

No. of 2004

Law Revision (Miscellaneous)
(Amendments) Act, 2004

1 ANTIGUA
AND
BARBUDA

ANTIGUA AND BARBUDA

No. of 2004

BILL FOR

AN ACT to amend the provisions of certain Acts of Parliament.

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ENACTED by the Parliament of Antigua and Barbuda as follows —

1. This Act may be cited as the Law Revision (Miscellaneous Amendments) Act, 2004. Short title.

2. The Firearms Act is amended —

Amendment of
Firearms Act Cap.
171.

(a) in section 2(1) by the insertion of the following definition:

“Firearms Licensing Committee” means the Committee established by section 15A.

(b) by the insertion, in Part II immediately before section 16, of the following:

“Firearms
Licensing
Committee.

15.A(1) There is hereby established a
Firearms Licensing Committee (in this Act
referred to as “the Committee”) which shall
consist of —

- (a) the Commissioner of Police or, in his
absence, the Deputy Commissioner of
Police, who shall be the chairman;
- (b) the Commander of the Antigua and
Barbuda Defence Force or, in his
absence, an officer of the Defence
Force, not below the rank of captain,
authorised by the Commander; and
- (c) one other person appointed by the
National Security Council established
by Cap. 132 of the Defence Act.

(2) The functions of the Committee
shall be—

- (a) to consider applications for licences,
certificates and permits under this Act
and where appropriate, to grant or
revoke such licences, certificates and
permits; and
- (b) to perform such other functions as the
Committee is authorised, by or under
this Act to perform.

(c) in sections 17, 18, 19, 20, 21, 22 and 23 by the
deletion of all references to the Commissioner of Police and
the substitution of references to the Firearms Licensing
Committee.

Amendment of the
Police Act
Cap. 330

3. Section 28 of the Police Act is repealed and the following
substituted:

“No bail to be granted in certain cases.

28.(1) Nothing contained in section 26 or 27 shall be construed as authorising a police officer to take bail for any person charged with any of the following offences:

- (a) high treason, misprison of treason and treasonable felony;
- (b) murder or attempted murder;
- (c) robbery or robbery with aggravation involving the use of a firearm;
- (d) an offence involving the possession or use of an offensive weapon;
- (e) unlawful possession of a firearm or ammunition or unlawful use of a firearm, contrary to any provision of the Firearms Act;
- (f) contravention of any condition attached to a licence, certificate or permit granted under the Firearms Act;
- (g) unlawful importation of firearms contrary to the provisions of the Firearms Act or any other law;
- (h) rape or incest under the Sexual Offences Act;
- (i) sexual intercourse with a female under sixteen years of age, or with an adopted minor, a minor employee or a mentally subnormal person, contrary to the Sexual Offences Act, 1995.

Cap. 171

Cap. 171

No. 9 of 1995.

No. 9 of 1995.

(2) In paragraph (d) of subsection (1), “offensive weapon” includes any article made or adapted for or capable of causing bodily harm or damage to property and

intended by the person having it with him for that use by him.”

Amendment of
the Sexual
Offences Act.
No. 9 of 1995.

4. Section 30 of the Sexual Offences Act, 1995 is repealed.

Amendment of
the Small
Charges Act
Cap. 405.

5. The Small Charges Act is amended as follows —

- (a) in sections 9, delete “five hundred” and “one month” and substitute therefor “two thousand” and “three months”;
- (b) in section 12, delete “five hundred” and “one month” and substitute “five thousand” and “six months”;
- (c) in section 13(1), delete “two thousand” and “six months” and substitute therefor “five thousand” and “twelve months”;
- (d) in subsection 18(5), delete “two hundred and fifty” and substitute “five thousand”;
- (e) in section 20, delete “one hundred” and substitute “two thousand or to imprisonment for a term not exceeding three months”;
- (f) in section 23(2), delete “five hundred” and “three months” and substitute “five thousand” and “six months”;
- (g) in sections 29, delete “five hundred” and “six months” and substitute “five thousand” and “twelve months”;
- (h) in section 33, delete “two thousand” and substitute “five thousand”;
- (i) in section 37, delete “not exceeding “five hundred

dollars” and substitute “not exceeding five thousand dollars or to imprisonment not exceeding twelve months”;

- (j) in section 38(1), delete “two thousand dollars” and insert “five thousand dollars or imprisonment for a term not exceeding twelve months”;
- (k) in section 38(2), delete “twelve months” and insert “two years”;
- (l) in section 46(1), insert after the word “conviction” the words “to a fine not exceeding five thousand or”;
- (m) in section 46(3), delete “two thousand” and “nine months” and substitute “five thousand and twelve months”;
- (n) in section 48, delete “two thousand” and “nine months” and substitute “five thousand” and “twelve months”;
- (o) in section 53, insert after the word “liable” the words “to a fine not exceeding three thousand and delete the words “three months” and insert “six months”;
- (p) in section 54, insert after the word “liable” wherever these occur the words “to a fine not exceeding three thousand or”;
- (q) in section 55, delete “two thousand” and “nine months” and substitute “five thousand” and twelve months”;
- (r) in section 56, insert after the word “liable” the words “to a fine not exceeding five thousand or”.

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AND
BARBUDA

Law Revision (Miscellaneous)
(Amendments) Act, 2004

No. of 2004

Passed the House of Representatives

Passed the Senate

this day of 2004

this day of 2004

Speaker

President

Clerk to the House of Representatives

Clerk to the Senate

EXPLANATORY MEMORANDUM

Clause 2 of the Bill seeks to amend the Firearms Act by establishing a Firearms Licensing Committee and setting out its functions, being the functions currently performed by the Commissioner of Police, in respect of the granting of licences, certificates and permits for firearms.

Clause 3 of the Bill seeks to amend the Police Act by setting out more clearly the offences in respect of which the Police may not grant bail and to increase the number of such offences.

Clause 4 of the Bill is intended to repeal section 30 of the Sexual Offences Act, 1995, the provisions of which section provide for committal proceedings and which are already contained in the Magistrate's Code of Procedure Act.

Clause 5 of the Bill seeks to increase the penalties in respect of the following specified offences under the Small Charges Act—

- (a) use of abusive, indecent, insulting or profane language;
- (b) possession of firearms without permit;
- (c) assault or beating of another person;
- (d) disorderly conduct at a lawful public meeting;
- (e) driving dangerously
- (f) drunk at a public place or a licensed premises or drunk while in charge of a motor vehicle;

- (g) harbouring thieves, providing a meeting place for thieves or permitting stolen goods to be kept on property;
- (h) causing malicious damage to real or personal property;
- (i) negligence of duty by a police officer under the Act or hindering or disturbing a police officer in the execution of his work;
- (j) obstructing a police officer in the execution of his work;
- (k) assault of a police officer;
- (l) receiving or being in possession of stolen property with the knowledge that they were stolen;
- (m) failure to give a satisfactory account of possession of suspected goods;
- (n) threatening or intimidating another person who is a witness or likely to be a witness in any proceedings;
- (o) vagrancy with burglars' tools or with arms etc. with intent to commit a felonious act;
- (p) vagrants assaulting a police officer;
- (q) using violence on another person or against property;
- (r) wounding.

Justin L. Simon Q.C.,
Attorney General and
Minister of Justice and
Legal Affairs

ANTIGUA AND BARBUDA

LAW REVISION (MISCELLANEOUS) (AMENDMENTS) ACT, 2004

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Amendment of Firearms Act, Cap. 171.
3. Amendment of the Police Act, Cap. 330.
4. Amendment of the Sexual Offences Act, (No. 9 of 1995).
5. Amendment of the Small Charges Act, Cap. 405.