



The Official Gazette

PUBLISHED
BY
AUTHORITY

VOL. CLXI No. 68

Part A

BRIDGETOWN, BARBADOS, 11TH JUNE, 2026

Contents

Bill re Administration of Justice (Miscellaneous Provisions)
Act, 2026.

Bill re Supreme Court of Judicature (Amendment) Act, 2026.

Act 2026-8: Criminal Gangs (Prevention and Control) Act, 2026.

S.I. 2026 No. 64: Proclamation re designation of The Very
Reverend Dr. Jeffrey Douglas Gibson to perform the functions
of the office of President.

ADMINISTRATION OF JUSTICE (MISCELLANEOUS PROVISIONS) ACT,
2026

OBJECTS AND REASONS

This Bill would amend

- (a) the *Evidence Act*, Cap. 121 to abolish the rule relating to unsworn evidence, make better provision for dealing with adverse witnesses and provide for the use in court of transcripts of electronically recorded evidence; and
- (b) the *Criminal Procedure Act*, Cap. 127 to delete sections 6A and 7A which affect, respectively, the right of the jury to determine the fitness of an accused to plead and the circumstances in which the defence of diminished responsibility and insanity may be determined.

ADMINISTRATION OF JUSTICE (MISCELLANEOUS PROVISIONS) ACT,
2026

Arrangement of Sections

1. Short title
2. Amendment of Cap. 121
3. Commencement of section 72 of Cap. 121
4. Amendment of Cap. 127
5. Transitional

BARBADOS

A Bill entitled

An Act to amend certain enactments to make better provision for the administration of justice in criminal trials.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Administration of Justice (Miscellaneous Provisions) Act, 2026*.

Amendment of Cap. 121

2. The *Evidence Act*, Cap. 121 is amended
 - (a) in section 2, by deleting the definition of “evidence”;
 - (b) by deleting sections 22 and 23 and substituting the following:

“Abolition of right of accused to give unsworn evidence

22.(1) Subject to subsections (2) and (3), in criminal proceedings an accused shall not be entitled to make a statement without being sworn.

(2) Nothing in subsection (1)

- (a) prevents an accused from making a statement without being sworn where
 - (i) the statement is one which he is required by law to make personally; or
 - (ii) he makes the statement by way of mitigation before the court passes sentence upon him; or
- (b) affects the right of an accused, where he is not represented by an attorney at law, to address the court or jury otherwise than on oath on any matter on which, if he were so represented, the attorney at law could address the court or jury on his behalf. ”;

- (c) by deleting section 35 and substituting the following:

“Adverse witnesses

35.(1) Where a witness gives evidence that is unfavourable to the party who called the witness, that party may, with the leave of the court, question the witness about that evidence as though the party were cross-examining the witness.

(2) Where, in examination-in-chief, a witness appears to the court not to be making a genuine attempt to give evidence about a matter of which the witness may reasonably be supposed to have knowledge, the party who called the witness may, with the leave of the court, question the witness about that matter as though the party were cross-examining the witness.

(3) A party who is questioning a witness referred to in subsection (1) or (2) may also, with the leave of the court, question the witness about matters relevant to the credibility of the witness, and such questioning shall be taken to be cross-examination for the purposes of this Act.

(4) Where a witness, upon cross-examination as to a former statement made by him relative to the subject matter of the proceeding, and inconsistent with his present testimony, does not distinctly admit that he has made such statement, proof may be given that he did in fact make the statement; but before such proof can be given the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he made such statement.

(5) A witness may be cross-examined as to previous statements made by him in writing, reduced into writing or electronically recorded, relative to the subject matter of the proceeding, without such writing or electronic recording being shown to him; but if it is intended to contradict the witness by the writing or electronic recording his attention must, before such contradictory proof is given, be called to

those parts of the writing or recording which are to be used for the purpose of so contradicting him.

(6) Nothing in subsection (5) prevents the court, at any time during the trial, from requiring the production of the writing or electronic recording referred to in that subsection for its inspection, and the court may thereupon make such use of the writing or recording for the purposes of the trial as the court thinks fit.

(7) Unless the court otherwise directs, the questioning mentioned in this section shall take place before the other parties cross-examine the witness.

(8) The court may direct the order in which the parties may question the witness.

(9) The matters that the court shall take into account in determining whether to give leave, or give a direction, under this section include

- (a) whether the party gave notice at the earliest opportunity of his intention to seek leave; and
- (b) the matters on which, and the extent to which, the witness has been, or is likely to be, questioned by some other party.

Inconsistent statements

35A.(1) Where a person gives oral evidence and

- (a) the person admits making a previous inconsistent statement; or
- (b) a previous inconsistent statement made by the person is proved by virtue of section 35,

the statement is admissible as evidence of any matter stated of which oral evidence by him would be admissible.

(2) Where evidence of an inconsistent statement by a person is given under section 56(6)(c), the statement is admissible as evidence of any matter stated in it of which oral evidence by that person would be admissible.

Other previous statements of witnesses

35B.(1) Where a previous statement by a witness is admitted as evidence to rebut a suggestion that his oral evidence has been fabricated, that statement is admissible as evidence of any matter stated of which oral evidence by the witness would be admissible.

- (2) A statement made by a witness in a document
- (a) which is used by the witness to refresh his memory while giving evidence;
 - (b) on which he is cross-examined; and
 - (c) which as a consequence is received in evidence in the proceedings,

is admissible as evidence of any matter stated of which oral evidence by him would be admissible.

(3) A previous statement by a witness is admissible as evidence of any matter stated of which oral evidence by him would be admissible, if

- (a) any of the 3 conditions set out in subsection (4)(a), (b) or (c) is satisfied; and
- (b) while giving evidence the witness indicates that to the best of his belief
 - (i) he made the statement; and
 - (ii) the statement is true.

- (4) The 3 conditions referred to in subsection (3) are
 - (a) that the statement identifies or describes a person, object or place;
 - (b) that the statement was made by the witness when the matters stated were fresh in his memory but he does not remember them, and cannot reasonably be expected to remember them, well enough to give oral evidence of them in the proceedings; and
 - (c) that
 - (i) the witness claims to be a person against whom an offence has been committed;
 - (ii) the offence is one to which the proceedings relate;
 - (iii) the statement consists of a complaint made by the witness, whether or not to a person in authority, about conduct which would, if proved, constitute the offence or part of the offence;
 - (iv) the complaint was not made as a result of a threat or a promise; and
 - (v) before the statement is adduced the witness gives oral evidence in connection with its subject matter.
- (5) For the purposes of subsection (4)(c), the fact that the complaint was elicited, for example, by a leading question, is irrelevant unless a threat or a promise was involved.”;
- (d) in section 72,
 - (i) in subsection (2),
 - (A) by deleting paragraph (a) and substituting the following:

“(a) if the confession or admission was made in circumstances where it was reasonably practicable to create an electronic recording of the confession or admission, an electronic recording of the questioning of the person and anything said by that person during that questioning was so created;” and

(B) *in paragraph (b), by deleting subparagraph (iv) and substituting the following:*

“(iv)an electronic recording was made of the reading referred to in sub-paragraph (ii) and of everything said by or to the person questioned as a result of compliance with subparagraph (iii); and the requirements of subparagraph (ii) were also observed in respect of that electronic recording;”;

(ii) by deleting subsection (3)(c) and substituting the following:

“(c) make a copy of the transcript prepared pursuant to subsection (3A) in respect of an electronic recording available to the person questioned or his legal representative within 7 days after the preparation of the transcript; and”;

(iii) by inserting after subsection (3), the following:

“(3A) Where an electronic recording is created pursuant to subsection (2), a transcript of the recording shall be prepared, which identifies, in chronological order, each speaker and the words spoken by the speaker.

(3B) A transcript prepared pursuant to subsection (3A) in respect of an electronic recording shall be made available to the court where the recording is admitted into evidence; and the court may permit the transcript to be used as an aid to listening to the evidence.”; and

(e) by deleting sections 95 and 143(8).

Commencement of section 72 of Cap. 121

3. Section 72 of the *Evidence Act*, Cap. 121 shall come into operation upon the commencement of this Act.

Amendment of Cap. 127

4. Sections 6A and 7A of the *Criminal Procedure Act*, Cap. 127 are deleted.

Transitional

5. Nothing in this Act applies to proceedings commenced before the commencement of this Act.

Read three times and passed the House of Assembly this
day of , 2026.

Speaker

Read three times and passed the Senate this day of
, 2026.

President

SUPREME COURT OF JUDICATURE (AMENDMENT) ACT, 2026

OBJECTS AND REASONS

This Bill would amend the *Supreme Court of Judicature Act*, Cap. 117A to

- (a) increase the number of judges in the High Court;
- (b) establish a Firearms Division of the High Court; and
- (c) provide for related matters.

SUPREME COURT OF JUDICATURE (AMENDMENT) ACT, 2026

Arrangement of Sections

1. Short title
2. Amendment of section 4 of Cap. 117A
3. Amendment of section 15 of Cap. 117A
4. Insertion of sections 27A, 27B, 27C, 27D, 27E, 27F, 27G, 27H, 27I, 27J and 27K into Cap. 117A
5. Commencement

BARBADOS

A Bill entitled

An Act to amend the *Supreme Court of Judicature Act*, Cap. 117A to

- (a) increase the number of Judges in the High Court;
- (b) establish a Firearms Division of the High Court; and
- (c) provide for related matters.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Supreme Court of Judicature (Amendment) Act, 2026*.

Amendment of section 4 of Cap. 117A

2. *Section 4 of the Supreme Court of Judicature Act, Cap. 117A, in this Act referred to as the principal Act, is amended by deleting subsection (1) and substituting the following:*

- “(1) The High Court consists of
- (a) the Chief Justice, *ex officio*; and
 - (b) not more than 15 judges to be styled “Judges of the High Court”.”.

Amendment of section 15 of Cap. 117A

3. *Section 15 of the principal Act is amended by deleting subsection (1) and substituting the following:*

- “(1) There shall be five divisions of the High Court, namely
- (a) a Civil Division;
 - (b) a Criminal Division;
 - (c) a Commercial Division;
 - (d) a Family Division; and
 - (e) a Firearms Division.”.

Insertion of sections 27A, 27B, 27C, 27D, 27E, 27F, 27G, 27H, 27I, 27J and 27K into Cap. 117A

4. *The principal Act is amended by inserting the following new sections after section 27:*

“Firearms Jurisdiction

Definitions applicable to sections 27A to 27K

27A. For the purposes of sections 27A to 27K,

“child” has the meaning assigned to it under section 2 of the *Child Protection Act* (Act 2024-17);

“firearm” shall have the meaning assigned to it under section 2(1) of the *Firearms Act*, Cap. 179;

“firearm-related matter” includes the following:

- (a) a firearm charge matter; and
- (b) any firearm-related offence; and

“firearm-related offence” means

- (a) any offence contrary to the *Firearms Act*, Cap. 179; or
- (b) any offence involving a firearm.

Firearms Court

27B.(1) There is established the Firearms Division of the High Court to be known as the Firearms Court.

(2) The Firearms Court shall have jurisdiction in all firearm-related offences.

(3) The Firearms Court shall have jurisdiction to hear and determine the following:

- (a) all firearm-related offences; and
- (b) any other related offences which the Chief Justice may assign to that Court.

**Authority and jurisdiction firearm-related matters
exercisable by the Firearms Court**

27C.(1) On the commencement of this Act, authority and jurisdiction in all firearm-related matters exercisable by the High Court and Magistrate's Courts, shall be exercisable by the Firearms Court.

(2) The question whether any cause, matter or proceeding is a firearm-related matter within the jurisdiction of the Firearms Court under this section shall be decided by the Firearms Court.

(3) Without prejudice to the generality of this section, there shall be vested in the Firearms Division of the High Court all the like powers and authorities as are vested in the Supreme Court and a Judge thereof and, for the purposes of this Act, a Supreme Court Judge exercising jurisdiction in that Division in relation to any offence shall have all the powers of a Judge.

(4) In any proceedings under a related enactment, a reference to the "High Court", "Magistrate's Court", "Court of Summary Jurisdiction" or "Court" shall, in relation to a firearm-related matter, be read and construed as a reference to the "Firearms Court".

Assignment of Judges to Firearms Court

27D. The Chief Justice may assign to the Firearms Court, such Judges, who are suitable to adjudicate in firearm-related matters.

Judge in Firearms Court to have the powers of a Magistrate

27E.(1) When sitting in the Firearms Court, a Judge shall, in addition to the powers conferred under this Act, have all the powers exercisable by a Magistrate in firearm-related matters under

- (a) the *Magistrate's Courts Act*, Cap. 116A; or
- (b) any other enactment.

(2) Upon determining a case, the Court shall have all such power to punish the offender as is provided by any enactment in relation to such a case or any such offender.

Sittings of the Firearms Court

27F.(1) Sittings of the Firearms Court shall be held at such locations and at such times as the Chief Justice, in consultation with a Judge of the Firearms Court, may appoint, in accordance with this Act.

(2) Notwithstanding subsection (1), the Firearms Court may, when required and appropriate, sit at any time, and may conduct hearings by telephone, video conference or other appropriate electronic means.

(3) Without prejudice to the foregoing, upon commencement of this Act, the jurisdiction in firearm-related matters previously exercised in a Magistrate's Court, shall continue to be exercised in those Courts until the Chief Justice directs otherwise.

(4) Without prejudice to the foregoing, upon commencement of this Act, the jurisdiction in firearm-related matters previously exercised in the High Court shall continue to be exercised in those Courts until the Chief Justice directs otherwise.

Special powers of the Firearms Court

28G. Notwithstanding anything to the contrary in this Act or any other enactment, the provisions of the *Child Protection Act, 2024*

(Act 2024-17) and *Child Justice Act, 2024* (Act 2024-18) or any relevant enactment shall apply in the case of a child.

Rules

28H. In any firearm-related matter before the Firearms Court, the relevant Rules of Court shall apply.

Referrals

28I.(1) A magistrate before whom any case involving a firearm offence is brought shall forthwith transfer such case for trial by the Firearms Court and the record shall be endorsed accordingly, but no objection to any proceedings shall be taken or allowed on the ground that any case has not been so transferred.

(2) A magistrate before whom any case involving a firearm offence is brought if the offence is not murder or treason, may make such enquiry as he deems necessary in order to ascertain whether the offence charged is within his jurisdiction and can be adequately punished by him under his powers, and thereupon either

- (a) based on committal proceedings, make an order that the accused person shall be committed to stand trial in the Firearms Court; or
- (b) direct that the case be forthwith transferred for trial by the Firearms Court.

(3) For the purposes of this Act, a Judge sitting without or with a jury shall constitute the High Court Division of the Firearms Court.

(4) Without prejudice to the foregoing, the Chief Justice may, by order, regulate any other arrangements for the reference to, and trial of, cases in any such division and any such order may contain such consequential, supplementary or ancillary provisions as appear to the Chief Justice to be necessary or expedient.

(5) Where the Firearms Court is constituted pursuant to this section, the officers of the Court shall, for that purpose, be regarded and treated as having been assigned to the Firearms Court.

(6) The Firearms Court may, if it is satisfied that the requirements of justice render it expedient so to do, transfer any case brought before it to such other court, having jurisdiction in the matter, as may be appropriate; and the record shall be endorsed accordingly.

(7) Nothing in this section shall be construed as obliging a magistrate to remand any person in custody.

Transfer of matters

28J. Where in proceedings before any other Court the Firearms Court is of the view that the elements of the matter make it desirable that the matter be dealt with by such other Court, the Firearms Court may transfer such matter to be adjudicated upon by such other Court.

Savings provision

28K. Nothing in the foregoing provisions of this Act shall be construed to divest any court of any jurisdiction or preclude the trial of a firearm-related matter by the Court.”.

Commencement

5. *This Act shall come into operation on a date fixed by proclamation.*

Read three times and passed the House of Assembly this
day of _____, 2026.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2026.

President



BARBADOS

CRIMINAL GANGS (PREVENTION AND CONTROL) ACT, 2026-8

Arrangement of Sections

PART I

PRELIMINARY

1. Short title
2. Interpretation
3. Meaning of “gang” etc.
4. Evidence in relation to a gang

PART II

OFFENCES

5. Gang membership
6. Recruiting to a gang
7. Coercing or encouraging gang membership
8. Offence of being part of, participating in or facilitating serious offence by a gang
9. Counselling gang leader or member
10. Preventing gang leader or member from leaving gang etc.

- 11. Possession of bullet-proof vest, firearm, ammunition, prohibited weapon or law enforcement paraphernalia for gang-related activity
- 12. Harboursing or concealing gang leader or member
- 13. Concealing gang-related activity
- 14. Causing or permitting use of premises or motor vehicle etc.
- 15. Tipping-off
- 16. Retaliatory action
- 17. Instructing a person who participates in gang-related activity to commit an offence

PART III

POWERS OF POLICE OFFICERS

- 18. Police powers of entry, search and arrest

PART IV

MISCELLANEOUS

- 19. Detention of suspects
- 20. Offences against a judicial officer
- 21. Offence against a juror
- 22. Bail in the case of persons charged with an offence under Act
- 23. Power to vary sentences

24. Amendment of *Second Schedule*

25. Regulations

26. Consequential amendment

27. Commencement

FIRST SCHEDULE

Gang-related Activity Offences

SECOND SCHEDULE

Application for Detention Order

THIRD SCHEDULE

Consequential Amendments

BARBADOS

I assent
J. D. BOSTIC
President of Barbados
9th June, 2026.

2026-8

An Act to provide for the prevention and control of criminal gangs and gang-related activities.

[Commencement: by Proclamation]

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Criminal Gangs (Prevention and Control) Act, 2026*.

Interpretation

2. In this Act

“aircraft” has the meaning assigned to it by section 2 of the *Civil Aviation Act, 2022* (Act 2022-19);

“ammunition” has the meaning assigned to it by section 2 of the *Firearms Act, Cap. 179*;

“benefit” includes any money or other property, service or advantage;

“bullet-proof vest” means a vest or article of personal armour that is capable of providing protection, or intended to provide protection, from the penetration of bullets or similar projectiles or shrapnel from explosions;

“child” means a person under the age of 18 years;

“controlled drug” has the meaning assigned to it by section 2(1) of the *Drug Abuse (Prevention and Control) Act, Cap. 131*;

“court” means the High Court;

“firearm” has the meaning assigned to it by section 2 of the *Firearms Act, Cap. 179*;

“gang leader” means a person who knowingly initiates, establishes, organizes, plans, finances, directs, guides, manages or supervises a gang;

“gang member” includes person who

- (a) belongs to a gang;
- (b) engages in gang related criminal activity or
- (c) associates with a gang;

“gang-related activity” means any offence listed in the *First Schedule* which a gang leader or gang member acquiesces in, consents or agrees to, plans, directs, orders, authorises, requests or ratifies, and includes an activity that amounts to

- (a) the committing of the offence;
- (b) an attempt to commit the offence;
- (c) aiding, abetting, counselling or procuring the offence; or
- (d) conspiracy to commit the offence;

“harbour”, in relation to a person, means to

- (a) give shelter or refuge to the person; and
- (b) encourage or support the person, whether implicitly or explicitly, in committing gang-related activity;

“intelligence officer” means an officer of the Financial Intelligence Unit, or any other intelligence or law enforcement unit;

“law enforcement officer” includes

- (a) a member of
 - (i) the Barbados Police Service;
 - (ii) the Barbados Special Constabulary;
 - (iii) the Barbados Defence Force; and
 - (iv) the Barbados Prison Service;

- (b) a customs officer within the meaning of section 2 of the *Customs Act, 2021* (Act 2021-34);
- (c) an immigration officer within the meaning of section 2 of the *Immigration Act*, Cap. 190; and
- (d) an officer of any other agency of the State in which investigative powers, similar to those exercisable by a member of the Police Service, are lawfully vested;

“motor vehicle” has the meaning assigned to it by section 2 of the *Road Traffic Act*, Cap. 295;

“property” has the meaning assigned to it by section 2 of the *Proceeds and Instrumentalities of Crime Act, 2019* (Act 2019-17);

“prohibited weapon” or “prohibited ammunition” has the meaning assigned to it by section 2(1) of the *Firearms Act*, Cap. 179;

“public place” has the meaning assigned to it by section 2(1) of the *Firearms Act*, Cap. 179;

“publish” includes sharing on digital or social media platforms;

“recruit” includes procure, lure, solicit, incite and induce;

“school” includes any institution which provides nursery, primary, secondary or tertiary education or professional, technical or vocational training;

“ship” has the meaning assigned to it by section 3 of the *Merchant Shipping Act, 2024* (Act 2024-28).

Meaning of “gang” etc.

3.(1) In this Act, “gang” means any association, organisation, group, alliance, network, combination or other arrangement among 3 or more persons, whether formally or informally affiliated or organised, and whether or not operating through a body corporate or other association, that

- (a) engages in criminal activities; or

- (b) through membership or participation in the association, organisation, group, alliance, network, combination or other arrangement, whether individually, jointly or collectively
 - (i) engages in gang-related activities; or
 - (ii) issues threats or engages in violent conduct to
 - (A) create fear, intimidate, exert power or gain influence in communities, or over other persons, in furtherance of gang-related activities; or
 - (B) obtain, directly or indirectly, a financial or other material benefit.
- (2) For the purpose of subsection (1), facilitation of a gang-related activity does not require that
 - (a) the person facilitating the gang-related activity has knowledge of a particular activity, the commission of which is being facilitated; or
 - (b) a gang-related activity is actually committed.
- (3) Subsection (1) does not apply to any association, organisation, group, alliance, network, combination or other arrangement among persons
 - (a) acting in contemplation or in the course of a trade dispute within the meaning of section 2 of the *Trade Unions Act*, Cap. 361; or
 - (b) that forms randomly for the immediate commission of a single offence.

Evidence in relation to a gang

4.(1) For the purpose of this Act, it shall not be necessary to show that a particular gang possesses, acknowledges or is known by a common name, insignia, flag, means of recognition, secret signal or code, creed, belief, structure, leadership or command structure, method of operation or criminal enterprise, concentration or specialty, membership, age or other qualification, initiation rites, geographical or territorial situs, boundary or location, or other unifying mark,

manner, protocol or method of expressing or indicating its membership where the gang's existence can be demonstrated by other admissible evidence, but evidence which reasonably shows or demonstrates the existence of, or membership in, a gang shall be admissible in proceedings brought under this Act including

- (a) whether a person has admitted that he is a gang leader or gang member;
 - (b) evidence that the person is or has associated or been involved with a gang with the intent to facilitate the commission of a gang-related activity or to promote, further or assist in the gang-related activity;
 - (c) evidence of a gang-related activity by the person that indicates a link or involvement with a gang;
 - (d) evidence that the person knowingly assisted in or in any way facilitated the concealment, transportation or disposal of anything of evidentiary value relating to the commission of a gang-related activity by a gang;
 - (e) evidence that the person knowingly concealed or shared in the proceeds of a gang-related activity committed by a gang;
 - (f) any statement made or information given, distributed or communicated by the person on behalf of, or in the name of a gang; and
 - (g) any statement made by, or on behalf of the person, whether orally or in writing, and published or otherwise distributed by him or on his behalf, indicating his involvement in the commission of a gang-related activity by a gang.
- (2) Notwithstanding subsection (1), the community in which a person resides shall not be a factor in determining whether the person is a member of a gang.

PART II

OFFENCES

Gang membership

- 5.(1) A person who
- (a) is a gang leader;
 - (b) is a gang member;
 - (c) performs an act as a condition for membership in a gang; or
 - (d) professes to be a gang leader or gang member, or to be acting on behalf of, or on the instruction of, a gang leader, gang member or gang, or implies that he is a gang leader or gang member, or is acting on behalf of, or on the instruction of, a gang leader, gang member or gang, in order to
 - (i) gain a benefit for himself or another person;
 - (ii) intimidate another person; or
 - (iii) promote a gang,

commits an offence.

(2) A person who commits an offence under subsection (1)(a) is liable on conviction on indictment to imprisonment for not less than 15 years and not more than 25 years.

(3) A person who commits an offence under subsection (1)(b), (c) or (d) is liable on conviction on indictment to imprisonment for not less than 10 years and not more than 20 years.

(4) A law enforcement officer or an intelligence officer who commits an offence under this section is liable on conviction on indictment to imprisonment for not less than 15 years and not more than 30 years.

(5) A gang leader or other gang member who, with intent

(a) wounds or causes grievous bodily harm to; or

(b) to do grievous bodily harm, shoots at,

a law enforcement officer or an intelligence officer, commits an offence and is liable on conviction on indictment to imprisonment for not less than 15 years and not more than 35 years.

(6) The court may impose a lesser sentence than specified in subsections (2) and (3) where

(a) the person who committed the offence was under the age of 18 years at the time of the commission of the offence;

(b) the person who committed the offence has not been previously convicted of an indictable offence of a violent nature;

(c) public safety and public order will not be prejudiced; and

(d) the court is of the opinion that there are exceptional circumstances relating to the offence or the person convicted of the offence which justify its doing so.

(7) The court may impose a lesser sentence than specified in subsections (4) and (5) where the court is of the opinion that there are exceptional circumstances relating to the offence or the person convicted of the offence which justify its doing so.

Recruiting to a gang

6.(1) A person who recruits a child to a gang commits an offence and is liable on indictment to imprisonment for not less than 10 years and not more than 25 years.

(2) Notwithstanding subsection (1), a person who

(a) on the premises of a school or a place of worship; or

(b) within 500 metres of a school or a place of worship,

recruits a child to a gang commits an offence and is liable on conviction on indictment to imprisonment for not less than 15 years and not more than 25 years.

(3) A person who recruits another person, other than a child, to a gang commits an offence and is liable on indictment to imprisonment for not less than 10 years and not more than 20 years.

(4) The court may impose a lesser sentence than specified in this subsections (1), (2) and (3) where

- (a) the person who committed the offence was under the age of 18 years at the time of the commission of the offence;
- (b) the person who committed the offence has not been previously convicted of an indictable offence of a violent nature;
- (c) public safety and public order will not be prejudiced; and
- (d) the court is of the opinion that there are exceptional circumstances relating to the offence or the person convicted of the offence which justify its doing so.

Coercing or encouraging gang membership

7.(1) A person who coerces, encourages, entices, aids or abets another person to be a gang leader or gang member commits an offence and is liable on conviction on indictment to imprisonment for not less than 10 years and not more than 25 years.

(2) The court may impose a lesser sentence than specified in subsection (1) where the court is of the opinion that there are exceptional circumstances relating to the offence or the person convicted of the offence which justify its doing so.

Offence of being part of, participating in or facilitating serious offence by a gang

8.(1) No person shall

- (a) be a part of, or participate in a gang; or
- (b) knowingly facilitate the commission of a serious offence by or on behalf of a gang.

(2) For the purpose of determining whether a person is a part of or a participant in activity for the furtherance of a gang, the Court may take into account all factors that appear to it to be relevant including

- (a) whether the person has admitted that he is a part of or a participant of the gang;
- (b) evidence that the person is or has associated or have been involved with the gang, or any of its participants with the intent to facilitate the commission of a serious offence or to promote, further or assist in the criminal activity of the gang;
- (c) evidence of criminal activity by the person that indicates a link or involvement with the criminal organization;
- (d) evidence that the person knowingly assisted in or in any way facilitated the concealment, transportation or disposal of evidentiary material relating to the unlawful activity engaged in by the criminal organization;
- (e) evidence that the person knowingly concealed or shared in the proceeds of unlawful activity engaged in by the gang or any of its participants;
- (f) any statement made or information given, distributed or communicated by that person on behalf of, or in the name of the gang; and
- (g) any statement made by or on behalf of the person whether oral or in writing, and published or otherwise distributed by him or on his behalf

indicating involvement in the commission of a crime by the criminal organization.

(3) Notwithstanding subsection (3), the community in which a person resides shall not be a factor in determining whether the person is a part of or a participant in a gang.

(4) A person who commits an offence under subsection (1) is liable on conviction on indictment to imprisonment not less than 10 years and not more than 25 years.

Counselling gang leader or member

9. A person who knowingly

- (a) counsels;
- (b) gives instruction or guidance to;
- (c) finances in any manner; or
- (d) otherwise provides support to,

a gang leader, gang member or gang in furtherance of its participation in, involvement in or commission of a gang-related activity commits an offence and is liable on conviction on indictment to imprisonment for 25 years.

Preventing gang leader or member from leaving gang etc.

10.(1) A person who prevents or deters a gang leader or gang member from leaving a gang or obstructs a gang leader or gang member in leaving a gang commits an offence and is liable on conviction on indictment to imprisonment for 25 years.

(2) A person who prevents or deters another person or obstructs the other person in ceasing to provide a benefit to a gang leader, gang member or gang commits an offence and is liable on conviction on indictment to imprisonment for 25 years.

Possession of bullet-proof vest, firearm, ammunition, prohibited weapon or law enforcement paraphernalia for gang-related activity

11.(1) A person who

- (a) uses a bullet-proof vest, firearm, ammunition, or prohibited weapon;
or
- (b) has in his possession a bullet-proof vest, firearm, ammunition, or prohibited weapon which he knows or ought reasonably to know would be used

in the commission of a gang-related activity commits an offence and is liable on conviction on indictment to imprisonment for not less than 10 years and not more than 25 years.

(2) It is a defence for a person charged with an offence under subsection (1) (b) if he proves that he did not know or could not reasonably have known that the bullet-proof vest, firearm, ammunition, or prohibited weapon in his possession would be used in the commission of a gang-related activity.

(3) A person who uses or has in his possession law enforcement paraphernalia in the commission of a gang-related activity commits an offence and is liable on conviction on indictment to imprisonment for not less than 10 years and not more than 25 years.

(4) For the purposes of subsection (3), “law enforcement paraphernalia” means equipment, gear, weapons and items associated with, used by, or designed for a law enforcement officer in the execution of his duties.

(5) Notwithstanding section 188 of the *Defence Act*, Cap. 159 a person who uses

- (a) any articles of camouflage; or
- (b) any articles of the uniform of a member of the Defence Force,

for the purpose of carrying out any gang-related activity commits an offence and is liable on conviction on indictment to imprisonment for not less than 10 years and not more than 25 years.

Harbouring or concealing gang leader or member

12.(1) A person who knowingly harbours or conceals a gang leader or gang member commits an offence and is liable on conviction on indictment to imprisonment for not less than 10 years and not more than 25 years.

(2) For the purposes of subsection (1), where

- (a)** the gang leader or gang member is a child; and
- (b)** the person convicted is the parent or is acting in *loco parentis* of the child,

the Court, in sentencing the person convicted, shall take into consideration mitigating factors such as efforts made by the person convicted to reform or rehabilitate the child.

Concealing gang-related activity

13. A person who knowingly conceals a gang-related activity commits an offence and is liable on conviction on indictment to imprisonment for not less than 10 years and not more than 25 years.

Causing or permitting use of premises or motor vehicle etc.

14. An owner, occupier or any other person responsible for the management or control of any premises, motor vehicle, aircraft or ship, who, knowingly causes or permits the premises, motor vehicle, aircraft or ship to be used for any purpose or activity which constitutes an offence under this Act, commits an offence and is liable on conviction on indictment to imprisonment for not less than 10 years and not more than 20 years.

Tipping-off

15.(1) A person who

- (a) knows or suspects that a police officer or any other officer of a law enforcement authority is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence under this Act; and
- (b) discloses to any other person information or any other matter with a view to prejudice or intending to prejudice that investigation, or proposed investigation,

commits an offence and is liable on conviction on indictment to imprisonment for a term of not less than 10 years and not more than 25 years.

(2) Nothing in subsection (1) makes it an offence for an attorney at law to disclose any information or other matter

- (a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or
- (b) to any person
 - (i) in contemplation of, or in connection with, legal proceedings; and
 - (ii) for the purpose of those proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

Retaliatory action

16.(1) A person shall not intentionally take retaliatory action against another person or a relative, friend, associate or property of that other person, on account of that other person

- (a) refusing to become a gang leader or gang member;
- (b) ceasing to be a gang leader or gang member;

- (c) refusing to render assistance in harbouring, concealing or counselling a gang leader or gang member or in concealing a gang-related activity;
- (d) refusing to comply with an order of a gang leader or gang member;
- (e) refusing to provide funding or other resources to a gang leader, gang member or gang.
- (f) refusing to participate in retaliatory action against a third person or a relative, friend, associate or property of that third person;
- (g) giving information to a law enforcement officer or an intelligence officer in relation to a gang, gang leader, gang member or gang-related activity;
- (h) assisting in the investigation of a gang, gang leader, gang member or gang-related activity;
- (i) giving evidence in the prosecution of a gang leader or gang member or another person for an offence under this Act;
- (j) prosecuting a gang leader or gang member or another person for an offence under this Act; or
- (k) presiding over a matter in a court that involves a gang leader or gang member or another person for an offence under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to imprisonment for not less than 15 years and not more than 30 years.

(3) For the purposes of this section,
“relative”, in relation to a person, means the person’s

- (a) parent, step-parent or guardian;
- (b) fiancé or spouse;
- (c) child, step-child or other dependant;
- (d) brother, sister, step-brother or step-sister;

(e) grandparent;

(f) father-in-law, mother-in-law, brother-in-law or sister-in-law,
and any other person responsible for the person's care and support;

“spouse”, in relation a person, includes

(a) the other party to the union other than marriage within the meaning of section 39 of the *Family Law Act*, Cap. 214, where the person is in such a union;

(b) another party with whom the person is in a relationship similar to marriage or to a union other than marriage.

Instructing a person who participates in gang-related activity to commit an offence

17.(1) A person who knowingly instructs, directly or indirectly, another person, who participates in or actively contributes to gang-related activity, to commit an offence, himself commits an offence and is liable on conviction on indictment to and shall be liable to be tried, indicted and punished as a the principle offender.

(2) In the prosecution of the offence referred to in subsection (1), it shall not be necessary to prove that

(a) an offence, other than the offence of instructing under subsection (1), was actually committed;

(b) the accused instructed a particular person to commit an offence; or

(c) the accused knew the identity of all or some of the members of the gang.

PART III

POWERS OF POLICE OFFICERS

Police powers of entry, search and arrest

18.(1) A police officer may arrest without a warrant a person whom he has reasonable cause to believe is a gang leader or gang member or who he has reasonable cause to believe has committed an offence under this Act.

(2) A magistrate may issue a warrant to a police officer authorising the police officer to enter and search a dwelling house where the magistrate is satisfied by evidence on oath that there is reasonable ground for believing that there may be found in the dwelling house a gang leader, gang member or a person whom the magistrate has reasonable cause to believe has committed an offence under this Act.

(3) A police officer may with consent enter and search a place or premises not used as a dwelling house including a building, ship, vessel, carriage, box or receptacle, if he has reasonable cause to believe that a gang leader, gang member or a person whom he has reasonable cause to believe has committed an offence under this Act may be found in that place or premises.

(4) Where a person refuses to give consent under subsection (3), a police officer may apply for a warrant to search a place or premises not used as a dwelling house if he has reasonable cause to believe that a gang leader, gang member, or a person whom he has reasonable cause to believe has committed an offence under this Act may be found in that place or premises.

(5) A magistrate may issue a warrant to a police officer authorising the police officer to enter and search a place or premises not used as a dwelling house if he has reasonable cause to believe that a gang leader, gang member, or a person whom he has reasonable cause to believe has committed an offence under this Act may be found in that place or premises.

PART IV

MISCELLANEOUS

Detention of suspects

19.(1) A police officer may detain, without a warrant, for a period not exceeding 72 hours a person whom he reasonably suspects

- (a) has committed, is committing or is about to commit; or
- (b) has interfered, is interfering or is about to interfere with an investigation of,

an offence under this Act without charging him for the offence.

(2) The period of detention shall be effective from the time at which the person is arrested and detained.

(3) Where a person is detained pursuant to subsection (1), the police officer who made the detention shall without delay

- (a) inform the person of the grounds for his detention;
- (b) cause to be maintained a custody record that relates to the detained person; and
- (c) record the grounds for detention in the custody record.

(4) Where additional grounds arise for continuing to detain a person within the 72 hour period in accordance with subsection (1), a police officer shall record the additional grounds in the custody record of the person.

(5) A police officer shall, upon the request of the detained person or the attorney at law of the detained person, provide a copy of the custody record to the person or the attorney at law.

(6) Where a person is detained without a charge under subsection (1), the Commissioner of Police or other gazetted officer designated by him responsible

for the police station at which the person is detained shall, within 48 hours of the time that the person was arrested and detained, review the grounds for detention of the person.

(7) Subject to subsection (6), where the Commissioner of Police or other gazetted officer designated by him is satisfied that the detention of the person

- (a) is not reasonably required having regard to the stage of the investigation of the suspected offence, the Commissioner of Police or other gazetted officer designated by him shall order that the person be released immediately.
- (b) is reasonably required
 - (i) having regard to the stage of the investigation of the suspected offence;
 - (ii) to prevent interference with an investigation of an offence under this Act;
 - (iii) to prevent the commission of an offence; or
 - (iv) to obtain, secure or preserve evidence relating to an offence under this Act,;

the Commissioner of Police or other gazetted officer designated by him may permit a police officer to apply *ex parte* to a Judge in Chambers, in the form set out in the *Second Schedule*, for a detention order in relation to the person; and the application shall be supported by evidence on oath.

(8) A Judge may grant a detention order under subsection (7) for the further detention of the person named in the application where he is satisfied that there are reasonable grounds to believe that

- (a) the further detention of the person to whom the application relates is justified; and
- (b) the investigation is being conducted diligently and expeditiously.

(9) The period for which a detention order may be granted under subsection (8) shall be such period as the Judge thinks fit, having regard to the evidence before him, but the period shall end not later than 7 days after the time of the arrest and detention.

(10) A person detained in accordance with subsection (8) may apply to a Judge showing cause why the detention order should be discharged.

Offences against a judicial officer

20.(1) For the purpose of this Act, a judicial officer includes

- (a) a judge;
- (b) a magistrate;
- (c) a member of any other government agency,

directly involved in the management of a case against a member of a gang or person associated with the gang.

(2) A person who threatens, assaults or engages in any activity aimed at deterring a judicial officer from the execution of his functions under this Act, commits an offence and is liable on conviction on indictment to imprisonment for not less than 20 years and not more than 30 years.

Offence against a juror

21. A person who threatens, assaults or engages in any activity aimed at deterring a member of the jury from the execution of his functions under this Act, commits an offence and is liable on conviction on indictment to imprisonment for not less than 20 years and not more than 30 years.

Bail in the case of persons charged with an offence under Act

22. An application for bail for an offence committed under this Act shall be made to the High Court subject to the provisions of the *Bail Act* (Act 2024-23).

Power to vary sentences

23.(1) Notwithstanding the foregoing provisions in this Act regarding the sentencing of a person convicted, the Court may, in its discretion impose a lesser sentence.

(2) Subject to sections 5 and 6, where a court under subsection (1) imposes a lesser sentence than that prescribed for the offence, the Court must give reasons for its departure.

Amendment of *Second Schedule*

24. The Minister may by Order subject to negative resolution amend the *Second Schedule*.

Regulations

25.(1) The Minister may make Regulations generally for giving effect to this Act.

(2) Regulations made under subsection (1), shall be subject to affirmative resolution.

(3) A person who contravenes Regulations made under this section commits an offence and is liable on conviction on indictment to a fine of \$250 000 and to imprisonment for 15 years.

(4) The Minister may by Order amend the fine set out in subsection (3).

Consequential amendment

26. The enactment set out in the first column of the *Third Schedule* is amended to the extent set out opposite thereto in the second column.

Commencement

27. This Act comes into force on the date to be fixed by proclamation.

FIRST SCHEDULE

(Section 2)

Gang-related Activity Offences

1. Murder
2. Shooting at a law enforcement officer with intent to cause him serious bodily harm
3. Unlawfully or maliciously causing serious bodily harm to a law enforcement officer
4. Kidnapping
5. Possession or use of a firearm or ammunition without a licence or permit
6. Possession or use of prohibited weapons or prohibited ammunition
7. Possession of a firearm or an imitation firearm in pursuance of or with the intent to commit an offence
8. Arson
9. Theft
10. Larceny of a motor vehicle
11. Handling or dealing in stolen goods
12. Damage or destruction of property
13. Threats to damage or destroy property
14. Threats of violence
15. Assault
16. Offences under the *Sexual Offences Act*, Cap. 154
17. Inflicting serious bodily harm
19. Unlawful wounding or malicious wounding
20. Unlawful or malicious wounding of a law enforcement officer
21. Possession of an offensive weapon in a public place without lawful authority or reasonable excuse

22. Sale of or offering for sale an offensive weapon in a public place without lawful authority
23. Use of a firearm that endangers the life of a person
24. Manufacturing or dealing in firearms or ammunition without a licence
25. Importation of a controlled drugs with intent to supply
26. Supply of controlled drugs
27. Trafficking in controlled drugs or being in possession of controlled drugs for the purposes of trafficking the controlled drugs
28. Trafficking in persons or children
29. Being a gang leader
30. Being a gang member
31. Participating in or engaging in gang-related activities
32. Recruiting a gang leader or gang member, encouraging, facilitating, coercing, aiding or abetting gang leadership, gang membership or gang-related activities
33. Counselling, encouraging, facilitating, coercing, aiding or abetting gang leadership, gang membership or gang-related activities
34. Preventing or deterring a gang leader or gang member from leaving a gang
35. Harboursing or concealing a gang leader or gang member
36. Participating in criminal activity in association with a gang
37. Possession of bullet-proof vests, firearms, ammunition, prohibited ammunition, prohibited weapons or police paraphernalia for the benefit of a gang
38. Possessing, using, obtaining or sharing proceeds of gang-related activities
39. Concealing proceeds of gang-related activities
40. Providing material benefits to a gang

SECOND SCHEDULE

(Section 19(7))



Criminal Gangs (Prevention and Control) Act, 2026
(Act 2026-8)

APPLICATION FOR DETENTION ORDER

I, _____, _____
(Name of applicant) *(office of applicant)*

hereby apply under section 17(7) of the *Criminal Gangs (Prevention and Control) Act*, 2026

(Act 2026-8) for a Detention Order against _____
(Name of person detained)

a person detained in police custody since _____, *(Date and time of detention)*

in connection with _____

(details of person's alleged conduct)

Second Schedule - (Concl'd)

The grounds of the application are

Certificate of truth

I swear to the best of my knowledge, information and belief that the contents of this application are true.

Signed: _____
(Name of applicant)

Dated the _____ day of _____, 20 ____.

THIRD SCHEDULE

(Section 26)

CONSEQUENTIAL AMENDMENTS

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
<i>Bail Act, 2024 (Act 2024-23)</i>	In Part I of the <i>Schedule</i> (a) in paragrah 4 by deleting the full stop after the word "more"; and (b) by inserting immediately after paragraph 4 the following new paragraph: "5. An offence under the <i>Criminal Gangs (Prevention and Control) Act, 2026 (Act 2026-8)</i> which punishable with imprisonment for 10 or more years."



S.I. 2026 No. 64



By The Very Reverend Dr.
Jeffrey Douglas Gibson, Acting
President of Barbados

J. GIBSON

Acting President

A PROCLAMATION

WHEREAS by section 33 of the *Constitution* of Barbados it is provided that where the office of President is vacant or the President is incapable of performing the functions of President by reason of illness or absence from Barbados or is on vacation leave or for any other reason unable to perform the functions of the office, the Prime Minister shall, after consultation with the Leader of the

Opposition, appoint a person who is qualified to be elected to the office of President to act during the vacancy or, as the case may be, during the absence of the President;

AND WHEREAS the President will be absent from his duties during the period 10th June, 2026 to 28th June, 2026:

AND WHEREAS I, The Very Reverend Dr. Jeffrey Douglas Gibson, have been designated by the Prime Minister to perform the functions of the office of President:

NOW THEREFORE I do hereby publish, proclaim and make known that I have taken the necessary oaths and have assumed the full burden of administering the Government of Barbados and of doing and executing all things that belong to the office of President thereof according to the tenor of the said *Constitution*

of Barbados constituting the office of President and according to the laws for the time being in force within Barbados.

Given under my hand and the
Public Seal of Barbados this 10th day
of June, 2026.

