

2011

FIREARMS

ACT 3

**COMMONWEALTH OF DOMINICA****ARRANGEMENT OF SECTIONS****PART I  
PRELIMINARY**

1. Short title and commencement
2. Interpretation
3. Non-application of the Act.

**PART II  
GENERAL PROHIBITIONS**

4. Prohibited weapons and ammunition
5. Prohibition against possession without a licence
6. Exemptions

**PART III  
APPLICATION FOR LICENCE**

7. Application for and grant of licence
8. Provisional licence
9. Qualification for licence originally applied for
10. Duration of licence
11. Register of licences
12. Suspension
13. Revocation
14. Appeals
15. False statement in connection with licence
16. Prohibitions in relation to licences

---

**PART IV  
CATEGORIES OF LICENCES**

17. Firearm user licence
18. Estate gun licence
19. Firearm dealer licence
20. Antique firearm collector licence
21. Shooting club licence
22. Sporting firearm licence
23. Firearm user (employee) sub-licence
24. Firearm import licence or export licence

**PART V  
PROHIBITIONS IN RESPECT OF FIREARMS  
AND AMMUNITION**

25. Prohibition against carrying a firearm or ammunition in public place
26. Prohibition against discharging firearm in public
27. Possession of firearm with intent to injure
28. Use of firearm or imitation firearm with intent to commit offence
29. Converting firearm
30. Restriction on sale of firearm or ammunition
31. Restriction on sale of firearm or ammunition to person
32. Prohibition against acquisition etc. by a minor
33. Prohibition against supplying firearms to a minor
34. Travellers to declare
35. Travellers in possession of firearms
36. Custody of firearms or ammunition by officer of Customs
37. Territorial waters

---

**PART VI  
IMITATION FIREARMS**

- 38. Interpretation
- 39. Prohibition in relation to realistic imitation firearm
- 40. Defences to section 39 offence

**PART VII  
POWERS OF POLICE OFFICERS IN  
CONNECTION WITH FIREARMS AND  
AMMUNITION**

- 41. Power of Commissioner to store firearms and ammunition
- 42. Powers of seizure and arrest
- 43. Power of search
- 44. Power to stop and search vehicle
- 45. Search warrant

**PART VIII  
MISCELLANEOUS**

- 46. Certification and designated institutions
- 47. Custody of firearm
- 48. Slaughtering instruments
- 49. Forfeiture order
- 50. Carrying firearm or ammunition in parts
- 51. Ballistics certificate
- 52. Compulsory imprisonment
- 53. Power to order surrender of firearms
- 54. Duty to report loss etc.
- 55. Inquiry by appropriate authority
- 56. Powers of the appropriate authority to give permission  
for shooting range etc.
- 57. General penalty provision
- 58. Amnesty
- 59. Regulations
- 60. Transitional
- 61. Repeal



2011

FIREARMS

ACT 3

**COMMONWEALTH OF DOMINICA**

ACT No. 3 OF 2011

*I assent***NICHOLAS J.O. LIVERPOOL***President*15<sup>th</sup> April, 2011**AN ACT TO REGULATE THE USE AND  
DISTRIBUTION OF FIREARMS AND  
AMMUNITION AND FOR RELATED MATTERS.**(Gazetted 5<sup>th</sup> May, 2011)BE IT ENACTED by the Parliament of the Commonwealth of  
Dominica as follows:**PART I  
PRELIMINARY****1. (1) This Act may be cited as the -****FIREARMS ACT, 2011.**Short title and  
commencement.

(2) This Act shall come into force on a date to be appointed by the Minister by Order published in the *Gazette*.

Interpretation.

**2. In this Act –**

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

“air weapon” includes an air rifle, air gun or air pistol;

“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 cartridge cases, primers, propellants, powder, bullets and projectiles that are used in any firearms;

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

“antique firearm collectors licence” means an antique firearm collectors licence referred to in section 20;

“appropriate authority” means the Commissioner of Police;

“approved instructor of a designated institution” means a person appointed under section 46(5);

“Cadet Corps” means the Cadet Corps within the meaning of the Cadet Corps Act,

Chap. 13:05;

“Commissioner” means the Commissioner of Police;

“Commissioner of Police” means the Chief of Police within the meaning of the Constitution;

---

“Comptroller” means Comptroller of Customs;

“designated institution” means an institution designated under section 46(2);

“estate gun licence” means an estate gun licence referred to in section 18;

“firearm”

(a) means any –

(i) lethal barreled weapon capable of discharging any shot, bullet or missile;

(ii) restricted or prohibited weapon;

(iii) component part of a weapon described in paragraph (a) or (b);

(iv) accessory to any weapon, described in paragraph (a) or (b) designed or adapted to diminish the noise, flash or discharge of the weapon;

(b) does not include an air weapon, described by Order made by the Minister and of a calibre prescribed;

“firearm dealer” means a person who holds a valid firearm dealer licence;

“firearm dealer licence” means a firearm dealer licence referred to in section 19;

“firearm export licence” means a firearm export licence referred to in section 24;

“firearm import licence” means a firearm import licence referred to in section 24;

---

“firearm user (employee) sub-licence” means a firearm user (employee) sub-licence referred to in section 23;

Chap. 15:31.

“former Act” means the Firearms Act;

“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;

“minor” means a person under the age of 18;

“licence” means a licence or a sub licence issued pursuant to this Act;

“Minister” means the Minister responsible for Security;

“other authorised officer” means a person authorised by the appropriate authority to make a request for the purposes of this Act;

“police officer” means a member of the Commonwealth of Dominica Police Force;

“premises” include buildings and land;

“prohibited weapon” means a firearm, ammunition or weapon referred to in section 4 and includes a replica of the prohibited weapon;

“provisional licence” means a provisional licence referred to in section 8;

“public place” includes a highway, premises or place to which at the material time, the public has or is permitted to have access whether on 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 15(3);
- (b) has been convicted of an offence involving violence and sentenced to a term of imprisonment exceeding six months; or
- (c) is over eighteen years and has been convicted of an indictable offence and sentenced to a term of imprisonment 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 eighteen 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 the gun;

“shooting club licence” means a shooting club licence referred to in section 21;

“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 four inches and above;
- (b) a .22 calibre rifle with a barrel length of eighteen inches and above;
- (c) a shotgun with a barrel length of twenty-six 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 22;

“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.

Non application of the Act.

**3.** This Act does not apply to -

- (a) a firearm or ammunition which is the property of the Government of Dominica when in possession of an authorised person or in an authorised place;
- (b) a person lawfully in possession of a firearm or ammunition which is the property of the Government of Dominica;
- (c) a person lawfully in possession of a firearm or ammunition in his capacity as a member of the Cadet Corps;
- (d) a firearm or ammunition on board any ship or aircraft forming part of the equipment of the ship or aircraft;
- (e) a 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 (d); or
- (f) firearms or ammunition which is the property of the Government of a country in circumstances and subject to the conditions as may for the time being be approved by the Minister.

---

**PART II**  
**GENERAL PROHIBITIONS**

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

Prohibited weapons and ammunition.

- (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 29;
- (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 provision to the contrary in any other enactment, a person who contravenes subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding fifteen years.

Prohibition against possession without a licence.

**5.** (1) A person shall not possess or control a prohibited weapon except as authorized by the law in force in Dominica.

(2) A person shall not possess or control a restricted weapon except as authorized by the appropriate authority under this Act.

(3) Subject to sections 25 and 56 a person shall not possess any other firearm or ammunition without a valid licence.

(4) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable –

(a) if in possession or control of a restricted weapon or restricted ammunition –

(i) on summary conviction, to a fine not exceeding fifteen thousand dollars or to a term of imprisonment not exceeding five years or to both;

(ii) on conviction on indictment to a term of imprisonment not exceeding ten years;

(b) in any other case on –

(i) summary conviction to a fine of twenty thousand dollars or to a term of imprisonment not exceeding fifteen years or to both.

(ii) conviction on indictment to a term of imprisonment not exceeding ten years.

(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 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 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 pursuant to section 28 may be charged under this section.

(7) A person who is convicted of a second or subsequent offence under this section is in addition to being declared a prohibited person pursuant to section 15(3) is liable on conviction on indictment to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding twenty years or to both.

**6.** (1) Notwithstanding section 5, a person may be in possession of a firearm or ammunition without a licence where – Exemptions.

- (a) 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;
  - (ii) the trustee in bankruptcy or the liquidator in cases of insolvency;

---

and the deceased person or bankrupt, prior to his death or insolvency was the holder of a valid licence;

- (b) he is the servant or agent of any of the persons referred to in paragraph (a) in respect of any firearm entrusted to him for delivery to the owner or a person who is about to become the owner;
- (c) 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;
- (d) a firearm is entrusted to him for storage under section 36; or
- (e) he is a person listed in subsection (2) who possesses a firearm or ammunition by virtue of a certificate issued to him by the appropriate authority.

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

- (a) a person taking part in a theatrical performance or in the production of a cinematography or television film;
- (b) a person at an athletic event who is responsible for starting the races;
- (c) a 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) Notwithstanding 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 five days from the date of possession.

**PART III  
APPLICATION FOR LICENCE**

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

Application for and  
grant of licence.

(2) An applicant for a licence shall at the time of making the application, supply three 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, sections 15, 19(2), 20(2), 21(3) or 22(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 possession the firearm or ammunition in respect of which the application is made;
- (iv) is not a prohibited person under section 15;

- 
- (v) has a good knowledge of the law in force in Dominica 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 firearms and ammunition in a secure place when not in use; and
- (d) in the case of a firearm user licence, an estate gun licence, a sporting firearm licence or a firearm user (employee) sublicence, 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 sections 17(2), 19(5) or 20(11), where an applicant wishes to possess more than one firearm, he shall in accordance with this section, submit an application in respect of each firearm.

Provisional licence.

**8.** (1) Where the appropriate authority is satisfied that a person, who applies under section 7 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 the prescribed fee by the applicant grant a provisional licence in the form prescribed.

(2) A provisional licence is valid for six months and is subject to the conditions set out in it.

(3) A provisional licence does not authorise its holder to possess, purchase or acquire a firearm.

(4) A provisional licence entitles its holder only to use a



firearm on a shooting range under the supervision of a designated institution.

**9.** (1) 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 7(5) grant the licence originally applied for, on payment of the relevant fee set out in the Schedule.

Qualification for licence originally applied for.

Schedule.

(2) The Minister may amend the Schedule by Regulation.

**10.** 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 (employee) sublicense shall remain in force unless revoked or otherwise terminated.

Duration of licence.

**11.** The appropriate authority shall keep and maintain a register of all licences issued, and the register shall contain the name and address of licensees, the date of issue of licences, the type of licence, the serial number of the firearm, the suspension and revocation of licences and any other information as determined by the appropriate authority.

Register of licences and publication in the *Official Gazette*.

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

Suspension.

(a) this Act;

(b) any other law in force in Dominica where the holder is charged with an offence in which he uses a firearm or ammunition in the course of or in furtherance of the commission of the offence.

(2) The appropriate authority may suspend a licence for non-payment of fees.

---

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

(4) A person who without lawful excuse, proof of which lies on him, fails to comply with a notice under subsection (3), commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding three years or to both.

(5) Notwithstanding the outcome of proceedings against a holder pursuant to this Act, the appropriate authority may if he has reasonable cause to do so, revoke a licence which is suspended and subsections (3) and (4) apply with any modifications necessary.

Revocation.

**13.** (1) Subject to section 14, the appropriate authority may revoke a licence –

- (a) if the appropriate authority is satisfied that the holder -
  - (i) is prohibited from possessing a firearm or ammunition under section 15;
  - (ii) has intemperate habits or is of unsound mind;
  - (iii) is under the age of eighteen;
  - (iv) is for any reason considered unfit to be entrusted with a firearm;
- (b) if the holder fails to comply with a notice under subsection (2);

- 
- (c) if 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) if the holder has ceased to be a member of a shooting club where he was licensed for that purpose;
  - (e) if the holder fails to comply with section 3, Part V, VII or VIII;
  - (f) for non-payment of fees.

(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 licence together with the firearm or ammunition to which the licence relates, to the appropriate authority within three days of the date of delivery of the notice to the holder of the licence.

(3) Where a licence is revoked pursuant to the provisions of subsection (1)(a) or (c) and the holder of the licence holds several licences, then all the other licences or permits are deemed to have been revoked and subsections (2) and (4) apply with any modifications necessary.

(4) A person who without lawful excuse, proof of which shall lie on him, fails to comply with a notice under subsection (2) commits an offence and is liable on conviction to a fine not exceeding fifteen thousand dollars or to a term of imprisonment not exceeding five years or both.

**14.** (1) An applicant aggrieved by a decision of the appropriate authority – Appeals.

- (a) refusing to grant a licence;

---

(b) refusing to amend any licence;

(c) revoking any licence; or

(d) refusing to grant any exemption pursuant to section 6;

who desires to question the validity of the refusal or revocation, on the ground that the refusal or revocation is not within 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 possession the firearm or ammunition which is the subject matter of the appeal, he shall deposit the firearm or ammunition with the appropriate authority before making the application under subsection (1).

(3) This section does not apply to a decision made by the appropriate authority under section 15.

Prohibitions in relation to licences.

**15.** (1) The appropriate authority shall not grant a licence with respect to a prohibited weapon.

(2) The appropriate authority shall not grant a licence to a person –

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

(b) of intemperate habits or a known violent nature;

(c) under the age of eighteen;

(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 Dominica prior to the coming into operation of this Act dealing with the importation, exportation, possession or use in Dominica of any firearm or ammunition may declare that person a restricted person for the purposes of this Act.

**16.** A person who in, or in connection with, an application for the grant of a licence, makes a statement or provides information that to his knowledge or belief is false, commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of three years or to both.

False statement in connection with licences.

#### PART IV CATEGORIES OF LICENCES

**17.** (1) In accordance with section 7 –

Firearm user licence.

(a) a person who wishes to use, carry, possess, purchase or acquire 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 authorizes the holder to use, possess, purchase, or acquire in accordance with the terms of the licence, 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, authorize any person specified by the holder, to carry or use the firearm or ammunition away from or on premises belonging to the holder and the

---

appropriate authority shall endorse the names of the person on the firearm user licence.

(4) The appropriate authority shall not endorse a firearm user licence under subsection (3) unless satisfied that the authorized 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 appropriate authority may, on the application of the holder of a firearm user licence amend the list of authorized persons endorsed on the licence.

(6) The appropriate authority shall issue and sign a certificate stating that the authorised person or persons named, is entitled to carry or use the firearm or ammunition to which the firearm user licence relates and the duration of the entitlement.

(7) The authorised person or persons shall produce the certificate at the request of a police officer or other authorised officer.

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

(9) In this section “authorised person” means a person who is authorised by the appropriate authority and whose name is endorsed on the licence under subsection (3).

Estate gun licence.

**18.** (1) In accordance with section 7 –

- (a) a person who wishes to use, carry, possess, purchase or acquire a shotgun 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 for the shot gun.

(3) The appropriate authority may on the application of the holder of an estate gun licence, authorize any employee specified by the holder to carry or use the shot gun and ammunition to which the estate gun licence relates to, away from or on land belonging to the holder and the appropriate authority shall endorse the names of the employees on the estate gun licence.

(4) The appropriate authority shall not endorse an estate gun licence under subsection (3), unless he is 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 apply to the appropriate authority for an amendment to the authorised employees endorsed on the licence.

(6) Where the appropriate authority decides to make an endorsement under subsection (3) he 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 the entitlement.

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

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

(9) In this section “authorised employee” means a person who is authorised and whose name is endorsed on the licence under subsection (3).

---

Firearm dealer licence.

**19.** (1) In accordance with section 7 -

- (a) a person who wishes to carry on business or conduct 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) Section 7(6) does 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 in the ordinary course of business in accordance with the terms of the 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 ammunitions 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 and the dates of the several transactions;



---

(d) particulars of all firearms and ammunitions acquired by him.

(5) A firearm dealer shall forward to the appropriate authority every three months, a true extract of the register kept pursuant to subsection (4) in respect of all transactions entered during the preceding months, or, if there were no 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 ammunitions except at the premises specified in his firearm dealer licence.

(8) A person who fails to comply with this section commits an offence and is liable on summary conviction to a fine not exceeding forty thousand dollars or to a term of imprisonment not exceeding seven years or to both.

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

**20.** (1) In accordance with section 7 –

Antique firearm collector licence.

(a) a person who wishes to operate 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 an 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 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, the antique firearm collector licence.

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

- (a) keep in the manner and form to be prescribed by the appropriate authority, a register of his 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 a transaction relating to his stock of firearms, notify the appropriate authority of the transaction, the names and addresses of persons involved in the transaction, the nature of the transaction and the dates of the transaction.

(5) A person who fails to comply with subsection (4) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or a term of imprisonment not exceeding five years or to both.

(6) Section 7(6) does not apply in the case of an application for an antique firearm collector licence.

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

Shooting club licence.

**21.** (1) A person shall not operate a shooting club or shooting range unless he is authorised by the appropriate authority under this Act.

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

- 
- (3) In accordance with section 7 –
- (a) a person who wishes to operate a shooting club may apply to the appropriate authority for a shooting club licence; and
  - (b) the appropriate authority may subject to subsection (4) grant the shooting club licence.
- (4) The appropriate authority shall not grant a shooting club licence unless he is 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 any shooting range and proposed shooting range of the shooting club is 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 a licenced shooting club and the responsibility of the holder of a shooting club licence 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.
- (5) An amendment to the rules of the club referred to in subsection (4) (a) shall not have effect unless approved by the appropriate authority.

---

(6) In approving the rules of a shooting club, the appropriate authority shall take into consideration the criteria for membership of the club and may in particular require the rules to provide 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.

(7) Notwithstanding subsection (4) or (6), the Minister may by Order published in the *Gazette* specify standards to be adhered to in relation to a shooting club.

(8) Where the Minister sets standards under subsection (7) the appropriate authority shall not issue a shooting club licence unless he is satisfied that the standards are met.

(9) Where the Minister sets standards for a shooting club under subsection (7) the holder of the shooting club licence shall ensure that that the shooting club is maintained in compliance with the standards within six months of the standards coming into operation.

(10) Where a shooting club does not meet the standards the holder of the shooting club licence commits an offence and is liable to a fine of five thousand dollars and to a fine of two hundred dollars for each day during which the offence continues.

(11) A shooting club licence authorises the holder to –

- (a) maintain a shooting range at a place specified in the licence;
- (b) organize sporting events involving the firearms at the shooting range;

---

(c) provide facilities for target practice at the shooting range.

(12) The holder of a shooting club licence shall within seven days after the 31<sup>st</sup> of March, the 30<sup>th</sup> of June, the 30<sup>th</sup> of September and the 31<sup>st</sup> of 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).

(13) It is the duty of the holder of a shooting club licence to keep the records that will enable him to make the returns referred to in subsection (12).

(14) If any return is not furnished in accordance with subsection (12), or if the return is incomplete, misleading or inaccurate, or if any record required under that subsection to be kept is not kept, the holder of the shooting club licence or governing body of the shooting club commits an offence.

(15) Subject to subsection (16), the appropriate authority may on the application of the holder of a shooting club licence, 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 the shooting club without holding a licence therefor, for the purpose of target practice.

(16) For sporting purposes, the appropriate authority may upon application of the holder of a shooting club licence, approve

---

the use in target practice of any firearm of 9mm 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.

(17) The holder of a shooting club licence who fails to comply with this section commits an offence and is liable on summary conviction to a fine of five thousand dollars and to revocation of the shooting club licence.

(18) Section 7(6) does not apply in the case of an application for a shooting club licence.

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

Sporting firearm licence.

**22.** (1) In accordance with section 7 –

- (a) a person who wishes to use, possess or carry 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 intends to participate in sport or target shooting competitions; or
  - (d) any combination of paragraph (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 club alone or in conjunction with any other shooting club;
  - (c) subject to the provisions of any law regulating hunting engage in recreational hunting.
- (4) Section 7(6) does not apply in the case of an application for a sporting firearm licence.
- (5) A sporting firearm licence shall be in the form prescribed.

**23.** (1) In accordance with section 7-

- (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; and
- (b) the appropriate authority may grant the firearm user (employee) sub-licence subject to subsection (2).

Firearm user (employee)  
sub-licence.

(2) The appropriate authority shall 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 authorises the holder to keep, carry and use in connection with the business of the holder of the firearm use licence in relation to which it is issued.

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

Firearm import licence or export licence.

**24.** (1) A person shall not import into or export from Dominica any firearm or ammunition unless he is the holder of a firearm import licence or a firearm export licence.

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

(a) in the case of a prohibited weapon on -

(i) summary conviction to a fine of fifteen thousand dollars or to a term of imprisonment not exceeding ten years or to both,

(ii) conviction on indictment to a term of imprisonment not exceeding twenty years,

(b) in the case of a restricted weapon or restricted ammunition -

(i) on summary conviction to a term of imprisonment not exceeding seven years,

(ii) on conviction on indictment to a term of imprisonment not exceeding fifteen years,

(c) in any other case -

(i) on summary conviction to a fine not exceeding



---

fifteen thousand dollars or to a term of imprisonment not exceeding seven years or to both;

(ii) on conviction on indictment to a term of imprisonment not exceeding fifteen years.

(3) In accordance with section 7 -

(a) a person who wishes to import or export a firearm or ammunition may apply to the appropriate authority for a firearm import or export licence; and

(b) the appropriate authority may, subject to this Act grant an import or export licence.

(4) The holder of a firearm import or export licence who contravenes any conditions subject to which the licence is granted commits an offence and is liable to a fine not exceeding fifteen thousand dollars or to both.

## PART V

### PROHIBITIONS IN RESPECT OF FIREARMS AND AMMUNITION

**25.** (1) A person shall not carry a firearm or ammunition in a public place unless he has a licence, or certificate granted by the appropriate authority authorizing him to do so.

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

(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 subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine not exceeding fifteen thousand dollars or to a term of imprisonment not exceeding five years or to both.

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

Prohibition against discharging firearm in public.

**26.** (1) A person shall not discharge a firearm or ammunition within fifty 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 another person;

(b) under the direction of a civil or military authority authorized to give the direction;

(c) with the permission of the appropriate authority.

(2) A person shall not discharge a firearm or ammunition within fifty 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 person or property or the person or property or another person;

(b) under the direction of a civil or military authority authorized to give the direction;

(c) with the permission of the appropriate authority.

(3) A person who contravenes this section commits an offence and the burden of proof that the discharge of the firearm was lawful lies on the person making that assertion.

(4) Where a police officer has reasonable grounds to believe that there has been a contravention of subsection (1), the

---

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

**27.** (1) A person shall not have in his 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.

Possession of firearm with intent to injure.

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

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

**28.** (1) A person shall not use a firearm or imitation firearm –

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

- (a) with the intention to commit an offence or aid in the commission of an offence; or
- (b) to resist arrest or to attempt to prevent his 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 not exceeding twenty-five thousand dollars to a term of

imprisonment not exceeding ten years or to both;  
or

- (b) on conviction on indictment to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding twenty years or to both,

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 offence of resisting arrest or attempting to prevent the lawful arrest of himself or herself or any other person.

Converting firearm.

**29.** (1) Subject to subsection (2), a person other than a firearm dealer shall not –

- (a) alter a firearm;  
(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 on summary conviction to a term of imprisonment not exceeding ten years and on conviction on indictment to imprisonment for a term of not less than twenty years.

Restriction on sale of firearm

**30.** (1) A person shall not -

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

(b) expose for sale, transfer or have in his possession for any of the purposes in paragraph (a) any firearm or ammunition; or

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

unless he is a firearm dealer.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding twenty thousand dollars or to a term of imprisonment not exceeding seven years or to both.

**31.** (1) A firearm dealer shall not sell a firearm or ammunition to any person unless at the time of the sale the person purchasing is the holder of and produces a valid licence.

Restriction of sale of ammunition.

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

**32.** (1) Subject to subsection (2), a minor shall not purchase, possess or in any way acquire any firearm or ammunition.

Prohibition against acquisition etc., by a minor

(2) A person between the ages of fifteen and eighteen years may be in possession of firearm or ammunition for purposes of target shooting on a range operated by a shooting club.

**33.** (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 minor.

Prohibition against supplying firearms to minors.

(2) Subsection (1) does not apply to a shooting club in relation to persons between the ages of fifteen and eighteen.

(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 that belief.

Travellers to declare.

**34.** (1) A person who disembarks in Dominica having a firearm or ammunition in his possession or under his control shall declare it to the appropriate officer of Customs in the prescribed form.

(2) A person who is about to board an aircraft or vessel destined to leave Dominica shall, whether or not required to do so by a Customs Officer, declare to the appropriate officer of customs whether he has and, if so, what firearms and ammunitions are in his possession or under his control.

(3) A person who fails to comply with subsection (1) or (2) or makes any false statement in a declaration under subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to a term of imprisonment not exceeding two years or to both.

Travellers in possession of firearm.

**35.** (1) Any person who disembarks in Dominica and who declares under section 34 that he has in his possession or under his control any firearm or ammunition shall unless he is in possession of a firearm import licence -

(a) keep the firearm or ammunition in the vessel or aircraft in which he arrived in Dominica; or

(b) deliver the firearm or ammunition to an officer of Customs in a sealed packet to be dealt with in accordance with section 36.

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

---

**36.** (1) A customs officer who receives a firearm or ammunition under section 35 shall retain it in the sealed packet in which he received it until -

Custody of firearms or ammunition by officer of Customs.

- (a) the person from whom it was received produces a firearm import licence and a licence authorizing him to be in possession of the firearm or ammunition and pays the appropriate customs duty on the firearm or ammunition;
- (b) the person gives reasonable notice to the Comptroller specifying some port of disembarkation outside Dominica and the date, time and vessel of embarkation, in which event the sealed package shall be delivered to him immediately before he embarks; or
- (c) another person satisfies the Comptroller that the 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 to be in possession of the firearm or ammunition; and
  - (iii) pays the appropriate customs duty in respect of the 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 Dominica and the date, time and vessel of embarkation, in which event the sealed package shall be delivered to him as if he were the traveller from whom the firearm or ammunition was received.

(2) The Comptroller may dispose of a firearm or ammunition received pursuant to section 36, in circumstances and after the period of time which may be prescribed.

Territorial waters.

**37.** For the purpose of this Part a person does not import a firearm or ammunition into Dominica if the firearm or ammunition is in his possession or under his control -

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

unless he lands or attempts to land the firearm or ammunition in Dominica from the vessel or aircraft otherwise than for delivery to an officer of Customs under section 35.

## PART VI

### IMITATION FIREARMS

Interpretation.

**38.** (1) For the purposes of this Part –

“deactivated firearm” means an imitation firearm that consists of something which was a firearm but which has been rendered incapable of discharging a shot, bullet or other missile as no longer to be a firearm;

“realistic imitation firearm” means an imitation firearm which -

- (a) has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm; and
- (b) is not a deactivated firearm or an antique.



(2) For the purposes of this section, an imitation firearm is not, except by virtue of subsection (3)(b), to be regarded as distinguishable from a real firearm for any practical purpose if it could be distinguished only –

- (a) by an expert;
- (b) on close examination;
- (c) as a result of an attempt to load or fire it.

(3) In determining for the purposes of this section whether an imitation firearm is distinguishable from a real firearm –

- (a) the matters which shall be taken into account include any differences between the size, shape and principal colour of the imitation firearm and the size shape and colour in which the real firearm is manufactured; and
- (b) the imitation firearm is to be regarded as distinguishable if its size, shape or principal colour is unrealistic for a real firearm.

(4) The Minister may by regulations provide that, for the purposes of subsection (3)(b) -

- (a) the size of an imitation firearm is to be regarded as unrealistic for a real firearm if the imitation firearm has dimensions that are less than the dimensions specified in the regulations; and
- (b) a colour is to be regarded as unrealistic for a real firearm if it is a colour specified in the regulations.

**39.** (1) Subject to subsection (3) and section 40, a person shall not -

- (a) manufacture a realistic imitation firearm;
- (b) modify an imitation firearm so that it becomes a realistic imitation firearm;

Prohibition in relation to realistic imitation firearm.

- 
- (c) sell a realistic imitation firearm;
  - (d) bring a realistic imitation firearm into Dominica or cause a realistic imitation firearm to be brought into Dominica.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of three thousand dollars or to imprisonment for one year or to both

(3) The Minister may by Regulations -

- (a) provide for exceptions and exemptions from the offence under subsection (1); and
- (b) provide for it to be a defence in proceedings for the offence to show the matters specified in the regulations.

(4) Regulations made under subsection (3) may -

- (a) frame any exception, exemption or defence by reference to an approval or consent given in accordance with the regulations;
- (b) provide for approvals and consents to be given in relation to particular cases or in relation to descriptions of cases as may be specified in the regulations; and
- (c) confer the function of giving approvals or consents to persons specified in the regulations as the Minister considers appropriate.

(5) Regulations made under subsection (3) are subject to negative resolution of the House of Assembly.

(6) A realistic imitation firearm imported into Dominica is liable to forfeiture under the Customs (Control and Management) Act or any act replacing.

---

**40.** (1) It is a defence for a person charged with an offence under section 39 in respect of any conduct to show that the conduct was for the purpose only of making the imitation firearm in question available for one or more of the following purposes -

Defences to section 39 offence.

- (a) the purposes of a museum or gallery;
- (b) the purposes of theatrical performances and of rehearsals for the performance;
- (c) the production of films;
- (d) the production of television programmes;
- (e) the organization and holding of historical reenactments organized and held by persons specified or described for the purposes of this section by regulations made by the Minister;
- (f) the purposes of functions that a person has in his capacity as a person in the service of the State.

(2) For the purposes of this section a person shall be taken to have shown a matter specified in subsection (1) if -

- (a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and
- (b) the contrary is not proved beyond a reasonable doubt.

(3) Regulations made under this section are subject to negative resolution of the House of Assembly.

(4) In this section -

- (a) “historical re-enactment” means any presentation or purpose of reenacting an event from the past or of illustrating conduct from a particular time or period in the past;

---

(b) “museum or gallery” includes any institution which-

- (i) has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest; and
- (ii) gives the public access to it.

## PART VII

### POWERS OF POLICE OFFICERS IN CONNECTION WITH FIREARMS AND AMMUNITION

Power of Commissioner to store firearms and ammunition.

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

(2) Where any firearm or ammunition has been stored under this section for two years without the express permission of the Commissioner the firearm or ammunition is deemed to be abandoned and may be disposed of in the manner in which the Commissioner may direct.

Powers of seizure and arrest.

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

(2) A person to whom a request is made pursuant to subsection (1) shall produce his licence and 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 legal proceedings brought against the person are concluded.

---

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

(5) Where a request is made of a person pursuant to subsection (2), the police officer may require that person to give his name and address and he may arrest without a warrant any person who refuses to give his name and address or whom he 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 a request made pursuant to subsection (6).

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

**43.** (1) A police officer may enter the premises of a person carrying on business as a firearms dealer and may demand the production of any books or documents relating to dealings in firearms and to inspect any stock of firearms.

Power of search.

(2) Where a police officer suspects that a person has concealed a firearm or ammunition on his person, he may require the person to produce the firearm or ammunition and, unless the person is exempted under section 6, a valid licence.

(3) If a Magistrate, or where a Magistrate is not available, a Justice of the Peace is satisfied by information on oath that there is reasonable ground for suspecting that -

(a) a firearm, in contravention of this Act or any Regulations made under this Act, is in the

---

possession of any person on any premises or in any place; or

- (b) a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence under this Act, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside Dominica an offence against a corresponding law in force in law in that place, is in the possession of a person on any premises or in any place,

he may issue a warrant authorizing any police officer at any time or times within one month from the date of the issue of warrant to enter, if need be by force, the premises or place named in the warrant, and to search the premises or place and any persons found therein.

(4) Where on the conduct of a search under subsection (3) a police officer finds reasonable grounds for suspecting that an offence under this Act has been committed in relation to any firearm or ammunition found on the premises or place or in the possession of any such persons, or that a document so found is a document mentioned in paragraph (b), he may seize and detain the firearm or ammunition or that document, as the case may be.

(5) A person commits an offence if he -

- (a) intentionally obstructs a police officer in the exercise of his powers under this section;
- (b) conceals from a police officer acting in the exercise of his powers under subsection (1) any books, documents, stocks or drugs mentioned in that subsection;
- (c) without reasonable excuse fails to produce any books or documents mentioned in subsection (1)

---

where their production is demanded by a police officer in the exercise of his powers under that subsection; or

- (d) fails to comply with a request made under subsection (2) and the police officer may, subject to subsection (6), search him, seize and retain the firearm or ammunition until legal proceedings against that person are concluded.

(6) Section 42(4) applies to this section.

(7) A female shall not be searched under this section except by a female police officer.

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

Power to stop and search 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 person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both.

Search warrant.

**45.** (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 may grant a search warrant authorizing any police officer named in the warrant to -

- (a) 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) seize any firearm or ammunition which he may find on the premises, in the place or on any person.

(2) A police officer authorized 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 authorized under subsection (1) 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.

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

(5) A person who contravenes subsection (4) commits an offence and is liable on conviction to a fine not exceeding fifteen thousand dollars or to a term of imprisonment not exceeding two years or to both.

## PART VIII MISCELLANEOUS

Certification.

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



---

(2) 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.

(3) A training programme pursuant to subsection (2) shall be for the duration and shall be held during times determined by the designated institution in consultation with the appropriate authority.

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

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

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

**47.** (1) The holder of a firearm user licence, sporting firearm licence or estate gun licence, who is about to leave Dominica and is not taking the firearm or ammunition specified in that firearm user licence, sporting firearm licence, or estate gun licence with him shall -

Custody of firearm.

- (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 the rate as may be prescribed, shall be levied, and if the fee is not paid at the end of six months, the firearm or ammunition is forfeited to the Government.

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

Slaughtering  
instruments

**48.** 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 or permit under this Act.

Forfeiture order

**49.** (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 13 revoke any licence held by that person.

**50.** Where any firearm or ammunition is carried in parts by two or more persons, each of the persons is deemed to be carrying a firearm or ammunition.

Carrying firearm or ammunition in parts.

**51.** (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 the proceedings.

Ballistics certificate.

(2) Notwithstanding 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 ten clear days written notice of its intention together with a copy of the certificate.

(3) A party may, within seven 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 three 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*.

**52.** (1) Notwithstanding any provision to the contrary in the Criminal Law and Procedure Act or in any other enactment

Compulsory imprisonment Chap. 12:01.

---

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 involving a quantity in excess of 500 grams;
- (d) rape or unlawful carnal knowledge;

shall on conviction be sentenced to a term of imprisonment of not less than fifteen years.

(2) Notwithstanding any provision to the contrary in the Criminal Law and Procedure Act 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 shall, on conviction for the subsequent offence, be sentenced to a term of imprisonment of not less than twenty years.

(3) Notwithstanding any provision to the contrary in the Criminal Law and Procedure Act 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 shall on conviction be sentenced to a term of imprisonment of not less than ten years.

(4) Notwithstanding any provision to the contrary in the Criminal Law and Procedure Act 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 President;
- (b) the Prime Minister;

- 
- (c) the Speaker or Deputy Speaker of the House of Assembly;
  - (d) a Minister of Government;
  - (e) a member of Parliament who is not mentioned in paragraph (a), (b) or (c);
  - (f) a Clergyman, Priest, Pastor, Reverend or any religious leader of a recognised church;
  - (g) a Judge, Master or Magistrate;
  - (h) a police officer engaged in the performance of his duties;
  - (i) a public officer engaged in the performance of his duties,

shall on conviction be sentenced to a term of imprisonment of not less than fifteen years.

**53.** (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.

Power to order surrender of firearms.

(2) A person in possession or control of a firearm or of ammunition shall surrender the firearm or ammunition in accordance with the Order made pursuant to 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 the surrender shall be stored by the Commissioner in accordance with section 41.

Duty to report loss etc.

**54.** (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.

Inquiry by appropriate authority.

**55.** (1) Upon receipt of a true extract of a register pursuant to section 19, 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 the purchase or purchases is or are reasonable or justifiable taking into 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 section 12 applies with the necessary modification;
- (b) revoke the holders licence and section 13 applies with the necessary modifications.

---

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

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

(4) A person who fails to comply with this section commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding two years or to both.

**56.** (1) A person who does not hold 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.

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

(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 satisfy before a request is granted.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars or to a term of imprisonment not exceeding five years or to both.

**57.** A person convicted of an offence under this Act for which no penalty is prescribed shall be liable to fine not exceeding five thousand dollars or to a term of imprisonment not exceeding one year or to both.

General penalty provision.

Amnesty orders.

**58.** (1) The Minister may make regulations ordering that any person who is in possession of a firearm of ammunition and is not the holder of a licence in respect of the firearm and ammunition is not liable to be prosecuted for the contravention of the provisions of this Act by reason only of his possession of the firearm and ammunition if he surrenders the firearm and ammunition to the police officer in charge at a police station in Dominica within 14 days after the date of the commencement of the regulation.

(2) The owner of a firearm or ammunition which on the appointed day is in the possession of the police and in respect of which there is not firearm licence is liable to pay a storage fee in a sum or at a rate prescribed and, if the fee is not paid within a period of 6 months after the appointed day, the firearm and ammunition are forfeited to the State.

(3) In this section “the appointed day” means the date on which the 14 days referred to in subsection (1) ends.

Regulations.

**59.** 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 7(5)(a)(i);
- (c) prescribing the requirements to be satisfied in respect of a place where firearms or ammunition are to be stored or kept before the place may be approved by the Commissioner as a place of safety for the purposes of this Act and for the manner in which the place is to be secured;
- (d) prescribing fees for the grant or renewal of licences or permits;
- (e) prescribing fees for endorsements under sections 17 and 18;



- 
- (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 hand grenades manufactured for the purpose of extinguishing fires, and the application of this Act in relation to the bombs and hand grenades;
  - (h) regulating -
    - (i) the establishment and operation of shooting clubs and shooting ranges;
    - (ii) the activities that may be carried on at shooting clubs and shooting ranges;
    - (iii) the possession and use of firearms at shooting clubs and shooting ranges; and
    - (iv) the keeping and destruction of records in relation to shooting clubs and shooting ranges and members of those clubs and ranges;
  - (i) prescribing the standard for shooting ranges;
  - (j) prescribing anything which, by this Act, is permitted or required to be prescribed;
  - (k) relating to imitation firearms;
  - (l) generally for carrying this Act into effect;
  - (m) regulating the use and possession of firearms by persons engaged in the business of providing security and guarding services;
  - (n) respecting air weapons;
  - (o) respecting inspection of firearms;

---

(p) respecting renewal of licences;

(q) generally for carrying this Act into effect.

(2) Regulations made under subsection (1) may create offences for the contravention or failure to comply with any regulation made under this section.

(3) An offence created under subsection (2) may be punishable by a fine not exceeding [ten thousand dollars] and [twelve] months imprisonment.

Savings and transitional  
Chap. 15:31.

**60.** (1) A licence issued under the former Act which is valid immediately before the commencement of this Act is deemed to be a valid licence for the purposes of this Act for the period for which the licence was issued or a period prescribed by the appropriate authority whichever is earlier.

(2) Every application for a licence under the former Act that was pending on the commencement day shall be dealt with and disposed of under and in accordance with the former Act.

Repeal. Chap. 15:31

**61.** The Firearms Act is repealed.

Passed in the House of Assembly this 17<sup>th</sup> day of March, 2011.

**DOREEN FABIEN (Mrs.)**  
*Clerk of the House of Assembly (Ag.)*

**DOMINICA**

Printed by the Government Printer at the Government Printery, Roseau

(Price \$11.60)