

FIREARMS AND AMMUNITION (AMENDMENT) BILL, 2021

(Bill No. 29 of 2021)

EXPLANATORY STATEMENT

The object of this Bill is to increase the term of imprisonment and monetary penalties for the unlawful possession or control of any firearm or ammunition. Guns and ammunitions do not play part in civilian society. Any person in possession of any firearm or ammunition contrary to the laws of Seychelles will now run the risk of being liable to a maximum term of imprisonment for 15 years and liable to a maximum fine of one million rupees.

Gun-related violence threatens our most fundamental human right, the right to life. Notwithstanding the fact that Seychelles has high levels of safety and security, the Government seeks to maximize the protection of human rights, creating the safest possible environment for Seychellois and visitors to this beautiful country. As such, the Government is imposing harsher penalties and will implement stricter gun possession laws and gun violence prevention measures.

The Bill seeks to deter any unlawful possession of firearms and ammunition by imposing harsher penalties. For instance, under section 9 of the Firearms and Ammunition Act of 1973, if a person unlawfully manufactures any firearm or ammunition in Seychelles, that person is liable on conviction to a maximum of 5 years imprisonment and SCR 10, 000. This Bill proposes that the penalty is changed to 10 years imprisonment and SCR 500, 000.

The Bill seeks to make consequential amendments to section 84 of the Penal Code, Cap. 158, by increasing the terms of imprisonment and monetary penalties thereunder. For example, under section 84(1) of the Penal Code, a person who unlawfully carries or has in that person's possession or control any firearm, ammunition or explosive is liable on conviction to imprisonment for 7 years. It is being proposed that the penalty is changed to 15 years.

If the National Assembly of Seychelles approves this Bill, the President of the Republic intends to make a proclamation to prohibit the carrying, use, or

keeping of firearms or ammunition throughout Seychelles. A person who unlawfully has in his or her possession any firearm or ammunition will be given an opportunity to hand over the firearm or ammunition to the Police. The Bill introduces a provision that makes it clear no proceedings can be instituted against any person who delivers up any firearm or ammunition within the period specified in the proclamation. Further, the Bill gives the Commissioner of Police power to destroy the firearms and ammunitions delivered up during the period of amnesty. Thereafter, any person found in possession or control of any firearm, ammunition or explosive will be subjected to the harsher penalties that this Bill seeks to impose.

Dated this 19th day of July, 2021.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

FIREARMS AND AMMUNITION (AMENDMENT) BILL, 2021

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SCHEDULE 1

FIREARMS AND AMMUNITION (AMENDMENT) BILL, 2021

(Bill No. 29 of 2021)



**A BILL
FOR**

AN ACT to revise the monetary penalties and the terms of imprisonment imposed under the law for unlawful activities in relation to firearms and ammunitions; 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 is hereinafter referred to as the “principal Act”.

Amendment of section 2

1. 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 ammunitions 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 all firearms or ammunitions shall be delivered up on demand to such person or persons as the President may appoint; or

(b) order that any person in possession of firearms or ammunitions without any lawful authority or a valid licence to surrender the firearms or ammunitions 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 against a person who delivers up any 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 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”.