

STATES OF JERSEY



DRAFT FIREARMS (AMENDMENT No. 2) (JERSEY) LAW 200- (P.162/2008): THIRD AMENDMENT (P.162/2008 Amd.(3)) – COMMENTS

**Presented to the States on 2nd December 2008
by the Minister for Home Affairs**

STATES GREFFE

COMMENTS

This amendment seeks to remove the requirement for visitors' permits to be issued.

Jersey does indeed have a remarkable record of excellence and success in target shooting, and there is no intention, through Amendment No. 2, of adversely affecting that position.

Currently, under Article 50(1) of the Law, visiting shooters from outside the Island who have a valid certificate issued outside the Island, authorizing them to possess firearms and ammunition, and who are visiting or intending to visit Jersey, may be issued with a Visitor's permit by the Chief Officer, States of Jersey Police.

Difficulties have arisen with visiting shooters who do not have a certificate that can be presented to the Chief Officer, because they possess a firearm that can be held legitimately in their own country of residence, without the need for a permit.

The currently accepted way to assist such people has been for them to apply to the Chief Officer, States of Jersey Police, for a permit issued under Article 14(8) of the Law. However, it is understood that these permits were originally intended to cover unusual circumstances, such as the need to license a visiting diplomatic protection officer, or to cover the executor of a will who is required to dispose of firearms. Such a permit does not allow the shooter to purchase ammunition, and whilst it may afford a way round the problem, it involves something of a cumbersome process.

Amendment No. 2 would allow the Chief Officer to accept the application through a suitable local sponsor in a case where the visiting shooter cannot comply with the criteria of Article 50 because they do not have a certificate.

This is an important amendment which is needed to prevent possible abuse of the system, with someone arriving in the Island with guns and ammunition – ostensibly to shoot on someone's land, but possibly with completely different motives. Consultation within the firearms fraternity indicates that there is a general concern that this situation should be avoided, and the amendment is not generally opposed. Such an infringement would reflect badly on all generally responsible and law abiding shooters.

This third amendment further proposes that the firearm and ammunition remain in the person's possession throughout the visit. This introduces new concerns regarding a potential security risk, e.g. if staying in a hotel or guesthouse.

Furthermore, the third amendment would have implications for shotgun users, where certification is not required in the UK or the majority of Europe; however, in Jersey certification of shotguns is required and the proposed amendment would negate Jersey law, removing the checks and procedures which are imposed on Island certificate holders.

With all these considerations in mind, I see no reason to accept the amendment.

The issue of the cumbersomeness of the procedure is a separate one. Whilst it may be time-consuming to issue a permit, it is important that controls are in place to record visiting weapons; otherwise the on-Island registering process becomes meaningless, with no accurate record of the number and type of weapons present locally. A power to charge for an application for a visitor's permit is introduced, expressly to cover some of the additional costs associated with the application procedure.

Visitors' permits are required for travel to the UK – a better solution would be reciprocal rights, as are in place between the UK and Europe, from which Jersey is excluded due to our position outside of the EC. In the UK, a person with a certificate is quite free to travel from county to county; however, in UK terms Jersey is a different country and as such, our certificates are not valid in the UK and vice versa. If a person is fit to hold a UK Firearms Certificate, it would seem that they should also be able to be in Jersey for the purpose of their certificate, and similarly for Jersey residents going to the UK. As the same firearms registration system is in use, and firearm certificates are virtually identical, this really should not present a problem. However, changes to the reciprocal

arrangement with the UK are beyond the scope of Amendment No. 2, and would need to be pursued separately.