

THE OFFICIAL GAZETTE 4TH MAY, 2007 LEGAL SUPPLEMENT – C

BILL No. 14 of 2007

Friday 4th May, 2007

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

4th May, 2007.

The following Bill which will be introduced in the National Assembly is published for general information.

S. E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL No. 14 of 2007

FIREARMS (AMENDMENT) BILL 2007

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 16 of the Principal Act.
3. Amendment of section 32 of the Principal Act.
4. Amendment of section 38 (1) of the Principal Act.
5. Amendment of section 39 of the Principal Act.
6. Amendment of section 44 of the Principal Act.
7. Insertion of new section 44A in the Principal Act.

**A BILL
Intituled**

AN ACT to amend the Firearms Act.

A.D.2007

Enacted by the Parliament of Guyana:-

Short title.
Cap.16:05

1. This Act, which amends the Firearms Act, may be cited as the Firearms (Amendment) Act 2007.

Amendment of
section 16 of the
Principal Act.

2. Section 16 of the Principal Act is amended by the substitution for subsections (2) and (3) of the following subsections as subsections (2) and (3)-

“(2) Subject to this Act, if any person purchases, acquires or has in his possession any firearm or ammunition to which this Part applies without holding a firearm licence in force at the time, or otherwise than as authorised by such a licence, or, in case of ammunition, in quantities in excess of those so authorised, he shall be liable -

(a) on summary conviction, to a fine of not less than fifty thousand dollars nor more than one thousand dollars together with imprisonment for not less than two years nor more than five years; and

(b) on conviction on indictment, to a fine of not less than one hundred and fifty thousand dollars nor more than five thousand dollars together with imprisonment for ten years.

(3) If any person fails to comply with any condition subject to which a firearm licence is held by him, he shall, subject to this Act, be liable, on summary conviction, to a fine of not less than fifty thousand dollars nor more than one hundred thousand dollars together with imprisonment for not less than one year nor more than three years.”.

Amendment of
section 32 of the
Principal Act.

3. Section 32 of the Principal Act is amended by the substitution for subsection (2) of the following subsection as subsection (2) -

“(2) If any person contravenes subsection (1), he shall be liable-

(a) on summary conviction, to a fine of not less than fifty thousand dollars nor more than one hundred thousand dollars together with imprisonment for not less than three

years nor more than six years; and
(b) on conviction on indictment, to imprisonment for not less than ten years nor more than fifteen years.”

Amendment of section 38(1) of the Principal Act.

4. Section 38(1) of the Principal Act is amended by the substitution for the words “on indictment to imprisonment for fourteen years and to whipping or flogging” of the words “on indictment to a fine of not less than fifty thousand dollars nor more than one hundred thousand dollars together with imprisonment for not less than five years nor more than sixteen years”.

Amendment of section 39 of the Principal Act.

5. Section 39 of the Principal Act is amended by the substitution for subsection (4) of the following subsection as subsection (4) -

“(4) If any person contravenes any of the foregoing provisions of this section, he shall for each offence be liable -

- (a) on summary conviction, to a fine of not less than fifty thousand dollars nor more than one hundred thousand dollars together with imprisonment for not less than three years nor more than five years; and
- (b) on conviction on indictment, to a fine of not less than one hundred and fifty thousand dollars nor more than five hundred thousand dollars together with imprisonment for not less than five years nor more than fifteen years.”

Amendment of section 44 of the Principal Act.

6. Section 44 of the Principal Act is amended by the substitution for the words “five thousand dollars and to imprisonment for three years”, of the words “three hundred thousand dollars and to imprisonment for five years”.

Insertion of new section 44A in the Principal Act.

7. The Principal Act is amended by the insertion after section 44 of the following section as section 44A-

“Bail not to be granted in certain cases.

44A. No person arrested for any offence under section 16, section 37 or section 38 shall be admitted to bail, unless the prosecution has had an opportunity to intervene and unless there are special reasons for admitting the person to bail which shall be recorded in writing and the trial shall be within reasonable time.”

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Firearms Act (Cap 16:05).

Clause 1 of the Bill sets out the short title.

Clause 2 seeks to amend section 16 of the Principal Act so as to make the punishment more stringent by enhancing the penalties for purchase or acquisition or possession of any fire arm or ammunition without licence or in violation of a licence.

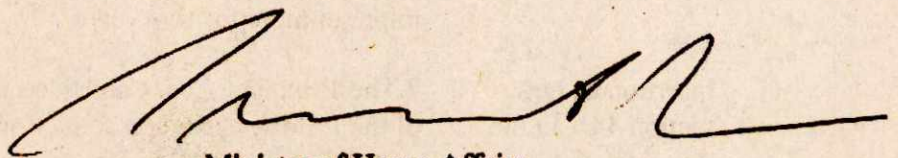
Clause 3 seeks to amend section 32 (2) of the Principal Act so as to enhance the penalties for unlawful manufacture, sale, transfer, purchase, acquisition or possession of prohibited weapons and ammunition.

Clause 4 seeks to amend section 38(1) of the Principal Act so as to enhance the penalties for use and possession of firearm or imitation firearms in certain cases.

Clause 5 seeks to amend section 39 (4) of the Principal Act so as to enhance the penalties for shortening the barrel of a smooth-bore gun or possessing such a gun or conversion of a firearm, removal or defacing any distinguishing mark, etc., upon a firearm.

Clause 6 seeks to amend section 44 of the Principal Act so as to enhance the general penalties provided in the Act.

Clause 7 seeks to insert a new section 44A in the Principal Act so as to provide that bail is not to be granted in certain cases. It is proposed to provide that no person arrested for an offence under sections 16, 37 or 38 of the Principal Act shall be admitted to bail unless the prosecution has had an opportunity to intervene.



Minister of Home Affairs.