

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS  
BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT**

**ANSWER TO BE TABLED ON TUESDAY 15th JANUARY 2008**

**Question**

Following the recent States of Jersey Police armed action near the Odeon, it was reported that it had yet to be established whether or not an item recovered was a firearm or a replica. Would the Minister confirm that a person with knowledge of firearms should be able to determine the difference within a few moments and explain why this was not achieved in this case?

**Answer**

While it may be possible for a lay person to offer a view as to whether a firearm is a normal functioning weapon or a replica within a relatively short period of time this is not the test which is applied by the police. In their exercise of their powers under the law police officers are from time to time required to establish whether an article meets the legal criteria for being classed as a firearm, and specifically, whether it is capable of discharging a potentially lethal bullet or missile. This test needs to be applied to all articles which may be subject of criminal proceedings irrespective of their apparent nature or the purpose for which they were originally manufactured. It has sometimes been the case that weapons which do not at first appearance appear to be functioning firearms are nevertheless capable of operating in a way which meets the legal definition of a firearm. The States of Jersey Police have dealt with many different types of weapons over the years. Experience shows that weapons range from plastic toy pellet guns (often worryingly realistic) to fully automatic firearms; in between these two extremes the situation can be complex. There are for example antique weapons (often dating back many years), blank firing weapons, starting pistols and modified weapons. In many cases these articles did not begin life as a functioning firearm but have been modified in an attempt to make them capable of being used as a firearm within the meaning of the law. In the U.K. and elsewhere there have been numerous examples of criminals making use of weapons which purport to be de-activated or replicas but which have been modified to enable them to fire live rounds.

Whether or not any of these weapons are firearms within the definition of the law and therefore whether or not persons in possession are criminally liable will often depend on careful examination of the weapons once they have been stripped down. Sometimes they will need to be sent for examination by an expert witness in the UK before it can be confidently said that they are or are not firearms for legal purposes.

It follows therefore that whether or not a weapon is a firearm within the definition of the law can take some days, if not weeks to determine to a standard which may be required in a court of law.

In relation to the incident in question – without wishing to comment specifically on the case – the press briefing was given within minutes of the incident finishing and the weapons being seized. The information that was available to the Commander giving the press briefing at the scene was a truthful and accurate statement of the information available to the police at that time. I understand that the articles concerned have since been subject to more detailed examination. It would however not be appropriate to comment on the findings of this examination while criminal proceedings are still pending.