

ABILL

ENTITLED

AN ACT to Amend the Offensive Weapons
(Prohibition) 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 Offensive Weapons (Prohibition) (Amendment) Act, 2021 and shall be read and construed as one with the Offensive Weapons (Prohibition) 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 by:

- (a) inserting the following definition of “pepper spray” next after the definition of “offensive weapon”:

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

- (b) deleting subsection (2) thereof and replacing it with the following:

“ (2) Paragraph (a) of the definition of “offensive weapon” in subsection (1) does not include any of the following substances or other articles that a person has with him or her for personal protection, namely:

- (a) pepper spray, or an article for the discharge of pepper spray;
- (b) such other substance or article as the Minister may prescribe by order subject to affirmative resolution.”.

Repeal and
replacement
of section 6
of principal
Act.

3. Section 6 of the principal Act is deleted and replaced by the following:

“6.—(1) The Minister may make regulations generally for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations in relation to pepper spray and articles for the discharge of pepper spray.

(3) Regulations made under this section shall be subject to affirmative resolution.”.

MEMORANDUM OF OBJECTS AND REASONS

This Bill is a companion to the Bill entitled the Firearms (Amendment) Act, 2021. The intention of both Bills is to give effect to the intention to permit the possession and use of pepper spray by a person for personal protection. The proposed amendments in this Bill refine the existing provisions of the Offensive Weapons (Prohibition) Act.

Firstly, it introduces a definition of “pepper spray”.

Secondly it amends the provision in Section 2(2) which excludes from the definition of “offensive weapon” certain substances which a person has with him or her for personal protection to refer to “pepper spray, or an article for the discharge of pepper spray”.

Thirdly, it amends section 6 which gives the Minister power to make regulations under the Act to specifically refer to regulations in relation to pepper spray and articles for the discharge of pepper spray, so as to enable a regulatory framework for pepper spray to be introduced should this be considered necessary in light of its removal from the Firearms regime.

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.
