

STATES OF JERSEY

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DRAFT FIREARMS (AMENDMENT No. 2)(JERSEY) LAW 200- (P.162/2008): SECOND AMENDMENT

Lodged au Greffe on 18th November
by the Comité des Connétables

STATES GREFFE

PAGE 15, ARTICLE 5 –

After paragraph (a) insert the following paragraph and renumber the remaining paragraph accordingly–

- “(b) for paragraph (7) there shall be substituted the following paragraphs–
- ‘(7) A firearm certificate shall, unless previously revoked or cancelled, remain in force from the date on which it was granted for –
 - (a) a period of 5 years; or
 - (b) where the certificate is being renewed without any material change in the conditions attached to it, the aggregate of –
 - (i) the remainder of the period for which the current licence would have remained in force (disregarding any extension under paragraph (7A)), and
 - (ii) the period of 5 years immediately following the period described in clause (i).
- (7A) Notwithstanding paragraph (7), where an application for renewal of a firearm certificate has been made 3 months or more before the date the certificate would, apart from this paragraph, expire and the application will not be determined by the Connétable before that date –
 - (a) the Connétable may endorse the firearm certificate, in the prescribed manner, as remaining in force until whichever is the earlier of –
 - (i) the expiry of the period of 2 months following the date on which the certificate would, apart from this paragraph, expire, or
 - (ii) the determination of the application for renewal by the Connétable; and
 - (b) the firearm certificate shall continue in force in accordance with the endorsement, unless revoked or cancelled earlier.
- (7B) Where a Connétable determines that a firearm certificate which continues in force in accordance with paragraph (7A) shall not be renewed and, accordingly, the certificate ceases to be in force before the expiry of the period mentioned in sub-paragraph (a)(i) of that paragraph, Article 5(1) and (3) shall apply as if, on the determination, the certificate had been revoked.
- (7C) This Article shall otherwise apply to the renewal of a certificate as it applies to the first grant of a certificate.’ ”

COMITÉ DES CONNÉTABLES

REPORT

The Comité des Connétables is concerned that law-abiding persons who hold and apply for a renewal of their firearm certificate in good time are at risk of committing a criminal offence (of being in possession of a firearm or ammunition once the certificate has expired) due to administrative delays, and has agreed that this situation should be resolved.

In an answer tabled on 11th September 2007 to a written question by Deputy G.C.L. Baudains of St. Clement, the Minister for Home Affairs advised that on average, processed applications are returned to the relevant Parish Hall in about 18 days following the completion of the PNC checks. This gives a complete turnaround time within the Central Firearms Index for Firearms certificate applications of about 26 days (including weekends) which is significantly longer than the 14 days stated in the Memorandum of Understanding between the Comité, the Minister for Home Affairs and the States Police.

All firearm certificate holders are given 4 months' notice that their certificate is due to expire so that they may make application in good time. Nevertheless, delays have occurred in processing applications, and certificate holders have been required to surrender their firearms and ammunition. Where the holder of an existing certificate makes a renewal application very late in the day, the person has only himself to blame if the certificate expires before the renewal process has been followed, but if the application is received in good time but delays occur beyond the applicant's control, a requirement that the applicant surrenders the firearms and ammunitions is unreasonable and oppressive, and prevents the holder participating in a lawful activity or sport.

The amendment, if approved, will allow a Connétable to extend for a period of 2 months a firearm certificate if the application to renew has been submitted at least 3 months prior to the expiry date. The certificate cannot be renewed beyond those 2 months and indeed, if the application process cannot be completed within that period, it would suggest there might be a problem with the application and it should not be granted. The Connétable does not have to extend the certificate and may decide that it should expire on the stated date, even though the application process has not been completed. Article 55 of the Law provides an appeal procedure for any person aggrieved by a decision to refuse to renew a firearm certificate.

There are no additional financial or manpower implications for the States arising from this proposed amendment.