

# ABILL

## ENTITLED

AN ACT to Amend the Firearms Act.

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BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Firearms (Amendment) Act, 2016, and shall be read and construed as one with the Firearms Act (hereinafter referred to as the “principal Act”) and all amendments thereto.

Short title  
and  
construction.

2. Section 29 of the principal Act is amended by deleting subsection (7).

Amendment  
of section 29  
of principal  
Act.

Amendment  
of Third  
Schedule to  
principal Act.

3. The Third Schedule to the principal Act is amended—

- (a) by deleting paragraph 12 and substituting therefor the following—

“ Staff of  
Authority.

12.—(1) Subject to sub-paragraph (3), and for the due administration of the Authority, the Board may, with the prior written approval of the Minister, appoint a Chief Executive Officer of the Authority, at such remuneration and on such terms and conditions as the Board thinks fit.

(2) The Chief Executive Officer of the Authority shall be responsible for the day-to-day management of the affairs of the Authority and—

- (a) shall have supervision over and direction of the work and staff of the Authority; and
- (b) subject to sub-paragraph (3), may appoint and employ at such remuneration and on such terms and conditions as he thinks fit, such officers and employees as may be necessary for the efficient operation of the Authority.

(3) Except with the prior written approval of the Minister with

responsibility for the Public Service, after consultation with the Minister—

- (a) no salary in excess of the prescribed rate shall be assigned to any post; and
- (b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned,

and, for the purposes of this sub-paragraph, the “prescribed rate” shall be eight million dollars or such other rate as the Minister with responsibility for the Public Service, after consultation with the Minister, may prescribe by order.”; and

- (b) in paragraph 14, by deleting sub-paragraph (4) and substituting therefor the following as sub-paragraphs (4) and (4 A)—

“ (4) For the purposes of this paragraph, “financial year” means the period of twelve months ending on the 31st day of March in each year.

(4A) Notwithstanding the provisions of sub-paragraph (4), the period immediately after the financial year ending on the 31st day of August, 2015, being seven months from September 1, 2015 to March 31, 2016, shall be treated as the financial year next following.”.

Passed in the House of Representatives this 8th day of December, 2015.

MICHAEL A. PEART  
*Speaker.*

Passed in the Senate this 15th day of January, 2016 with one (1) amendment.

ANGELA BROWN-BURKE  
*Deputy President.*

## MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Firearms Act, by—

- (a) deleting section 29(7) so as to remove the requirement for the Firearm Licensing Authority (the Authority) to refund the fees paid for applications for licences and certificates where such applications are refused;
- (b) amending paragraph 14(4) of the Third Schedule to allow for a change of the financial year of the Authority from the period of twelve months ending on the 31st day of August in each year to the period of twelve months ending on the 31st day of March in each year; and
- (c) amending the Third Schedule to empower the Board of the Authority, upon written approval from the Minister, to appoint a Chief Executive Officer of the Authority and to provide for the appointment of staff of the Authority by the Chief Executive Officer, in accordance with the provisions of the Public Service Regulations, 1961.

PETER BUNTING, MP  
Minister of National Security



**A BILL**

**ENTITLED**

**AN ACT to Amend the Firearms Act.**

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As passed in the Honourable House of Representatives.

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As passed in the Honourable Senate.

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PARAGRAPH 12 OF THE THIRD SCHEDULE  
OF THE PRINCIPAL ACT WHICH IT IS PROPOSED  
TO AMEND

1. The Authority shall consist of the following persons—
- (a) a person who has retired from the post of—
    - (i) Director of Public Prosecutions; or
    - (ii) Senior Civil Servant;
  - (b) a retired Judge of the Court of Appeal or the Supreme Court;
  - (c) a retired Police Officer not below the rank of Senior Superintendent at the time of retirement; and
  - (d) two other persons who the Minister is satisfied are of high integrity and able to exercise sound judgment in fulfilling their responsibilities under this Act.

... ..

12. For the due administration of the Authority, the Governor-General shall appoint—

- (a) a Secretary or Chief Executive Officer, as the case may be, who shall be responsible for the day-to-day administration of the Authority; and
- (b) such other officers and agents as may be necessary for the efficient operation of the Authority.

PARAGRAPH 14 (4) OF THE THIRD SCHEDULE  
OF THE PRINCIPAL ACT WHICH IT IS PROPOSED  
TO AMEND

14.—(1) The Authority shall, within four months after the end of each financial year, or within such longer period as the Minister may in special circumstances approve, cause to be made and shall transmit to the Minister a report dealing generally with the activities of the Authority during the preceding financial year.

... ..

(4) For the purposes of this paragraph, “financial year” means the period of twelve months ending on the 31st day of August in each year.

SECTION 29 OF THE PRINCIPAL ACT  
WHICH IT IS PROPOSED TO AMEND

29.—(1) Subject to this section and to sections 28 and 37, the grant of any licence, certificate or permit shall be in the discretion of the Authority.

... ..

(7) Where the application for a licence or certificate is refused, the applicant may on the presentation of a certificate to that effect from the Authority, obtain from the Collector of Taxes a refund of the duty paid in respect of that application.