

ARMS AMENDMENT BILL 2019

SAMOA

Explanatory Memorandum

1.0 Objects and Reasons:

1.1 The Bill seeks to amend the Arms Ordinance 1960 (“principal Act”). It will clarify the authority that is required to grant a permit for the importation of unlawful weapon that will be used during the Pacific Games 2019 that Samoa is hosting. It will also allow athletes under the age of 21 years to compete in shooting games during the Pacific Games 2019.

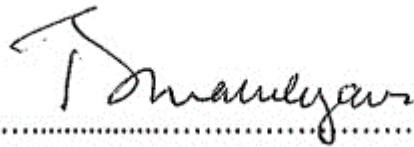
1.2 The objects of the Bill are to:

- (a) clarify that only the Minister may grant the issue of a permit for the import of unlawful weapon into Samoa; and
- (b) allow a person under the age of 21 years to be in possession or use firearms or ammunitions when preparing or participating in an approved shooting sport competition.

Clauses:

Clause 1: - provides for the short title and commencement date of the Bill.

- Clause 2:** - amends section 2 of the principal Act by inserting a new definition of “approved sporting competition”.
- Clause 3:** - amends section 6 of the principal Act to clarify that the Minister may grant the issue of a permit for the import of unlawful weapon.
- Clause 4:** - substitutes section 8 of the principal Act to allow a person under the age of 21 years to have possession of any firearm or ammunition for the purpose of participating in an approved sport competition.
- Clause 5:** - amends section 9 of the principal Act to repeal provision allowing the inclusion of other persons other than the owner in the registration of a firearm.



(Hon TUILAEPA Auelua Fatialofa Lupesoliai Lolofietele
Neioti Aiono Galumalemana Dr. Sailele Malielegaoi)

MINISTER FOR POLICE

ARMS AMENDMENT BILL 2019

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. Section 2 amended
3. Section 6 amended
4. Section 8 substituted
5. Section 9 amended

2019, No.

A BILL INTITULED

AN ACT to amend the Arms Ordinance 1960 (principal Act) and related purposes.

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

1. Short title and commencement:

This Act may be cited as the Arms Amendment Act 2019 and commences on the date of assent by the Head of State.

2. Section 2 amended:

In section 2 of the principal Act, insert in the alphabetical order the following new definition:

““approved sporting competition” means a shooting sport competition approved by the Minister;”.

3. Section 6 amended:

Section 6 of the principal Act is amended as follows:

- (a) In subsection (1) -
- (i) after “person for that purpose” insert “under this section”; and
 - (ii) omit “by the Arms Officer”; and
 - (iii) after “in respect of a firearm imported by a dealer” insert “or in respect of firearms or ammunition imported by a person participating in an approved sporting competition”;
- (b) for subsection (2) substitute:

“(2) An application for a permit under this section must be made to the Arms Officer, and the Arms Officer may require the applicant to produce for examination and testing the firearm or any sample or any firearm or ammunition referred to in the application as the Arms Officer thinks fit.

(2A) The Arms Officer may grant or refuse to grant an application for a permit under subsection (2) in respect of any ammunitions or any firearms.

(2B) The Minister may grant an application for a permit under subsection (2) in respect of any unlawful weapon if the

Minister is satisfied that there are special reasons why the unlawful weapon should be allowed into Samoa.

- (2C) The Minister may revoke a permit issue under subsection (2B) at any time without notice.”.

4. Section 8 substituted:

For section 8 of the principal Act, substitute as follows:

“8. Sale to and possession by young persons of firearms and ammunition:

- (1) A person must not sell or supply any firearm or ammunition to a person under the age of 21 years.
- (2) A person under the age of 21 years must not use or carry or have in his or her possession any firearm, explosive or ammunition.
- (3) For the purpose of subsections (1) and (2), a person under the age of 21 is exempted if he or she:
 - (a) participates in an approved sporting competition; and
 - (b) is supervised -
 - (i) during training in preparation for an approved sporting competition; and
 - (ii) on the day of the approved sporting competition,
 by a person who holds a firearm certificate of registration; and
 - (c) only uses a firearm or ammunition within the compound or area approved by the Minister -
 - (i) for training in preparation for an approved sporting competition; and
 - (ii) for the approved sporting competition to be held; and

(d) is a fit and proper person to be in possession of the firearm or ammunition in the opinion of the Arms Officer.

(4) A person who breaches or attempts to breach this section commits an offence and is liable to a fine not exceeding 50 penalty units.”.

5. Section 9 amended:

In section 9 of the principal Act, subsections (4), (5) and (6) are repealed.
