

THE MINISTRY OF JUSTICE

WEAPON POLICY

2022

TABLE OF CONTENTS

INTRODUCTION	2
1. LEGAL FRAMEWORK	4
2. FIREARMS PERMITS FOR INDIVIDUALS.....	8
3. PERMITS FOR OTHER WEAPONS	13
4. WEAPON COMMITTEE	14
5. APPLICATION PROCEDURE.....	15
6. OBLIGATIONS OF PERMIT HOLDER AND SUPERVISION	21
7. SECURITY COMPANIES AND SECURITY DETAIL.....	23
8. SHOOTING CLUBS	25
9. WEAPON DEALERS	32
10. APPLICATION FORM AND FEES	37
11. TRANSITORY MEASURES AND EFFECT DATE.....	40

INTRODUCTION

In order to adequately address the actual circumstances in Sint Maarten regarding weapon possession, an updated weapon policy is necessary. Combating the problem of illegal weapons and gun violence is a top priority for the Minister of Justice (hereinafter: the Minister). This requires a twofold approach: strict criminal law enforcement of illegal weapon possession by the *Korps Politie van Sint Maarten* (KPSM) and the Public Prosecutor on the one hand and the existence of a thorough policy of legal weapon possession on the other hand. The latter is addressed in this policy document.

By setting and enforcing strict rules for legal weapon possession, the Ministry of Justice intends to avoid legal weapons ending up in the illegal circuit. For example, by means of re-establishing strict storing requirements for firearms and ammunition as well as conducting regularly controls to enforce these policy rules. In addition, the intensified screening procedure for all type of weapon permits but also the pre-requisite of training in the proper handling of a firearm, are essential in ensuring a responsible manner of regulating the legal weapons in our society and by extension minimalizing the risk for the community. Thirdly, a proper and constantly updated registration of weapons, ammunition and permits will provide the necessary clarity within the Law Enforcement chain about (non) permit holders, the validity of a permit, the conditions of a permit and the legality or illegality of possessed weapons.

The Ministry of Justice is of the position that legal gun possession should only be possible after requiring a state-issued license. In order to obtain such a license, the applicant must have an objectively determined reasonable interest to possess a weapon. In addition, an applicant will be assessed to establish that there is no fear that the applicant will misuse the weapon or the weapon license. Therefore, an applicant will undergo interviews, background checks, medical and psychological evaluations and gun and safety training. Only persons who pass all the required stages of the application procedure, thus showing to be responsible citizens, will be considered for granting a gun permit. By introducing those safeguards, improper use or misuse of licensed weapons will be prevented as best as possible.

To guard this procedure, the Minister will be advised by a new Weapon Committee, consisting of members of multidisciplinary expertise: a high ranked police officer, a legal expert of the Department of Judicial Affairs and an independent (forensic) psychologist.

Purpose of the policy

The applicable law grants the Minister of Justice certain degrees of discretion to determine whether a weapon permit should be granted. Those decisions will be taken on a case-to-case basis but are all guided by general legal principles of good governance. This means that principles of legal security, legal equality and the prohibition of arbitrariness will be taken into account at all times. This policy serves those principles by

providing clarity about the procedure to apply for a weapon permit, the criteria to own a weapon and how the criteria will be assessed by the Minister.

Structure of this policy

This policy deals with different legal grounds for weapon permits, namely:

- Possess a weapon;
- Carry a weapon in public;
- Membership shooting club;
- Shooting club;
- Weapon dealer.

In eleven chapter the legal requirements, application procedure and all other relevant subjects related to the issuing of weapon permits by the Ministry of Justice are addressed according to the structure described below.

Chapter 1 defines the legal framework and the general requirements for granting weapon permits.

Chapter 2 address the material requirements and assessment of applications for weapon permits for individuals.

Chapter 3 addresses the material requirements and assessment of applications for permits for non-firearms (spear gun, BB gun, crossbow etc.)

Chapter 4 reflects aspects of the material decision-making, including the role of the Weapon Committee.

In Chapter 5 all the stages of the application procedure are discussed as well as the procedural aspects of decision-making, and appeal.

In Chapter 6 describes the different obligations of a permit holder such as proper storage.

Chapter 7 – 9 addresses specified procedures and requirements for resp. security companies / security detail, shooting clubs and weapon dealers.

Chapter 10 provides an overview of all the applicable fees related to weapon permits.

In closing, Chapter 11, addresses transitory measures and the effect date.

1. LEGAL FRAMEWORK

This chapter describes the existing weapon legislation and the objective and purpose of each regulation.

The existing legal framework consists of the following regulations:

- A. National Ordinance on Firearms (official title: [Landsverordening houdende nadere voorzieningen op het stuk van wapens en munitie](#))
- B. National Ordinance on Arms (official title: [Landsverordening houdende nadere voorzieningen op het stuk van wapens](#))
- C. National Decree on Firearms (official title: [Landsbesluit, houdende algemene maatregelen, ter uitvoering van de artikelen 1, 2, 7 en 10 van de Vuurwapenverordening](#)).
- D. Exemption Decree (official title: [Landsbesluit, houdende algemene maatregelen, ter uitvoering van artikel 2, onder 1, van de Wapenverordening](#)).

Ad A. National Ordinance on Firearms

This legislation specifically regards firearms as defined in Article 1.

Artikel 1

Voor de toepassing van deze verordening worden:

- 1. onder vuurwapens mede verstaan bommen, handgranaten en dergelijke voor ontploffing of voor het verspreiden van vergiftige, verstikkende of weerloosmakende gassen bestemde wapens, vlammenwerpers, alsmede, naar bij landsbesluit, houdende algemene maatregelen, te stellen regels, alarmpistolen en andere soortgelijke voor bedreiging of afdreiging geschikte voorwerpen;*
- 2. onder vuurwapens begrepen onderdelen van vuurwapens;*
- 3. onder munitie begrepen onderdelen van munitie.*

It is prohibited to *voorhanden hebben* (have at one's disposal) a firearm at all times, except for situations defined in this Ordinance. See Article 3 below.

Artikel 3

- 1. Het is verboden een vuurwapen of munitie voorhanden te hebben, behoudens de uitzonderingen in het volgende lid genoemd.*
- 2. De bevoegdheid om een vuurwapen voorhanden te hebben, komt alleen toe:*
 - 1. aan een publiekrechtelijk lichaam;*

2. aan hem, die het wapen voor een publiekrechtelijk lichaam onder zich heeft;

3. aan hem, die ingevolge de Wapenverordening het wapen bij zich mag hebben;

4. aan schietverenigingen, met volledige rechtsbevoegdheid zolang de in artikel 2a van de Wapenverordening bedoelde vergunning van kracht is, benevens aan de bij landsbesluit, houdende algemene maatregelen, toegelaten weerkorpsen;

5. aan hem, die het wapen voorhanden heeft met algemene of bijzondere machtiging van de Minister van Justitie, hierna te noemen: de minister. Aan de machtiging kunnen voorwaarden worden verbonden. Zij wordt alleen verleend voor zover enig redelijk belang dat vordert en misbruik van de machtiging of van het vuurwapen niet is te vrezen. Zij kan tot bepaalde tijden en plaatsen worden beperkt.

3. De machtiging bedoeld onder 5 van het voorgaande lid, wordt schriftelijk aangevraagd. De aanvrager verstrekt zo veel mogelijk de van hem gevraagde inlichtingen en bescheiden. Binnen een maand wordt op de aanvraag schriftelijk beschikt. Indien de aanvraag geheel of gedeeltelijk niet wordt ingewilligd, is de beschikking met redenen omkleed.

4. De minister is te allen tijde bevoegd elke verleende machtiging bij een met redenen omklede beschikking te schorsen of in te trekken. Hij kan in dringende gevallen deze beschikking bij voorraad uitvoerbaar verklaren.

5. Hij, die niet bevoegd is om een vuurwapen voorhanden te hebben, is eveneens niet bevoegd om munitie voorhanden te hebben, tenzij hij ingevolge bestaande wettelijke regelingen tot dit laatste gerechtigd is.

Article 3, paragraph 2, lists five situations in which an individual may have a firearm at his/her disposal. The subjects mentioned under 2.1 and 2.2 involve public entities (such as the police) and are excluded from this policy.

The other three situations, relevant for this policy, are the following:

- Article 3, paragraph 2, sub 3: the person is allowed to carry a firearm on the public road on grounds defined in the National Ordinance on Arms (see Ad B);
- Article 3, paragraph 2, sub 4: formally established shooting ranges to which a weapon license was issued by the Minister and voluntary corps indicated by Lbham;
- Article 3, paragraph 2, sub 5: individuals authorized by the Minister to have at his/her disposal a firearm. This authorization will only be granted if the individual has:

- a) a reasonable interest that requires him/her to have a weapon and
- b) there is no fear of misuse of the weapon or weapon license.

The last situation is the most relevant for this policy and is addressed in Chapter 3. Shooting ranges is addressed in Chapter 8. The first situation is referred to under Ad B.

Ad B. National Ordinance on arms

This legislation regards not only firearms but all weapons (defined in Article 1). For example, this includes air guns, spears, swords, gummy sticks, crossbows and all other objects apparently made to serve as weapons.

Artikel 1

1. Het is verboden op de openbare weg of op enige voor het publiek toegankelijke plaats een wapen bij zich te hebben.

2. Onder wapens worden in deze landsverordening verstaan:

a. de vuurwapens, vallende onder de Vuurwapenverordening, alsmede geweren en pistolen waarmee projectielen door middel van samengeperste lucht of gas kunnen worden afgeschoten, dolken, dolkmessen, bajonetten, ponjaarden, zwaarden, sabels, degens, klewangs, degenstokken, priemstokken, wapenstokken, gummistokken, bullepezen, ploertendoders, boksbeugels, lansen, speren, spiesen, pijlen en andere soortgelijke voorwerpen die kennelijk vervaardigd zijn om als wapen te dienen;

b. andere voorwerpen, die door de drager of gebruiker daarvan zijn bedoeld om als wapens of mede als wapens te dienen, blijkende uit de omstandigheid waaronder of de wijze waarop zij worden gedragen of gebruikt.

This Ordinance prohibits to carry weapons on the public road or at any place accessible for the public. Therefore, the objective of this Ordinance is broader than the National Ordinance on Firearms (all weapons, not just firearms) while the scope of this prohibition is less far-reaching (prohibition to carry in public vs. prohibition to have available at all times).

Article 2 determines situations in which carrying a weapon on the public road or in places accessible for the public is allowed.

In Article 2, sub 9, it is stated that the Minister, upon request, may provide an authorization of one calendar year to carry a weapon in public.

Ad C. National Decree on Firearms

Article 2 of the National Ordinance on Firearms states that import, export, transit and transport of weapons may be prohibited by means of a LBham. This LBham could also provide exemptions to this prohibition.

This LBham is the National Decree on Firearms. Article 3 of this decree prohibits the import, export, transit and transport of weapons unless:

- 1) this is executed by or on behalf of the country St. Maarten or the Kingdom of the Netherlands, or
- 2) this is authorized by the Minister.

Article 4 states that the Minister in all cases has to provide a (consent)permit. Mandatory templates for both the application form (Annex A) and the consent permit (Annex B) are included as annexes of the aforementioned regulation.

According to Article 2, sub 7, of the National Ordinance on Arms, holders of the consent permit are authorized to carry weapons on the public road as meant in that Ordinance.

The National Decree does not define 'transport'. It follows from the context of the LBham that with transport is meant: transport related to import, export or transit. Hence, for other types of transport on the public road, the applicant needs to request authorization as meant in Article 2, sub 9, of the National Ordinance on Arms.

Ad D. Exemption Decree (Vrijstellingsbesluit)

As indicated under Ad B, Article 2 of the Ordinance on Arms entails situations in which carrying a weapon on the public road or in places accessible for the public is allowed. Paragraph 1 indicates that the Minister of Justice can determine in a decree which officials and civil servants can carry a weapon in public without a permit. In other words; which officials or civil servants are exempted of the obligation to have a permit to carry a weapon in public. These exemptions are determined in the Exemption Decree (*Vrijstellingsbesluit*).

Officials who fall under this exemption regulation are for example the Governor, Ministers, former Minister up till 4 years after their resignation, the Attorney-General, Public Prosecutors and members of the Joint Court of Justice.

2. FIREARMS PERMITS FOR INDIVIDUALS

This Chapter addresses applications to *voorhanden hebben* (have at one's disposal) a firearm on the grounds of Article 3, paragraph 2, sub 5, of the National Ordinance on Firearms:

The authorization to have at one's disposal a firearm only falls to [...] to the individual who possesses the weapon with general or special authorization from the Minister of Justice [...]. Conditions may be imposed to the authorization. It shall be granted only to the extent that a reasonable interest requires the authorization and to the extent that there is no reason to fear misuse of the authorization or of the firearm. The authorization may be limited to certain times and places.

In addition, this Chapter also addresses the authorization of the Minister of Justice to carry a firearm on the public road, as referred to in Article 2, sub 9, of the National Ordinance on Arms.

It follows from the wording and systematics of the legislation that individual possession of firearms in St. Maarten, like in the other Kingdom countries, should be restricted to special circumstances. Hence, in order to obtain a permit, an individual must not only establish the absence of fear of misuse, but there must also be an objectified reasonable interest to possess a firearm.

The wording of the law implicates that in Sint Maarten a general right to own a weapon does not exist. This is in contrast with other countries, for example such as the United States, where the right to self-defense is a Constitutional right and there is a more liberal approach for the possession of a firearm due to the Second Amendment. However, the character of the law is in line with the other countries within the Kingdom of the Netherlands.

Background of this legal approach is to minimize weapon violence in society. Academic research from many sources (Harvard, Oxford) shows that the presence of weapons in society, even legal ones, increases the risk of weapon violence and the loss of lives and health. Also, there is always a risk that legal weapons end up in the illegal circuit (by theft or otherwise). Therefore, the procedure of granting weapon permits should be covered with sufficient guarantees.

The legislation states two requirements:

- a. reasonable interest;
- b. no fear of misuse.

These requirements are so-called 'open standards'. This means that the legislator specifically grants the Minister a degree of discretion to determine whether a weapon permit should be granted. With this policy, the Minister aims to provide transparency

and clarity about how this degree of discretion is applied in practice. This chapter addresses the interpretation of the open standards in general, while the next chapter will regard specific categories.

2.1 REASONABLE INTEREST-CRITERIA

The assessment of the reasonable interest-criteria depends heavily on the circumstances of the case and should be determined on a case-to-case basis. However, in the interest of legal security and legal equality, the Minister finds it relevant to provide some guidance in the application of this criteria.

A balance of interest should be made between the interest of public safety in society and the applicant's personal or business interest. Based on the aforementioned restrictive approach of the legislation, the existence of a reasonable interest will not easily be accepted. In principle, the general interest of public order and safety will be considered to prevail over the individual interest to possess a weapon. The burden of proof to establish a reasonable interest therefore lies with the applicant. An assessment will be made based on the general legal principles of proportionality and subsidiarity.

This means the applicant should establish:

- the principle of proportionality: the personal interest of the applicant weighs heavier than the interest of society of limited weapon possession;
- the principle of subsidiarity: a weapon permit is necessary to safeguard the individual interest of the applicant; this could not be in done in a different manner.

Shooting club membership, hunting and collector's items

St. Maarten does not (yet) have any shooting clubs. In principle, practicing sport shooting or just being a member of a shooting club does not provide in itself a reasonable interest to justify the individual possession of a firearm. Members of a shooting club could use a club firearm during their membership (see Chapter 8).

Nor does St Maarten have such a hunting culture that hunting can be considered a reasonable interest that justifies issuing a firearms permit. This could be different when an ecological interest is sufficiently established.

Similarly, the holding of a collection of firearms may only be considered to be a reasonable interest justifying the granting of a permit if it is demonstrated that the collection is of general scientific or historical interest, as held by museums and similar institutions, or in an organized context with the aim of making a serious study of the historical or technical development of firearms.

2.2 FEAR OF MISUSE-CRITERIA

The second criteria is the assessment of the fear of misuse. Weapons can only be granted to trustworthy applicants, meaning persons who do not pose a threat to themselves, others or to the public order. A permit holder must at all times strictly comply with all legal requirements (including the safety and storage requirements) and even the slightest doubts of reliability will lead to denial of the weapon permit.

For the assessment of this criterion, the following information will be assessed:

- A. Convictions and other court decisions;
- B. Police information and other objective information;
- C. Psychological assessment;
- D. Medical assessment.

The applicant is obliged to submit a Declaration of Conduct (Verklaring omtrent het gedrag, VOG) with his application form. A psychological assessment is a mandatory component of the application procedure. This paragraph focusses on how the information is assessed.

2.2.1 Convictions and other court decisions

The following situations are already sufficient reason to deny the weapon permit:

- a. The applicant was by court decision admitted to a psychiatric institution (including 'terbeschikkingstelling') in the eight (8) years preceding the assessment;
- b. The applicant was convicted by court verdict in the last eight (8) years for:
 - committing a felony for which a (suspended or unsuspended) prison sentence has been imposed;
 - committing a felony involving violence or the threat of violence;
 - committing a felony or misdemeanor under the gun laws;
 - committing a felony under the Opium Act;
- c. The applicant was convicted by court verdict in the last four (4) years for committing a felony other than the ones mentioned under b. for which a fine or community service has been imposed.

In cases of recidivism or the very serious nature of the alleged conduct, a longer term can be applied. It should be noted that every past behavior against the law could be involved in the assessment. The above-mentioned situations are in itself already sufficient for denial of the permit; other situations require additional motivation in the Ministers' denial decision.

Transactions - The voluntary payment of a sum of money as referred to in Article 1:149 of the Penal Code (a transaction with the Public Prosecution Service) shall be regarded as equivalent to a final judicial decision.

Foreign convictions foreign criminal law convictions are equated with convictions in St. Maarten insofar as the criminal act is also punishable in St. Maarten. If applicable and relevant, foreign can be used in the review process of a VOG.

Non-irrevocable court decisions - Fear of misuse is considered present in the above-mentioned situations after a first-instance decision, regardless of a pending appeal. In case the applicant is acquitted in a higher instance, he/she can lodge a new application afterwards.

Acquittals - Acquittals do not fall under the situations considered in itself sufficient to deny the application. However, acquittals could provide information to doubt the reliability of the applicant and thus give reason for denial. In those cases, additional motivation should be given in the Ministers' denial decision.

The applicant must give permission to share the VOG with the Weapons Committee. If the applicant refuses to give this permission, the application will be denied. Refusing to be fully open about one's past experiences with police and justice constitutes to fear of misuse.

2.2.2. Police records and other objective information

Court verdicts alone do not provide sufficient information to conclude to the absence of fear of misuse. For this reason, other objective information should also be considered relevant in assessing the fear of misuse criterion, in particular information from KPSM.

Examples of relevant information in police records could be information about neighborhood disputes, marital conflicts, involvement in criminal circles and all kinds of other things that have not led to prosecution, but which must be taken into consideration when investigating the reliability of an applicant. Information leading to denial of a weapon permit could also be an ongoing investigation against the applicant not yet resulting in prosecution or conviction.

Other relevant information about the applicant could also be used, as long as it originates from reliable and objective sources, such as other State authorities.

In all cases of information other than the above-mentioned court verdicts, the Ministers' denial decision needs additional motivation as to why the fear of misuse is established.

2.2.3 Psychological assessment

A psychological assessment is a mandatory component of the application procedure. The applicant must contact a certified psychologist (see Chapter 5) to perform such an

assessment. The results are submitted together with the application. The Weapons Committee will assess the outcome. Much weight will be given to the advice and expertise of the psychologist.

Circumstances following from the psychological assessment that will be considered risk factors are (non-limitative):

- Clinical factors (mental illness, addiction, compulsory admissions, forensic care and suicidal thoughts);
- Stressful circumstances (problems in relationships, problems in work or education, poor social support system and stressful life circumstances);
- Specific characteristics of the applicant (aggression, criminal behavior, impulsiveness and self-regulation, independent action competence, fascination for violence, extreme expressions and/or expressions of radicalization).

If the permit is denied because of fear of misuse based on the psychological assessment, the decision provides the motivated reasons. The applicant must give permission to share the psychological assessment with the Weapons Committee. If the applicant refuses to give this permission, the application will be denied. Refusing to be fully open about ones' psychological health constitutes to fear of misuse.

2.2.4 Medical assessment

The applicant also submits a medical assessment with his application to corroborate that he is physically fit to use a weapon. Misuse might be the result not only of intentional misuse, but also of accidents that might happen when the permit owner is unfit.

3. PERMITS FOR OTHER WEAPONS

As indicated in Chapter 1, the legal framework for weapons and ammunition is broader than only firearms. Objects such as a crossbow, paintball gun, pellet gun, speargun, Air gun, pepper spray are considered weapons in our legislation for which a permit from the Minister of Justice is needed to carry a weapon in public.

In contrast with the regulations about firearms, the law does not obligate a person to have a permit of the Minister of Justice to possess a weapon. However, for the transport of a weapon is again an approval needed from the Minister of Justice or the weapon must be dismantled or stored in such a way that it cannot be accessible and used directly by the individual. That means that an individual can keep a weapon at his/her private property without a permit, but to carry or use in public, the individual must have a permit of the Minister of Justice. For example, a spear fisher can have his spear gun at home without a permit, but to transport it on the road and use it in the sea, the spear fisher needs a permit from the Minister of Justice.

In addition, in this regard it is relevant to point out that alarm pistols and weapons which are in their appearance similar to real weapons and be used to threat or imminent threat a person, cannot be imported, exported or transported on the public road / to a public place without a permit of the Minister of Justice.

The same principles of reasonable interest and no fear for misuse of the weapon, as well as the same requirements determined in Chapter 2, apply for other weapons than firearms. The strict requirements are needed because other weapons than firearms can also create a risk for the community when their use and present in the public is not regulated in a proper manner.

However, certain aspects of the application procedure are considered less relevant for other weapons than firearms. In Chapter 5, the slightly different application process is further outlined.

4. WEAPON COMMITTEE

The Weapon Committee is an objective body that advises the Minister of Justice regarding the approval and denial of applications for a weapon license. This objective body has the necessary expertise to substantially advise the Minister in an adequate and timely manner. Although the composition of its members might change during the progress of time, the Weapon Committee as an advisory body must remain intact during the validity period of this weapon policy.

4.1. INSTALLATION, COMPOSITION AND TERM

The Weapon Committee is installed by Ministerial Decree. The Decree sets forth the authority and task of the Weapon Committee, its composition and the term of the members of the Weapon Committee. The appointment, dismissal, resignation and substitution of members of the Weapon Committee are set forth in the Decree as well.

The Weapon Committee comprises of three permanent members. The members meet the following requirements:

1. One member with legal expertise from the Department of Judicial Affairs of the Ministry of Justice, proposed by the Ministry of Justice;
2. A high ranked police officer with the necessary expertise on law enforcement and community protection proposed by the Chief of Police;
3. An independent (forensic) psychologist;

If necessary, the Weapon Committee can request expert advice from the Ministry of TEATT if the alleged reasonable interest for a weapon license entails the protection of a business, its personnel or a business owner.

A civil servant from the Ministry of Justice is added as a secretary of the Committee by the Minister of Justice. The chair of the Weapon Committee is elected by the members of the Weapon Committee during the first meeting. Members are appointed for a period of 3 years and can be extended once for another period of 3 year. The Weapon Committee members receive a remuneration set by the Minister of Justice.

5. APPLICATION PROCEDURE

5.1. APPLICATION FORMS

In order to start the application procedure, the applicant must be 21 years of older and has to submit a complete application to the Department of Judicial Affairs of the Ministry of Justice.

Every natural person must provide:

- ◆ A designated application form;
- ◆ A copy of a valid proof of identification;
- ◆ An excerpt from the civil registry not older than 3 months in which it is established that the applicant has a permanent legal residency status on Sint Maarten;
- ◆ A declaration of conduct (VOG), not older than 3 months;
- ◆ A declaration confirming medical suitability; not older than 3 months;
- ◆ Proof of a psychological assessment performed by one of the VSA-certified (forensic) psychologist not older than 3 months;
- ◆ Motivation of the alleged reasonable interest, stated and supported with documentation, taking into account the policy per category as mentioned in Chapter 3;
- ◆ A detailed description of the weapon subject of the application;

Legal entities must provide:

- ◆ Articles of Incorporation;
- ◆ Business License
- ◆ Chamber of commerce registration valid at the time of filing of application;
- ◆ Abovementioned information on natural persons for the Director and persons who will carry the weapon;
- ◆ Crib number and SZV-registration;

5.2. INTAKE JUDICIAL AFFAIRS

The Department of Judicial Affairs of the Ministry of Justice assesses whether the application is complete. If the application is considered incomplete, Judicial Affairs will inform the applicant thereof and grant a timeframe of two (2) weeks to repair the deficiencies. If no timely answer is received, the application will be denied by the Minister. The applicant has the right to appeal this decision.

If the application forms are considered complete, Judicial Affairs will send all the application documents and the police record template to the Weapon Committee.

5.3. FIRST ASSESSMENT WEAPON COMMITTEE

The Weapon Committee reviews the application to establish whether:

- a) the applicant has a reasonable interest to obtain a permit and
- b) there is no fear of misuse.

The Weapon Committee will decide on these matters in accordance with the policy set out in Chapters 2 and 3.

If the Weapon Committee is of the opinion that more information is needed, they can:

- request the applicant to submit additional documentation;
- arrange a hearing with the Committee in order to question the applicant in person.

The assessment may lead to two different outcomes:

1. The applicant does not meet one or both requirements.

The Committee drafts a motivated advice to the Minister to deny the application. The Minister will generally follow this motivation and advice and render a negative decision.

2. The applicant meets both the requirements.

The Committee drafts a motivated positive advice to the Minister. The Minister will generally follow this advice. The applicant will be invited to complete the next phase of the application procedure.

In special circumstances, the Minister may deviate from the advice of the Weapon Committee. In case the Weapon Committee advised positive but the Minister does not corroborate, a motivated negative decision will be rendered. The Minister in particular provides a detailed motivation as to why the positive advice is not followed. The applicant has the right to appeal the decision.

When the Weapon Committee advises negative and the Minister does not corroborate, the applicant will be invited to complete the next phase of the application procedure. If this next stage leads to granting the weapon permit, the (final) decision will hold a detailed motivation as to why the advice of the Weapon Committee is not followed.

For the applicants of a type of a weapon, other than a firearm, this will be the first and only assessment by the Weapon Committee. After the Weapon Committee has

submitted her advice to the Minister of Justice, the Minister of Justice will take a final decision upon the application.

5.4. TRAINING PHASE AND THE CERTIFICATE OF MARKSMANSHIP

The applicant for a firearm permit needs to provide a certificate of marksmanship that shows that he/she successfully completed the relevant training program. This training phase and certificate of marksmanship does not apply to applicants for a weapon permit for other type of weapons than a firearm (speargun, crossbow, air gun etc.).

The certificate of marksmanship cannot be older than three months. This training program involves the applicants':

- shooting skills and command of the firearm;
- relevant knowledge of regulations;
- skills related to safety, precautionary measures and storage.

The training program must be completed with the type of firearm that the applicant wants to purchase if a weapon license is issued. If the applicant decides to purchase a firearm for training purposes prior to the issuing of a license, it falls under the financial risk of the applicant. If the training phase is not completed successfully and therefore a weapon license is not issued.

At this time there is no state-regulated shooting range where such training programs can be offered. As long as this is the case, certificates of marksmanship from accredited commercial shooting ranges will be accepted as proof of marksmanship. A training program should fulfill the above-mentioned requirements. The certificate of the commercial shooting range will be assessed by the Weapon Committee in terms of quality. [This policy will be adjusted as soon as St. Maarten has their own shooting range].

5.5. SECOND ASSESSMENT WEAPON COMMITTEE

Once the training phase is completed by the applicant, the applicant submits his/her certificate of marksmanship. Based on the outcome of the training phase, the weapon committee provides a final advice to the Minister.

5.6. HOME CHECK

All permit holders must be inspected at least once a year, without prior notice, to verify that the weapon the permit holder has in his possession correspond to the description on the permit and that the storage facilities for the weapon and ammunition meet the requirements of soundness and safety. Also, in view of the available police capacity,

these checks should preferably be carried out on a risk basis: persons who have demonstrated that they do not comply with the rules should be subjected to more intensive monitoring than persons who have demonstrated that they do comply strictly with the rules.

The (first) home visit must also be used by the police to form an impression of the living conditions of the (intended) firearms owner as well as his fellow residents and neighbors, as this can provide an indication for further investigation. The home inspection is not a home search. The police must limit themselves to the rooms where the weapon is stored that may be entered with the resident's permission. Failure to give permission to enter the home for a check, can lead to denial or revocation of the weapon permit.

5.7. DECISION BY THE MINISTER

The Minister will issue a weapon permit to the applicant having fully and in accordance with all standards set completed the application process. This decision will be issued in writing to the applicant.

As indicated under paragraph 5.3 for the applicants of a type of a weapon, other than a firearm, the final decision upon the application will be made after a (first, and only) assessment of the Weapon Committee.

The Minister will not issue a permit, in the event the applicant has not fully completed the process due to a failure in compliance in the intake phase of the application process, or due to a negative evaluation in the first phase and second (training) phase of the application process.

5.6. LEGAL REMEDIES

The applicant who has received a denial on his/her request after the intake phase, first phase or second (training) phase has 6 weeks to appeal the decision, in accordance with the National Ordinance Administrative Process (*Landsverordening Administratieve Rechtspraak*), at the court of First Instance in Sint Maarten.

5.7. NUMBER AND TYPE OF WEAPONS & AMMUNITION

In principle, each permit holder will be allowed to have one weapon. This restriction applies to all type of weapons but can be considered most essential for firearms. Detailed information of the specific weapon will be included in the permit. The applicant must specify the brand, type, number and caliber of the weapon they wish to purchase with their application. Both the weapon and the ammunition must be purchased from a recognized weapon dealer.

The applicant for a firearm permit is free to choose the firearm and its ammunition with the understanding that:

- only a handgun is allowed, namely a revolver or a pistol;
- only the ammunition corresponding to the firearm authorized is permitted;
- the caliber is no heavier than 9 millimeters for a pistol and 0.38 inches for a revolver;
- only full jacket ammunition is allowed;
- the ammunition is stored at all times in the designated safe at the location indicated in the authorization;
- the permit holder is only allowed to have a maximum of 50 cartridges, belonging to his weapon.

After first obtaining it, the permit holder immediately presents the weapon in its original packaging and not ready for use to the police for registration.

The weapon may not be carried on a public road, unless an exemption applies, or a separate authorization has been issued that expressly permits this. The transport of the weapon to or from the home or business must be in closed packaging and the weapon must not be ready for use during transport. At the location authorized in the authorization, the weapon may only contain the ammunition that is suitable for that weapon. The weapon may not be reloaded and may not be carried visibly. Investigating officers are authorized at all times to check compliance with the obligations imposed.

If non-compliance is found during a check, the investigating officer will take the firearm into custody (*bewaring*) and notify the Minister immediately in writing. The Minister may decide to revoke the permit. In all cases where the continued possession of a weapon is deemed to constitute a safety risk, the authorization can be withdrawn, and the police can demand that the weapon be handed over to the police.

5.8. THE PERMIT

The weapon permit will stipulate the brand, type and serial number of the weapon. The permit can also stipulate additional conditions for having a weapon and ammunition in their possession and/or to carry it in public. The permit becomes valid after the police have checked the safe installed by the applicant. The applicant or holder of a permit carries both the permit and the certificate of marksmanship if the weapon regards a firearm while he/she has the weapon. If the weapon holder cannot present a valid permit (and certificate of marksmanship) to the investigating officer who has asked for them, the weapon will be held in custody (*bewaring*) by the investigating officer and taken to the police station. Once the weapon holder has presented the valid authorization (and the certificate of marksmanship) to the investigating officer, the investigating officer will return the weapon and the ammunition to the holder.

5.9. VALIDITY PERIOD OF WEAPON PERMIT

A weapon permit is valid for a maximum period of one (1) calendar year. If the permit holder wants to remain having a permit for the upcoming calendar year, a new application with all requirement documents must be submitted no later than November 1. Circumstances under which a permit was issued can change evidently during a year. Therefore, every year a new assessment based on up-to-date information must be made of the aforementioned criteria of reasonable interest and no fear of abuse.

5.10. (INTERIM) WITHDRAWAL OF PERMIT

It is not excluded that the permit may be revoked and the weapon may be confiscated (*in beslag genomen*) if it appears that the applicant no longer has a reasonable interest, or if there is a fear of abuse. Furthermore, the permit will be revoked if it has been established that incorrect information was provided with the application when the permit was issued. The permit will also be withdrawn in the event of abuse of the permit or of the weapon and the ammunition, or if the applicant fails to meet the conditions set in the permit. Before a confiscated weapon can be released back to the owner, the Public Prosecutor is consulted and requested for approval.

6. OBLIGATIONS OF PERMIT HOLDER AND SUPERVISION

6.1. PROPER STORAGE OF WEAPON AND AMMUNITION

The holder of a permit must store the weapon properly. The weapon and ammunition must be stored separately from each other, in principle in locked safes that are anchored to the wall or the floor. This prevents both weapon and ammunition from being stolen in the event of a burglary and ensures that the weapon is immediately ready for use. It also limits the risk of accidents and prevents someone from obtaining weapons and ammunition on a whim. The police will check and determine whether the storage location(s) and the weapon safe are suitable and acceptable. The specific storage requirements for a weapon and ammunition will be determined in a separate document by the KPSM.

6.2. SUPERVISION

Supervision of compliance entails, among other things, monitoring compliance with the regulations without the need for a (suspected) violation of a legal rule. The following persons are charged with supervising compliance with the weapon legislation and the regulations associated with the weapon permit:

- the police officers;
- the officers of the National Police;
- the special police officers appointed for that purpose;
- the customs officials.

These persons have the specific supervisory powers set out in the Firearms Ordinance and Weapons Ordinance.

6.3. HAND IN WEAPON AND AMMUNITION

When a person (or applicant) is in possession of a weapon or ammunition without the authority and/or permit, this is a criminal offence. The police will take the weapon in custody and will report the crime to the Public Prosecutor. The Public Prosecutor can decide to formally confiscate (*in beslag nemen*) the weapon.

A weapon that has been confiscated can be made unusable if it has been irrevocably established that no permit will be issued for the weapon in question. If there are compelling reasons based on the public interest, the person who has a weapon or ammunition on hand can be ordered to hand it over to the police within a set term. Even if a permit holder dies, the next of kin must hand over the firearm and the ammunition to the police.

6.4. OBLIGATION TO REPORT TO POLICE

A firearm permit holder who has fired his firearm for any reason must report this to the police. Even if this only concerns shooting in the air. Failure to report this can lead to the permit being revoked and the firearm being confiscated for fear of abuse.

7. SECURITY COMPANIES AND SECURITY DETAIL

In view of public safety and security it is considered highly undesirable to allow all security guards to carry weapons and guns in public. Therefore, only by exception security companies can be granted a conditional permission by the Ministry of Justice to do so. Regardless the fact that a security company could be recently or previously be granted a business license by the Ministry of TEATT to provide armored transports or armed guards, it always remains up to the discretion of the Ministry of Justice to determine if a weapon / gun license should be issued to the company to carry out these projected services.

Security companies must therefore justify and substantiate the need to arm their staff in order to perform their security duties. Furthermore, the possession of weapons will only be permitted for the purpose of and during the actual performance of the specific security task: i.e. during security activities or transport.

Applications under this category follow the process outlined in this policy with a screening applicable for both the company and its staff members. Special requirements apply as permissions granted under this category will entail permit holders to be armed in public. This category thus must request a permit for the company with personal applications per staff member. The security company has the obligation to directly notify the Ministry of Justice when a staff member is no longer working for the security company in the function of a security guard. The weapon of the departing staff members will have to handed over to KPSM. Permits of staff members are non-transferable to other (new) staff members. Non-compliance to this obligation can result in the revocation of the permit of the security company and all of its staff members.

A staff member who will carry a weapon must have a valid certificate or proof of law enforcement training from a certified training provider whereby dealing with conflict management and knowledge of relevant legal knowledge (regarding the Criminal Code of Sint Maarten and weapon legislation) is part of the training. The staff member must undergo a supervised written assessment (exam) and successfully complete this assessment to be considered for a gun permit.

Any granted permit under this category will be conditioned as the permit will solely be valid for active work periods. Permits will not permit the staff member to have the weapon or use the weapon outside of his/her function. Weapons and ammunition permitted under this category must follow the detailed stipulations set forth in this Policy as it relates to registration-, storage and safety requirements.

Security of foreign officials

Personal security officers of foreign officials can be issued with a weapon permit on an ad hoc basis. The permit is limited in time to the period the foreign official is present in

St. Maarten. While assessing the application, the capacity of the foreign official, the type of weapon and the amount of ammunition should be taken into account.

8. SHOOTING CLUBS

The stipulations set forth in this section relate to Shooting- or Hunting clubs/associations to seek a permit for the operation of the entity.

Permits are solely issued to such clubs/association with full legal authority incorporated by notarial deed and duly registered at the Chamber of Commerce and Trade in Sint Maarten. The association having as aim in its articles of incorporation the exploitation of a shooting range for its membership, where the membership can exercise shooting as a sport/recreation.

8.1. THE PERMIT

The shooting- or hunting club/association can be eligible to be granted a permit in accordance with the stipulations in Article 2a, paragraph 1, of the Weapon Ordinance. The sole objective of the shooting- or hunting club/association must be the social gathering of members to undertake shooting sport within the facilities of the club/association.

8.2. THE REQUIREMENTS

The Shooting- or hunting club/association must have a policy on the opening of the facilities, the number of members and board members present as a prerequisite for the opening periods.

The shooting- or hunting club/association must specify in its permit application the particular opening periods (membership night or day periods) during which the social gathering and sport will take place.

The permit shall be issued with the restriction that gatherings are solely allowed during these periods in the presence of at least one Board member and at least 5 members to every 15 members present, to ensure ample safety and social control over activities undertaken in gathering periods. Special sport events will be permitted, be it that a prior notification of such events and the particulars of the event must be submitted to the Ministry through the Department of Judicial Affairs. In exceptional situations the requirement of a board member present can be provisioned for through empowerment of a designated person. The application must be supported by the policy and guideline referred to in section 8.3.

8.3. TERM, APPLICATION REQUIREMENTS AND STORAGE CONDITIONS

The permit issued to the shooting- or hunting club/association is for the period of one (1) year.

The permit is issued in name of the Managing Board members of the Association. The Managing Board members of the Association as well as all the employees of the shooting club must be older than 30 years and will be screened. The application of the abuse/misuse criterium is verified against the legal entity and its Managing Board, relating to none of which a concern or fear may exist. Internal constant verification against this criterium is undertaken by the Association as it relates to its members to ensure that none form a danger to themselves, public order and safety.

The shooting- or hunting club/association must have an approved policy and guideline in effect outlining the:

- A] storage of weapons and ammunition;
- B] the maintenance and repair of weapons;
- C] the registration of weapons and ammunition for each use;
- D] the certification requirements for use of weapons;
- E] the assessment of knowledge of applicable laws;
- F] safety measures for the use of weapons at the facility.

In addition to the aforementioned policies the application of the shooting- or hunting club/association must be supported by a membership policy/guideline outlining the application requirements for membership, the application procedure to attain membership. Through the application requirements and -procedure the shooting- or hunting club/association undertakes the abuse/misuse criterium assessment of all applicants seeking membership. Requirements stipulated in this policy on the medical and mental status, as well as background checks for criminal activities, associations and condemnations are made part of the application requirement and process for all members.

The shooting- or hunting club/association is obligated to submit a full and detailed registration of its members with the first filing of the application for a permit under this policy. This registration is automatically updated with the addition or removal of members.

The shooting- or hunting club/association shall maintain a detailed register on weapons and ammunition totals as prescribed hereinafter in section 8.5.1.

In the assessment of the application of the club/association the required policies, guidelines and procedures stipulated in this policy are submitted for verification and approval. Recommendations made to guidelines and procedures submitted must be

accepted and implemented. A permit is not issued until all related policies and procedures have been approved by the Minister.

Change of the Management Board members and employees will require immediate notification to the Minister. A change in permit must be requested. Such a request will entail a full assessment of the incoming member as applicable to all persons seeking permissions under this policy. The permit may be suspended temporarily if a majority of members are changed, and incoming members have not completed the review set by the Minister. The club/association should bear the afore in mind with upcoming change of board.

8.4 USE OF SHOOTING CLUB FIREARMS/GUNS WITHIN THE CLUB FACILITIES

Members of shooting club will not be eligible for a firearm permit on the basis of said membership. Members are permitted to use the weapons and ammunition of the shooting club within the facilities solely. The shooting- or hunting club/association may solely place to the availability of its members the weapons and ammunition related thereto as listed in the permit. Weapons and ammunition may not be taken from the facilities or used outside of the facilities.

The conditions set forth herein apply to persons introduced by members of the club/association, who enjoy the facilities under the auspices of the member.

The club/association having complied with the registration requirements, must file a report monthly with the Police on the use of weapons and ammunition. Replacement of weapons and ammunition related to such weapons requires a prior approval sought, which approval is granted through the issuance of a new permit reflecting the information of the weapons and ammunition approved. If deemed necessary, the Ministry of Justice can limit the number of weapons and ammunition imported by the shooting range.

The unauthorized removal of weapons and ammunition within the facilities of the club/association and/or from the facilities is to be reported immediately. Any use of the weapons and ammunition due to the internal unauthorized removal must be reported.

Dependent on the severity of the breach and whether the breach can be attributed to the fault or negligence of the Board members of the club/association a temporary closure can be ordered, or the permit can be suspended or revoked by the Minister.

8.5. SAFETY POLICY

The Shooting- or hunting club/association must in an effort to mitigate the potential occurrence of endangering public safety, have in effect a safety policy applicable to the use of firearms/guns and ammunition within its facilities, by its members and those introduced by members.

The safety policy must be known and followed by all members and visitors. The safety policy and thereto related guidelines must be posted within the facilities in general view.

8.5.1. Register

As part of the safety guidelines of the club/association a detailed register of firearms/guns and ammunition will be maintained.

The register will reflect date- time- weapon identification, ammunition rounds, utilized shooting range/lane and information on the person who signed for acceptance of the firearm/gun and ammunition. The register shall also reflect the date and time of return of the firearm/gun and or ammunition.

8.5.2. Qualified personnel

The club/association shall have ample safety officers and/or shooting range/lane commanders, to supervise the shooting activities and the compliance of the regulations and guidelines of the club/association. No activities may be undertaken in the absence of the safety officer and a shooting range/lane commander. The specific requirements (training) of personnel of the shooting range can be determined by the Ministry of Justice.

The safety officer shall ensure that weapons and ammunition not used are returned immediately to the storage facility or area upon conclusion of range/lane activities. Weapons and ammunition shall not be in the possession of the members in other areas of the facilities outside the shooting range.

The facilities of the club/association must conform to the applicable building and environmental codes and must provision to mitigate the possibility of ricochet (stray) bullets. Emergency exits must be available for use in cases of calamity.

8.5.3. Storage of firearms and ammunition

The storage of firearms and ammunition must meet the following requirements:

- 1] the club/association must within its facilities have an area that can be well secured in which safes are located, approved by the Fire department and Police;
- 2] the spare keys and or access codes to the safes may not be located at the same location;
- 3] the area in which firearms/guns and ammunition are stored, separately must be secured by an alarm system, monitored from a remote location;
- 4] the access keys and or access codes must be properly secured on location only accessible to persons authorized to safeguard the storage facility;
- 5] a register is maintained of the persons so authorized at any given time;
- 6] access codes are to be changed periodically and placed in safe keeping as stipulated afore;
- 7] an appropriate camera security system must be in place;
- 8] any breach of the facility and/or safes must be registered and investigated with a notification to the Police.

8.5.4. Policies and Registers of the shooting- or hunting club/association

The permit of the shooting- or hunting club/association must be at the facilities of the club/association and placed in a visible manner.

The club/association must have on location:

- A] the rules and guidelines of the club/association.
- B] the articles of incorporation and by-laws of the club/association including board regulations.
- C] policy on inventory procedures.
- D] a calamity/emergency plan.
- E] policies and registers as stipulated afore.

The Minister may prescribe the format of the registers mentioned in section 8.5.1.

8.6. MEMBERSHIP APPLICATION PROCEDURES

8.6.1. General

The shooting- or hunting club/association must design its application procedure to filter out persons seeking to utilize the entity for other (illegal) purposes than intended. The procedure must include processes to determine the true intention/motives of the applicant, verify medical and metal capabilities to reduce safety risks and potential abuse/misuse of weapons and ammunition.

The application procedure must therefore include:

- 1] Extensive background checks;
- 2] Medical and mental capacity checks;
- 3] Personal circumstances verification.

The application guidelines in Chapter 5 of this policy provide the necessary framework for the design of the application procedure.

The applicant must therefore submit pertinent declarations from reputable medical experts, a declaration of conduct (VOG), a self-declaration and references that can speak to the applicants' character.

The self-declaration is provided through the form issued by the Minister. The application form however must be designed for entry of general information by the applicant and a response to pertinent questions from which his/her character may be distilled.

8.6.2. Prospective member-member

The application procedure for membership commences with the filing of an application by a prospective member. The Prospective member maintains this status for a period of at least 4 months, during which period the applicant based on character, mental and physical capabilities is viewed and completes the introductory course of the club/association. The applicant solely is to receive membership status upon completion of all requirements during this period to the satisfaction of the Managing Board of the club/association. The introductory course must address matters such as safety in the shooting range, handling of weapons, basic disciplines related to this sport, house rules and regulations.

8.6.3. The assessment period of the prospective member

The eligibility standards of this policy are to be accepted by the club/association and made part of its membership requirement listing.

8.7. REGULATORY SUPERVISION OF SHOOTING CLUBS

Regulatory supervision is executed as stipulated in Chapter 6, be it at a higher frequency given the nature of the operations.

The Inspections/controls focus on the actual operations as well and include an assessment on the ability of to supervise the activities of its membership, the appropriateness of the acceptance and return procedures of weapon and ammunition

by members, the actual compliance with such procedures as well as the completeness of registers to be maintained. The inspections and controls also focus on compliance with the guidelines for the storage of weapons and ammunition as well as compliance with reporting requirements to the Fire Department and Police. On the request of the inspectors all registers and policy documents must be made available for review.

9. WEAPON DEALERS

9.1. GENERAL

Article 4 of the National Ordinance of Firearms provides for the possibility of allowing businesses working in weapon trade in Sint Maarten. However, given the restrictive nature of the legislation, permits for this purpose should be granted with the greatest caution. As mentioned earlier, the existence of a reasonable interest for individual weapon possession will not easily be accepted. This means that demand for legal weapons generally will be anticipated as low. Therefore, a reasonable interest for a weapon dealer will also not easily be established. As the presence of a weapon dealer - as thus the presence of weapons - might affect the security situation on the island, the Minister requests for these types of permits written expert advice from both KPSM and the Public Prosecutor. If the Minister does not follow the advice, a detailed reasoning needs to be given.

Applications under this category are processed with a screening of the company and all its staff members. In addition to the requirements- and policies set in this policy the company must be established and registered in accordance with the laws of Sint Maarten. The objective of the company is specifically geared towards the import and sale of weapons and ammunition in Sint Maarten. All screening processes under this policy will apply to this application. In addition, a control on compliance with permit conditions will be undertaken every 3-6 months. Permits are granted for 1 calendar year. An application for a subsequent calendar year must be submitted by October 1. A new assessment will be done in which compliance to the permit conditions of the current calendar and previous calendar years will be taken in consideration.

The applicant must present its verification procedure of each purchaser of a weapon and ammunition. In addition, hereto any permit holder under this category will be required to maintain a detailed register on each weapon and ammunition sold. Each sale shall be substantiated by a valid permit/license, address, date and time of purchase. Frequency of ammunition purchased shall be monitored and recorded. The Minister may determine additional reporting requirements for a permit holder under this category.

The permit holder will solely be permitted to hold the number of weapons and ammunition and type of weapons listed in the permit. An increase of number of weapons must be requested. A permit will be suspended in the event during a control the number of weapons exceeds the permitted amount. Storage requirements set forth in section 8.5. are applicable for permit holders under this category.

A sale of the business will require the prior permission of the Minister for the entity to maintain a valid permit. Any sale and transfer without the permission of the Minister will result in the permit becoming null and void as of the date of such transfer.

Change of staff members, without a request to support such change will nullify the permit granted.

Permits and licenses under this policy are not transferable.

9.2. PERMIT

Dealing in weapons is only possible by means of an authorization issued by the Minister. Dealing in weapons entails manufacturing, transforming, exchanging, renting out, otherwise making available, repairing, testing and trading, whether or not in the exercise of a business or profession.

Weapon dealers may therefore be issued with an order to act as such. Conditions may be attached to such an authorization. A weapon dealer must pass a IBT exam of KPSM, This training includes instruction and practice in the skills of violence control, apprehension, self-defense and shooting skills, baton, as well as the use of pepper spray or other means of violence.

Given the fact that a weapon dealer will have a lot of weapons and/or ammunition in their possession, it goes without saying that high criteria are posed on the conduct of the applicant its staff members. At no time may there be any fear or indication that the weapon dealer cannot (any longer) be trusted with the possession of weapons or ammunition.

Weapon dealers, specifically because they are at the beginning of the chain through which weapons are distributed to the public, will have to undergo frequent checks of their records and weapons stock. They must also strictly comply with the conditions and safety regulations contained in the order issued to them.

The permit will be issued in the name of the company (partnership or sole proprietorship) submitting the application. With the application, the applicant must also name all employees. All employees must be older than 30 years and will be screened.

9.3. APPLICATION REQUIREMENTS

The weapon dealer must be registered with the Chamber of Commerce. The first-time application as well as an application for a subsequent calendar year must be submitted to the Department of Judicial Affairs.

The application must be accompanied by at least the following documents relating to the company and all their employees:

- An excerpt from the civil registry, not older than 3 months;

- A declaration of conduct (VOG), not older than 3 months;
- A declaration confirming medical suitability, not older than 3 months;
- Proof of a psychological assessment performed by one of the VSA-certified (forensic) psychologist not older than 3 months;
- An IBT certificate, not older than three (3) months, issued by KPSM;
- If the applicant is a corporation, a copy of the Articles of Incorporation and the register of shareholders;
- If applicable, a copy (of the application) of a previously issued permit;
- A statement from the Receiver regarding the company's debt state, if any;
- A copy of the company's registration with the Tax Office;
- An overview of the security measures taken in and around the company premises and/or storage area of the weapons and ammunition;

After submitting the above documents, an interview will be conducted with the Weapon Committee, KPSM and the Public Prosecutor's Office.

A background check of both the board, manager, and employees of the firearms dealer may also be a standard part of the review process to obtain the authorization.

Interim changes in the staff of the weapon dealer must be promptly notified in writing to the Department of Judicial Affairs.

A permit is issued for a period of 1 calendar year. A permit can be revoked at any time by the Minister of Justice. The weapon dealer must submit a request for a new permit to the Department of Judicial Affairs, supported by the above-mentioned documents, at least three (3) months before the expiration of the permit. Every year it will be checked again if the authorized person still meets the requirements to a permit. The documents mentioned in this paragraph must be submitted with each application.

9.4. REVIEW OF THE APPLICATION UPON GRANTING

The Weapon Committee (if needed in collaboration with KPSM and the Public Prosecutor) verifies the information on the application form and investigates whether there is reason to fear that the decision or the weapons or ammunition will be abused. The following aspects will also be checked:

- Whether the applicant can be entrusted with the possession of weapons and ammunition;
- Whether the applicant meets the requirements established by the Minister with respect to age, moral conduct and professional competence;
- Whether the operations and the types and amount of weapons plus ammunition listed on the application form are compatible with the activities normally carried out here in the country;
- Whether and how safety requirements are met;

- Whether there are any other facts or circumstances which may influence the decision concerning the granting of the order or the conditions to be attached to it;
- Whether there are compelling reasons based on the public interest that prevent the granting of the aid.

9.5. EXTRA ASPECTS CONSIDERATE IN REVIEWING A SUBSEQUENT APPLICATION

In addition to the points mentioned in sections 9.3. and 9.4. an application for a new (subsequent) permit will (also) examine:

- Whether the weapon dealer provided the correct information;
- Whether there are indications that the weapon dealer can no longer be entrusted with the possession of weapons or ammunition;
- Whether there is a misuse of the disposition or weapons and/or ammunition;
- Whether the requirements for granting are still met;
- Whether restrictions or conditions attached to the weapon dealer have been observed;
- Whether the weapon dealer kept the records correctly;
- Whether any changes have occurred in the previously existing situation that may affect the extension of the decision or the conditions and/or restrictions attached to it;
- Whether the weapon dealer has not engaged in the acts to which the order relates for a period of at least one year;
- Whether there are compelling reasons, derived from the public interest, that prevent the issuing of a subsequent permit.

9.6. REVOKING OF PERMIT

A permit of a weapon dealer may be revoked by the Minister of Justice.

In addition to the general grounds for refusal and revocation, a permit may be revoked:

- If the weapon dealer provided false information at the time of application;
- There are indications that the weapon dealer or manager can no longer be entrusted with the possession of weapons or ammunition;
- There is a misuse of the permit or of weapons or ammunition;
- Requirements for the grant are no longer met;
- A condition attached to the permit has not been adhered to;
- There are compelling reasons derived from the public interest that prevent an extension;
- The weapon dealer did not, or at least did not correctly, maintain the register;
- The permit holder has not performed the acts to which the permit relates for a period of at least one year.

9.7. PROPER STORAGE

The permit holder must be careful about how he stores the weapons and ammunition.

The permit holder shall ensure that weapons are stored in separate, properly locked and not readily accessible to unauthorized persons. The weapons must be stored separately from the ammunition.

The firearms dealer must have a view of the storage location of the weapons and ammunition at all times.

A proper storage place for weapons and/or ammunition shall only be deemed to be a weapons cabinet/arms safe manufactured especially for the storage of weapons or any other safe that can be equated with it in terms of design and burglary resistance. A safe must be properly anchored to the floor or wall of the building unless the safe is of such a weight (at least 200 kilos) that it is virtually impossible for the safe to be taken during a burglary.

Ammunition should be stored separately from weapons.

The room in which the safes are placed as well as the building in which this room is located must be equipped with a by KPSM approved alarm system that works 24/7 and is connected to a private (also 24/7) alarm center.

The weapon dealer must also comply with all regulations and instructions to be imposed by the Fire Department and the Ministry of Justice.

10. APPLICATION FORM AND FEES

For all applications under this policy the forms issued by the Minister are mandatory, and are available online at: www.ministryofjustice.sx or at the Department of Judicial Affairs of the Ministry of Justice at A.Th. Illidge Road #8 (2nd floor), free of charge.

The costs for a weapon permit consist of the following aspects:

- A. Th Administrative Processing cost; this regards the costs the applicant has to pay for processing his/her application and are non-refundable.
- B. The Regulatory permit cost: this regards the cost the applicant must pay when the permit is issued.
- C. The License card cost; this regards the cost to obtain a license card (comparable in size to an ID card and driver's license card).

The fees mentioned in this Chapter are applicable as soon as these are formally established by means of a legislative amendment of the National Decree on Firearms (Vuurwapenbesluit). Until then the fees of the current National Decree on Firearms are applicable.

10.1. FIRST TIME APPLICATIONS PRIVATE PERSON

10.1.1. Firearms

The following compensation of costs apply for applications to possess and/or carry a firearm:

Administrative Processing cost:	ANG 200
Regulatory Permit cost:	ANG 150
License card cost:	ANG 50

10.1.2. Other weapons

The following compensation of costs apply for applications to carry another weapon:

Administrative Processing cost:	ANG 100
Regulatory Permit cost:	ANG 75
License card cost:	ANG 50

10.3. LOSS OF PERMIT/LICENSE CARD AND AMENDMENTS TO PERMIT / LICENSE CARD FOR A PRIVATE PERSON

The permit/license holder is required to have a legible permit at the location permitted at all times and must keep in possession a valid license. Permits/licenses destroyed and no longer legible or lost must be replaced.

The replacement permit and license are requested at the Ministry of Justice.

The applicant of a replacement permit and/or license shall pay the following fees:

Replacement of permit and license card	ANG 150
Replacement of permit only	ANG 100
Replacement of license card only	ANG 50
Amendments to permit	ANG 75
Amendments to permit card	ANG 50

10.4. PERMIT COSTS FOR SECURITY COMPANIES AND SECURITY DETAIL

Applications filed for these categories have the following cost compensation schedule;

Administrative Processing Costs:	ANG 500
Regulatory Permit costs:	ANG 250
Replacement of lost permit	ANG 150
Amendments to permit	ANG 150

10.5. PERMIT COSTS FOR CATEGORY SHOOTING CLUBS AND WEAPON DEALERS

Applications filed for these categories have the following cost compensation schedule;

First application

Administrative Processing Costs:	ANG 500
Regulatory Permit costs:	ANG 250
Replacement of lost permit	ANG 150
Amendments to permit	ANG 150

Storage

Compliance with storage requirements is verified during Inspections/Controls. The storage facility/safe requires certification by the Ministry of Justice which is executed during the first Inspection/control for a fee of ANG 90, -. Recertification may be

required if the storage/safe is deemed noncompliant during subsequent inspections/control or requires update/ replacement.

11. TRANSITORY MEASURES AND EFFECT DATE

Applications submitted prior to this policy taking effect, will be processed in accordance with the standards set forth in this Policy. The applicant will be given the opportunity to submit declarations that are required under this policy to supplement the application. The required certification under this policy also applies and a processed application will solely result in the issuance of the license upon submission of the certification. Applications will be processed, and licenses will be issued upon fulfillment of the conditions precedent set.

As of the date this policy takes effect all applications must be submitted in accordance with this policy.

This Policy takes effect as of the date of publication in the National Gazette of Sint Maarten.

Date: 29 September 2022

The Minister of Justice,

Anna E. Richardson