

**MINISTRY OF FINANCE
CUSTOMS & EXCISE DIVISION**

NOTICE TO IMPORTERS NO. 18 OF 2021

**SUBJECT: AMENDMENTS TO THE FIREARMS ACT, CHAP 16:01 RE:
PEPPER SPRAY**

The attention of all Importers is drawn to the provisions of the following:

- 1) **Act No. 7 of 2021** which amends the Firearms Act Chap 16:01 as follows:
 - a) Section 2 of the Act is amended by insertion of the appropriate definitions for “pepper spray”, “Pepper Spray Import Permit”, Pepper Spray Permit”.
 - b) Section 6 of the Act is amended by inserting three new sections; 6A, 6B and 6C respectively.
- 2) **Legal Notice No. 203 of 2021** which approves and specifies the type, strength and volumetrical content of pepper spray permitted in a canister.

For the importation and clearance of Pepper spray the following is required:

- A **Pepper Spray Import Permit** issued by the Commissioner of Police or a Police Officer authorised by him.

For Exportation of Pepper spray the following is required:

- A **Pepper Spray Permit** issued by the Commissioner of Police or a Police Officer authorised by him.

Copies of **Legal Notice No. 203 of 2021** and the respective amending sections of **Act No. 7 of 2021** are attached for ease of reference.

Importers are to be guided accordingly.


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Comptroller of Customs & Excise (Ag)
Custom House, Port of Spain
Ref. No.: C&E 11/1/1
Dated: 12/08/2021



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First Session Twelfth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 7 of 2021

[L.S.]

AN ACT to amend the Firearms Act, Chap. 16:01

[Assented to 6th July, 2021]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Firearms Short title
(Amendment) Act, 2021.

2. In this Act, "the Act" means the Firearms Act, Interpretation
Chap. 16:01.

Section 2 amended

3. Section 2 of the Act is amended—

(a) in the definition of—

(i) “ammunition”, by deleting the word “President” and substituting the word “Minister”;

(ii) “firearm”, by deleting 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”; and

(b) by inserting in the appropriate alphabetical sequence, the following definitions:

“Minister” means the Minister to whom responsibility for national security is assigned;

“pepper spray” means any inflammatory agent which, when applied on the body of an individual, 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 authorising the holder during such period and from such source as may be specified in the permit, to import pepper spray into Trinidad and Tobago;

“Pepper Spray Permit” means a permit authorising the holder during such period as may be 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.”

4. The Act is amended by deleting the heading for Part I, and substituting the following heading: Part I deleted and substituted

“PART I

POSSESSION, SALE, TRANSFER AND USE OF FIREARMS AND AMMUNITION AND PEPPER SPRAY”

5. Section 5(2) of the Act is amended in— Section 5 amended

(a) the chapeau, by deleting the words “Part or” and substituting the words “Part, sections 16B, 16C, 17A(2), 40A or”; and

(b) by deleting the words “or ammunition” wherever they occur and substituting, in each case, the words “, ammunition or pepper spray”.

6. Section 6 of the Act is amended by inserting after subsection (2), the following subsection: Section 6 amended

“(2A) Notwithstanding section 6A(2), the following persons may have in their possession pepper spray for the purpose of performing their functions:

(a) an Estate Police under the Supplemental Police Act; Chap. 15:02

(b) a Special Reserve Officer under the Special Reserve Police Act; Chap. 15:03

(c) a Municipal Police Officer under the Municipal Corporation Act; or Chap. 25:04

(d) any other person approved by the Minister by Order.”

New sections 6A, 6B
and 6C inserted

7. The Act is amended by inserting after section 6, the following sections:

“Manufacture
production,
importation,
exportation,
etc. of pepper
spray

6A. (1) For the purposes of the manufacture, production, importation, exportation, diversion, sale or distribution of pepper spray under this Act, the Minister may by Order subject to negative resolution of Parliament approve the type, strength and volumetrical content of pepper spray permitted in a canister.

(2) Subject to subsection (1), a person may—

(a) manufacture, produce, import, export, divert, sell or distribute; or

(b) purchase, acquire or have in his possession,

pepper spray, only if he holds a Pepper Spray Import Permit or a Pepper Spray Permit, as the case may be, issued by the Commissioner of Police or a police officer authorised by him.

(3) Any pepper spray that is not approved by the Minister under subsection (1), is a prohibited weapon for the purposes of this Act.

(4) A person who contravenes subsection (2) commits an offence and is liable—

(a) on summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for five years; or

(b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and imprisonment for fifteen years.

Application
for or renewal
of Pepper
Spray Import
Permit or
Pepper Spray
Permit

6B. A person who is desirous of obtaining or renewing a Pepper Spray Import Permit or a Pepper Spray Permit shall submit an application to the Commissioner of Police or a police officer authorised by him in a form approved by the Minister.

False or
misleading
statement or
information
when
applying for
permit

6C. Any person who, in applying for a Pepper Spray Import Permit or Pepper Spray Permit under section 6B, makes any statement or gives any information which to his knowledge is false, or in any material respect misleading, commits an offence and is liable—

- (a) on summary conviction to a fine of fifty thousand dollars and imprisonment for five years; or
- (b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and imprisonment for fifteen years.”.

8. Section 8 of the Act is amended by deleting the word “President” and substituting the word “Minister”. Section 8 amended

9. The Act is amended by inserting after section 9A, New section 9B inserted the following section:

“Offences
relating to
the sale or
transfer of
pepper spray

9B. Any person who sells or transfers pepper spray to any other person who does not hold or is not exempt from holding a Pepper Spray Import Permit or Pepper Spray Permit is liable—

- (a) on summary conviction to a fine of five hundred and fifty thousand dollars and to imprisonment for five years; or
- (b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and imprisonment for fifteen years.”.

LEGAL NOTICE NO. 203

REPUBLIC OF TRINIDAD AND TOBAGO

THE FIREARMS ACT, CHAP. 16:01

ORDER

MADE BY THE MINISTER UNDER SECTION 6A(1) OF THE FIREARMS ACT
AND SUBJECT TO NEGATIVE RESOLUTION OF PARLIAMENT

FIREARMS (USE OF PEPPER SPRAY) ORDER, 2021

1. This Order may be cited as the Firearms (Use of Pepper Spray) Citation Order, 2021.

2. The type and strength of pepper spray specified in the First and Second Columns of the Schedule and the volumetric content permitted in a canister of pepper spray as specified in the Third Column of the Schedule are approved.

SCHEDULE

(Clause 2)

No.	FIRST COLUMN <i>Type of Pepper Spray</i>	SECOND COLUMN <i>Strength of Pepper Spray</i>	THIRD COLUMN <i>Volumetric Content per Canister of Pepper Spray</i>
1.	Pepper Spray (Fogger or Stream) containing Oleoresin Capsicum (OC) and not containing Chloroacetaphenone (CN) or Orthochloro-benzalmalonitrile (CS).	Concentration of OC of not less than 5% and not exceeding 10% or not exceeding 5,000,000 Scoville Heat Units (SHUs).	Not less than 2 ounces (60 ml) and not exceeding 5 ounces (150 ml).
2.	Pepper Spray (Fogger or Stream) containing Major Capsaicinoids (MC) and not containing Chloroacetaphenone (CN) or Orthochloro-benzalmalonitrile (CS).	Concentration of MC of not less than 0.8 % and not exceeding 1.4% or not exceeding 5,000,000 Scoville Heat Units (SHUs).	Not less than 2 ounces (60 ml) and not exceeding 5 ounces (150 ml).

Dated this 3rd day of August, 2021.

F. E. HINDS
Minister of National Security