

BELIZE:

FIREARMS (AMENDMENT) ACT, 2018

ARRANGEMENT OF SECTIONS

1. Short title.
2. Amendment of section 2.
3. Amendment of section 3.
4. Insertion of new sections 3A, 3B and 3C.
5. Insertion of section 4A.
6. Repeal and replacement of section 6.
7. Repeal and replacement of section 8.
8. Insertion of section 9A.
9. Amendment of section 10.
10. Repeal of section 18.
11. Amendment of section 20A.
12. Repeal and replacement of section 31A and insertion of sections 31B, 31C and 31D.
13. Repeal and replacement of the First Schedule.
14. Amendment of Third Schedule.

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No. 5 of 2018

I assent,

MR. CARLOS PERDOMO
Acting Governor-General

11th April, 2018

AN ACT to amend the Firearms Act, Chapter 143 of the Substantive Laws of Belize, Revised Edition 2011; to establish a framework for an heirloom firearm licence; to provide for facilitating the deposit of a firearm for safe keeping in a police station; to provide for new and updated fines and fees; and to provide for matters connected therewith or incidental thereto.

(Gazetted 12th April, 2018.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and 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, 2018.

CAP. 143.
24 of 2013.
18 of 2014.

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

Amendment of
section 2.

2. Section 2 of the principal Act is amended by—

(a) deleting the definitions of “ammunition” “carrier” and “firearm” and substituting therefor, respectively, the following definitions in the proper alphabetical order—

“ammunition” means the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm,

“authorized carrier” means a person who has been issued with an authorization under section 3B to transport and deliver a firearm or ammunition to an individual who holds a valid licence for the firearm or ammunition or to a gun dealer;

“firearm” means any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms and home-made firearms or their replicas; ”;

(b) inserting the following definitions in their proper alphabetical order -

“antique firearm” means a firearm that has been in the possession of any person for more than twenty years or that is more than twenty years old;

“gun repair licence” means a licence under this Act issued to a person who repairs, alters or tests firearms;

“heirloom firearm” means a firearm, other than a prohibited firearm, ownership of which has passed to a person by inheritance;

“possession” in relation to a firearm or ammunition is to be construed in accordance with section 6;

“prohibited firearm” means a firearm referred to in section 35 and described in the Third Schedule; ”;

(c) by deleting the words “a carrier”, “any carrier” and “the carrier” wherever they occur and substituting therefor respectively the words “an authorized carrier”, “any authorized carrier” and “the authorized carrier”.

3. Section 3 of the principal Act is amended –

Amendment of
section 3.

(a) by repealing subsections (1) to (4) and replacing them with the following subsections -

“ (1) Subject to section 3B, no person shall own, keep, carry, discharge or use any firearm or ammunition for any purpose, unless he is the holder of a valid licence for that purpose, issued under section 3A.

(2) An application that is approved by the Commissioner shall be subject to the relevant fee in the Table below.

TYPE OF GUN LICENCE	CITIZEN OF BELIZE, CARICOM NATIONAL, BELIZEAN OR CARICOM COMPANY	NON-BELIZEAN, NON-CARICOM NATIONAL, OR FOREIGN COMPANY
(a) Special Protection Licence	\$225.00	\$1500.00
(b) Gun Repair Licence	\$200.00	\$500.00
(c) Sport Hunter Licence	\$450.00	\$750.00
(d) Farmer Gun Licence	\$5.00	\$25.00
(e) Shooting Range	\$1,000.00	\$3,000.00
(f) Shooting Club	\$500.00	\$1,500.00
(g) Firearm Safety Instructor	\$500.00	\$1,500.00
(h) Heirloom Firearm Licence	\$300.00	\$600.00
	one-time fee not requiring renewal	
(i) Company Gun Licence		
Category A (up to 10 firearms)	\$4,000.00	\$10,000.00
Category B (11 to 20 firearms)	\$8,000.00	\$20,000.00
Category C (from 21 to 40 firearms)	\$16,000.00	\$40,000.00
Category D (from 41 to 60 firearms)	\$32,000.00	\$80,000.00

- (b) insubsection (5), by deleting paragraph (f) and substituting the following -

“(f) An applicant for a gun licence may, in his application, seek to include in the licence the names of one or more members of his household, as persons who may lawfully use the licenced firearm, and the Commissioner may, if satisfied that the other member is not disqualified from holding a gun licence, include the name of the other member in the licence, and the list of additional members may from time to time be amended by the Commissioner at the request of the holder of the licence;”

- (c) by inserting next after subsection (8) the following as subsections (9) and (10) -

- (9) In this section -

“CARICOM national” means a person who -

(a) is a citizen of a Member State;

(b) has a connection with a Member State of a kind which entitles that person to be regarded as belonging to or, if it be so expressed, as being a native or resident of such a Member State for the purposes of the laws thereof relating to immigration; or

“CARICOM Company” means a company or other legal entity constituted in a Member State in accordance with the laws thereof and which that Member State regards as belonging to it, provided that the company or other legal entity has been formed for gainful purposes and has its registered office and central administration, and carries

on substantial activity within the Caribbean Community and is substantially owned and effectively controlled by CARICOM Nationals;

“Member State” means a Member State of the Caribbean Community excluding an Associate Member within the meaning of Article 231 of the Revised Treaty;

“Revised Treaty” means the Revised Treaty of Chaguaramas Establishing the Caribbean Community, including the CARICOM Single Market and Economy, that was signed in The Bahamas on 5th July, 2001.

(10) For the purposes of this section

(a) a company is a Belizean company if it has been formed and registered under the Companies Act or formed under another enactment of Belize, and is not a foreign company;

CAP. 250.

(b) a company is a foreign company, if (regardless of where it has been formed)–

(i) one half or more of its shareholders or directors are not citizens of Belize;

(ii) one half or more of its issued share capital is held by or for and on behalf of persons who are not citizens of Belize; or

(iii) one half or more of the votes exercisable at any meeting of the company is held by or for and on behalf of persons who are not citizens of Belize.

Insertion of
new sections
3A, 3B and 3C.

4. The principal Act is amended by inserting immediately after section 3 the following new sections –

“Application
for certain gun
licence.

3A.-(1) A person may apply to the Commissioner for a –

- (a) special protection licence;
- (b) gun repair licence;
- (c) sport hunter licence;
- (d) farmer gun licence;
- (e) shooting range licence;
- (f) shooting club licence;
- (g) Firearm Safety Instructor licence;
- (h) heirloom firearm licence;
- (i) gun dealers licence; or
- (j) company gun licence,

in the form set out in Form 1 in the First Schedule.

(2) A person who makes an application for a gun dealers licence, company gun licence or a shooting range licence shall in addition to the application form, submit a written letter to the Commissioner giving reasons for the application.

(3) The Commissioner may approve or refuse an application made under subsection

(1), and where an application is approved, the relevant licence shall be issued to the applicant.

(4) An application under subsection (1) shall be accompanied by the relevant fee in section 3(4).

Application
for an
authorization.

3B.-(1) A person may apply to the Commissioner for an authorization, permitting the person to transport and deliver a firearm or ammunition, as an authorized carrier, to an individual who holds a valid licence for the firearm or ammunition or to a gun dealer.

(2) An application made under subsection (1) shall be in the form set out in Form 2 in the First Schedule.

(3) The Commissioner may approve or refuse an application made under subsection (1), and where an application is approved, the applicant shall be issued the authorisation.

(4) An authorisation under this section –

(a) shall be accompanied by a fee of one hundred dollars;

(b) shall be for a period of no more than one year; and

(c) may be renewed upon payment of the fee specified in paragraph (a).

(5) An authorized carrier shall have a firearm or ammunition in his possession

for no longer than is reasonably necessary to deliver the firearm or ammunition to its destination.

Notice of refusal.

3C. Where the Commissioner refuses an application under section 3A or 3B, he shall give written notice of the refusal to the applicant within thirty days of his decision, giving reasons therefor.”

Insertion of section 4A.

5. The principal Act is amended by inserting after section 4, the following new section -

“Application for heirloom firearm licence.

(4A)-(1) A person may apply to the Commissioner for an heirloom firearm licence in the form set out in Form 1 in the First Schedule.

Form 1.

(2) No person shall possess an heirloom firearm unless he is the holder of a valid heirloom firearm licence.

(3) The Commissioner may approve or refuse an application under subsection (1).

(4) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding two years.

(5) No person shall be issued an heirloom firearm licence unless he provides sufficient proof of inheritance of the heirloom firearm.

(6) An heirloom firearm licence authorizes the holder to possess a single

heirloom firearm or a matched pair or set of heirloom firearms.

(7) An heirloom firearm licence is subject to the condition that the heirloom firearm be rendered permanently incapable of being fired.

(8) For the purposes of this section, an heirloom firearm is to be regarded as having been rendered permanently incapable of being fired, upon certification as to such, by the Commissioner”.

6. The principal Act is amended by repealing section 6 and replacing it with the following –

Repeal and replacement of section 6.

“Evidence as to ownership

6. For the purposes of prosecution for an offence under this Act, a person who-

- (a) is found with any firearm or ammunition;
- (b) occupies, controls or is in possession of any land, building, mobile home, room, vessel, vehicle, aircraft or other place in or on which is found any firearm or ammunition;
- (c) is proved to have had with him or under his control any firearm or ammunition; or
- (d) is proved to have had with him or under his control anything in or on which is found any firearm or ammunition,

shall be deemed to be in possession of the firearm or ammunition in the absence of

lawful excuse, the proof of which lies on the person.”

Repeal and replacement of section 8.

7. The principal Act is amended by repealing section 8, and replacing it with the following –

“Duration of licences.

8.–(1) Subject to subsection (2), a licence granted under this Act shall be for such period not exceeding three years as may be approved by the Commissioner, but may be renewed subject to such conditions and on payment of such fees as may be prescribed.

(2) Subsection (1) does not apply in relation to a licence for an heirloom firearm, which type of licence does not require renewal.”.

Insertion of section 9A.

8. The principal Act is amended by inserting after section 9 the following new section –

“Safekeeping of firearms at a police station.

9A. (1) A person may lodge his licenced firearm for safe keeping at any police station.

(2) The following fees are payable for the safe keeping of a firearm that is lodged at a police station for the respective periods indicated –

- (a) up to four weeks, \$10.00;
- (b) more than four weeks but less than six months, \$20.00; or
- (c) six months or more \$50.00.”

Amendment of section 10.

9. The principal Act is amended in section 10 by repealing subsection (2).

10. The principal Act is amended by repealing section 18.

Repeal of
section 18.

11. Section 20A(3)(a) of the principal Act is amended by inserting after the words “fee of \$100.00” the words “per vest”.

Amendment of
section 20A.

12. The principal Act is amended by repealing and replacing section 31A, and also inserting new sections as follows,

Repeal and
replacement
of section 31A
and insertion
of sections 31B,
31C and 31D.

“Illicit
trafficking of
firearm

31A. a person who—

- (a) unlawfully imports, exports, acquires, sells, delivers, moves or transfers a firearm, ammunition or other related material into or out of Belize; or
- (b) is in possession of more than two illegal firearms,

commits the offence of illicit trafficking of a firearm and is liable on conviction on indictment to imprisonment for a term of ten years.

Prohibition.

31B. A person who holds a licence issued under section 3A and who –

- (a) keeps ammunition in excess of the amount prescribed by the licence; or
- (b) leaves the firearm or ammunition in the care, custody or control of a person not authorized by the licence,

commits an offence and is liable on summary conviction to a fine of five hundred dollars or in default to imprisonment for a period of three months.

Prohibition.

31C. (1) A person being a –

- (a) licensed gun dealer, who carries on the business of gun dealing on any premises other than that stipulated in his licence; or
- (b) licensed firearm holder uses or allows the firearm to be used by any other person in connection with an illegal act,

commits an offence and is liable on summary conviction to a fine of two thousand five hundred dollars or in default to imprisonment for a period of two years.

(2) The Commissioner—

- (i) may revoke the licence of a person convicted of an offence under section 31B (b); and
- (ii) shall revoke the licence of a person convicted of an offence under subsection (1) (a) or (b).

Possession of a firearm with serial number removed.

31D. A person in possession of a firearm for which the serial number of the firearm is removed or tampered with commits an offence and is liable on summary conviction to a fine of not less than \$5,000.00 and not exceeding \$10,000.00 dollars or in default to imprisonment for a term of not less than two years and not exceeding five years.’

Repeal and replacement of the First Schedule.

13. The First Schedule to the principal Act is repealed and replaced with the following -

“FIRST SCHEDULE
FORM 1 [Section (4A)(1)]



APPLICATION FOR FIREARMS LICENCE

1. PARTICULARS OF APPLICANT

Full Name _____

Date of Birth _____ Nationality _____

Occupation _____ Phone # _____

Address _____

2. PARTICULARS OF FIREARM(S) BEING APPLIED FOR:

Rifles/Pistol/Shotgun/Others _____

Make and Caliber _____

Serial No. and Mark (*if available*) _____

3. TYPE OF LICENCE BEING APPLIED FOR:

- | | |
|--------------------------------|---------------------------------------|
| (a) Special Protection Licence | (f) Shooting Club Licence |
| (b) Gun Repair Licence | (g) Firearm Safety Instructor Licence |
| (c) Sport Hunter Licence | (h) Heirloom Firearm Licence |
| (d) Farmer Gun Licence | (i) Company Gun Licence |
| (e) Shooting Range Licence | |

4. FIREARM TO BE BOUGHT/IMPORTED FROM: _____

5. LIST ALL FIREARMS PREVIOUSLY LICENCED

Type _____ Type _____ Type _____

Make _____ Make _____ Make _____

Caliber _____ Caliber _____ Caliber _____

Licence No. _____	Licence No. _____	Licence No. _____
Place Issued _____	Place Issued _____	Place Issued _____
Category _____	Category _____	Category _____

6. DO YOU HAVE ANY EXPERIENCE HANDLING FIREARMS? LIST EXPERIENCE IF ANY _____

7. WHAT TYPE OF SECURITY DO YOU HAVE FOR THE STORAGE OF YOUR FIREARM _____

8. DECLARATION

I hereby declare that the particulars stated above are a full and true statement to the best of my knowledge.

DATE

SIGNATURE OF APPLICANT

*1) Recommendation from
Gun Club President/CEO

* 2) Certification in Gun
Handling Course

*3) Certification of Firearm
Examiner

*4) Recommendation of
Officer in Charge

5) Order of Licencing Authority

- *To be completed if applicable*

***N.B False Statement given, may lead to disapproval of Licence.
Company includes a firm, a statutory body, and any body of persons corporate or incorporate.***

FORM 2[Section (3B)(2)]

APPLICATION FOR AUTHORIZATION

**1. PARTICULARS OF APPLICANT**

Full Name _____

Date of Birth _____ Nationality _____

Occupation _____ Phone # _____

Address _____

2. PARTICULARS OF FIREARM(S) BEING APPLIED FOR:

Rifles/Pistol/Shotgun/Others _____

Make and Caliber _____

Serial No. and Mark (*if available*) _____**3. TYPE OF LICENCE BEING APPLIED FOR:**

- | | |
|--------------------------------|---------------------------------------|
| (a) Special Protection Licence | (f) Shooting Club Licence |
| (b) Gun Repair Licence | (g) Firearm Safety Instructor Licence |
| (c) Sport Hunter Licence | (h) Heirloom Firearm Licence |
| (d) Farmer Gun Licence | (i) Company Gun Licence |
| (e) Shooting Range Licence | |

4. FIREARM TO BE BOUGHT/IMPORTED FROM: _____**5. LIST ALL FIREARMS PREVIOUSLY LICENCED**

Type _____ Type _____ Type _____

Make _____ Make _____ Make _____

Caliber _____	Caliber _____	Caliber _____
Licence No. _____	Licence No. _____	Licence No. _____
Place Issued _____	Place Issued _____	Place Issued _____
Category _____	Category _____	Category _____

6. DO YOU HAVE ANY EXPERIENCE HANDLING FIREARMS? LIST EXPERIENCE IF ANY _____

7. WHAT TYPE OF SECURITY DO YOU HAVE FOR THE STORAGE OF YOUR FIREARM _____

8. DECLARATION

I hereby declare that the particulars stated above are a full and true statement to the best of my knowledge.

DATE

SIGNATURE OF APPLICANT

*1) Recommendation from
Gun Club President/CEO

* 2) Certification in Gun
Handling Course

*3) Certification of Firearm
Examiner

*4) Recommendation of
Officer in Charge

5) Order of Licencing Authority

- *To be completed if applicable*

N.B False Statement given, may lead to disapproval of Licence.

Company includes a firm, a statutory body, and any body of persons corporate or incorporate.”

14. The Third Schedule to the principal Act is amended under the heading “OTHERS” by –

**Amendment of
Third Schedule.**

(a) deleting item 15; and

(b) adding a new item 22, as follows-

“ 22. any home-made firearm”.