

2.10 Deputy G.C.L. Baudains of the Minister for Home Affairs regarding the processing of firearm licence applications:

Would the Minister advise what initiatives she has introduced or what progress has been made, if any, in reducing potential delays by the States of Jersey Police in processing the firearm licence applications?

Senator W. Kinnard (The Minister for Home Affairs):

With your permission, my Assistant Minister deals with all firearms matters.

Deputy A.D. Lewis (Assistant Minister for Home Affairs - rapporteur):

On 11th September 2007, in answer to questions from Deputy Baudains on the processing of firearms certificates, I advised Members that we had analysed the most recent batch of 34 certificates that were currently awaiting issue and it was found that the average time taken for completed applications to reach the Central Firearms Index from the applicant was 12.3 days. The slowest 20 per cent took an average of 6 weeks to arrive at Police Headquarters from the date the form was completed by the applicant. On average, police national computer checks have been completed on applicants just 8 days after the form was received by the C.F.I. (Central Firearms Index). The slowest 20 per cent took an average of 17 days before the P.N.C. (Police National Computer) checks were completed. On average, processed applications are returned to the relevant Parish Halls in about 18 days following the completion of the police checks. This gives a complete turnaround time within the Central Firearms Index for firearms certificate applications of about 26 days. This remains the case. I also advised that there were a large volume of applicants, renewals and variations being processed through the Central Firearms Index at that time. This was mainly because of a number of shotguns all coming up for renewal at the same time. They were prioritised in order of expiry date to try and ensure seamless renewal. I am content that that part of the process being undertaken by the States of Jersey Police is being done as soon as is reasonably possible and allows for some prioritisation of urgent applications when required.

2.10.1 Deputy G.C.L. Baudains:

It was interesting listening to the averages from the Assistant Minister. We had 12.5, 8 days, 17 days for various matters. Can we have an assurance - which is why I would have preferred the Minister to answer the question - can we have an assurance that, in future, all applications will be dealt with in a timely manner? And would the Assistant Minister agree with me that a situation whereby members of the public are made criminals by virtue of delays created by others is a wholly unacceptable situation?

The Deputy of St. John:

All applicants are processed speedily. If the Deputy would like to bring a proposition to vote a larger budget for Home Affairs, we could throw a lot more resource at this and produce these certificates very, very quickly. We have one person working on the C.F.I. and, at times, we have an awful lot of applicants at one time. That is why we have had a delay in recent times. I am quite satisfied that we are now up to speed and are processing them in a more than acceptable manner and I firmly believe that the 12 and 24 days I had suggested is more than acceptable. There are certain times when investigations take a bit longer and there are certain times when the Connétables wish to take a bit more time over processing their part of it. Those 2 things added together may sometimes look like it has taken a long time. It is important to get it right and we are not going to rush it and get it wrong. That is what the C.F.I. are currently doing. I can say, Sir, I am perfectly satisfied that the service that is provided is perfectly adequate. If I can also just pick up on the criminality aspect, there is no intention to press charges on somebody that has made a positive step to renew their licence in good time. If they happen to go out of date, I very much doubt that a magistrate would wish to see him in their court, wasting court time because he is a couple of days over on his certificate. If that process is in train, he has made every attempt to renew his licence, I

very much doubt that your court, Sir, would want to deal with such a case. Technically, the Deputy is quite right. He would be committing an offence.

2.10.2 Deputy G.C.L. Baudains:

It does seem that the Assistant Minister is misinformed, Sir, because while he is at pains to tell us about the speed with which the firearms certificates are currently being processed, it is the case that a number are still taking months to process. I believe that is unacceptable. It seems also that he is unaware of utterances made by the States of Jersey Police that people who have made an application to have their firearms certificate varied or renewed, and then find it has expired because it is being dealt with by the States Police, will be prosecuted. Would he confirm that, Sir, that in fact the States Police have said that any firearms certificate owner, who has an expired certificate, even though it is with the States of Jersey Police, will be prosecuted.

The Deputy of St. John:

That is not the case at all. In fact, that may have been the way it came across to some of the firearms user groups. I met with them all during the firearms liaison law group meetings and have given them assurances that if they have made every effort to renew their licences, in good time, they are advised 3 months before the expiry date that they have to renew it, and if they have gone through that process a prosecution is highly unlikely. But, technically, they would be in breach of the law and I would advise all firearms users to make sure that they get their applications in in good time so when we do have rushes of applications at the same time, they can be processed. What the police are doing is when there is a situation whereby somebody's certificate is coming up for renewal, they will prioritise and those that have come in much later, that have a lot more time before they expire, will be put at the bottom of the pile. Consequently, it may appear, even though they put their application in in good time, it has taken some time to process. That is because the police are prioritising so very few people go out of date. If the Deputy has some specific examples whereby this has happened, please call me and let me know and I will investigate them. I am not aware of any specific cases, other than but a handful, that this has occurred to and there have been some good reasons for that, which I am not prepared to go into in this House. If he has some specific examples, please contact me and I am very happy to look at them. At the moment, I am quite satisfied that we are processing them in reasonable time.

2.10.3 Deputy K.C. Lewis of St. Saviour:

I have been informed by firearms users that if, through no fault of their own, their firearms certificate does in fact expire and has not been sent back to them, that they must surrender their firearms to the States of Jersey Police or face prosecution. Can the Assistant Minister confirm this is correct?

The Deputy of St. John:

Technically it is quite correct. Like I say, they have a 3-month warning to renew their licence. If they fail to do so, the Deputy is quite right that technically the firearm is in breach of the law. You do not have a licence, you should not therefore be in possession. The Licensing Authority though is not the police, it is the Connétables. That is a matter for the Connétables. If a Connétable decides to request that firearm be surrendered, that is a matter for the Connétable, not for the police. The police will simply inform the Connétable that that licence is now expired and if no reasonable attempt has been made to renew it in good time, it is a matter for the Connétable to decide whether to revoke that licence for any longer and, of course, to recall the firearm. Other than that, the police are simply processing the certificates on behalf of the Connétable.

2.10.4 Deputy G.C.L. Baudains:

Just to seek clarification because obviously the message we are getting from the Assistant Minister this morning is at variance with the message that we have had from the States of Jersey Police previously. Can he give us an assurance that those members of the public who have firearms

certificates and who apply for renewal in good time, will not be prosecuted by the States of Jersey Police if it does happen that the States of Jersey Police are still processing that at the time that the licence expires?

The Deputy of St. John:

Like I say, it is a matter for the Connétables, if they want to make a prosecution if somebody's licence has expired, but the fact is that the police will inform the Connétable if that is the case. I would not like to see court time wasted by somebody that is one or 2 days overdue on their firearms licence and I am sure you, Sir, would not like to see that either. I have informed the firearms groups, I have met with them, that we will do everything possible to avoid that situation, but if they have blatantly failed to follow the process in good time, yes, there is every chance they could be prosecuted because that is not observing the licence that they currently hold. They know what the law is and the vast majority renew them in good time, the Connétables are very efficient in sending out reminders and they have plenty of time to renew them. If somebody does not observe that effectively enough then, yes, they do face possible prosecution. But if it is but a few days, I very much doubt the Connétables are going to do that and I would very much doubt that a court would wish to see them in court, Sir.

2.10.5 Connétable M.K. Jackson of St. Brelade:

Could I ask the Assistant Minister to confirm that every case with firearms is different and perhaps, would he agree with me, that Jersey has probably the best filtered system than anywhere in the world? Would he also confirm that the present situation, whereby applicants are in breach of the law by not having a licence, is being remedied by an amendment to the Firearms Law, which will allow discretion on the part of the Connétables when it comes to applications not being renewed in time due to information not coming through from police headquarters or the Central Firearms Index?

The Deputy of St. John:

The Connétable is quite correct. The process is very thorough, both on the part of the Connétables and the States of Jersey Police. We have an excellent situation whereby the Connétables will often know the applicant well, but sometimes they do not, therefore they quite rightly make much more thorough checks before it even gets to the C.F.I.. Then the C.F.I. do something similar, so the whole process is extremely thorough. That is not something that should be rushed, Sir, and it will not be. We do have enough resource to deal with it at the moment and the laws are being re-looked at, at the moment, and the Connétable is quite correct that that is an aspect that we are looking at. The Connétable sits on the Firearms Liaison Group and we have a very good relationship with the Connétable on this matter and it is an area of the law that we are looking to review, Sir.

2.10.6 Connétable T.J. du Feu of St. Peter:

Could I remind the Assistant Minister that the Connétables are in possession of correspondence from his department, in which they committed to turn the C.R.O. (Criminal Records Office) checks around in approximately 10 days and I do not know where he gets his 18 days from because it is certainly not very clear to us. Nevertheless, having said that, I think that they are getting certainly less and less at quite a rapid state insofar as any problems or difficulties occurring and I would like to think that he - through his department and through his officers - will be doing everything possible to work along with the Parishes and not appear to be holding-out just waving big sticks on this 18 days or else you are in breach of the law.

The Deputy of St. John:

The 18 days that the Constable refers to is an average that we take. In fact, quite often the States of Jersey Police do it much quicker than that. It is only on occasions when there is a major rush on, which occurred earlier on this year, that it would be much longer. The ones that do take longer are because more investigation perhaps is required, not just by the police, but by the Connétable as

well. It is certainly not saying that it will take 18 days. That is roughly what it has been taking in recent times and the C.F.I. will do everything they can to make sure these are processed quickly and absolutely everything they can to make sure nobody goes out of date. That is why they are prioritised. That is why some applicants end up taking 3 months because a number of other applicants have not been as... perhaps this is unfair, but they have not been quite as diligent, have not got their application forms in quite as quick as they should have done, therefore, unfortunately, they are being processed first, so that, wherever possible, nobody goes out of date. There have been very few occasions that has occurred. If Members feel that that is not the case, please let me know and I would be very happy to investigate it further. At the moment, I am satisfied that it is working as well as can be expected with the resource we currently have available.