

DRAFT FIREARMS (JERSEY) LAW 199

**Lodged au Greffe on 6th July 1999
by the Defence Committee**



STATES OF JERSEY

STATES GREFFE

REPORT

The history of the draft Firearms (Jersey) Law 199

The Defence Committee has long wanted to introduce modern firearms legislation which would replace the outdated Firearms (Jersey) Law, 1956 and the inadequate Loi (1879) sur le Port d'Armes. It was the parish Connétables who first urged the Committee to review existing legislation, in the early 1970s. A working party, on which sat representatives of the Defence Committee, shooting clubs and the Police, was established and eventually recommended that all firearms, including shotguns, should be covered by the same Law.

The draft Law has suffered a number of setbacks. In 1993, its passage through the States was held up pending a visit by a senior inspector of the New Zealand Police Force but the Defence Committee rejected the New Zealand system as a model for the Jersey Law. The Committee's proposals subsequently faced concerted opposition from the Island's shooting community and when it was finally debated by the States, in May 1995, the draft Law was rejected at the preamble stage.

The Committee was moved to re-visit the draft Law after the tragic incident at a primary school in Dunblane, Scotland, in 1996. Thomas Hamilton shot and killed teacher Mrs. Gwen Mayor and sixteen of her pupils and inflicted gunshot wounds on ten other pupils and three other teachers. Hamilton entered the school with four handguns and 743 rounds of ammunition. He fired 105 rounds in just three minutes before committing suicide. The events of the 13th of March 1996 shocked the world.

The British Government appointed Lord Cullen to investigate the shootings and his comprehensive report was presented to Parliament in October 1996. He made twenty-eight recommendations, the most far-reaching of which would have required every holder of a firearm certificate to be a member of at least one approved club. Clubs would have been required to report, to the Police, if a member had not attended for a year. Broadly speaking, Lord Cullen believed that "Good Reason" for owning a firearm should revolve around the use to which that weapon was put in an effort to weed out characters like Thomas Hamilton.

Lord Cullen's recommendations were never implemented. This was

because the Government, responding to the public outcry over the events at Dunblane, decided to ban the possession of all handguns, save for .22 calibre. When the Labour Government was elected in May 1997 it went one step further and banned the private possession of .22 calibre handguns.

In Jersey, the Defence Committee considered whether to follow Parliament by banning handguns. To do so would certainly have meant the end of a sport in which Island teams excelled. The Committee had been impressed by Lord Cullen's report and believed that many of his recommendations could be incorporated into an amended draft Law. Jersey would then have a system which satisfied shooters – who would retain their guns at home – and members of the public who would know that shooters were working within a more rigorous system of approved clubs.

This "middle way" was not without its problems. Provision would have to be made for those, like farmers, who owned a shotgun for pest control and for whom membership of a club – even if one existed – would be absurd. The draft Law reflects the different situations of handgun owners shooting for sport, and shotgun owners.

Nevertheless, the Committee feels that the draft Law is a workable solution to controlling the ownership of weapons in the Island and that increased control of clubs and their members is an acceptable *quid pro quo* for shooters being allowed to keep their guns at home.

Jersey's current firearms legislation

Under the present licensing system there are three categories of gun holder in the Island.

The first is the holder of a shotgun who keeps it on his own property. He does not need to inform anyone about that shotgun and may use it freely on his own land without registration.

The second is the holder of a shotgun who wishes to use it on land other than his own. He has to obtain a "Port d'Arme" from his Parish Hall. It will cost 25pence. Under the 1879 Law, the issue of a Port d'Arme is subject to vetting to a greater or lesser degree. This inconsistency led to calls for the Port d'Arme to be abandoned and incorporated in a new

firearms law. There seems to be almost universal agreement that this is desirable.

One of the more startling aspects of the review of firearm legislation was the discovery that the parish Connétable has no powers to revoke a Port d'Arme.

The third category includes the holder of a firearm other than a shotgun (e.g.: a pistol). He must apply for a firearms certificate under the 1956 Law. When he disposes of, or adds guns to his collection, the certificate must be updated. This certificate is issued by the parish Connétable after checks are carried out by the firearms clerk at Police Headquarters who maintains a computerised central index.

There are around 2,000 certificate holders. It is not known by how many this will increase if the draft Law is approved and Port d'Arme holders and the holders of unlicensed shotguns are added to the index. However, provision will be made to allow the phased issue of new firearms certificates.

The principal proposals contained in the draft Law

The draft Law has two major aims. The first is to replace the 1956 Law. Penalties for offences will be increased and new offences introduced. The second is to provide for a modern regulatory framework for the possession and use of firearms which will not be unduly onerous upon shooters but will give peace of mind to the general public.

Dealing with replacing the 1956 Law first; the draft Law creates a number of new offences such as trespassing with a firearm, carrying a firearm in a public place and discharging a firearm in a reckless, dangerous or careless manner. There are substantial increases in penalties for offences. For example, the maximum penalty for unlawful possession of a firearm or ammunition will be five years imprisonment and an unlimited fine, compared with three months and a fine of fifty pounds under the 1956 Law.

As to the creation of a modern regulatory system; the draft Law will require that -

- (a) holders of shotguns possess firearm certificates

- (b) applicants for certificates for certain types of firearm be members of shooting clubs approved by the Committee.

Article 15 of the draft Law gives powers to the Defence Committee to approve shooting clubs and to publish guidance as to the criteria which must be met before a club is approved. These criteria will be published separately and will require, among other matters, every approved club to maintain a register of attendance of its members who are holders of firearms certificates.

Additionally, approved clubs will have to -

- (a) inform the authorities of the receipt of an application for membership and the outcome of the application.
- (b) inform the authorities when a firearm certificate holder ceases to be a member of the club for whatever reason
- (c) inform the authorities when a member has not attended a meeting of the club for a period of one year
- (d) require applicants for membership to state whether or not he or she has previously submitted an application for a firearm certificate which has been refused; and whether he or she has previously held a certificate which has been revoked.

Similarly, the Defence Committee will issue Guidance to the Police, as the Home Offices does to forces in the United Kingdom. These will include advice on how to interpret the "secure manner" provision in Article 9.

The Committee believes that these measures – which are, substantially, the recommendations of Lord Cullen – will provide an appropriate check on certificate holders.

The Committee will also publish the introductory fees for grant and renewal of firearms certificates which it expects to be set at around the present level (£5 and £3 respectively) and will propose that these are not increased by more than the annual cost of living.

The Chief Officer of the States of Jersey Police has assured the Committee that there will be no manpower or financial implications arising from the addition of new certificate holders to the Central Firearms Index, which is now computerised.

Conclusion

The general approach of the Defence Committee is to allow Island shooters to retain their handguns rather than suffer the total ban which has been introduced in the United Kingdom, and to safeguard the interests of farmers and others who require to own and use a shotgun on their land. In return, all guns will be recorded in the Central Firearms Index and shooting clubs will be required to meet new criteria. The Committee believes this is the fairest way of balancing the desires of the shooters and the requirement for public safety.

Explanatory Note

The purpose of this draft Law is to make new provision relating to firearms and other weapons and the firearms trade in place of the Firearms (Jersey) Law 1956 and the "Loi (1879) sur le Port d'Armes".

The most significant changes from the present law relating to firearms which the draft Law would make are -

- (a) that holders of shot guns will require firearm certificates;
- (b) for the approval of shooting clubs by the Committee;
- (c) that applicants for certificates for certain types of firearm be members of approved clubs;
- (d) the creation of a number of new regulatory offences, such as trespassing with a firearm, carrying a firearm in a public place and discharging a firearm in a reckless, dangerous or careless manner;
- (e) substantial increases in penalties for offences, for example, the maximum penalty for unlawful possession of a firearm or ammunition will be five years imprisonment and an unlimited fine, compared with three months and a fine of fifty pounds under the 1956 Law; and
- (f) the introduction of a Central Firearms Index.

PART I

INTRODUCTORY

Article 1 - contains interpretation provisions.

PART II

GENERAL RESTRICTIONS ON POSSESSION AND HANDLING
OF FIREARMS AND AMMUNITION: FIREARMS
CERTIFICATES, ETC. CENTRAL FIREARMS INDEX

Article 2 - prohibits the possession and handling of firearms and ammunition without a firearm certificate. By virtue of the new definition of "firearm" in Article 1 this restriction includes shot guns. A number of exceptions to the general requirement for a firearm certificate are contained in *Articles 11 to 14*.

Article 3 - provides for the issue, renewal, variation and revocation of firearm certificates. The Connétable of the parish in which the applicant for a firearm certificate resides is the authority for issuing a firearm certificate (*paragraph (15)*). *Paragraph (7)* gives the Connétable power to revoke a firearm certificate in specified circumstances.

Article 4 - empowers the Connétable partially to revoke a firearm certificate in relation to any firearm or ammunition which the holder of the certificate is authorized to possess, purchase or acquire.

Article 5 - contains supplementary provisions relating to the revocation or partial revocation of a firearm certificate, requiring the holder either to surrender the certificate, or to deliver it to the Connétable for amendment.

Article 6 - provides that, where a firearm certificate has been revoked under Article 3, the Connétable may require the holder to surrender the certificate and any firearms or ammunition which are in the holder's possession by virtue of the certificate.

Article 7 - makes it clear that a Connétable may not refuse to grant or renew, or revoke or partially revoke, in respect of a prohibited weapon or ammunition if the applicant for, or holder of, the certificate is authorized by the Committee under *Article 33* to possess, purchase or acquire that weapon or ammunition.

Article 8 - requires the Connétable to forward to the Chief Officer of the States of Jersey Police Force particulars of any issue, revocation, renewal or variation of a firearm certificate and the Chief Officer is required to maintain a Central Firearms Index in which all such particulars are

recorded.

Article 9 - specifies the conditions subject to which a firearm certificate is held and empowers the Connétable in his discretion to impose any additional conditions in any particular case.

Article 10 - empowers the Committee to prescribe fees for firearm certificates by Order.

Articles 11 to 14 - permit certain categories of persons to purchase, have in their possession and use firearms or ammunition without a firearm certificate and specify the circumstances when the possession of a firearm without a certificate is permitted.

Article 11 - makes provision for registered firearms dealers, auctioneers etc., while *Article 12* deals with equipment for ships and aircraft and *Article 13* with police and customs officers and other Crown servants.

Article 14 - covers sports, athletics and other approved activities. Exemptions from holding a firearms certificate apply to the possession (but not use) of a firearm which is being used for sporting purposes, in the presence of, and under instructions of its certificate-holding owner (*paragraph (1)*), members and guests of members of certain clubs, approved by the Committee under *Article 15*, when engaged in target shooting, persons visiting such clubs on open days (*paragraphs (2) and (3)*), persons using firearms at miniature rifle ranges (*paragraph (4)*), persons using firearms at athletics meetings to start races (*paragraph (5)*) and persons taking part in theatrical performances (*paragraph (7)*). *Paragraph (6)* enables a person aged at least 14 to borrow a shot gun from the occupier of private land and use it on that land in the presence of the occupier of the land or his employee, if they hold a firearm certificate for that shot gun. The holder of a permit issued by the Committee may, in accordance with the terms of that permit, have a firearm and ammunition in his possession without a certificate (*paragraph (8)*).

Article 15 - provides for the approval of shooting clubs by the Committee, which is required to publish the criteria to be met before an application for approval will be considered.

Article 16 - deals with appeals by shooting clubs against a refusal of approval by the Committee.

Article 17 - empowers a police officer to require any person whom he suspects of carrying firearms or ammunition in a public place or with criminal intent or to be trespassing with a firearm to hand the firearm or ammunition over for examination.

Article 18 - empowers a police officer to require a person who he believes to be in possession of a firearm or ammunition to produce proof that he holds a firearm certificate.

PART III

MANUFACTURE AND DEALING IN FIREARMS: REGISTRATION OF FIREARMS DEALERS

Article 19 - prohibits the manufacture of, and dealing in, firearms by a person other than a registered firearms dealer. *Paragraph (2)* provides an exemption for auctioneers who sell firearms or ammunition in accordance with a permit issued by the Committee.

Articles 20, 21 and 22 - deal with the registration of firearms dealers by the Committee, the issue of certificates of registration to registered firearms dealers and the registration of places of business of firearms dealers.

No person shall be registered by the Committee as a firearms dealer who is less than twenty years of age or who is prohibited from registration having previously been convicted when a registered firearms dealer of an offence relating to the import or export of firearms (*Article 20(3)*), and the Committee may refuse registration if satisfied that to permit an applicant to carry on business as a firearms dealer would be contrary to the public interest. Removal from the register is provided for in *Article 20(6)*. *Article 21(2)* requires registered firearms dealers to surrender their certificates of registration every three years and apply for a new certificate. Failure to comply will result in removal of that dealer's name from the register of firearms dealers (*Article 21(3)*). *Article 22(3)* empowers the Committee to refuse to enter or remove from the register any place of business of a registered firearms dealer if it considers that he cannot be permitted to carry on business at that place without danger to the public.

Article 23 - restricts the sale and repair of firearms or ammunition to persons who are registered firearms dealers, holders of firearm certificates or entitled under the Law to purchase or require a firearm without holding a certificate.

Article 24 - provides for a Register of Transactions in Firearms to be kept by all registered firearms dealers. All entries in the register will be required to be made within 24 hours of the transaction to which it relates (*paragraph (4)*) and the register and all stock may be inspected by a person authorized by the Committee (*paragraph (6)*).

Article 25 - provides that a registered firearms dealer who is convicted of an offence under the Law may have his name removed from the register by the court which convicts him, which may also order that persons party to the offence may not be registered as firearms dealers and that persons who subsequently employ the convicted dealer may also be removed from the register and their stock-in-hand disposed of.

Article 26 - prohibits the taking in pawn of any firearms or ammunition.

PART IV

TRANSFERS ETC. OF FIREARMS

Article 27 - provides that transfers of firearms and ammunition to which *Article 2* applies must be in person and to a transferee entitled to purchase or acquire the firearm, or to a registered firearms dealer or to someone not required to hold a firearm certificate or a visitor's permit.

Article 28 - requires any transfer of a firearm under *Article 27* to be notified, within 72 hours of the transfer, to the Connétable who granted the firearm certificate and to the States Police, or, in the case of a visitor's permit, to the Chief Officer of the States Police.

Article 29 - provides that if a firearm to which a firearm certificate or visitor's permit relates is de-activated, destroyed or lost, the Connétable, or, in the case of a visitor's permit, the Chief Officer must be notified within 7 days of the event.

Article 30 - covers situations similar to those in *Article 28* and *29* which arise outside the Island.

Article 31 - specifies penalties for offences under Articles 27 to 30.

PART V

UNLAWFUL, PROHIBITED AND OFFENSIVE WEAPONS:
PUBLIC SAFETY, PREVENTION OF CRIME
AND LAW ENFORCEMENT

Article 32 - makes it an offence to possess any weapon or class of weapon that the Committee may declare unlawful by Order under *Article 57*. However, a person may have an unlawful weapon in his possession in a special case and for a special reason if he holds a licence issued by the Committee (*paragraph (2)*). *Paragraph (4)* requires the Committee to forward to the Connétable copies of all such licences held by persons in his parish.

Article 33 - makes it an offence to manufacture, sell, transfer, purchase, acquire or possess certain specified prohibited weapons and ammunition without the authority of the Committee, subject to the exceptions for Crown servants, police officers and customs officials.

Article 34 - empowers the Committee, in the interests of public safety, to prohibit, by Order, removals of firearms or ammunition from one place to another in the Island or their export from the Island unless the removal is authorized by a person specified in the Order and any conditions specified in the Order are complied with. Such an Order will not prohibit firearm certificate holders carrying their firearms.

Article 35 - provides that no person under the age of 14 will be permitted to have a firearm or ammunition in his possession, except for target practice or training or at a miniature rifle range as provided by *Articles 13 and 14* and no person under the age of 17 will be permitted to purchase or hire a firearm or ammunition except as authorized by *Article 14*. It will be an offence for a person to part with possession of a firearm or ammunition to a person whom he believes to be under 14 or to give or lend a firearm or ammunition to such a person (*paragraphs (2) and (3)*). It will also be an offence to sell or let on hire any firearm to a person under the age of 17 or to sell ammunition to such a person unless that person is permitted to purchase and be in possession of the ammunition under *Article 14 (paragraph (5))*.

Article 36 - makes it an offence to supply firearms, or ammunition to persons drunk or of unsound mind.

Article 37 - disqualifies persons convicted of serious crimes from possessing firearms or ammunition. A person sentenced to three years imprisonment or more is disqualified for life; a person sentenced to three months or more but less than three years, is disqualified for five years. In either case there is a right to apply to the Royal Court for the disqualification to be removed. These provisions apply to persons convicted in Jersey, the British Isles, or in any place outside the British Isles provided that at the time of the conviction, there was in force an extradition agreement between Jersey and the place of the conviction and that the offence for which he was convicted would have been recognized as an offence in Jersey. It is also an offence to sell or transfer a firearm or ammunition to, and to repair or test a firearm for such a person.

Article 38 - makes it an offence for a person to possess a firearm with intent to endanger life or to cause serious damage to property.

Article 39 - makes it an offence to use firearms or imitation firearms to resist arrest.

Article 40 - prohibits the carrying of a firearm or imitation firearm, with criminal intent (i.e with intent to commit an offence, resist arrest or prevent the arrest of another).

Article 41 - makes it an offence for a person to carry a firearm in a public place, without lawful authority or a reasonable excuse.

Article 42 - makes it an offence to trespass with a firearm. A more severe penalty is provided for trespass inside a building than for trespass on land.

Article 43 - prohibits the carrying of offensive weapons without lawful authority or reasonable excuse. An offensive weapon, for the purposes of this Article, is anything made or adapted for use for causing injury or not so adapted but intended for such use by the person carrying it.

Article 44 - makes it an offence to discharge a firearm in a reckless, dangerous or careless manner.

Article 45 - (which re-enacts Article 12 of the Loi (1879) sur le Port d'Armes) prohibits hunting of any animal or bird with a firearm on certain days and between sunset and sunrise.

Article 46 - makes it an offence to sell ammunition for a shot gun to any person other than a registered firearms dealer, the holder of a firearm certificate or a person authorized by the holder of a firearm certificate to purchase the ammunition on his behalf.

Article 47 - prohibits the shortening of the barrels of shot guns to less than 24 inches and the conversion of firearms. The purchase, possession or acquisition of such weapons is also prohibited.

Article 48 - empowers the court to order the forfeiture of firearms and cancellation of certificates when convicting persons of the offences specified in the Article. The court is required to give notice of cancellation to the Connétable who issued the certificate and the Chief Officer of the States Police, who will record the cancellation in the Central Firearms Index.

Article 49 - provides for the issue of warrants to search for firearms by the Bailiff or a Jurat. A police officer may, on the authority of the warrant, enter any premises, seize and detain firearms found therein and examine the books of a registered firearms dealer.

PART VI

MISCELLANEOUS AND GENERAL

Article 50 - enables visitors to the Island to apply to the Chief Officer for a permit to bring a firearm to the Island for a period of up to a year on production of the firearm certificate which has been issued anywhere outside the Island. The Chief Officer may impose conditions which will appear on the permit and may vary the conditions or cancel the permit.

Article 51 - provides that a firearm which has been de-activated in accordance with the requirements of the Committee made under the Article is to be presumed not to be a firearm.

Article 52 - saves the provisions of existing enactments relating to the

keeping and sale of explosives and exempts antique firearms kept as curios from the application of the Law.

Article 53 - deals with offences by bodies corporate.

Article 54 - provides that any person who aids or abets the commission of any offence against the Law is liable to be dealt with as a principal offender.

Article 55 - provides for appeals by a person aggrieved by a refusal to issue, or the revocation of a firearm certificate or by a refusal to register as, or removal from the register of, firearms dealers.

Article 56 - provides for service of notices issued under the Law.

Article 57 - gives the Committee a general power to make Orders for the purposes of the Law. Before making an Order, the Committee must consult the Comité des Connétables.

Article 58 - provides that the fees received by a Connétable under the Law will be applied towards the cost of maintenance of the by-roads in his parish and all other fees received under the Law will be credited to the annual income of the States.

Article 59 (read with the *Schedule* to the Law) - makes transitional arrangements with regard to existing holders of firearm certificates and permissions, and empowers the States to make Regulations to facilitate the coming into force of the Law.

Article 60 - repeals the Firearms (Jersey) Law 1956, and the "Loi (1879) sur le Port d'Armes" and *Article 61* contains citation and commencement provisions.

FIREARMS (JERSEY) LAW 199

ARRANGEMENT OF ARTICLES

PART I

INTRODUCTORY

1. Interpretation.

*PART II*GENERAL RESTRICTIONS ON POSSESSION AND HANDLING
OF FIREARMS AND AMMUNITION: FIREARMS
CERTIFICATES, ETC. CENTRAL FIREARMS INDEX

2. Requirement of firearm certificate.
3. Application for firearm certificates, grant, variation and revocation of firearm certificates.
4. Partial revocation of firearm certificates.
5. Revocation of certificates - supplementary.
6. Surrender of firearms etc.
7. Certificate for prohibited weapons.
8. Central Firearms Index.
9. Conditions subject to which a firearm certificate is held.
10. Fees for firearm certificates.
11. Authorized dealing with firearms.
12. Equipment for ships and aircraft.
13. Police and Crown servants, etc.
14. Sports, athletics and other approved activities.

Draft Firearms (Jersey) Law 199

15. Approval of shooting clubs.
16. Appeals by shooting clubs.
17. Powers of police to examine firearms.
18. Production of proof of certification.

*PART III*MANUFACTURE AND DEALING IN FIREARMS:
REGISTRATION OF FIREARMS DEALERS

19. Manufacturing and dealing in firearms and ammunition.
20. Registration of firearms dealers.
21. Certificates of registration.
22. Registration of places of business of firearms dealers.
23. Restrictions on sale, repair, etc. of firearms and ammunition.
24. Register of Transactions in Firearms.
25. Powers of court in case of offences by registered firearms dealers.
26. Penalty for taking in pawn firearms or ammunition.

PART IV

TRANSFERS ETC. OF FIREARMS

27. Transfer of firearms etc. to be in person.
28. Notification of transfers involving firearms.
29. Notification of de-activation, destruction or loss of firearms etc.

Draft Firearms (Jersey) Law 199

- 30. Notification of events taking place outside the Island involving firearms etc.
- 31. Penalty for offences under Articles 27 to 30.

PART V

UNLAWFUL, PROHIBITED AND OFFENSIVE WEAPONS:
PUBLIC SAFETY, PREVENTION OF CRIME
AND LAW ENFORCEMENT

- 32. Possession of unlawful weapons.
- 33. Prohibited weapons and ammunition.
- 34. Power to prohibit removals of firearms and ammunition.
- 35. Purchase and possession of firearms by young persons.
- 36. Supply of firearms to persons drunk or of unsound mind.
- 37. Possession of firearms by persons previously convicted of crime.
- 38. Possession of firearms with intent to injure.
- 39. Use of firearms to resist arrest, etc..
- 40. Carrying firearm with criminal intent.
- 41. Carrying firearm in a public place.
- 42. Trespassing with firearm.
- 43. Prohibition on the carrying of offensive weapons without lawful authority or reasonable excuse.
- 44. Discharging firearm or imitation firearm in a reckless, dangerous or careless manner.

Draft Firearms (Jersey) Law 199

- 45. Restriction on hunting any animal or bird.
- 46. Restriction on sale of ammunition for shot guns
- 47. Shortening shot guns and conversion of weapons.
- 48. Forfeiture of firearms and cancellation of certificates.
- 49. Power of search with warrant.

PART VI

MISCELLANEOUS AND GENERAL

- 50. Visitors' permit.
- 51. De-activated weapons.
- 52. Particular savings.
- 53. Offence by body corporate.
- 54. Accessories and abettors, etc.
- 55. Appeals.
- 56. Service of notices.
- 57. General power of Committee to make Orders.
- 58. Application of fees.
- 59. Transitional and consequential etc. provisions.
- 60. Repeals.
- 61. Short title and commencement.

SCHEDULE - Transitional provisions

FIREARMS (JERSEY) LAW 199

A LAW to make new provision for the control of the manufacture, acquisition, transfer, possession and use of firearms, imitation firearms and other weapons and ammunition in place of the Firearms (Jersey) Law 1956 and the Loi (1879) sur le Port d'Armes, and for matters connected therewith, sanctioned by Order of Her Majesty in Council of the

(Registered on the day of 199)

STATES OF JERSEY

The day of 199

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

PART I

INTRODUCTORY

ARTICLE 1

Interpretation

(1) In this Law, unless the context otherwise requires -

“acquire” means hire, accept as a gift, or borrow;

Draft Firearms (Jersey) Law 199

“air weapon” means an air rifle, air gun, or air pistol and includes a rifle, gun or pistol powered by compressed carbon dioxide;

“ammunition” means ammunition for any firearm and also means grenades, bombs and other missiles whether capable of use with a firearm or not, and prohibited ammunition;

“certificate of registration” means a certificate of registration issued to a registered firearms dealer under Article 21;

“certificate holder” means the holder of a firearm certificate issued under Article 3;

“Chief Officer” means the Chief Officer of the States of Jersey Police Force;

“the Committee” means the Defence Committee;

“component part” in relation to a firearm, means the breech closing mechanism, the trigger mechanism or the chamber and barrel;

“the Court” means the Royal Court;

“customs officer” means the Agent of the Impôts or any other officer of the Impôts;

“firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and also means -

(a) any prohibited weapon whether it is a lethal barrelled weapon or not;

(b) any component part of a lethal barrelled or prohibited weapon; and

Draft Firearms (Jersey) Law 199

(c) any accessory to such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;

“firearm certificate” means a certificate issued under Article 3;

“firearms dealer” means any person who, by way of trade or business, manufactures, sells, transfers, repairs, tests or proves firearms or ammunition;

“imitation firearm” means anything which has the appearance of being a firearm (other than a weapon of the type referred to in sub-paragraph (b) of paragraph (1) of Article 33) whether or not it is capable of discharging any shot, bullet or other missile;

“pistol” means a firearm which either has a barrel less than twelve inches in length or is less than twenty-four inches in length overall, other than an air weapon, a muzzle loading gun, a slaughtering instrument or a firearm designed as a signalling apparatus;

“police officer” has the same meaning as in the Police Force (Jersey) Law 1974;¹

“premises” includes any land;

“prescribed” means prescribed by Order made by the Committee;

“prohibited ammunition” means any ammunition referred to in sub-paragraphs (c), (d), (e) or (h) of paragraph (1) of Article 33;

“prohibited weapon” means any firearm or weapon referred to in sub-paragraphs (a), (b), (f), (g) or (h) of paragraph (1) of Article 33;

¹ Volume 1973-1974, page 375, Volume 1979-1981, page 171, Volume 1982-1983, page 55, Volume 1986-1987, pages 81 and 293, Volume 1992-1993, page 119, Volume 1998, page 603, and Volume 1999, page 41.

Draft Firearms (Jersey) Law 199

“public place” includes any highway and any place or premises to which at the material time the public have or are permitted to have access, whether on payment or otherwise;

“recognized veterinary surgeon” means a recognized veterinary surgeon within the meaning of Article 6 of the Veterinary Surgeons (Jersey) Law 1999;²

“register” means the Register of Firearms Dealers kept pursuant to Article 20;

“registered firearms dealer” means a firearms dealer registered under Article 20;

“revolver”, in relation to a smooth-bore gun, means a gun containing a series of chambers which revolve when the gun is fired;

“rifle” includes carbine;

“self-loading” and “pump-action” in relation to a firearm mean respectively that it is designed or adapted (otherwise than is mentioned in sub-paragraph (a) of paragraph (1) of Article 33) so that it is automatically reloaded or that it is so designed or adapted that it is reloaded by the manual operation of the fore-end or forestock of the firearm;

“ship” includes a hovercraft;

“shooting club” means a pistol, shot gun, rifle or miniature rifle club approved by the Committee pursuant to Article 15;

“shot gun” means any smooth-bore gun with a barrel not less than twenty-four inches in length, not being an air gun;

“slaughtering instrument” means a firearm which is specially designed or adjusted for the instantaneous slaughter of animals

² Volume 1999, page 98.

Draft Firearms (Jersey) Law 199

or for the instantaneous stunning of animals with a view to slaughtering them;

“theatrical performance” includes a rehearsal of a theatrical performance and the production of a cinematograph film;

“transfer” includes let on hire, give, lend and part with possession;

“unlawful weapon” means any weapon or class of weapon, other than a firearm, that may be declared by Order of the Committee under Article 57 to be an unlawful weapon for the purposes of this Law;

“visitor’s permit” means a permit issued under Article 50.

(2) A reference in this Law to an Article by number only and without further identification is a reference to the Article of that number in this Law.

(3) A reference in an Article or other division of this Law to a paragraph, sub-paragraph or clause by number or letter only and without further identification, is a reference to the paragraph, sub-paragraph or clause of that number or letter contained in the Article or other division in which that reference occurs.

(4) Unless the context otherwise requires, a reference in this Law to any other enactment is a reference to that enactment as amended, extended or applied by or under any other enactment and to any enactment which repeals and re-enacts the first mentioned enactment with or without further amendment.

(5) For the purposes of this Law -

(a) the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing; and

Draft Firearms (Jersey) Law 199

(b) a shot gun or an air weapon shall be deemed to be loaded if there is ammunition in the chamber or barrel or in any magazine or other device which is in such a position that the ammunition can be fed into the chamber or barrel by the manual or automatic operation of some part of the gun or weapon.

PART II

GENERAL RESTRICTIONS ON POSSESSION AND HANDLING
OF FIREARMS AND AMMUNITION: FIREARMS
CERTIFICATES, ETC. CENTRAL FIREARMS INDEX

ARTICLE 2

Requirement of firearms certificate

- (1) Subject to this Law, any person who -
- (a) has in his possession, or purchases or acquires, a firearm to which this Article applies without holding a valid firearm certificate, or otherwise than in accordance with that certificate;
- (b) has in his possession, or purchases or acquires any ammunition to which this Article applies without holding a valid firearm certificate, or otherwise than in accordance with that certificate; or
- (c) contravenes or fails to comply with any condition subject to which a firearm certificate is held by him,

shall be guilty of an offence.

(2) This Article applies to -

(a) all firearms, except an air weapon of a type declared by Order of the Committee under Article 57 not to be specially dangerous;

Draft Firearms (Jersey) Law 199

- (b) ammunition for a firearm except -
 - (i) cartridges containing five or more shot, none of which exceeds .23 of an inch in diameter,
 - (ii) ammunition for an air weapon, and
 - (iii) blank cartridges not exceeding one inch in diameter measured immediately in front of the rim or cannellure of the base of the cartridge.

(3) A person who is guilty of an offence under paragraph (1) shall be liable to a fine or to imprisonment for a term not exceeding five years, or to both.

ARTICLE 3

Application for firearm certificates, grant, variation and revocation of firearm certificates

(1) An application for the grant of a firearm certificate shall be made in the prescribed form to the Connétable and shall state such particulars as may be required by the form.

(2) The Committee may by Order prescribe that any application for a firearm certificate shall be accompanied by up to four photographs of the applicant and by the names and addresses of two persons who have agreed to act as referees.

(3) An Order under paragraph (2) may require that, before considering an application for a firearm certificate, a Connétable has the following from each referee nominated by the applicant -

- (a) verification in the prescribed manner of -
 - (i) any prescribed particulars;

Draft Firearms (Jersey) Law 199

- (ii) the likeness to the applicant of the photographs submitted with the application;

- (b) a statement to the effect that he knows of no reason why the applicant should not be permitted to possess a firearm;
- (c) such other statement or information in connection with the application or the applicant as may be prescribed.

(4) Subject to paragraph (5), a firearm certificate shall be granted by the Connétable if he is satisfied -

- (a) that the applicant is fit to be entrusted with a firearm and is not prohibited by this Law from possessing a firearm to which Article 2, applies;
- (b) that he has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition in respect of which the application is made; and
- (c) that in all the circumstances the applicant can be permitted to have the firearm or ammunition in his possession without danger to the public safety or to the peace.

(5) A firearm certificate shall not be granted by the Connétable unless he is satisfied, in the case of an application for a certificate for a firearm which is -

- (a) a pistol;
- (b) a self-loading or pump-action shot gun; or
- (c) a self-loading or pump-action rifle,

that the applicant is a member of a shooting club approved by the Committee for that category of firearm under sub-paragraph (a), (b) or (c) of paragraph (1) of Article 15.

Draft Firearms (Jersey) Law 199

(6) Paragraph (5) shall not apply in the case of an application for a certificate for a firearm which is -

- (a) a pistol to be used by a recognized veterinary surgeon exclusively for the purpose of the humane killing of animals;
- (b) a pistol or a self-loading or pump-action shot gun or rifle acquired as a trophy of war before 1st January 1946; or
- (c) a self-loading or pump-action shot gun which either has no magazine or has a non-detachable magazine incapable of holding more than two cartridges.

(7) A firearm certificate may be revoked by the Connétable on any of the following grounds -

- (a) that the Connétable has reason to believe that the holder is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with a firearm;
- (b) that the Connétable has reason to believe that the holder can no longer be permitted to have the firearm or ammunition in his possession without danger to the public or to the peace;
- (c) if the Connétable is satisfied that the holder is prohibited by this Law from possessing a firearm;
- (d) if the Connétable is satisfied that the holder no longer has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition which he is authorized by the certificate to have in his possession or to purchase or acquire; or
- (e) if the holder fails to comply with a notice under paragraph (12).

Draft Firearms (Jersey) Law 199

(8) A certificate granted under this Article shall be in the prescribed form and shall specify the conditions subject to which it is held, the nature and number of the firearms to which it relates including, if known, any serial number or other identifying or distinguishing mark, and as respects ammunition to which Article 2 applies, the quantities authorized to be purchased and to be held at any one time.

(9) A firearm certificate shall, unless previously revoked or cancelled, continue in force for five years from the date on which it was granted or last renewed, and shall be renewable for a further period of five years, by the Connétable, and so on from time to time, and the provisions of this Article shall apply to the renewal of a certificate as they apply to the grant of a certificate.

(10) The Committee may by Order provide that paragraph (9) shall have effect as if the reference to five years were references to such other period as may be prescribed.

(11) An Order made under paragraph (10) shall apply only to certificates granted or renewed after the date on which the Order comes into force.

(12) The Connétable may at any time by notice in writing vary the conditions subject to which the certificate is held, except those specified in paragraph (1) of Article 9, and may by notice in writing require the holder to deliver up the certificate to him within twenty-one days of the date of the notice for the purpose of amending the conditions specified therein.

(13) A firearm certificate may also, on the application of the holder thereof, be varied from time to time by the Connétable.

(14) If any person knowingly or recklessly makes a statement false in any material particular for the purpose of procuring, whether for himself or any other person, the grant of a certificate under this Article, or the variation or renewal of a firearm certificate, he shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding two years, or to both.

Draft Firearms (Jersey) Law 199

(15) For the purposes of this Article, Articles 4 and 8 and paragraph (2) of Article 9, "Connétable" means the Connétable of the Parish in which an applicant for, or the holder of, a firearm certificate resides.

ARTICLE 4

Partial revocation of firearm certificates

(1) The Connétable may partially revoke a firearm certificate, that is to say, he may revoke the certificate in relation to any firearm or ammunition which the holder is authorized by virtue of the certificate to have in his possession or to purchase or acquire.

(2) A firearm certificate may be partially revoked only if the Constable is satisfied that the holder no longer has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition to which the partial revocation relates.

ARTICLE 5

Revocation of certificates - supplementary

(1) Where a firearm certificate is revoked under Article 3, the Connétable shall by notice in writing require the holder to surrender the certificate.

(2) Where a certificate is partially revoked under Article 4 the Connétable shall by notice in writing require the holder to deliver up the certificate for the purpose of amending it.

(3) If the holder of a certificate fails to comply with a notice under paragraph (1) or (2), within twenty-one days from the date of the notice he shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.³

(4) Where an appeal against a revocation or partial revocation is brought under Article 55 -

³ Volume 1992-1993, page 437.

Draft Firearms (Jersey) Law 199

- (a) this Article shall not apply to that revocation or partial revocation unless the appeal is abandoned or dismissed;
- (b) it shall apply with the substitution, for the reference to the date of the notice, of a reference to the date on which the appeal was abandoned or dismissed.

(5) This Article shall not apply to a revocation of a certificate on any ground mentioned in sub-paragraphs (a) to (d) of paragraph (7) of Article 3, if the Connétable serves a notice on the holder under Article 6 requiring him to surrender forthwith his certificate and any firearms and ammunition in his possession by virtue of the certificate.

ARTICLE 6

Surrender of firearms etc.

(1) Where the Connétable has revoked a firearm certificate under Article 3, he may by notice in writing require the holder of the certificate to surrender forthwith the certificate and any firearms or ammunition which are in the holder's possession by virtue of the certificate.

(2) A person who fails to comply with a notice under paragraph (1) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale⁴ or to imprisonment for a term not exceeding six months, or to both.

(3) Where a firearm or ammunition is surrendered in pursuance of a notice under paragraph (1), then -

- (a) if an appeal against the revocation of the certificate succeeds, the firearm and ammunition shall be returned;
- (b) if such an appeal is dismissed, the Court may make such order for its disposal or destruction as it thinks fit;

⁴ Volume 1992-1993, page 437.

Draft Firearms (Jersey) Law 199

- (c) if no such appeal is brought or such an appeal is abandoned, the firearm or ammunition shall be disposed of in such manner as the Connétable, after consultation with the owner, may decide.

(4) The Connétable shall give the owner notice in writing of any decision under sub-paragraph (c) of paragraph (3) and the owner may appeal to the Court against that decision and on such an appeal the Court may either dismiss the appeal or make such order as to the disposal of the firearm or ammunition as it thinks fit.

ARTICLE 7

Certificate for prohibited weapon

(1) A Connétable shall not refuse to grant or renew, and shall not revoke or partially revoke, a firearm certificate in respect of a prohibited weapon or prohibited ammunition if the applicant for, or holder of, the certificate is for the time being authorized by the Committee under Article 33 to have possession of, or to purchase or acquire, that weapon or ammunition.

(2) Where an authority of the Committee under that Article to have possession of, or to purchase or acquire, a prohibited weapon or prohibited ammunition is revoked, the firearm certificate relating to that weapon shall be revoked, or varied accordingly, by the Connétable by whom it was issued.

ARTICLE 8

Central Firearms Index

(1) Within twenty-one days of the issue, revocation, partial revocation, renewal or variation of a firearm certificate under Article 3 or 4 the Connétable shall forward to the Chief Officer particulars of such issue, revocation, partial revocation, renewal or variation.

(2) The Chief Officer shall maintain an Index, to be known as the Central Firearms Index and all particulars forwarded to him under

Draft Firearms (Jersey) Law 199

paragraph (1) and any notice of cancellation of a firearm certificate notified to him under sub-paragraph (a) of paragraph (2) of Article 48 shall be included in the Index.

ARTICLE 9

Conditions subject to which a firearm certificate is held

(1) A firearm certificate shall be held on condition that the certificate holder shall -

- (a) on receipt of the certificate, sign it in ink with his usual signature;
- (b) without undue delay, inform the Connétable who issued the certificate and the States of Jersey Police Force of any change in his place of residence;
- (c) (i) at all times (except in the circumstances mentioned in clause (ii)) store the firearm and ammunition to which the certificate relates in a secure manner so as to prevent, so far as reasonably practicable, access to the firearm or ammunition by an unauthorized person,
 - (ii) take reasonable precautions for the safe custody of the firearm and ammunition to which the certificate relates where the firearm or ammunition is in use, or the holder of the certificate has the firearm with him for the purpose of cleaning, repairing or testing it, or for some other purpose connected with its use, transfer or sale, or the firearm or ammunition is in transit to or from a place in connection with its use or any such purpose;
- (d) except in the circumstances mentioned in paragraph (6) of Article 3, where the certificate relates to a pistol or to a self-loading or pump-action shot gun or rifle, be, and remain for the duration of the certificate, a member of a

Draft Firearms (Jersey) Law 199

shooting club approved by the Committee for that category of weapon under sub-paragraph (a), (b) or (c) of Article 15.

(2) On the issue of a firearm certificate, the Connétable may impose such conditions, in addition to those applied by paragraph (1), as he may think fit.

(3) The States may by Regulations amend paragraph (1) for the purpose of adding, deleting or varying any condition subject to which a firearm certificate shall be held.

ARTICLE 10

Fees for firearm certificates

(1) Subject to paragraph (2), there shall be payable for the issue, renewal, variation and replacement of a firearm certificate such fee as shall be prescribed.

(2) No fee shall be payable on a variation, other than a variation which increases the number of firearms to which a firearm certificate relates, or where a firearm certificate is varied and renewed or replaced at the same time.

ARTICLE 11

Authorized dealing with firearms

(1) A registered firearms dealer or his servant may, without holding a firearm certificate, have in his possession, or purchase or acquire, a firearm or ammunition in the ordinary course of business.

(2) Paragraph (1) applies to the possession, purchase or acquisition of a firearm or ammunition in the ordinary course of the business of a registered firearms dealer notwithstanding that the firearm or ammunition is in the possession of, or purchased or acquired by, the dealer or his servant at a place which is not a place of business of the dealer or which he has not registered as a place of business under Article 20 or 22.

Draft Firearms (Jersey) Law 199

(3) An auctioneer, carrier or warehouseman, or his servant may, without holding a firearm certificate, have in his possession a firearm or ammunition in the ordinary course of business.

(4) A person licensed under Article 4 of the Slaughter of Animals (Jersey) Law 1962,⁵ may, without holding a firearm certificate, have in his possession a slaughtering instrument and suitable ammunition.

ARTICLE 12

Equipment for ships and aircraft

- (1) Any person may, without holding a firearm certificate -
 - (a) have in his possession a firearm or ammunition on board a ship, or a signalling apparatus or ammunition on board an aircraft or at an aerodrome, as part of the equipment of the ship, aircraft or aerodrome;
 - (b) remove a signalling apparatus or ammunition, being part of the equipment of an aircraft, from one aircraft to another at an aerodrome, or from or to an aircraft at an aerodrome to or from a place appointed for storage in safe custody at that aerodrome, and keep the apparatus or ammunition at that place;
 - (c) remove a firearm from or to a ship, or a signalling apparatus from or to an aircraft or aerodrome, to or from such place in accordance with the terms of a permit in the prescribed form issued to him by the Harbour Master or Airport Director, as the case may be, who shall notify the Chief Officer and the Connétable of the Parish in which the ship or aircraft has entered, of the issue of the permit.

(2) A person who knowingly or recklessly makes any false statement in connection with the issue of a permit under sub-paragraph (c)

⁵ Volume 1961-1962, page 493.

Draft Firearms (Jersey) Law 199

of paragraph (1) shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding two years, or to both.

ARTICLE 13

Police and Crown servants, etc.

(1) A -

- (a) person in the service of the Crown, a police officer or a customs officer; or
- (b) serving member of a pre-service uniformed cadet force approved by the Committee,

may, without holding a firearm certificate, possess firearms and ammunition whilst acting in the course of his duties or training activities.

(2) A person in the service of the Crown, a police officer or a customs officer may, without holding a firearm certificate, purchase or acquire firearms or ammunition for the use of the public service if he is authorized in writing so to do by the Committee.

ARTICLE 14

Sports, athletics and other approved activities

(1) A person may, without holding a firearm certificate, have in his possession for sporting purposes only, a firearm or ammunition belonging to a certificate holder -

- (a) if the firearm or ammunition is for the use of the certificate holder; and
- (b) whilst in the presence of and acting under instructions of the certificate holder.

(2) A -

Draft Firearms (Jersey) Law 199

- (a) member of a shooting club may, without holding a firearm certificate -

- (i) have in his possession a firearm, or

- (ii) purchase and have in possession ammunition for use in that firearm,

while engaged as such a member in, or in connection with, target shooting;

- (b) person who is ordinarily resident in the Island and is a bona fide guest of a member of a shooting club may, without holding a firearm certificate have a firearm and ammunition in his possession while engaged in or in connection with target shooting at a range which is being used by that club and while he is in the presence and under the supervision of the member of the club whose guest he is; and

- (c) person who is neither a member nor a bona fide guest of a member of a shooting club, but who is at least seventeen years of age and is ordinarily resident in the Island may, on an authorized open day and while under the supervision of a member of such a club, have in his possession without holding a firearm certificate a firearm and ammunition while engaged in or in connection with target shooting at a range which is being used by that club.

(3) In sub-paragraph (c) of paragraph (2) “authorized open day” means a day on which a shooting club has, with the prior written authority of the Committee, invited members of the public to engage in target shooting.

(4) A person may, at a miniature rifle range or shooting gallery at which no firearms are used, other than air weapons or miniature rifles not exceeding .23 inch calibre, without holding a firearm certificate use any such miniature rifle and suitable ammunition.

Draft Firearms (Jersey) Law 199

(5) A person may, without holding a firearm certificate, have a firearm in his possession at an athletic meeting for the purpose of starting races at that meeting.

(6) A person who is not the holder of a firearm certificate but who is at least fourteen years of age, may borrow a shot gun from the occupier of private premises and use it on those premises in the presence and under the supervision of either the occupier or a servant of the occupier if -

- (a) the occupier or servant in whose presence it is used holds a firearm certificate in respect of that shot gun; and
- (b) the borrower's possession and use of it complies with any conditions as to those matters specified in the certificate.

(7) A person taking part in a theatrical performance may, without holding a firearm certificate, have a firearm in his possession during and for the purpose of the performance.

(8) The holder of a permit issued by the Committee in the prescribed form may, without holding a firearm certificate, have in his possession a firearm or ammunition in accordance with the terms of the permit and the Committee may notify the Connétable of the parish in which the person issued with a permit resides of the issue of the permit.

(9) A person who knowingly or recklessly makes any false statement in connection with the issue of a permit under paragraph (8) shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding two years, or to both.

ARTICLE 15

Approval of shooting clubs

(1) A shooting club shall apply in the prescribed form to the Committee for approval as -

- (a) a pistol club;

Draft Firearms (Jersey) Law 199

- (b) a shot gun club;
- (c) a rifle club;
- (d) a miniature rifle club; or
- (e) any combination of the foregoing.

(2) The Committee shall publish such guidance as it considers appropriate for informing those seeking approval for a shooting club of the criteria which must be met before any application for such approval will be considered.

(3) An approval shall be in the prescribed form and -

- (a) may be granted subject to such conditions specified in it as the Committee thinks fit;
- (b) may at any time be varied or withdrawn by the Committee; and
- (c) shall (unless withdrawn) continue in force for six years from the date on which it is granted or last renewed.

(4) There shall be payable on the grant or renewal of an approval such fee as may be prescribed.

(5) A police officer authorized in writing in that behalf by the Chief Officer may on producing, if required, his authority enter any premises occupied or used by a shooting club and inspect those premises, and anything on them, for the purposes of ascertaining whether the provisions of this Article, and any limitations or conditions on the approval, are being complied with.

(6) The power of a police officer under paragraph (5) to inspect anything on club premises shall include power to require any information which is kept by means of a computer and is accessible from the premises to be made available for inspection in a visible and legible

Draft Firearms (Jersey) Law 199

form.

(7) Any person who intentionally obstructs a police officer in the exercise of his powers under paragraph (5) shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.⁶

(8) Any person who knowingly or recklessly makes a statement false in any material particular for the purpose of procuring an approval under this Article, or the variation or renewal of any such approval, shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding two years, or to both.

ARTICLE 16

Appeals by shooting clubs

(1) Any shooting club, or any officer on behalf of such a club may appeal to the Court against -

- (a) the refusal to approve the club under paragraph (1) of Article 15;
- (b) the imposition of any conditions under sub-paragraph (a) of paragraph (3) of Article 15; or
- (c) the variation or withdrawal of an approval under sub-paragraph (b) of paragraph (3) of Article 15,

within twenty-eight days after the day on which notification is received of the refusal, condition, variation or withdrawal as the case may be.

(2) Paragraphs (2) and (3) of Article 55 shall apply *mutatis mutandis* to appeals under this Article.

⁶ Volume 1992-1993, page 437.

Draft Firearms (Jersey) Law 199

ARTICLE 17

Powers of police to examine firearms

(1) A police officer may require any person whom he has reasonable cause to suspect -

(a) of having -

- (i) a firearm with or without ammunition, or
- (ii) ammunition,

with him in a public place; or

(b) to be committing or about to commit, elsewhere than in a public place, an offence relevant for the purposes of this Article,

to hand over the firearm or any ammunition for examination by the police officer.

(2) A person having a firearm or ammunition with him who fails to hand it over when required to do so by a police officer under paragraph (1) shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding six months, or to both.

(3) For the purpose of exercising the powers conferred by this Article a police officer may enter any place.

(4) The offences relevant for the purpose of this Article are those under Articles 40 and 42.

ARTICLE 18

Production of proof of certification

(1) A police officer may demand from any person whom he believes to be in possession of a firearm or ammunition to which Article 2 applies, the production of proof that he is a certificate holder.

Draft Firearms (Jersey) Law 199

(2) If any person upon whom a demand is made under this Article fails to produce proof that he is a certificate holder, or to permit the officer to read it, or to show that he is entitled by virtue of this Law to have the firearm or ammunition in his possession without holding a firearm certificate, the officer may seize and detain the firearm or ammunition and may require that person to declare to him immediately his name and address.

(3) If any person, having been required to declare his name and address under this Article, refuses to do so or fails to give his true name and address, he shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale,⁷ and the officer may detain any person who refuses so to declare his name or address, or whom he suspects of giving a false name or address or of intending to abscond.

(4) For the purposes of this Article, proof that a person is a certificate holder shall be provided by production of the certificate itself or such other evidence as may be prescribed.

PART III

MANUFACTURE AND DEALING IN FIREARMS:
REGISTRATION OF FIREARM DEALERS

ARTICLE 19

Manufacturing and dealing in firearms and ammunition

(1) Subject to paragraph (2), any person other than a registered firearms dealer who, by way of trade or business -

- (a) manufactures, sells, transfers, repairs, modifies, tests or proves; or
- (b) exposes for sale or transfer, or has in his possession for sale, transfer, repair, modification, test or proof,

Draft Firearms (Jersey) Law 199

any firearm or ammunition to which Article 2 applies shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding five years, or to both.

(2) It is not an offence for an auctioneer to sell, expose for sale and have in his possession for sale by auction any firearm or ammunition if he does so in accordance with the terms of a permit in the prescribed form, issued to him by the Committee.

(3) Any person who knowingly or recklessly makes any false statement in connection with the issue of a permit under paragraph (2) shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding two years, or to both.

ARTICLE 20

Registration of firearms dealers

(1) Any person having or proposing to have a place of business in the Island as a firearms dealer shall apply to the Committee to be registered.

(2) For the purposes of this Law, the Committee shall keep a register, to be called the Register of Firearms Dealers and, subject to paragraph (3), shall enter in the register the name of an applicant who supplies the prescribed particulars and pays the prescribed fee.

(3) The Committee -

(a) shall not register an applicant who is -

- (i) less than twenty years of age on the date of his application, or
- (ii) prohibited from being registered by order of a court made under Article 25; and

(b) may, after consultation with the Connétable of the Parish in which the applicant resides, refuse to register the applicant,

⁷ Volume 1992-1993, page 437.

Draft Firearms (Jersey) Law 199

if satisfied that to permit him to carry on business as a firearms dealer would be contrary to the public interest.

(4) The Committee may at any time impose conditions subject to which the registration of a person as a firearms dealer is to have effect and may at any time, of its own motion or on the application of the dealer, vary or revoke any such condition.

(5) The Committee shall specify the conditions for the time being in force under this Article in the certificate of registration granted to the firearms dealer and, where any such condition is imposed, varied or revoked during the currency of the certificate of registration, the Committee -

- (a) shall give to the dealer, notice in writing of the condition or variation (giving particulars) or of the revocation, as the case may be; and
- (b) may by that notice require the dealer to deliver up to the Committee his certificate of registration within twenty-one days from the date of the notice, for the purpose of amending the certificate.

(6) The Committee shall remove from the register the name of any person -

- (a) at the request of that person; or
- (b) if satisfied, after giving reasonable notice to that person that -
 - (i) he is no longer carrying on business as a firearms dealer, or
 - (ii) to permit him to carry on business as a firearms dealer would be contrary to the public interest.

(7) A person who knowingly or recklessly makes any false statement in connection with -

Draft Firearms (Jersey) Law 199

- (a) registration under this Article; or
- (b) the entry of any place of business in the register,

shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding six months, or to both.

ARTICLE 21

Certificates of registration

(1) The Committee shall grant to every registered firearms dealer a certificate of registration.

(2) On or before the expiration of a period of three years from the grant of the certificate of registration held by him, every person for the time being registered firearms dealer shall -

- (a) surrender his certificate of registration to the Committee;
- (b) apply in the prescribed form for a new certificate of registration; and
- (c) pay the prescribed fee,

and thereupon Committee shall, subject to paragraph (3) of Article 20, issue a new certificate of registration.

(3) If a person for the time being registered as a firearms dealer fails to comply with any of the requirements of paragraph (2), the Committee shall by notice in writing require him to comply with that requirement and, if he fails to do so within twenty-one days from the date of the notice, or within such further time as the Committee may in special circumstances allow, shall remove his name from the register.

(4) Where the Committee removes the name of any firearms dealer from the register, it shall by notice in writing require him to surrender his certificate of registration, and the Register of Transactions

Draft Firearms (Jersey) Law 199

kept by him under Article 24, and if he fails to do so within twenty-one days from the date of the notice then, subject to paragraph (5), he shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.⁸

(5) Where an appeal against the removal is brought under Article 55, paragraph (4) shall not apply to the removal unless the appeal is abandoned or dismissed, and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

ARTICLE 22

Registration of places of business of firearms dealers

(1) The prescribed particulars referred to in paragraph (2) of Article 20 shall include particulars of every place of business at which the applicant proposes to carry on business as a firearms dealer in the Island and the Committee shall, subject to this Article, enter in the register every such place.

(2) Every registered firearms dealer, who proposes to carry on business at any place of business in the Island which is not entered in the register, shall notify the Committee and furnish it with such particulars as may be prescribed and the Committee shall, subject to this Article, enter that place of business in the register.

(3) If the Committee is satisfied that any place of business notified under paragraph (1) or (2) or any place of business entered in the register, is a place at which that person cannot be permitted to carry on his business as a firearms dealer without danger to the public safety or to the peace, the Committee may refuse to enter that place in the register, or remove it from the register, as the case may be.

(4) Any registered firearms dealer who has a place of business which is not entered in the register and carries on business there as a firearms dealer shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding six months, or to both.

Draft Firearms (Jersey) Law 199

ARTICLE 23

Restrictions on sale, repair, etc. of firearms and ammunition

(1) Subject to paragraph (2), no person shall sell or transfer to any other person in the Island, other than a registered firearms dealer, any firearm or ammunition to which Article 2 applies unless that other person produces a firearm certificate authorizing him to purchase or acquire it, or shows that he is by virtue of this Law entitled to purchase or acquire it without holding a firearm certificate.

(2) Paragraph (1) shall not prevent -

(a) a person from parting with possession of a firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a person who shows that he is by virtue of this Law entitled to have possession of the firearm or ammunition without holding a firearm certificate; or

(b) the delivery of a firearm or ammunition by a carrier or warehouseman, or a servant of a carrier or warehouseman, in the ordinary course of his business or employment.

(3) No person shall repair, test or prove a firearm or ammunition to which Article 2 applies for any other person in the Island, other than a registered firearms dealer, unless that other person is a certificate holder and produces his firearm certificate or shows that he is entitled under this Law to have possession of the firearm or ammunition without holding a firearm certificate.

(4) Any person who -

(a) contravenes or fails to comply with this Article; or

(b) with a view to purchasing or acquiring, or procuring the repair, test or proof of, a firearm or ammunition to which Article 2 applies -

⁸ Volume 1992-1993, page 437.

Draft Firearms (Jersey) Law 199

- (i) produces a false firearm certificate or a firearm certificate in which any false entry appears,
- (ii) impersonates a certificate holder, or
- (iii) knowingly or recklessly makes any false statement,

shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding three years, or to both.

ARTICLE 24

Register of Transactions in Firearms

(1) For the purposes of this Article, "register" means the Register of Transactions in Firearms required to be kept by paragraph (2).

(2) Every registered firearms dealer shall keep a Register of Transactions in Firearms.

(3) The register shall be in such form and shall contain such particulars as shall be prescribed.

(4) Every entry in the register shall be made within twenty-four hours of the transaction to which it relates, and, in the case of a sale or transfer, the registered firearms dealer shall at the time of the transaction require the purchaser or transferee to furnish particulars sufficient for identification, and shall enter those particulars in the register forthwith.

(5) Unless required to surrender it under paragraph (4) of Article 21, a registered firearms dealer shall retain the register for a period of ten years after the date of the last entry in the register.

(6) Every registered firearms dealer shall, on demand by a person authorized in writing by the Committee for the purpose and on production by that person of evidence of his authority, allow that person at all reasonable times to inspect the register and all stock-in-hand and to enter any premises or place on which the register or stock is kept.

Draft Firearms (Jersey) Law 199

(7) A registered firearms dealer who keeps the register by means of a computer shall secure that the information comprised in the register can readily be produced in a form in which it is visible and legible and can be taken away.

(8) Any registered firearms dealer who -

(a) fails to comply with this Article; or

(b) knowingly makes any false entry in the register,

shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding six months, or to both.

(9) Nothing in this Article shall apply to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under paragraph (2) of Article 19.

ARTICLE 25

Powers of court in case of offences by registered firearms dealers

(1) Where a registered firearms dealer is convicted of an offence under this Law or of an offence in respect of the import or export of firearms or ammunition to which Article 2 applies, the court may order that -

(a) his name be removed from the register;

(b) neither he nor any person who acquires his business, nor any person who took part in the management of the business and was knowingly a party to the offence, shall be registered as a firearms dealer;

(c) any person who, after the date of the order knowingly employs in his business the convicted dealer, or any person who was knowingly a party to the offence, shall not be registered as a firearms dealer or, if so registered, shall be liable to be removed from the register; and

Draft Firearms (Jersey) Law 199

- (d) any stock-in-hand of the business shall be disposed of by sale or otherwise in accordance with such directions as may be contained in the order.

(2) A person aggrieved by an order made under paragraph (1) may appeal against the order in the same manner as against the conviction, and the court may, if it thinks fit, suspend the operation of the order pending the appeal.

ARTICLE 26

Penalty for taking in pawn firearms or ammunition

Any pawnbroker who takes in pawn from any person, any firearms or ammunition to which Article 2 applies shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding six months, or to both.

PART IV

TRANSFERS ETC. OF FIREARMS

ARTICLE 27

Transfer of firearms etc. to be in person

(1) This Article applies where a firearm or ammunition to which Article 2 applies is sold, let on hire or given, or, subject to paragraph (4), lent by any person to another person who is neither a registered firearms dealer nor a person who is entitled to purchase or acquire the firearm or ammunition without holding a firearm certificate or a visitor's permit.

- (2) Where a transfer to which this Article applies takes place -
- (a) the transferee must produce to the transferor the certificate or permit entitling him to purchase or acquire the firearm or ammunition being transferred;

Draft Firearms (Jersey) Law 199

- (b) the transferor must comply with any instructions contained in the certificate or permit produced by the transferee;
- (c) the transferor must hand the firearm or ammunition to the transferee, and the transferee must receive it, in person.
- (3) A failure by the transferor or transferee to comply with paragraph (2) shall be an offence.
- (4) Paragraph (1) does not apply where a shot gun is lent for a period of not more than twenty-four hours.

ARTICLE 28

Notification of transfers involving firearms

- (1) This Article applies where any firearm to which Article 2 applies is sold, let on hire, lent or given.
- (2) Any party to a transfer to which this Article applies who is the holder of a firearm certificate or, as the case may be, a visitor's permit which relates to the firearm in question shall within seventy-two hours of the transfer give notice to the Connétable who granted his certificate and to the States of Jersey Police Force, or in the case of a visitor's permit, to the Chief Officer.

- (3) A notice required by paragraph (2) above shall -
- (a) contain a description of the firearm in question (giving its identification number if any); and
- (b) state the nature of the transaction and the name and address of the other party;

and any such notice shall be sent by registered post or the recorded delivery service.

Draft Firearms (Jersey) Law 199

(4) A failure by a party to a transaction to which this Article applies to give the notice required by this Article shall be an offence.

ARTICLE 29

Notification of de-activation, destruction or loss of firearms etc.

- (1) Where -
- (a) a firearm to which a firearm certificate relates; or
 - (b) a firearm to which a visitor's permit relates,

is de-activated, destroyed or lost (whether by theft or otherwise) the certificate or permit holder who was last in possession of the firearm before that event shall within seven days of that event give notice of it to the Connétable who granted the certificate and to the States of Jersey Police Force or, in the case of a visitor's permit, to the Chief Officer.

(2) Where any ammunition to which Article 2 applies, and a firearm certificate or a visitor's permit relates, is lost (whether by theft or otherwise), the certificate or permit holder who was last in possession of the ammunition before that event shall within seven days of the loss give notice of it to the Connétable who granted the certificate, and to the States of Jersey Police Force, or, in the case of a visitor's permit, to the Chief Officer.

- (3) A notice required by this Article shall -
- (a) describe the firearm or ammunition in question (giving the identification number of the firearm if any);
 - (b) state the nature of the event,

and any such notice shall be sent by registered post or the recorded delivery service.

(4) A failure, without reasonable excuse, to give a notice required by this Article shall be an offence.

Draft Firearms (Jersey) Law 199

(5) For the purposes of this Article and Article 30 a firearm is de-activated if it would, by virtue of Article 51 be presumed to be rendered incapable of discharging any shot, bullet or other missile.

ARTICLE 30

Notification of events taking place outside the Island involving firearms etc.

(1) Where, outside the Island, any firearm is sold or otherwise disposed of by a transferor whose acquisition or purchase of the firearm was authorized by a firearm certificate, the transferor shall within fourteen days of the disposal give notice of it to the Connétable who granted his certificate and to the States of Jersey Police Force.

(2) A failure, without reasonable excuse, to give a notice required by paragraph (1) shall be an offence.

- (3) Where, outside the Island -
- (a) a firearm to which a firearm certificate relates is de-activated, destroyed or lost (whether by theft or otherwise); or
 - (b) any ammunition to which Article 2 applies, and a firearm certificate relates, is lost (whether by theft or otherwise),

the certificate holder who was last in possession of the firearm or ammunition before that event shall within fourteen days of the event give notice of it to the Connétable who granted the certificate and to the States of Jersey Police Force.

(4) A failure, without reasonable excuse, to give a notice required by paragraph (3) shall be an offence.

- (5) A notice required by this Article shall -

Draft Firearms (Jersey) Law 199

- (a) contain a description of the firearm or ammunition in question (including any identification number); and
 - (b) state the nature of the event and, in the case of a disposal, the name and address of the other party.
- (6) A notice required by this Article shall be sent within fourteen days of the disposal or other event -
- (a) if it is sent from a place in the Island, by registered post or by the recorded delivery service; and
 - (b) in any other case, in such manner as most closely corresponds to the use of registered post or the recorded delivery service.

ARTICLE 31

Penalty for offences under Articles 27 to 30

An offence under Article 27, 28, 29 or 30 shall be punishable by a fine or imprisonment for a term not exceeding five years, or both.

PART V

UNLAWFUL, PROHIBITED AND OFFENSIVE WEAPONS:
PUBLIC SAFETY, PREVENTION OF CRIME
AND LAW ENFORCEMENT

ARTICLE 32

Possession of unlawful weapons

- (1) Subject to paragraph (2), any person who is at any time in possession of -
- (a) an unlawful weapon;
 - (b) any part of an unlawful weapon;

Draft Firearms (Jersey) Law 199

- (c) any part specially intended or adapted for use as part of an unlawful weapon; or
- (d) any ammunition for an unlawful weapon,

shall before the expiry of one month after the date of an Order of the Committee under clause (ii) of sub-paragraph (a) of paragraph (2) of Article 57 declaring the weapon to be an unlawful weapon cause the weapon to be destroyed or exported from the Island, or delivered to a police officer.

(2) The Committee may, after consultation with the Connétable of the Parish in which the person resides, by licence in writing authorize any person in any special case and for any special reason to have in his possession, for such period as shall be specified in the licence, any -

- (a) unlawful weapon;
- (b) part or parts of an unlawful weapon;
- (c) ammunition for an unlawful weapon,

subject to such conditions as the Committee may impose.

(3) Any person who is in possession of any weapon or parts or ammunition contrary to this Article or who fails to comply with any condition imposed under paragraph (2) shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding three years, or to both.

(4) The Committee shall forward a copy of a licence issued under this Article to the Connétable of the Parish in which the licence holder resides.

ARTICLE 33

Prohibited weapons and ammunition

(1) Subject to paragraph (2), no person shall without the authority of the Committee (which shall consult the Connétable of the Parish in which the person resides before granting such authority), manufacture, sell, transfer, purchase, acquire, or have in his possession any -

- (a) firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger;
- (b) weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing or for inflicting electric shock;
- (c) cartridge with a bullet designed to explode on or immediately before impact, any ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in paragraph (b) and, if capable of being used with a firearm of any description, any grenade, bomb (or other like missile), rocket or shell designed to explode as aforesaid;
- (d) shot gun ammunition containing less than five pellets larger than .23 of an inch in diameter;
- (e) any ammunition which incorporates a missile designed or adapted to expand on impact;
- (f) smooth-bore revolver gun other than one which is chambered for 9mm. rim-fire cartridges or loaded at the muzzle end of each chamber;
- (g) rocket launcher or mortar for projecting a stabilized missile, other than a mortar designed for line throwing or pyrotechnic purposes or as signalling apparatus; or

- (h) firearm or ammunition declared by the Committee under clause (iii) of sub-paragraph (a) of paragraph (2) of Article 57 to be prohibited for the purposes of this Article.

(2) A person in the service of the Crown, a police officer or a customs officer may purchase, acquire or have in his possession any -

- (a) firearm;
- (b) weapon;
- (c) ammunition,

of the type referred to in paragraph (1) whilst acting in the course of his duties.

(3) Any person who contravenes paragraph (1) shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding five years, or to both.

(4) Where the Committee is satisfied, on the application of a person in charge of a theatrical performance, that a prohibited weapon is required for the performance, it may authorize him to have possession of the prohibited weapon and may authorize such other persons as he may select to have possession while taking part in the performance.

(5) An authority under paragraph (4) shall be in writing and may specify conditions to be complied with, including such conditions as the Committee, having regard to the circumstances of each case thinks fit to impose.

(6) A person authorized under paragraph (4) who fails to comply with any conditions specified under paragraph (5) shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding three months, or to both.

(7) The Committee may revoke an authority given under this Article by notice in writing.

Draft Firearms (Jersey) Law 199

(8) A notice under paragraph (7) shall require the surrender of the authority in accordance with the terms of the notice.

(9) Any person who fails to comply with the terms of a notice issued under paragraph (7) shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.⁹

ARTICLE 34

Power to prohibit removals of firearms and ammunition

(1) The Committee may, if it considers it necessary in the interests of public safety, by Order prohibit the removal of any firearms or ammunition -

- (a) from one place to another in the Island; or
- (b) for export from the Island,

unless the removal is authorized by a person specified in the Order and unless such other conditions as may be specified in the Order are complied with.

- (2) An Order under paragraph (1) may apply -
 - (a) generally to all removals, or to removals from and to any localities specified in the Order;
 - (b) to all firearms and ammunition or to firearms and ammunition of such class and description as may be specified; or
 - (c) to all modes of conveyance or to such modes of conveyance as may be specified.

Draft Firearms (Jersey) Law 199

(3) No Order under paragraph (1) shall prohibit a certificate holder from carrying with him any firearm or ammunition authorized by the firearm certificate to be carried.

(4) Any police officer may search for and seize any firearms or ammunition which he has reason to believe are being removed or to have been removed in contravention of any Order made under paragraph (1), and any person having the control or custody of any firearms or ammunition in course of transit shall, on demand by a police officer, allow him all reasonable facilities for their examination and inspection, and shall produce to him any documents in his possession relating to them.

(5) Any person who -

- (a) contravenes an Order made under paragraph (1); or
- (b) fails to comply with a demand made under paragraph (4),

shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding three months, or to both, for each firearm or parcel of ammunition in respect of which the offence is committed; and if the offender is the owner of the firearms or ammunition, the court before which he is convicted may make such order as it thinks fit as to the forfeiture of the firearms or ammunition.

ARTICLE 35

Purchase and possession of firearms by young persons

(1) No person under the age of fourteen years shall have in his possession any firearm or ammunition to which Article 2 applies except in circumstances permitted by paragraph (1) of Article 13 or paragraph (2) or (4) of Article 14.

(2) No person shall part with possession of a firearm or ammunition to which Article 2 applies to a person whom he knows or has reason to believe to be under the age of fourteen years except in

⁹ Volume 1992-1993, page 437.

Draft Firearms (Jersey) Law 199

circumstances permitted by paragraph (1) of Article 13, or paragraph (2) or (4) of Article 14.

(3) No person shall make a gift of or lend any firearm or ammunition to which Article 2 applies to a person whom he knows or has reason to believe to be under the age of fourteen years.

(4) No person under the age of seventeen years shall -

- (a) purchase or hire any firearm; or
- (b) purchase any ammunition except in the circumstances permitted by paragraph (2) of Article 14.

(5) No person shall -

- (a) sell or let on hire any firearm to a person under the age of seventeen years; or
- (b) sell any ammunition to a person under that age, other than a person who, by virtue of paragraph (2) of Article 14, is permitted to purchase and be in possession of that ammunition.

(6) Any person who contravenes this Article shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding three months, or to both.

(7) In proceedings for an offence under paragraph (5) it shall be a defence to prove that the person charged did not know and had no reasonable cause to believe that the person to whom he sold or let on hire the firearm or ammunition was a person under the age of seventeen years.

ARTICLE 36

Supply of firearms to persons drunk or of unsound mind

Any person who -

Draft Firearms (Jersey) Law 199

(a) sells or transfers any firearm or ammunition to; or

(b) repairs, proves or tests any firearm or ammunition for,

any person whom he knows or has reason to believe to be drunk or of unsound mind, shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding three months, or to both.

ARTICLE 37

Possession of firearms by persons previously convicted of crime

(1) A person sentenced to imprisonment or detention, whether in the Island, or elsewhere in the British Islands or (subject to paragraph (5)) in any place outside the British Islands, for a term of three years or more shall not at any time have a firearm or ammunition in his possession.

(2) A person sentenced to imprisonment or detention, whether in the Island or elsewhere in the British Islands, or (subject to paragraph (5)) in any place outside the British Islands, for a term of three months or more but less than three years shall not, at any time before the expiry of a period of five years from expiration of his sentence, have a firearm or ammunition in his possession.

(3) A person prohibited from possessing any firearm or ammunition -

- (a) by paragraph (1), may apply to the Court for the removal of the prohibition once during each fifth year from the date of prohibition; or
- (b) by paragraph (2), may apply to the Court for the removal of the prohibition,

and if the application is granted this Article shall cease to apply to him.

(4) In this Article "imprisonment or detention" includes imprisonment, detention in a young offenders' centre, detention in a

Draft Firearms (Jersey) Law 199

young offender institution or detention imposed under Article 12 or 13, or a sentence of borstal training passed under Article 16, of the Children (Jersey) Law 1969¹⁰ (prior to the repeal of those Articles by the Criminal Justice (Young Offenders) (Jersey) Law 1994¹¹) and where the sentence was imposed in a place outside the Island, it includes any sentence which is equivalent to any of the aforementioned types of sentence.

(5) Paragraphs (1) and (2) shall only have effect in relation to a person sentenced to imprisonment in a place outside the British Islands if -

- (a) the conduct amounting to the offence for which that person was so sentenced would have constituted an offence if it had occurred in the Island;
 - (b) that offence was committed after the commencement of this Law; and
 - (c) at the time when that sentence was imposed arrangements were in existence, between the Island and the place where that sentence was imposed, for the surrender of fugitive criminals.
- (6) No person shall -
- (a) sell or transfer a firearm or ammunition to; or
 - (b) repair, test or prove a firearm or ammunition for,

any person whom he knows or has reason to believe, to be prohibited by this Article from having a firearm or ammunition in his possession.

(7) Any person who contravenes or fails to comply with this Article shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding five years, or to both.

¹⁰ Volume 1968-1969, pages 263 and 265, Volume 1970-1972, page 513, and Volume 1986-1987, pages 20 and 173.

¹¹ Volume 1994-1995, page 58.

Draft Firearms (Jersey) Law 199

ARTICLE 38

Possession of firearms with intent to injure

Any person who has in his possession any firearm or ammunition with intent to endanger life or cause serious injury to property, or to enable any other person to endanger life or cause injury to property, shall be guilty of an offence and, whether any injury to person or property has been caused or not, liable to a fine or to imprisonment for life.

ARTICLE 39

Use of firearms to resist arrest, etc.

(1) Any person who makes or attempts to make any use of a firearm or imitation firearm with intent to resist or prevent the lawful arrest of himself or any other person, shall be guilty of an offence and liable to a fine or to imprisonment for life.

(2) Where a person commits an offence under this Article in respect of the lawful arrest of himself for any other offence committed by him, he is liable to the penalty provided by this Article in addition to any penalty to which he may be sentenced for that other offence.

(3) For the purposes of this Article, the definition of "firearm" in paragraph (1) of Article 1 shall apply without sub-paragraphs (b) and (c) of that definition and "imitation firearm" shall be construed accordingly.

ARTICLE 40

Carrying firearm with criminal intent

(1) Any person who has with him any firearm or imitation firearm with intent to -

- (a) commit an offence;
- (b) resist arrest; or

Draft Firearms (Jersey) Law 199

- (c) prevent the arrest of another,

shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding fourteen years.

(2) In all proceedings under this Article, proof that the accused had a firearm or imitation firearm with him, and intended to commit an offence, resist or prevent arrest or intimidate another, shall be evidence that he intended to have it with him while doing so.

ARTICLE 41

Carrying firearm in a public place

Any person who, without lawful authority or reasonable excuse (the proof of which shall lie on him) has with him in a public place a loaded shot gun or air weapon, or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm, shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding five years, or to both, or, in the case of an air weapon, to a fine or to imprisonment for a term not exceeding six months, or to both.

ARTICLE 42

Trespassing with firearm

(1) Any person who, while having a firearm or imitation firearm with him, enters or attempts to enter or is in any building or part of a building as a trespasser and without reasonable excuse (the proof of which shall lie on him) shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding five years, or to both, or in the case of an air weapon, to a fine or to imprisonment for a term not exceeding six months, or to both.

(2) Any person who, while he has a firearm or imitation firearm with him, enters or attempts to enter or is on any land as a trespasser and without reasonable excuse (the proof of which shall lie on

Draft Firearms (Jersey) Law 199

him) shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding three months, or to both.

- (3) In paragraph (2) "land" includes land covered with water.

ARTICLE 43

Prohibition on the carrying of offensive weapons without lawful authority or reasonable excuse

(1) Any person who without lawful authority or reasonable excuse (the proof of which shall lie on him) has with him in any public place any offensive weapon, shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding two years, or to both.

(2) Where any person is convicted of an offence under paragraph (1) the court may make an order for the forfeiture or disposal of any weapon in respect of which the offence was committed.

(3) In this Article "offensive weapon" means any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him.

ARTICLE 44

Discharging firearm or imitation firearm in a reckless, dangerous or careless manner

Any person who, without lawful authority or reasonable excuse (the proof of which shall lie on him), discharges any firearm or imitation firearm in any place -

- (a) recklessly;
- (b) in a manner which is dangerous to the public having regard to all the circumstances of the case; or
- (c) carelessly,

Draft Firearms (Jersey) Law 199

shall be guilty of an offence and liable, in the case of an offence -

- (i) contrary to sub-paragraph (a) or (b), to a fine or to imprisonment for a term not exceeding five years, or to both, or in the case of an air weapon to a fine or to imprisonment for a term not exceeding six months, or to both, or
- (ii) contrary to paragraph (c), to a fine or to imprisonment for a term not exceeding two years, or to both, or in the case of an air weapon to a fine not exceeding level 2 on the standard scale¹² or to imprisonment for a term not exceeding three months, or to both.

ARTICLE 45

Restriction on hunting any animal or bird

Any person who hunts any animal or bird with any firearm on Sunday, Good Friday or Christmas Day or between sunset and sunrise on any other day, shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.¹²

ARTICLE 46

Restriction on sale of ammunition for shot guns

- (1) This Article applies to ammunition to which Article 2 does not apply and which is capable of being used in a shot gun.
- (2) It shall be an offence for a person to sell such ammunition to any other person other than a registered firearms dealer unless that other person -
 - (a) produces a firearm certificate, or proof that he is a certificate holder;

Draft Firearms (Jersey) Law 199

- (b) shows that he is by virtue of this Law entitled to have possession of a firearm without being a certificate holder; or
- (c) produces a certificate authorizing another person to possess a firearm, or proof that such person is a certificate holder, together with that person's written authority to purchase the ammunition on his behalf.

(3) A person guilty of an offence under this Article shall be liable to a fine not exceeding level 4 on the standard scale¹³ or to imprisonment for a term not exceeding six months, or to both.

ARTICLE 47

Shortening shot guns and conversion of weapons

- (1) Subject to this Article, any person who shortens the barrel of a shot gun to a length less than twenty-four inches shall be guilty of an offence.
- (2) It is not an offence under paragraph (1) for a registered firearms dealer to shorten the barrel of a shot gun to less than twenty-four inches or to possess such a shot gun for the sole purpose, (the proof of which shall lie on him), of replacing a defective part of the barrel in order to produce a barrel not less than twenty-four inches in length.
- (3) Any person, other than a registered firearms dealer, who converts into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through its barrel, shall be guilty of an offence.
- (4) A person who is guilty of an offence against paragraph (1) or (3) of this Article shall be liable to a fine or to imprisonment for a term not exceeding seven years, or to both.
- (5) A person who is guilty of an offence under Article 2 by having in his possession, or purchasing or acquiring, a shot gun which has

¹² Volume 1992-1993, page 437.

¹³ Volume 1992-1993, page 437.

Draft Firearms (Jersey) Law 199

been shortened contrary to paragraph (1) of this Article or a firearm which has been converted contrary to paragraph (3) of this Article (whether by a registered firearms dealer or not), without holding a firearm certificate authorizing him to have it in his possession, or to purchase or acquire it, shall, notwithstanding paragraph (3) of Article 2, be liable to a fine or to imprisonment for a term not exceeding seven years, or to both.

ARTICLE 48

Forfeiture of firearms and cancellation of certificates

- (1) Where a person -
- (a) is convicted of an offence under this Law or is convicted of any offence for which he is sentenced to imprisonment;
 - (b) is convicted of an offence under the Wild Life (Protection) (Jersey) Law 1947¹⁴ or under the Protection of Birds (Jersey) Law 1963;¹⁵ or
 - (c) has been discharged under the "Loi (1937) sur l'Atténuation des peines et sur la mise en liberté surveillée"¹⁶ subject to the condition that he shall not possess, use or carry a firearm,

the court before which he is convicted or by which he was conditionally discharged may make such order as to the forfeiture or disposal of any firearm or ammunition found in his possession as it thinks fit, and may cancel any firearm certificate held by him.

(2) Where the court cancels a firearm certificate under this Article -

- (a) the court shall cause notice to be sent to the -
 - (i) Connétable by whom the certificate was granted, and

¹⁴ Tome VII, page 384.

¹⁵ Volume 1963-1965, page 117, and Volume 1970-1972, page 379.

¹⁶ Tome VII, page 188, Volume 1994-1995, page 23, and Volume 1998, page 657.

Draft Firearms (Jersey) Law 199

(ii) Chief Officer; and

- (b) the Connétable shall by notice in writing require the certificate holder to surrender it.

(3) A certificate holder who fails to surrender his certificate within twenty-one days from the date of the notice referred to in subparagraph (b) of paragraph (2) shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.¹⁷

ARTICLE 49

Power of search with warrant

(1) If the Bailiff or a Jurat is satisfied by information on oath that there is reasonable ground for suspecting -

- (a) that an offence under this Law has been, is being or is about to be committed; or
- (b) that, in connection with a firearm or ammunition, there is a danger to the public safety or to the peace,

he may grant a warrant for any of the purposes mentioned in paragraph (2).

(2) A warrant under this Article may authorize a police officer -

- (a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein;
- (b) to seize and detain any object mentioned in paragraph (3) which he may find on those premises or place, or on any such person, in respect of which or in connection with which he has reasonable grounds for suspecting -

¹⁷ Volume 1992-1993, page 437.

Draft Firearms (Jersey) Law 199

- (i) that an offence under this Law has been, is being or is about to be committed; or
 - (ii) that in connection with a firearm, imitation firearm or ammunition there is a danger to the public or to the peace; and
 - (c) if the premises are those of a registered firearms dealer, to examine any books relating to the business.
- (3) The objects that may be seized under a warrant are the following, namely -
- (a) any firearm, imitation firearm or ammunition;
 - (b) any firearms certificate;
 - (c) any other document authorizing the possession, purchase, acquisition, manufacture, sale or transfer of any firearm or ammunition.
- (4) Any person who intentionally obstructs a police officer in the exercise of his powers under this Article shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale¹⁸ or to imprisonment for a term not exceeding six months, or to both.
- (5) The Court may order any firearm or ammunition seized and detained under this Law to be destroyed or otherwise disposed of.

PART VI

MISCELLANEOUS AND GENERAL

ARTICLE 50

Visitors' permit

- (1) Any person who -

Draft Firearms (Jersey) Law 199

- (a) is visiting or intending to visit the Island;
 - (b) is the holder of a valid certificate issued in any place outside the Island authorizing him to possess firearms and ammunition; and
 - (c) wishes to bring to the Island a firearm and ammunition to which Article 2 applies and to which his certificate relates,
- may, on production of his certificate or a certified true copy thereof to the Chief Officer, be issued with a permit authorizing him, without being the holder of a firearm certificate -
- (i) to possess that firearm, and
 - (ii) to possess and acquire such quantity of ammunition as may be specified in the permit,

for such period not exceeding one year from the date of issue as shall be specified in the permit.

(2) The Chief Officer may on the grant of a permit under this Article, impose such conditions as he thinks fit, and any such conditions shall be endorsed on the permit.

(3) The Chief Officer may at any time after the grant of a permit under this Article -

- (a) add, vary or remove any condition; or
 - (b) cancel the permit.
- (4) Any person who -
- (a) knowingly or recklessly makes a statement false in any material particular or produces any false document in connection with the issue of a permit under this Article; or

¹⁸ Volume 1992-1993, page 437.

Draft Firearms (Jersey) Law 199

- (b) fails to comply with any of its conditions,

shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding three years, or to both.

ARTICLE 51

De-activated weapons

For the purposes of this Law it shall be presumed, unless the contrary is shown, that a firearm has been rendered incapable of discharging any shot, bullet or other missile, and has consequently ceased to be a firearm for the purposes of this Law, if -

- (a) it bears a mark which has been approved by the Committee for denoting that fact and which has been made by a person approved by the Committee for the purposes of this Article; and
- (b) that person has certified in writing that work has been carried out on the firearm in a manner approved by the Committee for rendering it incapable of discharging any shot, bullet or other missile.

ARTICLE 52

Particular savings

(1) The provisions of this Law relating to ammunition shall be in addition to and not in derogation of any enactment relating to the keeping and sale of explosives.

(2) Nothing in this Law relating to firearms shall apply to an antique firearm which is sold, transferred, purchased, acquired or possessed as a curiosity or ornament.

Draft Firearms (Jersey) Law 199

ARTICLE 53

Offence by body corporate

(1) Where an offence under this Law which has been committed by a body corporate is proved to have been committed by a body corporate is proved to have been committed with the consent or connivance, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and be liable to be proceeded against accordingly.

(2) Where the affairs of a body corporate are managed by its members paragraph (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

ARTICLE 54

Accessories and abettors, etc.

Any person who aids, abets, counsels or procures the commission of an offence under this Law shall be liable to be dealt with, tried and punished as a principal offender.

ARTICLE 55

Appeals

- (1) Any person aggrieved by -
- (a) a refusal to issue, vary or renew a firearm certificate under Article 3;
- (b) the revocation of a firearm certificate under sub-paragraphs (a) to (d) of paragraph (7) of Article 3;

Draft Firearms (Jersey) Law 199

- (c) the partial revocation of a firearm certificate under Article 4;
- (d) the imposing of any additional conditions under paragraph (2) of Article 9;
- (e) a refusal to register him as a firearms dealer under paragraph (3) of Article 20;
- (f) the imposition or variation of, or refusal to vary or revoke, any condition of registration under paragraph (4) of Article 20;
- (g) the removal of his name from the register under paragraph (6) of Article 20 or paragraph (3) of Article 21;
- (g) a refusal to enter in the register a place of business of a registered firearms dealer under paragraph (3) of Article 22; or
- (h) a removal from the register of a place of business of a registered firearms dealer under paragraph (3) of Article 22,

may within twenty-eight days after the day on which he receives notice of the refusal, condition, removal, revocation, partial revocation or variation, as the case may be, appeal to the Court.

(2) Any appeal under this Article may be heard and determined in term or in vacation.

(3) On the hearing of an appeal under this Article, the Court may -

- (a) consider any evidence or other matter whether or not it was available when the decision of the Connétable or the Committee was taken;

Draft Firearms (Jersey) Law 199

- (b) either dismiss the appeal or give the Connétable or the Committee such directions as it thinks fit as respects the certificate or register which is the subject of the appeal.

ARTICLE 56

Service of notices

Subject to this Law, any notice required or authorized by this Law to be given to any person may be sent by registered post to his last or usual address, or in the case of a registered firearms dealer, to any place of business in respect of which he is registered.

ARTICLE 57

General power of Committee to make Orders

(1) The Committee may make Orders for prescribing anything which under this Law is to be prescribed and generally for the purpose of carrying this Law into effect.

(2) Without prejudice to the generality of paragraph (1), any Order under this Article may in particular -

- (a) declare -
 - (i) any type of air weapon not to be specially dangerous for the purposes of sub-paragraph (a) of paragraph (2) of Article 2,
 - (ii) a weapon, other than a firearm, to be unlawful for the purposes of Article 32,
 - (iii) any firearm or ammunition which appears to the Committee to be specially dangerous or any firearm which appears to the Committee to be wholly or partly composed of material making it not readily detectable by apparatus used for detecting metal

Draft Firearms (Jersey) Law 199

objects, to be prohibited for the purposes of Article 33;

- (b) prescribe -
- (i) good reasons for the purposes of the issue of a firearm certificate under sub-paragraph (b) of paragraph (4) of Article 3,
 - (ii) the form of firearm certificates, permits and other documents required for the purposes of this Law, and
 - (iii) fees payable under this Law.

(3) Before making an Order under this Law, the Committee shall consult the Comité des Connétables.

(4) For the purposes of clause (ii) of sub-paragraph (b) of paragraph (2), the Committee may prescribe different forms of firearm certificates for different categories of firearms.

(5) The Subordinate Legislation (Jersey) Law 1960,¹⁹ shall apply to Orders made under this Law.

ARTICLE 58

Application of fees

All fees received by a Connétable under this Law shall be applied towards the cost of maintenance of the by-roads of the Parish and all other fees received under this Law shall be credited to the annual income of the States.

ARTICLE 59

Transitional and consequential etc. provisions

(1) The transitional provisions in the Schedule to this Law shall have effect with regard to the Laws repealed by Article 60.

¹⁹ Tome VIII, page 849.

Draft Firearms (Jersey) Law 199

(2) The States may by Regulations make such other transitional and consequential provisions and such savings as they consider necessary or expedient in preparation for, in connection with, or in consequence of, the coming into force of any provision of this Law.

(3) Regulations under this Article may make modifications of any enactment contained in this or in any other Law.

ARTICLE 60

Repeals

The Firearms (Jersey) Law 1956, as amended,²⁰ and the "Loi (1879) sur le Port d'Armes"²¹ are repealed.

ARTICLE 61

Short title and commencement

(1) This Law may be cited as the Firearms (Jersey) Law 199 .

(2) This Law shall come into force on such day as the States may by Act appoint and different days may be appointed for different purposes or different provisions of this Law.

²⁰ Tome VIII, page 467, Volume 1990-1991, page 13, and Volume 1992-1993, page 53.

²¹ Tomes I-III, page 380.

*Draft Firearms (Jersey) Law 199**SCHEDULE***(Article 59)****Transitional provisions**

(1) In so far as any certificate, authority or permit granted, Order made, registration effected or other thing done under the Firearms (Jersey) Law 1956²² could have been granted, made, effected or done under a corresponding provision of this Law, it shall not be invalidated by the repeal of the Firearms (Jersey) Law 1956,²² but shall have effect as if granted, made, effected or done under that corresponding provision.

(2) Notwithstanding the repeal by this Law of the “Loi (1879) sur le Port d’Armes”²³ a permit for a shot gun granted under that “Loi” shall remain valid -

- (a) until the 31st day of January following its issue; and
- (b) if, before that date, the holder of the permit applies for a firearm certificate in respect of that shot gun, until the firearm certificate is issued or the application is refused or until any appeal against such refusal is abandoned or dismissed.

(3) Notwithstanding anything in this Law, a person who, immediately before the date of commencement of this Law, has in his possession a shot gun in respect of which no permit under the “Loi (1879) sur le Port d’Armes”²³ is in force shall be entitled to possess that shot gun on his own property without a firearm certificate -

- (a) for the period of twelve months beginning with that date; and
- (b) if before the expiration of that period he applies for a firearm certificate in respect of that shot gun, until the firearm certificate is issued or the application is refused or

Draft Firearms (Jersey) Law 199

until any appeal against such refusal is abandoned or dismissed.

(4) The mention of particular matters in this Article shall not be taken to affect the general application of Article 19 of the Interpretation (Jersey) Law 1954²⁴ with regard to the effect of repeals.

²² Tome VIII, page 467, Volume 1990-1991, page 13, and Volume 1992-1993, page 53.

²³ Tomes I-III, page 380.

²⁴ Tome VIII, page 384.