

STATES OF JERSEY

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DRAFT FIREARMS (AMENDMENT No. 2)(JERSEY) LAW 200

**Lodged au Greffe on 21st October 2008
by the Minister for Home Affairs**

STATES GREFFE



Jersey

DRAFT FIREARMS (AMENDMENT No. 2)(JERSEY) LAW 200

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Minister for Home Affairs has made the following statement –

In the view of the Minister for Home Affairs the provisions of the Draft Firearms (Amendment No. 2) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator W. Kinnard**

REPORT

1. A number of issues have come to light since the introduction of the Firearms (Jersey) Law 2000 (“the principal Law”) and, consequently, a number of amendments to the legislation are proposed. The intention of the amendments is to make compliance with, and enforcement of, the legislation more straightforward. Definitions relevant to the amendments have been added in the draft Law (Article 2).
2. Amendments have been considered at every stage by the Firearms Law Liaison Group, with representatives from the shooting fraternity, Honorary Police, States of Jersey Police, the Department of Education, Sport and Culture and lay members. Wider consultation has taken place as appropriate, e.g. with the Comité des Connétables, Magistrate, and head teachers. Although this consultation process has taken a significant time, it was considered important in ensuring that the amendments were appropriate and implementable.
3. Article 3 of the draft Law allows for the deregulation of flare guns, in response to a recommendation from the Firearms Law Liaison Group to the then Home Affairs Committee, and after taking Police advice on deregulation. The recommendation was based on the low numbers of gun-type flares in circulation, the fact that they are no longer readily available, and the lack of demand for permits for moving firearm/signalling equipment issued under the Firearms (General Provisions) (Jersey) Order 2001. An exemption for ammunition for flare guns is also included.
4. The effect of the current permitted shot size under Article 33 of the principal Law is to classify 4 regular buckshot sizes as prohibited ammunition. The Article 3 amendment widens the exemption for the possession of ammunition, increasing shot size to .36 of an inch, rather than .23 of an inch, resolving this anomaly. The prohibition on manufacturing, selling or otherwise transferring shot gun ammunition containing less than 5 pellets larger than .23 of an inch diameter is consequently removed (Article 15).
5. A problem had arisen where the applicant for a firearm certificate, or its variation or revocation, was a Connétable or member of the Connétable’s family. To ensure transparency, Article 4 makes provision for the Minister to issue, vary or revoke certificates under such circumstances. For cases where the Connétable is absent for a prolonged period or the post is vacant, the Chef de Police of the Parish would discharge these functions.
6. The current Law requires more photographs than are necessary; the Article 5 amendment enables the Minister to prescribe the detail of the number and type of photographs needed for applications.
7. In order to ensure that the Central Firearms Index maintains up-to-date records, the Article 6 amendment requires that particulars of certificate changes be notified by the Connétable to the Chief Officer, who has a responsibility to maintain the Central Firearms Index. It is the Connétable of the Parish in which the certificate holder resides who must be notified of any changes by the certificate holder, thus on relocation to a different Parish it would be the Connétable of the new Parish who would be informed, and who would update the Central Firearms Index and notify the previous Parish of the change. Consequential changes to this effect are made throughout the draft Law (Articles 7, 12, 13 and 14).
8. As a result of the removal for the requirement to hold a firearm certificate for a flare gun, the exception from the requirement to hold a firearm certificate where signalling apparatus is kept on a ship or aeroplane is no longer required. This has also resulted in the reference to aircraft being removed (Article 8).
9. Although the need for effective control of firearms has generally grown as an issue of importance internationally, there is no new evidence of problems concerning the carriage of appropriate firearms as ‘part of the equipment of the ship’; the provision in respect of ships, that a firearm certificate is not required for firearms kept on board, is therefore being retained. The Harbour Master controls the movement of firearms within the port and must inform both the Connétable and Chief Officer of Police when he issues a permit.
10. The traditional reasons for allowing firearms as a part of a ship’s equipment relate primarily to the need to deter pirates – something still commonly occurring in parts of the world. There are also other uses, which include: carrying a flare gun, maintaining a bridge rifleman on watch for sharks when hands go to bathe

and the use of a rifle to fire a gunline across to another vessel, which allows a jackstay to be rigged for transferring stores at sea.

11. Jersey vessels operate worldwide and about half the yachts registered locally are actually located abroad. Those vessels must comply with the relevant legislation of the jurisdiction in which they are based. The removal of the Article 12 of the principal Law would cause difficulties for the Registry in Jersey in enforcing a new regime regarding those vessels.
12. A practical amendment in Article 9 makes provision for executors or administrators of estates to possess a firearm or ammunition held by the deceased until it can practicably be surrendered to an appropriate authority, thus avoiding the possibility of their being in contravention of the Law.
13. Article 10 clarifies the definition of shooting clubs, and the appeals provisions for shooting clubs are relocated to a new Appeal section at the end of the Law, together with all other rights of appeal under the Law (Articles 11 and 22).
14. In Article 16 the maximum prison term for the offence of carrying offensive weapons without lawful authority or reasonable excuse is increased from 2 to 4 years, to recognise the seriousness with which this offence is viewed. Within the principal Law, the police have difficulty in securing prosecutions for people carrying knives in public, as the 'intent to injure' must be proven. The draft Law also contains new provisions in Article 17, making the carrying of articles with blades or points without lawful authority or reasonable excuse an offence, and similarly prohibiting the carrying of offensive weapons, blades or sharp pointed objects without lawful authority or reasonable excuse on school premises. The penalty for such offences is imprisonment for up to 4 years, and/or a fine, although there is provision in the Law for a defence where reasonable cause for carrying can be established. The location of these provisions within the Firearms Law has been the subject of some debate, but it was felt that their importance justified early progression. The provision of a separate Law for the future, covering blades and sharp pointed objects, is still under consideration.
15. The existing Law prevents hunting between sunset and sunrise, which may often be the optimal time for shooting roosting birds. Article 18 of the draft Law amends the principal Law to allow hunting with a firearm or legitimate pest control work between sunset and sunrise, with the authorization of the appropriate Connétable. Licences thus granted are for the preservation of public health or safety, and for a specified period. The Court is empowered to cancel hunting licences where a person is convicted for certain offences, or conditionally discharged (Article 19).
16. A new provision has been included under Article 20, the 'power of search', to allow police officers, without a warrant, to enter and search school premises and persons on the premises for bladed or sharply pointed objects, when there is the suspicion of an offence. The head teacher's permission must be sought, and head teachers' guidance already contains the provision that –

“...no pupils/students/members shall be interviewed either in groups or individually by members of the Police Force except in the presence of a teacher nominated by the Head or Deputy.”

At the time any such request is made, the Director for Education, Sport and Culture will be notified by the head teacher of the action taken.
17. The Article 21 amendment enables visitors to the Island to be issued with a visitor's permit. This would apply to those who have a bona fide reason, e.g. as part of a visiting shooting team, to bring in a firearm if they were in possession of a valid certificate issued elsewhere, or if supported in writing by an official of a shooting club where their country of origin does not require a firearm permit. The form of permit is prescribed, and allows the holder to possess a firearm and stipulated ammunition; its validity is limited to a period of one year from issue. Provision is made for a prescribed fee.
18. In Article 23, Provision is made for consequential amendments under the Police Procedures and Criminal Evidence (Jersey) Law 2003 with reference to 'prohibited articles' under Article 43A; also (Article 24 under the Customs and Excise (Jersey) Law 1999, with reference to offensive weapons.
19. The Law will come into force by Appointed Day Act, 7 days after registration (Article 25).

Financial and manpower implications

20. There are no direct financial or manpower implications to the Home Affairs Department or the States. Additional costs to Parishes would be covered by firearm certificate application fees.

European Convention on Human Rights

21. Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 17th October 2008 the Minister for Home Affairs made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Minister for Home Affairs the provisions of the Draft Firearms (Amendment No. 2) (Jersey) Law 200- are compatible with the Convention Rights.

With regard to the specific area of search powers (Article 49A), these may not be random or arbitrary, but based on a reasonable suspicion of an offence under Article 43 or 43A of the principal Law. However, the proportionality of searches must still be assessed on a case-by-case basis.

The rights of appeal are considered to be compliant with Article 6 of the European Convention on Human Rights, and there are no further areas for concern.

Explanatory Note

Article 1 defines the Firearms (Jersey) Law 2000 as the “principal Law”.

Article 2 adds definitions to the principal Law which relate to the amendments which follow.

Article 3 amends the principal Law so that a firearm certificate (a “certificate”) is not required to possess, purchase or acquire a flare gun. It also widens the exemption from the requirement to hold a certificate to possess, purchase or acquire ammunition. The existing exemption for cartridges containing 5 or more shot is limited to shot not exceeding .23 of an inch in diameter. The amendment increases the maximum to shot not exceeding .36 of an inch in diameter. An exemption for ammunition for a flare gun is added.

Article 4 inserts Article 2A in the principal Law.

Article 2A– Responsibility for grant, variation and revocation of firearms certificates

The principal Law already provides that it is the Connétable of a parish who grants, varies and revokes certificates applied for or held by persons resident in his or her parish. This Article further provides that –

- (a) if the Connétable or a member of his or her family is the applicant or certificate holder, it is the Minister for Home Affairs (the “Minister”) who grants, varies or revokes the certificate;
- (b) in the event of absence or incapacity of the Connétable for more than 2 weeks, or in the event of the post being vacant, the Chef de Police discharges the function of granting, varying and revoking certificates.

Article 5 empowers the Minister to prescribe the number and kind of photographs of the applicant that must accompany an application for a certificate.

Article 6 requires a Connétable to forward details of the revocation, or partial revocation, of a certificate to the Chief Officer of the States of Jersey Police as soon as is practicable. The present requirement is to do so within 21 days.

Article 7 makes a change that is consequential upon the addition of Article 2A.

Article 8 substitutes Article 12 of the principal Law, consequentially upon the removal of the requirement to hold a firearm certificate for a flare gun. Until now, Article 12 has included an exception from the requirement to hold a firearm certificate where signalling apparatus is kept on a ship or aeroplane. That exception is no longer required, because of the general exemption for flare guns, and so is removed from Article 12.

Article 9 permits the executor or administrator of an estate, without holding a certificate, to possess a firearm or ammunition for which the deceased held a certificate until it is practical for the firearm or ammunition to be surrendered to a police officer or registered firearms dealer.

Article 10 makes it clear, without any substantive change, that there is a single category of shooting clubs, that covers pistol clubs, shot gun clubs, and so on.

Article 11 repeals Article 16 of the principal Law consequentially upon the relocation of all appeal provisions to Article 55.

Articles 12, 13 and 14 make amendments that are consequential upon the insertion of Article 2A.

Article 15 removes the prohibition on manufacturing, selling, transferring, purchasing or acquiring, without the Minister’s authority, shot gun ammunition containing less than 5 pellets larger than .23 of an inch in diameter.

Article 16 increases from 2 to 4 years the maximum term of imprisonment that may be imposed for the offence of carrying offensive weapons without lawful authority or reasonable excuse.

Article 17 inserts Articles 43A and 43B in the principal Law.

Article 43A– Prohibition on the carrying of articles with blades or points

This Article makes it an offence for a person to carry an article with a blade or sharp point in a public place. The exact articles to which the offence relates are described in paragraph (2). A person does not commit the offence if he or she has lawful authority or reasonable excuse for carrying the article. It is also a defence for the person to show that he or she carried the article for any of the purposes described in paragraph (3). The penalty for the offence is imprisonment for up to 4 years and/or an unlimited fine.

Article 43B– Prohibition on the carrying of offensive weapon or article with blade or point on school premises

This Article makes it an offence to carry on school premises an offensive weapon (as defined in Article 42(3) of the principal Law) or an article with a blade or sharp point (as described in Article 43A(2), referred to above). A person does not commit the offence if he or she has lawful authority or reasonable excuse for carrying the article. It is also a defence for the person to show that he or she carried the weapon or article for any of the purposes described in paragraph (2). The penalty for the offence is imprisonment for up to 4 years and/or an unlimited fine.

Article 18 substitutes Article 45 of the principal Law. The effect of the substitution is to allow hunting with a firearm on Sundays, Good Friday or Christmas Day, or between sunset and sunrise on any other day, where it is authorized by a licence granted by the Connétable of the parish in which the hunter resides (a “hunting licence”). A licence can only be granted to allow hunting for the purpose of preserving public health or public or air safety. The licence may authorize hunting in another parish but, in that case, the authorizing Connétable must consult the Connétable of the other parish before granting the licence. Article 2A, described above, is applied to deal with a case where the Connétable or a member of his or her family wishes to apply for a licence, and to allow the Chef de Police to act in the absence or incapacity of the Connétable or in the event that the office of Connétable is vacant.

Article 19 introduces a power for the court, on convicting a person for certain offences, or on a person’s conditional discharge, to cancel the person’s hunting licence. The court already has power to cancel a person’s firearm certificate on conviction.

Article 20 inserts Article 49A in the principal Law.

Article 49A– Entry of school premises to search for certain articles

This Article empowers a police officer, without a warrant, to enter school premises and search the premises, and persons on the premises, for offensive weapons and for bladed or sharply pointed articles, where an offence under Article 43B, described above, is suspected. The officer must obtain the head teacher’s permission to search a pupil during school hours, unless there are exceptional circumstances prevailing.

Article 21 enables a visitor to Jersey to be issued with a visitor’s permit, notwithstanding that the visitor doesn’t hold a firearm certificate issued in another place, if the visitor resides in a place where such a certificate is not required and the visitor’s application is supported by the holder of a certificate issued under the principal Law. A power to charge for an application for a visitor’s permit is introduced. The appeal provisions relating to visitors’ permits are relocated to Article 55.

Article 22 brings together all rights of appeal under the principal Law.

Article 23 makes a consequential amendment to the Police Procedures and Criminal Evidence (Jersey) Law 2003, making an article to which Article 43A, above, applies a “prohibited Article” for the purposes of that Law.

Article 24 makes a consequential amendment to the Customs and Excise (Jersey) Law 1999. It widens the offence, under that Law, of contravening the restrictions in that Law on movement or possession of goods whilst armed with an offensive weapon so as to apply also to a person armed with a bladed or sharply pointed article of a kind described in Article 43A, above.

Article 25 is the citation and commencement provision.



Jersey

DRAFT FIREARMS (AMENDMENT No. 2)(JERSEY) LAW 200

Arrangement

Article

<u>1</u>	<u>Interpretation</u>
<u>2</u>	<u>Article 1 amended</u>
<u>3</u>	<u>Article 2 amended</u>
<u>4</u>	<u>Article 2A inserted</u>
<u>5</u>	<u>Article 3 amended</u>
<u>6</u>	<u>Article 8 substituted</u>
<u>7</u>	<u>Article 9 amended</u>
<u>8</u>	<u>Article 12 substituted</u>
<u>9</u>	<u>Article 14 amended</u>
<u>10</u>	<u>Article 15 amended</u>
<u>11</u>	<u>Article 16 repealed</u>
<u>12</u>	<u>Article 28 amended</u>
<u>13</u>	<u>Article 29 amended</u>
<u>14</u>	<u>Article 30 amended</u>
<u>15</u>	<u>Article 33 amended</u>
<u>16</u>	<u>Article 43 amended</u>
<u>17</u>	<u>Articles 43A and 43B inserted</u>
<u>18</u>	<u>Article 45 substituted</u>
<u>19</u>	<u>Article 48 amended</u>
<u>20</u>	<u>Article 49A inserted</u>
<u>21</u>	<u>Article 50 amended</u>
<u>22</u>	<u>Article 55 substituted</u>
<u>23</u>	<u>Police Procedures and Criminal Evidence (Jersey) Law 2003 amended</u>
<u>24</u>	<u>Customs and Excise (Jersey) Law 1999 amended</u>
<u>25</u>	<u>Citation and commencement</u>



Jersey

DRAFT FIREARMS (AMENDMENT No. 2)(JERSEY) LAW 200

A LAW to amend further the Firearms (Jersey) Law 2000 and for connected purposes

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law “principal Law” means the Firearms (Jersey) Law 2000^[1].

2 Article 1 amended

In Article 1(1) of the principal Law–

(a) after the definition “component part” there shall be inserted the following definition –

“ ‘Connétable’ means –

(a) in Articles 3 to 8 and 9(2), the person responsible for the grant, variation and revocation of a firearm certificate in accordance with Article 2A;

(b) in Article 45, the person responsible for the grant of a hunting licence, in accordance with Article 2A as applied by paragraph Article 45(7);

(b) after the definition “firearms dealer” there shall be inserted the following definitions –

“ ‘flare gun’ means a firearm, with a barrel not exceeding 250 mm and a calibre not exceeding 26.5 mm, constructed or adapted solely for the discharge of projectile material for the purpose of giving warning or illumination or as a signal;

‘hunting licence’ means a licence granted under Article 45;”;

(c) in the definition “prohibited ammunition”, the words “, (d)” shall be deleted;

(d) after the definition “rifle” there shall be inserted the following definition –

“ ‘school premises’ means land consisting of an institution providing full or part-time education but does not mean any land occupied solely as a dwelling by a person employed at the school;”.

3 Article 2 amended

In Article 2(2) of the principal Law–

- (a) for sub-paragraph (a) there shall be substituted the following sub-paragraph –
 - “(a) all firearms except –
 - (i) flare guns, and
 - (ii) any air weapon of a type declared by Order of the Minister under Article 57 not to be specially dangerous;”;
- (b) in sub-paragraph (b)(i) for the words “.23 of an inch” there shall be substituted the words “.36 of an inch”;
- (c) in sub-paragraph (b)(ii) for the words “an air weapon” there shall be substituted the words “a flare gun or an air weapon”.

4 Article 2A inserted

After Article 2 of the principal Law there shall be inserted the following Article–

“2A Responsibility for grant, variation and revocation of firearm certificates

- (1) Subject to this Article, the person responsible for the grant, variation and revocation of a firearm certificate under this Law is the Connétable of the parish in which an applicant for, or the holder of, a firearm certificate resides.
- (2) Where the applicant for the certificate is the Connétable of the parish in which the Connétable himself or herself resides, or that Connétable’s spouse, parent, child or sibling, the person responsible for the grant, variation and revocation of that certificate is the Minister.
- (3) Paragraph (4) applies –
 - (a) from –
 - (i) where the Connétable of a parish is unable to perform his or her duties under this Law, on account of illness or absence from Jersey, the end of the first 2 weeks of such incapacity or absence, or
 - (ii) the time when a vacancy in the office of Connétable arises;
 - (b) until the Connétable is again able to perform those duties or until the election of a new Connétable, whichever first occurs.
- (4) Where this paragraph applies, the person responsible for the grant, variation and revocation of a firearm certificate in the parish is the Chef de Police of the parish.”.

5 Article 3 amended

In Article 3 of the principal Law–

- (a) in paragraph (2), for the words “up to 4 photographs of the applicant” there shall be substituted the words “such photographs of the applicant as may be prescribed”;
- (b) paragraph (13) shall be deleted.

6 Article 8 substituted

For Article 8 of the principal Law there shall be substituted the following Articles–

“7A Particulars to be forwarded to Chief Officer

- (1) The Connétable shall forward to the Chief Officer particulars of the grant, renewal or variation of a firearm certificate under Article 3 within 21 days of the certificate being granted, renewed or varied.
- (2) The Connétable shall forward to the Chief Officer particulars of the revocation or partial revocation of a firearm certificate under Article 3 or 4 as soon as practicable after the certificate is revoked or partially revoked.

8 Central Firearms Index

- (1) The Chief Officer shall maintain an index, to be known as the Central Firearms Index.
- (2) The Central Firearms Index shall include –
 - (a) any particulars forwarded to the Chief Officer under Article 7A; and
 - (b) any notice of the cancellation of a firearm certificate sent to the Chief Officer under Article 48(2)(a).”.

7 Article 9 amended

In Article 9(1)(b) of the principal Law, for the words “Connétable who issued the certificate” there shall be substituted the words “Connétable of the parish in which the certificate holder resides”.

8 Article 12 substituted

For Article 12 of the principal Law there shall be substituted the following Article–

“12 Firearms and ammunition on ships

- (1) Any person may, without holding a firearm certificate –
 - (a) have in the person’s possession, on board a ship, a firearm or ammunition as part of the equipment of the ship;
 - (b) remove a firearm or ammunition from or to a ship, in accordance with the terms of a permit in the prescribed form issued to the person by the Harbour Master.
- (2) The Harbour Master shall notify the Chief Officer and the Connétable of the parish in which the ship has entered, of the issue of the permit.
- (3) In paragraph (1), the references to a firearm or ammunition are to a firearm or ammunition for possession of which a person would, apart from paragraph (1), require a firearm certificate.
- (4) A person who knowingly or recklessly makes any false statement in connection with the issue of a permit under paragraph (1)(b) shall be guilty of an offence and liable to imprisonment for a term of 2 years and to a fine.”.

9 Article 14 amended

In Article 14 of the principal Law–

- (a) in the heading for the words “other approved activities” there shall be substituted the words “other permitted possession of firearms or ammunition”;

(b) after paragraph (7) there shall be inserted the following paragraph–

“(7A) The executor or administrator of the estate of a deceased certificate holder, or a deceased certificate holder’s principal heir or next of kin, may, without holding a firearm certificate, have in his or her possession any firearm or ammunition that belonged to the deceased certificate holder, until it is reasonably practical for him or her to surrender the firearm or ammunition to a police officer or a registered firearms dealer.”.

10 Article 15 amended

For Article 15(1) of the principal Law there shall be substituted the following paragraph–

“(1) Any club that is –

- (a) a pistol club;
- (b) a shot gun club;
- (c) a rifle club;
- (d) a miniature rifle club; or
- (e) any combination of the foregoing,

may apply in the prescribed form to the Minister for approval as a shooting club.”.

11 Article 16 repealed

Article 16 of the principal Law shall be repealed.

12 Article 28 amended

In Article 28(2) of the principal Law for the words “the Connétable who granted the party’s certificate” there shall be substituted the words “the Connétable of the parish in which the certificate holder resides”.

13 Article 29 amended

In Article 29(1) and (2) of the principal Law for the words “the Connétable who granted the certificate” there shall be substituted the words “the Connétable of the parish in which the certificate holder resides”.

14 Article 30 amended

In Article 30 of the principal Law–

- (a) in paragraph (1) for the words “the Connétable who granted the transferor’s certificate” there shall be substituted the words “the Connétable of the parish in which the transferor resides or last resided”;
- (b) in paragraph (3) for the words “the Connétable who granted the certificate” there shall be substituted the words “the Connétable of the parish in which the certificate holder resides or last resided”.

15 Article 33 amended

Article 33(1)(d) of the principal Law shall be deleted.

16 Article 43 amended

In Article 43(1) of the principal Law, for the words following the words “and liable to” there shall be

substituted the words “imprisonment for a term of 4 years and to a fine”.

17 Articles 43A and 43B inserted

After Article 43 of the principal Law there shall be inserted the following Articles–

“43A Prohibition on the carrying of articles with blades or points

- (1) Any person who, without lawful authority or reasonable excuse (the proof of which shall lie on the person), has with him or her in any public place any article to which this Article applies shall be guilty of an offence and liable to imprisonment for a term of 4 years and to a fine.
- (2) This Article applies to –
 - (a) a folding pocket knife that has a blade with a cutting edge more than 3 inches in length; and
 - (b) any article (other than a folding pocket knife) that has a blade or is sharply pointed.
- (3) Without prejudice to the generality of the defence in paragraph (1), it is a defence for a person charged with an offence under this Article to prove that the person had the article with him or her –
 - (a) for use at work;
 - (b) for religious reasons; or
 - (c) as part of a national costume.

43B Prohibition on the carrying of offensive weapon or article with blade or point on school premises

- (1) Any person who, without lawful authority or reasonable excuse (the proof of which shall lie on the person), has with him or her on any school premises any offensive weapon or any article to which Article 43A applies shall be guilty of an offence and liable to imprisonment for a term of 4 years and to a fine.
- (2) Without prejudice to the generality of the defence in paragraph (1), it is a defence for a person charged with an offence under this Article to prove that the person had the weapon or article with him or her –
 - (a) for use at work;
 - (b) for educational purposes;
 - (c) for religious reasons; or
 - (d) as part of a national costume.
- (3) In this Article “offensive weapon” has the same meaning as in Article 43”.

18 Article 45 substituted

For Article 45 of the principal Law there shall be substituted the following Article–

“45 Restrictions on hunting any bird or animal

- (1) Subject to paragraph (2), any person who hunts any animal or bird with any firearm on Sunday, Good Friday or Christmas Day or between sunset and sunrise on any other day, shall be guilty of an offence and liable to a fine of level 2 on the standard scale, unless

he or she is acting under and in accordance with the terms or conditions of a licence granted under this Article.

- (2) The Connétable of a parish may, by licence in writing, authorize a person who resides in the parish to hunt, for the purpose of preserving public health or public or air safety –
 - (a) such animals and birds as may be specified in the licence;
 - (b) in any parish, or part of a parish, specified in the licence;
 - (c) for such period as shall be specified in the licence;
 - (d) on any days in that period, or on such days in that period, as may be specified in the licence;
 - (e) between sunset and sunrise or between such times between sunset and sunrise as may be specified in the licence.
- (3) Before granting a licence under paragraph (2), a Connétable shall consult–
 - (a) the Connétable of any other parish in which the applicant proposes to hunt under the licence; and
 - (c) any other person or body whom the Minister considers it appropriate to consult.
- (4) The Connétable may grant a licence under paragraph (2) subject to such further conditions as the Connétable thinks fit.
- (5) The Connétable may revoke a licence granted under paragraph (2) if the holder of the licence has not complied with the terms and conditions on which it is granted or if the Connétable is satisfied that the holder no longer has a good reason for having the licence.
- (6) A Connétable shall –
 - (a) forward a copy of a licence granted under this Article to the Minister, to each Connétable consulted in accordance with paragraph (3) and to the Chief Officer and
 - (b) inform each of those persons of the revocation of such a licence.
- (7) Article 2A shall apply for the purposes of the grant of a licence under this Article as it applies for the purposes of the grant of a firearm certificate.”.

19 Article 48 amended

In Article 48 of the principal Law–

- (a) in the heading for the word “certificates” there shall be substituted the words “certificate or licence”;
- (b) in paragraph (1) after the words “firearm certificate” there shall be inserted the words “or hunting licence”;
- (c) for paragraphs (2) and (3) there shall be substituted the following paragraphs–
 - “(2) Where, pursuant to paragraph (1), the court cancels a person’s firearm certificate or hunting licence –
 - (a) the court shall cause notice to be sent to –
 - (i) the Connétable of the parish in which the person resides, and
 - (ii) the Chief Officer; and
 - (b) the Connétable shall by notice in writing require the person to surrender the certificate or licence, as the case requires, within the period of 21 days from the date of the notice.
 - (3) A person who fails to comply with a notice given under paragraph (2)(b) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.”.

20 Article 49A inserted

After Article 49 of the principal Law there shall be inserted the following Article–

“49A Entry of school premises to search for certain articles

- (1) A police officer may, using reasonable force if necessary, enter school premises in order to search those premises and any person on the premises, for any article to which Article 43 or 43A applies, if he or she has reasonable grounds for believing that an offence under Article 43B is being, or has been, committed.
- (2) However, if the person that the police officer wishes to search is a pupil at the school and the search is proposed to take place during school hours, the officer shall, other than in exceptional circumstances, obtain the permission of the head teacher or other person acting in the head teacher’s absence.
- (3) A police officer who, in the course of a search under this Article, discovers something that he or she has reasonable grounds for suspecting to be an article mentioned in paragraph (1), may seize and retain it”.

21 Article 50 amended

In Article 50 of the principal Law–

- (a) for paragraph (1) there shall be substituted the following paragraphs–

- “(1) A visitor or intended visitor to Jersey who wishes to bring to Jersey any firearm and ammunition to which Article 2 applies may apply to the Chief Officer for a visitor’s permit.
- (1A) The Chief Officer may grant a visitor’s permit if the applicant –
- (a) is the holder of a valid certificate issued in any place outside Jersey authorizing the applicant to possess firearms and ammunition and has produced the certificate or a certified true copy of the certificate to the Chief Officer; or
 - (b) is resident in a place that does not require the applicant to have a permit for the firearm that he or she wishes to bring to Jersey and the application is supported in writing by an official of a shooting club,
- and has paid the prescribed fee.
- (1B) The visitor’s permit shall be in the prescribed form and shall authorize the applicant, without being a certificate holder –
- (a) to possess the firearm described in the permit; and
 - (b) to possess and acquire the quantity of ammunition that is described in the permit,
- for such period not exceeding one year from the date of grant of the permit as shall be specified in the permit.
- (1C) There shall be payable for the grant of a visitor’s permit such fee as may be prescribed and different fees may be prescribed for different circumstances.”;

- (b) paragraphs (5) and (6) shall be deleted.

22 Article 55 substituted

For Article 55 of the principal Law there shall be substituted the following Article–

“55 Appeals

- (1) Any person aggrieved by –
 - (a) a refusal to grant, vary or renew a firearm certificate under Article 3;
 - (b) the revocation of a firearm certificate under Article 3(5)(a) to (d);
 - (c) the partial revocation of a firearm certificate under Article 4;
 - (d) the imposition of any additional conditions under Article 9(2);
 - (e) the refusal to issue a permit under Article 14(8) or any terms to which the permit is subject;
 - (f) the refusal to approve a club under Article 15(1);
 - (g) the imposition of any conditions on the approval of a club under Article 15(2)(a);
 - (h) the variation or withdrawal of an approval under Article 15(2)(b);
 - (i) the refusal to issue a permit to an auctioneer under Article 19(2) or any terms to which the permit is subject;
 - (j) the refusal to register the person as a firearms dealer under Article 20(3);
 - (k) the imposition or variation of, or refusal to vary or revoke, any condition of registration under Article 20(4);
 - (l) the removal of the person’s name from the register under Article 20(6) or Article 21(3);
 - (m) a refusal to enter in the register a place of business of a registered firearms dealer under Article 22(3);
 - (n) a removal from the register of a place of business of a registered firearms dealer under Article 22(3);
 - (o) the refusal to grant a hunting licence under Article 45(2);
 - (p) the terms and conditions of a hunting licence granted under Article 45(2);
 - (q) the imposition of any further conditions on a hunting licence under Article 45(4);
 - (r) the revocation of a hunting licence under Article 45(5);
 - (s) the refusal to grant a visitor’s permit under Article 50(1A);
 - (t) the imposition of conditions on the grant of a visitor’s permit under Article 50(2);
 - (u) the addition, variation or removal of a condition attached to a visitor’s permit under Article 50(3)(a); or
 - (v) the cancellation of a visitor’s permit under Article 50(3)(b),may, within 28 days after the day on which the person receives notice of the decision in question, appeal to the Court.
- (2) On the hearing of an appeal under this Article, the Court may –
 - (a) consider any evidence or other matter whether or not it was available when the decision being appealed against was taken;
 - (b) either dismiss the appeal or give the person authorized by this Law to grant the certificate, approval, licence, registration or permit which is the subject of the appeal, such directions as the Court thinks fit as respects the certificate, approval, licence, registration or permit.”.

23 Police Procedures and Criminal Evidence (Jersey) Law 2003 amended

In Article 4(1)(a) of the Police Procedures and Criminal Evidence (Jersey) Law 2003^[2] after the words

“offensive weapon” there shall be inserted the words “or an article to which Article 43A of the Firearms (Jersey) Law 2000^[3] applies”.

24 Customs and Excise (Jersey) Law 1999 amended

In Article 46 of the Customs and Excise (Jersey) Law 1999^[4] after the words “offensive weapon” there shall be inserted the words “or any article to which Article 43A of the Firearms (Jersey) Law 2000 applies”.

25 Citation and commencement

This Law may be cited as the Firearms (Amendment No. 2) (Jersey) Law 2000 and shall come into force 7 days after it is registered.

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- [1] *chapter 23.200*
- [2] *chapter 23.750*
- [3] *chapter 23.200*
- [4] *chapter 24.660*