

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, 2021 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 con-
struction.

Amendment
to section 2
of principal
Act.

2. Section 2 of the principal Act is amended:

- (a) in subsection (1), by inserting the following definition of “pepper spray” next after the definition of “officer of customs”:

“pepper spray” means oleoresin capsicum spray (also known as “OC spray”), capsaicin spray, or capsicum spray;

- (b) by renumbering subsection (2) as subsection (3), and inserting the following as subsection (2):

(2) Notwithstanding anything in subsection (1), references in this Act to “restricted ammunition” or to “restricted weapon” do not include pepper spray, or an article for the discharge of pepper spray, that is carried by a person for personal protection.

MEMORANDUM OF OBJECTS AND REASONS

This Bill is a companion to the Bill entitled the Offensive Weapons (Prohibition) (Amendment) Act 2021. The intention of both Bills is to permit persons to carry and use pepper spray for their personal protection.

When the Offensive Weapons (Prohibition) Act was enacted, it sought to give effect to this intention by expressly excluding from the definition of offensive weapons “mace and pepper spray” or other prescribed substances carried by a person for personal protection. However these substances are treated as “restricted ammunition” and “restricted weapon” under the Firearms Act, thus defeating the objective.

The amendments to the Firearms Act introduced by this Bill seek to exclude pepper spray from these definitions with the result that—

1. carrying pepper spray or an article for the discharge of pepper spray will not be prohibited under that Act; and
2. the requirement for a Firearms User’s Licence or other licence or permit under the Firearms Act will not apply to pepper spray or articles for the discharge of pepper spray.

MARK GOLDING, MP
Member of Parliament for St. Andrew
Southern and Leader of the Opposition.

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As introduced by the Member of Parliament for
St. Andrew Southern and Leader of the Opposition.

PRINTED BY JAMAICA PRINTING SERVICES (1992) LTD.,
(GOVERNMENT PRINTERS), DUKE STREET, KINGSTON, JAMAICA.
