

**DRAFT FIREARMS (AMENDMENT No. 2) (JERSEY) LAW 200- (P.2/2000): REPORT**

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**Presented to the States on 7th March 2000  
by the Home Affairs Committee**

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**STATES OF JERSEY**

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## Report

*The Committee does not support the amendments of the new Firearms Law which Deputy Gerald Baudains has put forward, for the reasons given below.*

*The amendments appear to be based on a misunderstanding of the purpose Article 33 of the new Firearms Law, and in particular the powers given to the Home Affairs Committee under that Article.*

Article 33 of the *new* Law is not designed to allow the Committee to ban weapons which were previously considered safe enough to be held on a firearms certificate, as the report accompanying the draft seems to suggest. It serves two purposes. First it lists a range of weapons which, on the day the Law comes into force, are to be prohibited because they are specially dangerous and/or have no legitimate use outside the armed forces. These include machine-guns, flamethrowers, stun guns, grenades, rocket launchers, mortars and bombs.

*Second, it enables the Home Affairs Committee, by an Order under Article 57(2)(a)(iii), to prohibit any new type of firearm or ammunition developed or invented after the new Law comes into force which is thought either to be specially dangerous or which is not readily detectable by metal detectors. It is to be noted that the Committee must consult the Comité des Connétables before making such an Order.*

Since shotguns, rifles and hand-guns in use today are not considered “specially dangerous” they will not be considered “specially dangerous” when the new Law comes into force. Members will recall that the Draft Law, debated by the States in November 1999, was founded on the premise that local gun owners would retain their weapons – in contrast to the situation in the United Kingdom.

Any attempt to introduce a wholesale ban of existing weapons, held and used legally, *would therefore be beyond the power of the Committee under Article 33. This has been confirmed by advice from the Law Officers’ Department . Such a ban could only be made by amending the Law which would, of course, require a States debate.* The Committee would be bound to accompany its proposal to ban existing weapons with a provision to pay compensation.

Since the list provided in Article 33 of the *new* Law is drawn more widely than the list in current (1956) Law, it is possible that some weapons already held, legally, in the Island will be caught by the new provisions. *There will be few, if any, such weapons. But it must not be assumed that they will have to be destroyed.*

In these cases the owners have a number of options. They can -

- apply to the Committee, under Article 33, for a permit to keep the weapon
- apply to the Committee, under Article 16(7), to keep the weapon until they can dispose of it
- sell the weapon to another certificate holder who is able to get an Article 33 permit
- sell the weapon to a firearms dealer
- sell the weapon outside the Island where it can be lawfully possessed.

*It is only if all of these options fail that the owner would be faced with having to destroy the weapon. It might be added that if a person has been in possession of such a weapon under a firearms certificate before the new Law comes into force, the Committee would be extremely unlikely to refuse a permit under Article 33 or Article 16(7).*

The Committee finds it impossible to advise the States on the level of expenditure associated with Deputy Baudains’ amendment. Whether this expenditure could be limited would depend entirely upon the wording of the Regulations which are proposed as part of the Deputy’s amendment.