

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

ANSWER TO BE TABLED ON TUESDAY 25th APRIL 2006

Question 1

With reference to the recent e-mail exchanges between the Jersey Evening Post (JEP) and States of Jersey Police regarding firearms, would the Minister answer the following questions relating to the points made by the Deputy Chief Officer, as they appear in those e-mails –

- (a) “...every week there are hundreds of movements of firearms and ammunition between these ranges mostly in private vehicles”. Why did the Deputy Chief Officer offer this information when it had not been asked for, and what purpose did its dissemination serve?
- (b) “...but it includes high velocity and high calibre weapons which are illegal in the U.K.”. Will the Minister identify those weapons?”
- (c) “one weapon for which certificates have been granted can kill at a range of several miles”. Would the Minister inform members whether any other licensed full-bore rifles are capable of killing ‘at several miles’?
- (d) “there are no suitable ranges in Jersey”. Assuming this refers to the single shot .5cal rifle, would the Minister confirm whether an assessment of the suitability of the rifle range at Crabbé, St. Mary has been carried out and, if so, whether it was found to be favourable?
- (e) “some of the weapons are so powerful that the police would need military support to challenge any criminal use.” Would the Minister state how many weapons fall into this category and, given their weight and cumbersomeness, explain why they should present more of a problem than any other full-bore rifle?
- (f) “...four parishes are not complying with the Law and are withholding all documentation on firearms certification”. Would the Minister confirm that this relates to all firearms documentation?
- (g) “.50 single shot armour piercing Browning machine gun.” Would the Minister explain what is meant by a single-shot machine gun and whether it is the type of ammunition that can be used in such a firearm which is armour piercing rather than the gun?

Answer

- (a) I have been unable to speak with the Deputy Chief Officer, who has been on leave, in respect of this particular question so am unable to answer on his behalf. I can say, however, that the initial media request was introduced as a general request for information on the issue of gun control in the Island in light of the tenth anniversary of the Dunblane tragedy, with supplementary questions on specific issues. The reply would appear to be provision of general information surrounding the issue of gun control, together with replies to the specific questions asked. In any event the information given is true and of clear relevance to the public debate on this important issue. The Deputy Chief Officer has been open in his dialogue with the press and I draw attention to paragraph 1.2.2(a) of the Code of Practice on Public Access to Official Information - a Code approved by this Assembly - which states that there shall be a presumption of openness in the application of this Code. It does appear to me that the Deputy Chief Officer has responded fully within the "presumption of openness" principle.
- (b) Full bore handguns are illegal in the UK (with the exception of muzzle loading weapons and vets' destruction hand guns) but not in Jersey. There are numerous licences in existence in the Island for

such guns, including .357 and .44 Magnums, as well as self-loading rifles and shotguns - all of which are illegal in the UK. There has also been an authority granted for a .50 calibre handgun.

- (c) I am told that any full bore rifle has an extreme range of approximately 3 miles, although the ability to deliver an accurate and lethal shot at such range varies significantly between rifles. The .50 calibre rifle is, however, far more accurate over such distances than other full bore rifles.
- (d) This issue was initially referred to the Education, Sport and Culture Department on the 25th January 2006, and I would refer further questions on this specific issue to the Minister with responsibility for that Department.
- (e) Any full bore weapon would cause the police problems if the user knew how to handle the weapon, was a good shot, and had secured an advantageous tactical position. The .50 calibre weapon would cause significant further problems due to its extensive effective range and because the police do not have any ballistic protection against such a powerful round, the weapon being known as a material destruction weapon. It is the preferred sniper rifle of the military Special Forces because of such properties. Although it is a large rifle, it is by no means cumbersome, and weighing between 19-26 lbs, it can be easily carried by one man. When a similar weapon was used by the IRA it was reportedly responsible for several deaths of military and police personnel before it was captured in a Special Forces operation. If the Deputy does not think that the presence of such weapons in Jersey is a matter of public concern then I suggest that he is in the minority.
- (f) Until recently, six Parishes retained all the paperwork relating to the grant, renewal or variation of licences, including old certificates and correspondence between Parish and applicant on firearms issues. The documentation since 2000 in respect of all these Parishes has now been forwarded to the Central Firearms Index. The historic (pre 2000) documentation from a couple of these Parishes is still awaited, but is in hand.
- (g) The actual weapon referred to is a "single shot" bolt-action Styer rifle, capable of firing armour piercing .50 calibre Browning Machine Gun ammunition. It is the ammunition itself which is armour-piercing but its destructive potential is vastly enhanced by the delivery capacity of the rifle referred to.

Question 2

In light of the exchange between the States of Jersey Police Deputy Chief Officer and the JEP, what steps, if any, has the Minister taken to ensure that in future, she is involved in any press communications relating to potentially controversial issues and, if so, what procedures are there to validate information given? In addition, what steps has the Minister taken to verify the accuracy of the information provided to the JEP by the Deputy Chief Officer?

Answer

Again I would like to refer the Assembly to the Code of Practice on Public Access to Official Information. The Deputy Chief Officer, as a senior representative of an "authority" under the Code, is obliged to supply information unless an exemption applies. There is no provision within the Code for an authority to consult with the relevant Minister before releasing information. Indeed, if I were routinely involved in such consultation I would be potentially compromising my position in any subsequent appeals procedure and I draw attention here to Part IV of the Code which clearly envisages a role for Ministers, which is separate from the requirement for officers to respond to a valid request.

It would also not be practicable for me to be involved in all communications between the JEP and the Force relating to potentially controversial issues – the police deal predominantly with controversial issues - that is the nature of their work. I do recognise, however, that prior consultation in advance of those matters which are known to be of interest to members and which are relevant to Ministerial policy would be advantageous and given the developing political interest in this issue I have agreed arrangements which will alert Ministers to relevant

freedom of information requests, without compromise to their role as an Appeal Authority under Part IV of the Code.

While it is accepted as important that where possible we clarify matters of detail this should not be allowed to distract political attention from the main issue which is whether the Island's firearms laws are operating in a way which strikes an appropriate balance between legitimate sporting interests and public safety. On the evidence so far available I have some concerns that procedures and compliance are in need of improvement. I am currently working with interested parties, firstly to improve procedures and compliance with the current law and secondly, to determine whether it is appropriate for me to recommend to the States some legislative changes in order to address existing concerns.