

**DRAFT FIREARMS (JERSEY) LAW 199 (P.96/99): SECOND  
AMENDMENTS**

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**Lodged au Greffe on 28th September 1999  
by the Deputy of St. Martin**

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**STATES OF JERSEY**

**STATES GREFFE**

## Report

It would appear that the Defence Committee proposals are based on the premise that there is some sort of positive relationship between holders of firearm certificates and criminal activity, and that, by imposing bureaucratic restrictions on the former, the latter will be reduced. The proposed amendments are intended to permit law-abiding firearm certificate holders to continue with their lawful activities within a reasonable licensing structure which is not overly burdensome to either holders or the licensing agencies.

If the Connétable and the States Police are satisfied that an applicant has a good reason for having a firearm and is fit to be entrusted with a firearm which is not prohibited by this Law, I believe that it is unnecessary for the holder to be an active member of a shooting club. There are a number of valid reasons why law-abiding citizens possess firearms. To stipulate that people who have been in possession of firearms for many years have to become club members if both unreasonable and unnecessary. Is a law-abiding non-club member more a risk to society than a club member?

The proposed Law, as drafted, will permit any person who is a bona fide guest of a member of a shooting club to engage in target shooting while in the presence and under the supervision of the club whose guest he is, provided the guest is *ordinarily resident in the Island*.

If the Law is intended to allow a guest to participate, I believe it is a nonsense and discriminatory to stipulate that the guest must be ordinarily resident in the Island. The whole purpose of open days, etc. is to make visitors to the club welcome irrespective of wherever they come from.

Jersey shooting clubs have attracted thousands of shooters over the years. There has never been any hint of anything untoward ever occurring. If visitors to our Island are to be barred from participating in the sport it will have a detrimental effect on "Sports Tourism" and also the morale of some of the Island's finest sportsmen and women.

The words *ordinarily resident in the Island* were not included in the previous draft Firearms Law (P.172 of 1994). If there was no reason to include them then, there is certainly no justifiable reason to include them now.

It has never been considered necessary to obtain written permission to hold open or closed days in the past. Jersey Shooting Clubs are well run by highly motivated and responsible people, many of whom are highly experienced and held in high esteem both in and outside the Island. To seek permission to hold an "authorized" open day will just add another layer of bureaucracy for no justifiable reason.

Honorary Secretaries are the backbone of most clubs and are invariably overworked and inundated with paperwork. They have more than enough to do without being burdened with unnecessary and meaningless bureaucracy. If the Amendments deleting paragraphs (2) and (3) of Article 15 are approved, this will not be necessary.

By stipulating that users must be at least 17 years of age to participate on open days, the Defence Committee is being unreasonable and inconsistent. Open days are specifically intended to welcome people to clubs, to learn of its activities and if necessary allow them to use a firearm whilst under the supervision of a club member. To deny young people this opportunity is yet another unnecessary restriction.

Young people under 17 do not need a firearm certificate to shoot if they are members of a pre-service cadet force or of a shooting club. Therefore it is unreasonable to deny a young person the right to participate in target shooting whilst under the supervision of a club member.

To prevent a person under 14 years of age from borrowing a shot gun and shooting on private land whilst under the supervision of firearm certificates is yet another restriction being introduced. Experience has shown that teaching good habits at an early age is an advantage.

If the draft Law is to be effective there must be co-operation between the States and Honorary Police, therefore when the Defence Committee issues a permit to a person resident in the Island, it is important that it notifies the Connétable of the parish in which the person issued with that permit resides. By amending the wording of paragraph (8) of Article 14, this good practice will be achieved.

All bullets expand on impact. Some do so more than others, primarily because the projectile is relatively large and soft, as are the lead balls from muzzle loaders. Some, like virtually all European hunting bullets, are required to expand on impact, both to minimize the chance of a

ricochet and to kill the animal more quickly. All wad cutter bullets expand on impact. The proposed ban is causing problems in the United Kingdom and it is unreasonable to introduce a restriction in Jersey which will cause difficulties in interpretation. It is, therefore, proposed that subparagraph (e) of Article 33(1) be deleted.

There are a number of opportunities for appeals, but this is not the case in respect of visitors' permits. The amendment of Article 50 seeks to rectify that omission.

The remaining Amendments are consequential upon those specified above.

SECOND AMENDMENTS OF DRAFT FIREARMS (JERSEY) LAW  
199- (P.96 of 1999)

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PAGE 22, ARTICLE 1 -

*In the definition of the expression “prohibited ammunition” in paragraph (1) for the words “, (e) or (h)” substitute the words “or (g)”.*

PAGES 27 TO 30, ARTICLE 3 -

- (a) In paragraph (4) for the words “Subject to paragraph (5), a” substitute the word “A”;*
- (b) delete paragraphs (5) and (6);*
- (c) re-number existing paragraphs (7) to (15) as (5) to (13) respectively;*
- (d) in sub-paragraph (e) of the re-numbered paragraph (5) for the words “paragraph (12)” substitute the words “paragraph (10)”;*
- (e) in the re-numbered paragraph (8) for the words “paragraph (9)” substitute the words “paragraph (7)”;*
- (f) in the re-numbered paragraph (9) for the words “paragraph (10)” substitute the words “paragraph (8)”.*

PAGE 31, ARTICLE 5 -

*In paragraph (5) for the words “paragraph (7)” substitute the words “paragraph (5)”.*

PAGES 33 AND 34, ARTICLE 9 -

*In paragraph (1) -*

- (a) for the semi-colon at the end of sub-paragraph (c)(ii) substitute a full-stop;*
- (b) delete sub-paragraph (d).*

PAGES 37 AND 38, ARTICLE 14 -

*(a) In paragraph (2) -*

- (i) in sub-paragraph (b) delete the words “is ordinarily resident in the Island and”,*
- (ii) in sub-paragraph (c) -*
  - (A) delete the words “but who is at least seventeen years of age”,*
  - (B) delete the words “and is ordinarily resident in the Island”,*
  - (C) delete the words “on an authorized open day and”;*

*(b) delete paragraph (3);*

*(c) re-number existing paragraphs (4) to (9) as paragraphs (5) to (8) respectively;*

*(d) in the re-numbered paragraph (5), delete the words “but who is at least fourteen years of age,”;*

*(e) in the re-numbered paragraph (7) for the words from “may notify” to the end of the paragraph substitute the words “shall, where the person issued with the permit is a resident of the Island, notify the Connétable of the parish in which that person resides”;*

- (f) *in the re-numbered paragraph (8) for the words “paragraph (8)” substitute the words “paragraph (7)”.*

PAGES 39 AND 40, ARTICLE 15 -

- (a) *Delete paragraphs (2), (3) and (4);*
- (b) *re-number the existing paragraphs (5) to (8) as paragraphs (2) to (5) respectively;*
- (c) *in the re-numbered paragraph (3) for the words “paragraph (5)” substitute the words “paragraph (2)”;*
- (d) *in the re-numbered paragraph (4) for the words “paragraph (5)” substitute the words “paragraph (2)”.*

PAGE 40, ARTICLE 16 -

*For paragraph (1) substitute the following paragraph -*

*“(1) Any shooting club, or any officer on behalf of such a club may appeal to the Court against the refusal to approve the club under paragraph (1) of Article 15 within twenty-eight days after the day on which notification is received of the refusal.”.*

PAGES 56 AND 57, ARTICLE 33 -

*In paragraph (1) -*

- (a) *delete sub-paragraph (e);*
- (b) *re-letter existing sub-paragraphs (f) to (h) as sub-paragraphs (e) to (g) respectively.*

PAGES 59 AND 60, ARTICLE 35 -

- (a) *In paragraph (1), for the words “or (4)” substitute the words “, (3) or (5)”;*
- (b) *in paragraph (2) for the words “or (4)” substitute the words “, (3) or (5)”.*

PAGE 72, ARTICLE 50 -

*After paragraph (4) insert the following paragraph -*

“(5) Any person aggrieved by a decision of the Chief Officer under this Article to -

- (a) refuse to issue a permit;
- (b) impose conditions on the grant of a permit;
- (c) add, vary or remove a condition attached to a permit;  
or
- (d) cancel a permit,

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

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

PAGE 73, ARTICLE 55 -

*In sub-paragraph (b) of paragraph (1) for the words “paragraph (7)” substitute the words “paragraph (5)”.*

DEPUTY OF ST. MARTIN



## CORRIGENDUM

### **P.146/99 Draft Firearms (Jersey) Law 199 : second amendments**

- (a) on page 6 in paragraph (c) of the amendment of Article 14 for the words "paragraphs (5) to (8)" substitute the words "paragraphs (3) to (8)";
- (b) on page 8 in the amendment of Article 50 after the inserted paragraph (5) for the figure "(3)" at the commencement of the following paragraph substitute the figure "(6)".