

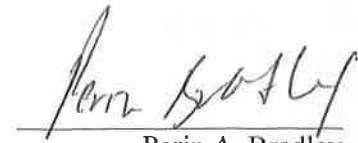


ANGUILLA

## **FIREARMS (AMENDMENT) ACT, 2024**

Published by Authority

I Assent

Perin A. Bradley  
Governor (Acting)  
Date

ANGUILLA

NO. 5/2024

**FIREARMS (AMENDMENT) ACT, 2024**[Gazette Dated: 12<sup>th</sup> February, 2024] [Commencement: Assent under section 57 of the Constitution]

An Act to amend the Firearms Act to provide for the imposition of a minimum term for specified firearms offences.

ENACTED by the Legislature of Anguilla

**PRELIMINARY****Interpretation**

1. In this Act—

“the principal Act” means the Firearms Act.

**Insertion of section 49A**

2. The principal Act is amended by inserting the following new section after section 49—

**“Minimum sentence for firearms related offences**

**49A** (1) This section applies where—

(a) a person is convicted of an offence under section—

(i) 10(3) to (6),

(ii) 11,

(iii) 20,

- (iv) 21,
- (v) 22, or
- (vi) 23

of this Act; and

- (b) the offence was committed after the commencement of this section and at a time when the individual was 14 years or over.

(2) Where a person commits an offence referred to in subsection (1) the court shall impose a custodial sentence for a term of at least the required minimum term (with or without a fine) in accordance with this section.

(3) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it shall be taken for the purposes of this section to have been committed on the last of those days.

(4) In this section “the required minimum term” for an offence committed under sections 10 (3) to (6), 20, 21, 22, 23, shall be as follows—

- (a) in the case of an offender who was aged 18 or over when he committed the offence—
  - (i) 3 years when tried summarily, and
  - (ii) 7 years when tried by indictment,
- (b) in the case of an offender who was between 14 and 17 years at that time when he committed the offence—
  - (i) 6 months when tried summarily, and
  - (ii) 1 year when tried by indictment.

(5) For an offence committed under section 11 the required minimum term shall be as follows—

- (a) in the case of an offender who was aged 18 or over when he committed the offence 1 year, and
- (b) in the case of an offender who was between 14 and 17 at that time, when he committed the offence, 6 months.

(6) Where a person is convicted of an offence—

- (a) under section 23 the court shall impose a custodial sentence for a term of at least the required minimum term (with or without a fine); and
- (b) under sections 10 (3) to (6), 11, 20, 21, 22, the court shall impose a custodial sentence for a term of at least the required minimum term (with or without a fine) unless the court is of the opinion that

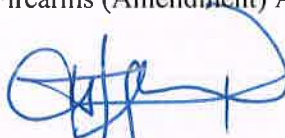
there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(7) Where a person who is 18 years or older commits an offence under sections 10 (3) to (6), 11, 20, 21 or 22 and such person has no previous convictions, the court may determine that the mandatory sentence specified in subsections (4) and (5) of this section shall not be imposed and the court shall impose an appropriate sentence in accordance with the aforementioned sections.

(8) Where an offender who is between the ages of 14 and 18 years commits an offence under sections 10 (3) to (6), 11, 20, 21 or 22 and such person has no previous convictions, no minimum sentence specified in subsections (4) and (5) shall be imposed and the court shall impose an appropriate sentence in accordance with section 67(2) and Part 8 of the Child Justice Act.”.

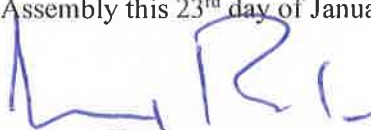
### Citation

3. This Act shall be cited as the Firearms (Amendment) Act, 2024.



Barbara Webster-Bourne  
*Speaker*

Passed by the House of Assembly this 23<sup>rd</sup> day of January, 2024.



Lenox J. Proctor  
*Clerk of the House of Assembly*

**OBJECTS AND REASONS**

*(The objects and reasons do not form part of the Bill)*

This Bill amends the Firearms Act to provide for the imposition of a minimum term of imprisonment for specified firearms offences. Where an adult has been charged with an offence for possession of a firearm and such person is a first time offender, the mandatory term of imprisonment would not be imposed. For an offence relating to discharging of firearms, the minimum term of imprisonment will be imposed whether or not the person charged is a first time offender. In relation to persons who are under 18 years, minimum terms of imprisonment will not be imposed if the said person is a first time offender.