

# STATES OF JERSEY

**r**

## **DRAFT FIREARMS (AMENDMENT No. 2)(JERSEY) LAW 200- (P.162/2008): THIRD AMENDMENT**

---

**Lodged au Greffe on 18th November 2008  
by the Deputy of St. Martin**

---

**STATES GREFFE**

**PAGE 21, ARTICLE 21 –**

For Article 21 substitute the following Article –

**‘21 Article 50 substituted**

For Article 50 of the principal Law there shall be substituted the following Article–

**‘50 Visitors**

- (1) Notwithstanding Article 2, a person who is visiting Jersey and brings with him or her a firearm or ammunition for which, apart from this Article, a firearm certificate would be required, does not commit an offence of possessing the firearm or ammunition without holding a firearm certificate if –
  - (a) the person’s visit does not exceed 30 days;
  - (b) either the person is a holder of a valid certificate issued in the person’s place of residence authorizing the person to possess the firearm or ammunition he or she brings with him, or the person is resident in a place that does not require the person to have a certificate for that firearm or ammunition;
  - (c) the firearm or ammunition remains in the person’s possession throughout the visit; and
  - (d) the firearm or ammunition is for use only at a shoot –
    - (i) organized by a shooting club, or
    - (ii) held in accordance with arrangements conforming to paragraph (2).
- (2) The arrangements referred to in paragraph (1)(d)(ii) are that the shoot is arranged by a certificate holder who –
  - (a) if he or she is not the occupier of the land, has obtained the prior written consent of the occupier for the shoot; and
  - (b) if the occupier of the land is not also the owner of the land, and if the certificate holder is not the owner, has obtained the prior written consent of the owner for the shoot.
- (3) While the person is visiting Jersey, a certificate described in paragraph (1)(b) shall be deemed, for the purposes of Article 18, to be a firearm certificate.
- (4) In this Article –
  - (a) “firearm or ammunition” does not include any firearm or ammunition described in Article 33(1);
  - (b) “occupier” and “owner”, in relation to land, have the same meaning as in the Rates (Jersey) Law 2005.’ ”.

## REPORT

Jersey has a remarkable record of excellence and success in target-shooting, going back over 150 years. A vital element in maintaining and enhancing that excellence is the organisation of high-quality events in Jersey that attract competitors from outside the Island. By-products of such events are the consequential benefits to the Island's tourism infrastructure.

At present, such visitors are able to participate through a process of applying for and obtaining a Visitor's Permit under either Article 50 or Article 14(8) of the Firearms Law. Article 21 of the Amendment proposed by Hon Affairs will bring all such Permits into Article 50, but does nothing to reduce the inefficiency of the procedure. On the contrary, because the procedure is slow and consumes resources, it is proposed to introduce a charge for the process. Furthermore, the States of Jersey Police have stated that they require the completed Application Form a minimum of one month in advance.

Clearly the administration of these procedures consumes both resources and time. In July 2006, Home Affairs indicated that these charges would be likely be £12 for an individual permit and £60 for a team permit (*please see Home Affairs Memorandum of 11th July 2006 attached as Appendix to this Report*).

### Present procedure

The present procedure has the following steps –

1. The visitor has to know that a Permit is required and obtain an Application Form.
2. The visitor has to complete the Application form and send it to the Central Firearms Index Office with details of his own Certificate (including a copy if he is from the UK). Note that all of the details required on the Application form will already be on the Certificate and, as always, the transcription process creates an avoidable opportunity for errors.
3. The temporary Visitor's Permit has to be produced by the Central Firearms Index Office; it will involve transcribing some of the information from the Application (that is already on the original Certificate) and thus creates a further avoidable opportunity for transcription errors.
4. The Visitor's Permit has to be posted back to the visitor; or special arrangements have to be made to meet him at the port of entry.
5. The visitor has to retain his Visitor's Permit and return it to the States of Jersey Police within 48 hours of its expiry. Failing to do this carries a risk of difficulties over the issue of future Visitors' Permits.
6. If the Visitor's Permit-holder becomes ill and unable to participate shortly before departure, it may not be possible to complete the procedures to obtain a Visitor's Permit for a replacement competitor in the time available, or urgent, disruptive work will likely be necessary by each of the replacement competitor, the local event organiser and the Central Firearms Index Office, in order to obtain a new Visitor's Permit.
7. If one of the firearms entered on a Visitor's Permit breaks down shortly prior to departure, the visitor will not be able to bring a replacement firearm without going through the entire procedure again and obtaining a fresh Visitor's Permit. Any such replacement would, of course, already be authorised on the visitor's own Certificate.

### Jersey residents competing abroad

Jersey residents competing in, for example, France, Germany, Switzerland and Northern Ireland do not require Visitors' Permits.

### Guernsey

In 1983 Guernsey abandoned Visitors' Permits and allowed visiting competitors to use their own Certificates (or equivalent).

Although this simplification appears to have worked very satisfactorily for 14 years, without a single known instance of any problems, in 1997 it was repealed and the Visitor's Permit procedure reinstated. The reason given for the reinstatement was that the police wanted to know what firearms were in the Island.

While this may appear to be an appealing proposition at first glance, the case disappears on closer examination. If no problems arose in 14 years, on what basis was it assumed that problems might arise one day? The underlying reality is that all the time the procedure remains in place, the resources consumed will **not** be available for more productive work.

Such a simplistic approach has absolutely no place in a serious cost/benefit analysis.

### **Visitor's Driving Licence**

Up to 50 years ago, Jersey used to issue Visitors' Driving Licences in a process not dissimilar to that described above for Visitors' Firearms Permits. When the Motor Vehicle (International Circulation) Regulations of 1958 became effective, the procedure was abandoned and visitors' own domestic driving licences have been accepted ever since. This has been the situation virtually all over the world for many decades.

In this context it is interesting to note that visitors driving in Jersey are involved in multiple accidents and injuries every year, whereas there is no known instance of a visiting shooting competitor ever having been involved in an accident of any sort, much less being injured, or injuring another, despite the hundreds of visiting competitors that come to Jersey every year.

### **Jersey Government Policy**

The proposed amendment to the Visitor's Permit procedure is a serious attempt to follow long-standing government policy –

**Regulatory Reform (2005/70).** This Report by the Policy & Resources Committee was the result of the "Red Tape Review" of December '04 – March '05.

Conclusions (extract from clause (e)):

*"It is hoped that this revision process will be the start of a culture whereby any legislation that is drafted in future will be approached from a critical stance which will question both its necessity and its style.*

*Similarly, it is hoped that the seeds of a culture have been sown whereby the need for any bureaucratic system and the processes it involves are constantly open to review."*

There are no financial or manpower implications for the States arising from this proposed amendment.

---

MEMORANDUM

---

**TO:** MEMBERS OF THE FIREARMS LAW LIAISON GROUP  
**FROM:** KAREN SLACK, EXECUTIVE OFFICER, HOME AFFAIRS  
**SUBJECT:** CHARGING FOR VISITORS' FIREARMS PERMITS  
**DATE:** 11/07/2006  
**CC:** STEVEN AUSTIN-VAUTIER, CHIEF OFFICER

---

Dear All

Please see the message below from the States of Jersey Police for your information:

Under Article 50 of the Firearms (Jersey) Law 2000 (the "Law"), the Chief Officer of the States of Jersey Police (SOJP) is empowered to issue visitor firearm permits, which to date have been issued free of charge even though costs are incurred by the organisation.

It has been proposed that SOJP now charge for the issuance of such permits, which if set at the same rate as that charged in the United Kingdom (£12 for an individual permit and £60 for a team permit) would cover the administrative costs incurred with the provision of such a service.

The proposal has been approved by the Minister for Home Affairs and consultation as required by the Law is underway, it is envisaged that charging will be implemented in the near future.

Kind regards

*Karen*