “hand grenade” the words “, bullet”;

(b) by repealing the definition of “customs officer”;

(c) by inserting in the proper alphabetical order the following new definitions —

“**Commissioner of Police**” means the Commissioner of Police appointed in accordance with article 160 of the Constitution;

“**customs officer**” means a person appointed under section 8 of the Customs Management Act, 2011;”.

Amendment of section 4

3. Section 4(2) of the principal Act is amended by repealing the words “not exceeding one year or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 3 years or to a fine of level 4 on the standard scale”.

Amendment of section 5

4. Section 5 of the principal Act is amended —

(a) in subsection (8) by repealing the words “a fine not exceeding

Rs. 1, 000” and substituting therefor the words “a fine of level 4 on the standard scale”;

- (b) in subsection (9) by repealing the words “not exceeding six months or to a fine not exceeding Rs. 1, 000” and substituting therefor the words “not exceeding 2 years and a fine of level 4 on the standard scale”.

Amendment of section 9

5. Section 9(3) of the principal Act is amended by repealing the words “not exceeding five years or to a fine not exceeding Rs. 10, 000” and substituting therefor the words “not exceeding 10 years or to a fine of level 6 on the standard scale”.

Amendment of section 10

6. Section 10(4) of the principal Act is amended by repealing the words “a fine not exceeding Rs. 1, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 11

7. Section 11(4) of the principal Act is amended by repealing the words “a fine not exceeding Rs. 1, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 12

8. Section 12(2) of the principal Act is amended by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years or to a fine of level 4 on the standard scale”.

Amendment of section 13

9. Section 13(5) of the principal Act is amended by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years or to a fine of level 4 on the standard scale”.

Amendment of section 14

10. Section 14(4) of the principal Act is amended by repealing the words “a fine not exceeding Rs. 1, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 15

11. Section 15(4) of the principal Act is amended by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years or to a fine of level 4 on the standard scale”.

Amendment of section 16

12. Section 16(4) of the principal Act is amended by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years or to a fine of level 4 on the standard scale”.

Amendment of section 17

13. Section 17(4) of the principal Act is amended by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years or to a fine of level 4 on the standard scale”.

Amendment of section 18

14. Section 18(4) of the principal Act is amended by repealing the words “not exceeding six months or to a fine not exceeding Rs. 5, 000” and substituting therefor the words “not exceeding 2 years or to a fine of level 4 on the standard scale”.

Amendment of section 20

15. Section 20(2) of the principal Act is amended by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years or to a fine of level 4 on the standard scale”.

Amendment of section 21

16. Section 21(2) of the principal Act is amended by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years or to a fine of level 4 on the standard scale”.

Amendment of section 22

17. Section 22 of the principal Act is amended by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years or to a fine of level 4 on the standard scale”.

Amendment of section 25

18. Section 25 of the principal Act is amended —

- (a) in subsection (2) by repealing the words “not exceeding three years or to a fine not exceeding Rs. 5, 000” and substituting therefor the words “not exceeding 5 years or a fine of level 5 on the standard scale”;
- (b) in subsection (3) by repealing the words “not exceeding six months or to a fine not exceeding Rs. 1, 000” and substituting therefor the words “not exceeding 2 years and a fine of level 4 on the standard scale”;
- (c) in subsection (4) by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years and a fine of level 4 on the standard scale”.

Amendment of section 26

19. Section 26 of the principal Act is amended —

- (a) in subsection (3) by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years or a fine of level 4 on the standard scale”;

- (b) in subsection (7) by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years and a fine of level 4 on the standard scale”.

Amendment of section 27

20. Section 27(4) of the principal Act is amended by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years or to a fine of level 4 on the standard scale”.

Amendment of section 28

21. Section 28(2) of the principal Act is amended by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years or to a fine of level 4 on the standard scale”.

Amendment of section 30

22. Section 30(2) of the principal Act is amended by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years or to a fine of level 4 on the standard scale”.

Amendment of section 31

23. Section 31 of the principal Act is amended by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years or to a fine of level 4 on the standard scale”.

Amendment of section 34

24. Section 34 of the principal Act is amended —

- (a) in subsection (6) by repealing the words “a fine not exceeding Rs. 1, 000” and substituting therefor the words “a fine of level 4 on the standard scale”;

- (b) in subsection (7) by repealing the words “not exceeding six months, or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years and a fine of level 4 on the standard scale”.

Amendment of section 39

25. Section 39 of the principal Act is amended by repealing the words “not exceeding six months or to a fine not exceeding Rs. 2, 000” and substituting therefor the words “not exceeding 2 years or to a fine of level 4 on the standard scale”.

Amendment of section 45

26. Section 45 of the principal Act is amended —

- (a) by repealing subsection (1) and substituting therefor the following —

“(1) It shall be lawful for the President by proclamation to —

- (a) prohibit the carrying, use, or keeping of firearms or ammunition in any district or part of the Republic for either a definite or an indefinite period, and to order that within such district or part of the Republic all firearms or ammunition shall be delivered to such person or persons as the President may appoint; or
- (b) order that any person in possession of firearms or ammunition without any lawful authority or a valid licence, to surrender the firearms or ammunition within a specified period and time to such person or persons as the President may appoint.”
- (b) by renumbering subsection (2) as subsection (4);
- (c) by inserting immediately after subsection (1) the following new subsections —

“(2) Notwithstanding any law, no proceedings shall be instituted for possession of any firearm or ammunition against a person who delivers up the firearm or ammunition in accordance with subsection (1).

(3) Notwithstanding any written law, any firearm or ammunition delivered up in accordance with subsection (1) is deemed to be confiscated and shall be destroyed and disposed of on the directions of the Commissioner of Police.”.

(d) in subsection (4) by repealing the words “imprisonment for five years or to a fine of Rs. 5, 000” and substituting therefor the words “not exceeding 10 years and a fine of level 6 on the standard scale”.

Amendment of section 46

27. Section 46 of the principal Act is amended —

- (a) by renumbering the existing section as subsection (1);
- (b) in subsection (1) by repealing paragraph (h);
- (c) by inserting immediately after subsection (1) the following as subsection (2) —

“(2) Regulations made under subsection (1) may create offences and provide that contravention of or failure to comply with any such regulations shall be an offence and prescribe for offences maximum penalties not exceeding 5 years imprisonment or a fine of level 5 on the standard scale.”.

Consequential amendments

28. The Penal Code, Cap. 158, is amended to the extent specified in Schedule 1 to this Act.

SCHEDULE 1*(Section 28)***CONSEQUENTIAL AMENDMENTS****Amendment of section 84 of the Penal Code**

1. Section 84 of the Penal Code is amended —
 - (a) in subsection (1) by repealing the words “imprisonment for seven years” and substituting therefor the words “imprisonment for 15 years and a fine of level 7 on the standard scale”;
 - (b) in subsection (2) by repealing the words “imprisonment for five years” and substituting therefor the words “imprisonment for 10 years and a fine of level 6 on the standard scale”;
 - (c) in subsection (3) by repealing the words “imprisonment for five years” and substituting therefor the words “imprisonment for 10 years and a fine of level 6 on the standard scale”;
 - (d) in subsection (4) by repealing the words “a fine of one thousand rupees and to imprisonment for one year” and substituting therefor the words “imprisonment for 3 years and a fine of level 4 on the standard scale.”.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 21st July, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly