



No. 6 of 2008

I assent,

(SIR COLVILLE N. YOUNG)
Governor - General

2nd June, 2008.

AN ACT to amend the Firearms Act, Chapter 143 of the Laws of Belize, Revised Edition 2000 - 2003, to strengthen the law against possession of unlicensed firearms and ammunition; and to provide for matters connected therewith or incidental thereto.

(Gazetted 7th June, 2008.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows :-

1. This Act may be cited as the

Short title.

FIREARMS (AMENDMENT) ACT, 2008,

CAP. 143
Act No. 36/02
26/03
3/07

and shall be read and construed as one with the Firearms Act, which, as amended, is hereinafter referred to as the principal Act.

Addition of new
section 6A.

2. The principal Act is hereby amended by the addition of the following new section immediately after section 6:-

“Evidence of joint
possession.

6A. (1) Where any firearm or ammunition is found in or on any premises owned or occupied by more than one person, such firearm or ammunition shall be deemed to be in the joint possession of all such persons and it shall be for the said person or persons to adduce evidence to show that it was there without his or their knowledge or consent.

(2) Where any firearm or ammunition is seen being thrown out of a vehicle, such firearm or ammunition shall be deemed to be in the joint possession of all persons who were in the vehicle at the material time and it shall be for such person or persons to adduce evidence to show that it was there without his or their knowledge or consent.

(3) Where any firearm or ammunition is seen being thrown away from a motor cycle or bicycle, such firearm or ammunition shall be deemed to be in the possession or joint possession of the person or persons riding the motor cycle or bicycle at the material time, as the case may be, and it shall be for such person or persons to adduce evidence to show that it was there without his or their knowledge or consent.”

3. Section 32 of the principal Act is hereby amended by repealing subsections (1), (2), (3), (4), (4:01) and (4:02) and by replacing them by the following -

Amendment
of section 32.

“(1) A person who commits an offence under this Act shall, unless otherwise specially provided, be sentenced to imprisonment on summary conviction as follows:—

General
penalty.

(a) for a first offence, to imprisonment for a term which shall not be less than two years but which may extend to five years;

(b) for a second or subsequent offence, to imprisonment for a term which shall not be less than three years but which may extend to seven years.

(2) Notwithstanding subsection (1), the Director of Public Prosecutions shall have a discretion to determine whether an offence under this Act shall be prosecuted summarily or on indictment.

(3) Where the Director of Public Prosecutions determines under subsection (2) that an offence under this Act shall be prosecuted on indictment, any person convicted of such an offence shall, unless otherwise specially provided, be sentenced to imprisonment as follows:—

(a) **for a first offence**, to imprisonment for a term which shall not be less than three years but which may extend to seven years;

(b) **for a second or subsequent offence**, to imprisonment for a term which shall not be less than five years but which may extend to ten years.

(4) Where it is shown to the satisfaction of the court that the convicted person was the holder of a valid firearms licence three months before the commission of the offence but the same had expired and was not renewed due to inadvertence, the court may, instead of imposing the penalties specified in subsection (1) or (3), impose a fine of not less than five thousand dollars and not more than ten thousand dollars, and in default of payment of such fine, a term of imprisonment of not less than two years and not more than five years."

Addition of
new section
32A.

4. The principal Act is hereby amended by the addition of the following new section immediately after section 32:-

"Sentences to run
consecutively.

(32A). Where a court imposes a term of imprisonment for an offence under this Act, the court shall order that such term shall run **consecutively** to any other term of imprisonment which the convicted person may be undergoing for a previous offence or which may be

imposed on him thereafter for any other offence, whether under this Act or any other law.”

5. Section 35 of the principal Act is hereby amended as follows: -

Amendment
of section 35.

(i) in subsection (1), by inserting the words “**or other equipment or material**” immediately after the word “ammunition” occurring therein;

(ii) in subsection (3), by deleting the words “shall be liable” occurring in the opening sentence and by substituting therefor the words “**shall be sentenced to imprisonment as follows:-**”