



THE PARLIAMENT OF  
TRINIDAD AND TOBAGO

**BILL ESSENTIALS**

Date to be Introduced: May 11, 2021

House: Senate

Minister: The Honourable Attorney  
General and Minister of Legal Affairs

Links: The links to the Bill, and its  
progress can be found on the Bill's  
home page through the Parliament's  
Website

# BILL ESSENTIALS

BILL ESSENTIALS NO. 20 2020–2021

1<sup>ST</sup> SESSION, 12<sup>TH</sup> PARLIAMENT

## The Firearms (Amendment) Bill, 2021

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## BACKGROUND

1. **The Firearms (Amendment) Bill, 2021 (“the Bill”)** aims to amend the **Firearms Act, Chap 16:01 (“the Act”)** to regulate the use and possession of pepper spray in Trinidad and Tobago, including its manufacture, importation, distribution and sale.
2. At present the use, importation, manufacture and sale of pepper spray, tasers, mace and other similar non-lethal items are prohibited from use.
3. The Bill will be introduced in the Senate by the Honourable Attorney General and Minister of Legal Affairs on May 11, 2021.

## KEY FEATURES OF THE BILL

### INTERPRETATION

4. **Clause 3** of the Bill amends the definitions of certain offences used in section 2 of the Act as follows:
  - 🏛️ **“ammunition”** – by removing the word *“President”* and replacing it with *“Minister”*.
  - 🏛️ **“firearm”** – by removing the words *“or air pistol of a type prescribed by Order made by the President”* and substituting the words *“, air pistol or pepper spray of a type prescribed by Order made by the Minister”*.

These amendments remove air pistols and pepper spray from being defined as firearms, and will expand the definition of ammunition to be as declared by Order of the Minister with responsibility for National Security.

5. **Clause 3** of the Bill would also insert the following new definitions:
  - 🏛️ **“Minister”** means the Minister with responsibility for National Security.
  - 🏛️ **“pepper spray”** means any inflammatory agent which when applied on a person’s body may cause the mucous membranes in the eyes, nose, throat and lungs of the individual to become inflamed resulting in the immediate closing of the eyes, difficulty breathing, runny nose and coughing;
  - 🏛️ **“Pepper Spray Import Permit”** means a permit which authorises the holder to import pepper spray into Trinidad and Tobago during the period and from the source specified in the permit.
  - 🏛️ **“Pepper Spray Permit”** means a permit which authorises the holder during the period specified in the permit to –
    - a) Manufacture, produce, export, divert, sell or distribute pepper spray; or
    - b) Purchase, acquire or have in his possession pepper spray.

## SECTION 5 AMENDED

6. **Clause 5** of the Bill proposes to amend section 5(2) of the Act by making the unlawful possession of any firearm, ammunition or pepper spray a strict liability offence<sup>1</sup>, for the purpose of prosecuting offences under Part I, sections 16B, 16C, 17A (2), 40A or PART IV of the Act
7. **Clause 5** also amends section 5(2) of the Act by removing the words “or ammunition” wherever it occurs and replacing it with the words “, ammunition or pepper spray”. The effect of this amendment is to update section 5(2) to also include possession of pepper spray.

## POSSESSION OF PEPPER SPRAY TO PERFORM FUNCTIONS

8. Under section 6 of the Act, it is an offence to be in possession of a firearm or ammunition without a Firearm User’s License. The amendment proposed by **Clause 6** would permit an Estate Police, Special Reserve Officer, Municipal Police Officer and any other persons approved by the Minister to have pepper spray in their possession when performing their functions.

## PEPPER SPRAY IMPORT PERMIT AND PEPPER SPRAY PERMIT

9. **Clause 7** of the Bill seeks to insert three (3) new sections 6A, 6B and 6C after the existing section 6 of the Act.
10. **Section 6A** empowers the Minister, by Order, to approve the type, strength and volumetrical contents of pepper spray that would be permitted in a cannister, in circumstances where pepper spray is being manufactured, produced, imported, exported, diverted, sold or distributed under this Act. Any pepper spray that is not approved by the Minister is a prohibited weapon under this Act.
11. This section also provides that only persons holding a Pepper Spray Import Permit or a Pepper Spray Permit issued by the Commissioner of Police or a police officer authorised by him, are allowed to manufacture, produce, import, export, divert, sell

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<sup>1</sup> Strict liability offences are offences that do not require proof of a mental element. That is, strict liability offences are normally those where no fault element is required in relation to one element of the actus reus of an offence. The *actus reus* refers to an act (or sometimes an omission or state of affairs) indicated in the definition of the offence charged. [https://www.lexisnexis-com.ezproxy.sastudents.uwi.tt/uk/legal/results/enhdocview.do?docLinkId=true&ersKey=23\\_T222870252&format=GNBFULL&startDocNo=1&resultsUrlKey=0\\_T222879865&backKey=20\\_T222879866&csi=280138&docNo=26&scrollToPosition=2346.666748046875](https://www.lexisnexis-com.ezproxy.sastudents.uwi.tt/uk/legal/results/enhdocview.do?docLinkId=true&ersKey=23_T222870252&format=GNBFULL&startDocNo=1&resultsUrlKey=0_T222879865&backKey=20_T222879866&csi=280138&docNo=26&scrollToPosition=2346.666748046875)

or distribute pepper spray or to purchase, acquire or have pepper spray in their possession.

12. Any person who breaches section 6A(2) commits an offence and is liable on summary conviction to a fine of **Two Hundred and Fifty thousand dollars (TTD \$250,000)** and **five (5) years imprisonment** and on conviction on indictment to a fine of **Fifty Thousand dollars (TTD \$50,000)** and **fifteen (15) years imprisonment**.
13. **Section 6B** requires persons to submit applications to the Commissioner of Police or a police officer authorised by him, in the form approved by the Minister, to obtain or renew a Pepper Spray Import Permit or Pepper Spray Permit.
14. Section 6C creates the offence of giving false or misleading statements or information during the process of applying for a Pepper Spray Import Permit or Pepper Spray Permit punishable on summary conviction to a fine of **Fifty Thousand dollars (TTD \$50,000)** and **five (5) years imprisonment** or on conviction on indictment to a fine of **Seven Hundred and Fifty Thousand dollars (TTD \$750,000)**.

#### CARRYING FIREARM OR AMMUNITION IN A PUBLIC PLACE

15. **Clause 8** of the Bill amends section 8 of the Act by substituting the word “*President*” for “*Minister*”. This amendment would make it an offence for any person, other than a Police Officer or member of the Defence Force acting in this capacity or person holding a Firearm User’s Licence, to carry any firearm or ammunition in a public place determined by the Minister. Any person found guilty of this offence is liable on summary conviction to a fine on **Two Thousand and Fifty Thousand dollars (TTD \$250,000)** and **ten (10) years imprisonment**.
16. **Clause 9** of the Bill would amend the Act by inserting after section 9A a new section 9B. Section 9B would make it an offence for a person to sell or transfer pepper spray to a person who does not hold or is exempt from holding a Pepper Spray Import Permit or Pepper Spray Permit and liable on summary conviction to a fine of **Five Hundred and Fifty Thousand dollars (TTD \$550,000)** and **five (5) years imprisonment** and on conviction on indictment to a fine of **Seven Hundred and Fifty Thousand dollars (TTD \$750,000)** and **fifteen (15) years imprisonment**.

#### PERSONS PROHIBITED FROM OBTAINING A PEPPER SPRAY IMPORT PERMIT OR PEPPER SPRAY PERMIT

17. **Clause 10** of the Bill would insert new sections 16B and 16C after section 16A.

18. Section 16B(1) prohibits persons who are charged or convicted with an offence specified in Schedule II of the Act, PART II of the **Bail Act Chap. 4:60**<sup>2</sup> and under the **Domestic Violence Act Chap. 45:56**<sup>3</sup> from obtaining a Pepper Spray Import Permit or Pepper Spray Permit. Section 16B(2) also prohibits persons who are subject to an Undertaking, Interim Order or Protection Order in proceedings under the Domestic Violence Act from obtaining these permits.
19. Section 16B(3) provides that any person in the prohibited groups under subsection 16B(1) and (2) who is found with pepper spray in their possession commits an offence and is liable on summary conviction to a fine of **Two Hundred and Fifty Thousand Dollars (TTD \$250,000)** and **five (5) years imprisonment** or on conviction on indictment to a fine of **Seven Hundred and Fifty Thousand Dollars (TTD \$750,000)** and **fifteen (15) years imprisonment**.
20. Section 16C(1) would compel any person holding a Pepper Spray Import Permit or Pepper Spray Permit who is charged or convicted for an offence under sections 16B (1) or (2) to return the permit to a police station within seven (7) days of becoming a person prohibited from holding these permits.
21. Where a person fails to return the requisite permits pursuant to section 16C(1) they commit an offence and will be liable on summary conviction to a fine of **Two Hundred and Fifty Thousand Dollars (TTD \$250,000)** and **five (5) years imprisonment** or on conviction on indictment to a fine of **Seven Hundred and Fifty Thousand Dollars (TTD \$750,000)** and **fifteen (15) years imprisonment**.

## GRANT AND REFUSAL OF PEPPER SPRAY IMPORT PERMIT OR PEPPER SPRAY PERMIT

22. **Clause 11** of the Bill would amend section 17(3) of the Act by deleting the word “President” and replacing it with Minister. This amendment would authorise the Minister to give permission for a licence, certificate or permit, other than a Firearm Disposal Permit, to be granted to or held by a restricted person.
23. **Clause 11** of the Bill further amends section 17 of the Act by inserting a new subsection 17 of the Act by inserting a new subsection 17(4A). Section 17(4A) mandates that the Commissioner of Police or such police officer authorised by the Commissioner grant

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<sup>2</sup> [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/4.60.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/4.60.pdf) amended by the Bail (Amendment) Act No. 17 of 2019.

<sup>3</sup> <http://laws.gov.tt/ttdll-web2/revision/download/106200?type=act> amended by the Domestic Violence (Amendment) Act No. 18 of 2020

Pepper Spray Import Permits or Pepper Spray Permits only if they are satisfied that the applicant has good reason to manufacture, produce, import, export, divert, sell or distribute pepper spray or to purchase, acquire or have in his possession pepper spray and can be permitted to carry out these acts without danger to the public safety or peace.

24. The Commissioner of Police or the police officer authorised by him may refuse to issue the permit if they have reason to believe that the applicant is of unsound mind or has intemperate habits.

### NEW SECTION 17A

25. **Clause 12** of the Bill amends the Act by inserting a new section 17A after section 17. This new section 17A would state who can be issued a Pepper Spray Import Permit and Pepper Spray Permit, how pepper spray must be used and the penalties for using pepper spray in the commission of a crime.
26. New section 17A(1) would provide that any person over the age of eighteen is eligible to be issued with a Pepper Spray Import or a Pepper Spray Permit. The section also provides that any child who is sixteen or older with the written permission of their parent may be issued a Pepper Spray Permit.
27. New section 17A(2) would state that a person who is authorised to buy or own pepper spray must only use pepper spray in self-defence.
28. New section 17A(3) will provide that a person who uses pepper spray to commit a crime would be liable on summary conviction to a fine of **Two Hundred and Fifty Thousand Dollars (TTD \$250,000)** and **imprisonment for five (5) years**, or on conviction on indictment to a fine of **Seven Hundred and Fifty Thousand Dollars (TTD \$750,000)** and **imprisonment for fifteen (15) years**

### REVOCATION OF LICENSES, CERTIFICATES AND PERMITS

29. Section 21 of the Act provides for the situations where the Commissioner of Police may revoke a license, certificate or permit.
30. **Clause 13(a)** aims to amend section 21(a) of the Act by deleting the phrase *“or a Gunsmith’s Licence”* and replacing it with the phrase *“, a Gunsmith’s Licence, Pepper Spray Import Permit or Pepper Spray Permit.”* The effect of this amendment would be that the Commissioner of Police would have the authority to revoke a Pepper Spray

Import Permit or a Pepper Spray Permit if the holder of the permit is convicted of an offence against the Firearms Act or Customs Act.

31. **Clause 13(b)** seeks to amend section 21(b) by deleting the phrase “as may be mentioned in the licence, certificate or permit” and replacing it with the phrase “, pepper spray as may be mentioned in the licence, certificate or permit”. This amendment would allow the Commissioner of Police to revoke a Pepper Spray Import Permit or a Pepper Spray Permit if the Commissioner of Police is satisfied that the holder has intemperate habits or of unsound mind, or is otherwise unfit to be in possession of pepper spray.

## APPEALS

32. **Clause 14** of the Bill would amend Section 21A of the Bill by including the phrase “17A” after the phrase “under section 17”. The effect of this amendment would be that any person who is aggrieved by the decision of the Commissioner of Police to revoke their Pepper Spray Import Permit or Pepper Spray Permit would be able to appeal that decision to the Firearms Appeal Board.

## FIREARMS REGISTER- SECTION 21C REPEALED

33. **Clause 15** seeks to amend section 21C of the Act by repealing the current section 21C. The new section 21C has all the provisions of the current section 21C<sup>4</sup>, however the new section 21C would now also include that the Commissioner of Police has to establish and maintain the “Trinidad and Tobago Pepper Spray Register”.

## POWER TO CALL IN FIREARMS AND AMMUNITION

34. **Clause 16** of the Bill would amend section 22 by deleting the phrase “and ammunition” in paragraph (1) and replacing it with the phrase “, ammunition or pepper spray as the case may be”.
35. The effect of this amendment is that Pepper Spray Import Permits and Pepper Spray Permits would be included as a permit that the Commissioner of Police has the power to temporarily suspend and can call in these permit holders to surrender their pepper spray to a police station.

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<sup>4</sup> The current 21C provides that the Commissioner of Police shall establish and maintain the Trinidad and Tobago Firearms Register which shall keep a record of every licence, registration certificate and permit that is issued, renewed or revoked by the Commissioner; every application for a licence, registration certificate or permit or renewal thereof that is refused by the Commissioner; every import into or export from Trinidad and Tobago of a firearm and ammunition of which the Commissioner is informed under this Act; every loss, finding, theft or destruction of a firearm and ammunition of which the Commissioner is informed under section 28; and such other matters as may be prescribed.

## ESTABLISHMENT OF THE FIREARMS APPEAL BOARD

36. The amendment in **Clause 17** of the Bill would give the Firearms Appeal Board the jurisdiction to also hear and determine appeals from the decision of the Commissioner of Police under section 17A.

## SPECIAL RESTRICTIONS UPON HOLDERS OF FIREARM DEALER'S LICENCES – SECTION 23 REPEALED

37. **Clause 18** would amend section 23 of the Act by repealing subsection (1) and replacing the provisions with a new subsection (1). This new subsection (1) would provide that a holder of a Firearm Dealer's Licence or Pepper Spray Import Permit or Pepper Spray Permit shall not buy or sell firearms or ammunition other than at the place specified in his licence or any amendment to his licence.

## NOTICE TO BE DISPLAYED BY LICENCES- SECTION 25(1) REPEALED

38. **Clause 19** of the Bill aims to amend Section 25 of the Act by repealing subsection (1) and replacing it with a new subsection (1).


39. This new subsection (1) would provide that every holder of a Firearm Dealer's Licence, Gunsmith's Licence, Pepper Spray Import Permit or Pepper Spray Permit must have sign over one of the main entrances of the business as a firearm dealer, gunsmith or a dealer in pepper spray, with the words "*Licensed as a firearm dealer*", "*Licensed as a gunsmith*" or "*Authorised dealer in pepper spray*" along with the full name of the licence holder.

## RECORDS AND RETURNS


40. **Clause 20** of the Bill would include holders of Pepper Spray Import Permits and Pepper Spray Permits in the definition of "*licensed dealers*" under section 26 of the Act.

## CARRYING OF FIREARMS AND AMMUNITION IN PUBLIC PLACES AND POWERS OF THE POLICE

41. **Clause 21** of the Bill will amend Section 27 of the Act as follows:

 Repealing subsection (1) and replacing it with a new subsection (1) which would provide that whenever the holder of a licence, certificate or Pepper Spray Permit carries a firearm and ammunition or pepper spray in a public place, they must also have the relevant licence, certificate or permit for that firearm and ammunition or pepper spray.

 In subsection (2), by –

 deleting the phrase "*or ammunition*" wherever it occurs, and substituting in each case the phrase "*, ammunition or pepper spray*".



- deleting the phrase “*or certificate*” in subsection (2) and replacing it with the phrase “*, certificate or Pepper Spray Permit*”

These amendments would allow the police to ask anyone who they believe is carrying pepper spray to produce their permit.

In subsection (3), by –

- deleting the phrase “*or ammunition*”, wherever they occur, and substituting in each case with the phrase “*, ammunition or pepper spray*”;
- deleting the phrase “*or certificate*”, wherever they occur, and replacing it in each case with the phrase “*, certificate or Pepper Spray Permit*”; and
- inserting after the words “*and ammunition*”, the words “*or pepper spray*”.

The effect of this amendment would be that a person who is carrying pepper spray who fails to produce the permit or refuses to allow the police to read the permit is guilty of an offence.

- In subsection (4), by replacing the phrase “*or ammunition*”, wherever they occur, and with the phrase “*, ammunition or pepper spray*”.

The effect of this amendment would be that the provisions for search, seizure and retention of firearms and ammunition by the police would also apply to pepper spray.




This means that when a police officer has reasonable cause to suspect that a person is carrying pepper spray in a public, contrary to any of the provisions of the Firearms Act, that the police officer can search that person, seize and retain any pepper spray carried by that person until the end of the legal proceedings against that person for any offence related to the pepper spray, and can arrest that person without a warrant.

- In subsection (6), by inserting after the words “*and ammunition*”, the words “*or pepper spray*”. This means that these provisions that are currently applicable to firearms and ammunition would also be applicable to pepper spray.




This amendment to include pepper spray in this subsection would mean that a police officer who is authorised in writing by the Commissioner may at any time require the holder of a permit to produce the pepper spray for inspection and any person who without good cause refuses or fails to do so is guilty of an offence.

## REGULATIONS

42. **Clause 22** of the Bill amends section 36 of the Act by removing the power of the President to make Regulations and instead, empowering the Minister to make Regulations in respect of:

-  manufacture, production, importation, exportation, diversion, sale or distribution of pepper spray;
-  possession, storage and transfer of pepper spray; and
-  keeping of records by persons who are connected with manufacturing, producing, importing, exporting, diversion, receipt, sale, disposal and distribution of pepper spray.

43. This amendment to section 36 of the Act by **Clause 22** of the Bill also has the consequential effect of empowering the Minister to make regulations in respect of the matters that currently exist within section 36, those being:

-  the test for determining drunkenness;
-  provisions relating to the prescribed authority and the database of firearms and ammunition; and
-  any other thing required or permitted by the Act.

44. **Clause 22** of the Bill also amends section 36 by providing that any Regulations made by the Minister will be subject to the negative resolution of Parliament<sup>5</sup>. Further, the Minister may prescribe within the Regulations, a fine of **Two Hundred and Fifty Thousand Dollars (TTD \$250,000)** and **imprisonment for two (2) years**.

## SERVICE OF NOTICES UNDER THE ACT

45. **Clause 23** of the Bill amends section 37 of the Act<sup>6</sup> to include the words “*Pepper Spray Import Permit or Pepper Spray Permit*”. This amendment would allow for notices under the Act to be served to the holder of a Pepper Spray Import Permit or Pepper Spray Permit at the place or premises from which the permit was issued.

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<sup>5</sup> Negative Resolution means that the regulation shall be laid before the House and, within a prescribed period of time, may be annulled by a resolution of the House; Sir David Natzler and Mark Hutton, *Erskine May’s Treatise on The Law, Privileges, Proceedings and Usage of Parliament* (23rd edn, LexisNexis 2004), 677-678.

<sup>6</sup> Section 37 of the Act currently prescribes that, where notice must be served to a person under the Act, such notice may be sent by registered post in a letter addressed to the person. Alternatively, the section provides that in the case of a holder of a Firearm Dealer’s Licence or a Gunsmith’s Licence, the notice may be served at the place or premises from which the licence was issued.

## FORFEITURE AND DISPOSAL BY COURT

46. **Clause 24** of the Bill amends section 38 of the Act<sup>7</sup> to include the words “pepper spray”. This amendment would allow for the retention of seized or detained pepper spray, for as long as necessary, for the purpose of examination, investigation, inquiries or legal proceedings. In addition, a Judge or Magistrate will be empowered to direct the forfeiture and disposal of pepper spray, in certain circumstances.

## APPROPRIATE FEES

47. **Clause 25** of the Bill amends section 39(1) of the Act by substituting the word “President” for the word “Minister”. This amendment would now empower the Minister, instead of the President, to prescribe fees for the issuance and periodic payments in respect of licences, certificates or permits under the Act.






## CUSTODY OF PEPPER SPRAY

48. **Clause 26** of the Bill inserts a new section 40A into the Act which will require a person who finds or comes into possession of pepper spray, to deliver the pepper spray to a police station within seven (7) days. New section 40A(2) will require a person who has a Pepper Spray Permit, to ensure that it is safely stored away from children whenever the pepper spray is not being carried on their person.

49. It will be an offence for a person to contravene either new section 40A(1) or (2). Such a person will be liable on summary conviction to a fine of **One Hundred Thousand Dollars (TTD \$100,000)** and **imprisonment for six (6) months**.

## PERSONS PROHIBITED FROM OBTAINING A PEPPER SPRAY PERMIT

50. **Clause 27** of the Bill inserts a new Schedule II into the Act. New Schedule II will provide a list of persons who will be prohibited from obtaining a Pepper Spray Permit. The list pertains to persons who have been charged or convicted of various specified offences under the following Acts:





-  **The Offences Against the Person Act Chap. 11:08;**
-  **The Larceny Act Chap. 11:12;**
-  **The Kidnapping Act Chap. 11:26;**
-  **The Trafficking in Persons Act Chap. 12:10;**
-  **The Children Act Chap. 46:01;** and

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<sup>7</sup> Section 38 of the Act currently provides for the retention of seized or detained firearms and ammunition for as long as necessary, for the purpose of examination, investigation, inquiries or legal proceedings. The section also empowers a Judge or Magistrate to direct the forfeiture and disposal of firearms and ammunition.

 **The Trespass (Amendment) Act No. 5 of 2019.****AMENDMENTS TO THE FIREARMS REGULATIONS**

51. **Clause 28** of the Bill amends the Firearms Regulations by inserting new regulations 17A, 17B, 17C and 17D as follows:

-  New regulation 17A outlines the process and procedure to be followed for the renewal of Pepper Spray Import Permits or Pepper Spray Permits. New regulation 17A also limits the amount of pepper spray a person (with a Pepper Spray Permit) may purchase, acquire or possess, to one canister. Such a person may only purchase another canister of pepper spray where the pepper spray is expired, lost or stolen;
-  New regulation 17B prescribes the procedure to be followed where a Pepper Spray Import Permit, Pepper Spray Permit or pepper spray is lost or stolen. New regulation 17B further prescribes the circumstances in which a duplicate Pepper Spray Permit may be applied for and the duration of such a duplicate Pepper Spray Permit;
-  New regulation 17C requires a person who is authorised to import pepper spray, to establish and maintain records and to submit a return to the Commissioner of Police periodically; and
-  New regulation 17D requires a person who is authorised to buy and sell pepper spray, to establish and maintain records and to submit a return to the Commissioner of Police periodically.

52. **Clause 29** of the Bill amends the Third Schedule of the Firearms Regulations to include the fees to be paid in respect of a Pepper Spray Import Permit and a Pepper Spray Permit.

**TRANSITIONAL PROVISION**

53. **Clause 30** of the Bill mandates that a person who is in possession of pepper spray before the coming into force of the Bill must, within six (6) months after the date of commencement, apply for a Pepper Spray Permit. A person who does not do so commits an offence and will be liable on summary conviction to a fine of **Twenty-Five Thousand Dollars (TTD \$25,000)**.

54. **Clause 30** of the Bill further provides that the Minister may, by Order, extend this six (6) month period.



## CONSEQUENTIAL AMENDMENTS

55. **Clause 31** of the Bill provides a Schedule containing consequential amendments that will be made to other legislation. The following Acts will be amended:

ACT	AMENDMENT AND OR EFFECT
<b>The Offences Against the Persons Act, Chap. 11:08</b>	Section 18 will now include the words “pepper spray”. As such, it would be an offence to unlawfully and maliciously administer pepper spray or cause the administration of pepper spray to a person with the intention of injuring, aggrieving or annoying that person. The offence carries a term of <b>imprisonment of five (5) years</b> .
<b>The Dangerous Drugs Act, Chap. 11:25</b>	The Fourth Schedule will now include pepper spray as an item. Therefore, it will now be an offence under s.6A of the Act for a person to manufacture, possess, transport or supply pepper spray to another person, knowing or having reasonable grounds to suspect that the substance is to be used in or for the unlawful production of a dangerous drug. This will be an indictable offence and a person who commits such an offence will be liable; <ul style="list-style-type: none"> <li>• To a fine of <b>One Hundred Thousand Dollars (TTD \$100,000.00)</b>; or</li> <li>• Where there is evidence of the street value of the dangerous drug, three times the street value of the dangerous drug, whichever is greater, and to <b>imprisonment for a term no less than twenty-five (25) years</b>.</li> </ul>
<b>The Domestic Violence Act, Chap. 45:56</b>	Section 6(1)(c)(v) of the Act is amended to substitute the words “firearm or other weapon” for “Pepper Spray Import Permit or Pepper Spray Permit, firearm or pepper spray”. As such, a Protection Order made by a Court may now direct a person to relinquish to the police any firearm licence, Pepper Spray Import Permit or Pepper Spray Permit, firearm or pepper spray in their possession or control.
<b>The Miscellaneous Provisions (Law Enforcement Officers) Act, 2019</b>	Section 2 of the Act is amended to include pepper spray in the definition of “prohibited article”.

## REFERENCES

### KEY LEGISLATION

-  **The Firearms Regulations**  
[https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/16.01.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/16.01.pdf)
-  **The Bail Act, Chap. 4:60**  
[https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/4.60.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/4.60.pdf)

-  **The Offences Against the Person Act Chap. 11:08**  
[https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/11.08.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.08.pdf)
-  **The Dangerous Drugs Act, Chap. 11:25**  
[https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/11.25.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.25.pdf)
-  **The Larceny Act Chap. 11:12**  
[https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/11.12.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/11.12.pdf)
-  **The Kidnapping Act Chap. 11:26**  
[https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/11.26.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.26.pdf)
-  **The Trafficking in Persons Act Chap. 12:10**  
[https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/12.10.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/12.10.pdf)
-  **The Children Act Chap. 46:01**  
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-  **The Trespass (Amendment) Act No. 5 of 2019**  
<http://www.ttparliament.org/legislations/a2019-05g.pdf>
-  **The Domestic Violence Act, Chap. 45:56**  
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-  **The Miscellaneous Provisions (Law Enforcement Officers) Act, 2019**  
 <http://news.gov.tt/sites/default/files/E-Gazette/Gazette%202019/Acts/Act%20No.%2025%20of%202019.pdf>



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