

2018.03.06

**5 Deputy R. Labey of the Minister for Home Affairs regarding the differences between Jersey's gun control and ownership laws and equivalent legislation in the U.K: [OQ.40/2018]**

Will the Minister advise whether differences between Jersey's gun control and ownership laws and equivalent legislation in the U.K. arise from conscious policy decisions and state what measures, if any, are being taken to better align the Island's legislation with the Firearms (Amendment) Act 1997?

**Deputy K.L. Moore of St. Peter (The Minister for Home Affairs);**

The Assistant Minister, the Constable of St. Lawrence, will answer the question.

**Connétable D.W. Mezbourian of St. Lawrence (Assistant Minister for Home Affairs - rapporteur):**

As with U.K. legislation, the Firearms (Jersey) Law 2000 provides for rigorous and thorough checks to be made on those members of our community who wish to possess, purchase or acquire firearms. We do differ to the U.K., in that we certificate air rifles and they do not. Of course we are always conscious and aware of policy developments in other parts of the British Isles in relation to this matter. In fact, the Deputy will be aware that at the next sitting I will be proposing that we bring into force the Export Control Law, P.24/2018, which will allow an order to be made, which will bring Jersey into line with U.K. and E.U. (European Union) standards for the control of exports and this of course includes arrangements for firearms.

**3.5.1 Deputy R. Labey:**

I am disappointed, not obviously to engage with the Assistant Minister, but I would have liked to have questioned the Minister on this issue and I do not know whether it might have been a point of courtesy to ask me if I was happy to have my questions answered by the Assistant Minister or whether that is in the Minister's gift. The Assistant Minister is also a Constable and I would like to have spoken to the Minister on her policies on this issue. But I will continue, if I have to.

**The Bailiff:**

You do not have to, but if you want to, you can.

**Deputy R. Labey:**

The U.K.'s procedure could be categorised as putting up as many barriers as possible to assume the worst rather than hope for the best. There are stringent psychological checks on the mental state and the home life and the history of the individual, any trace of alcoholism, *et cetera*. Is the Assistant Minister saying that our application controls are as stringent as the U.K.'s and if they are not why does she think Jersey does not need to have a stringent legislation?

**The Connétable of St. Lawrence:**

I certainly would not for a moment say that we should not have as stringent legislation in place in Jersey as the U.K. have, but as Members will know, under the 2000 law, the Parish Constables, as the Deputy has just alluded to, are in the vast majority of cases responsible for the grant, variation and revocation of firearm certificates. In undertaking our responsibilities for granting firearm certificates the law clearly states the Constable is to be satisfied that an applicant is fit to be entrusted with a firearm, is not prohibited by law from possessing a firearm and has good reason to possess, purchase or acquire a firearm or ammunition. We also have to be satisfied that an individual can possess firearms without being a danger to the public. To this end, and as part of a standard

application process, the Constable will refer the application to the States of Jersey Police for full background checks, including criminal record checks. We also refer to the applicant's G.P. (general practitioner). In fact, on the application form an applicant self-certificates and answers questions on a number of medical conditions, whether or not they have suffered from them. A lot of those questions are really directed towards the state of their mental health. The Constable refers those responses to the applicant's G.P. to be satisfied that they have advised us correctly on their medical condition. We also meet with the individuals to satisfy ourselves as to their fitness to hold firearms and, of course, security checks are undertaken at their premises to ensure that the firearms they have held are held securely and would not be able to be removed. I think most Constables insist that firearms are held in steel gun cabinets, which comply to British standards. I would conclude that the Constables undertake rigorous and thorough checks to ensure that the public safety is not put in jeopardy.

### **3.5.2 Connétable J.E. Le Maistre of Grouville:**

I wonder if the Assistant Minister would agree with me that target shooting is very much a part of our culture and that provided the safeguards are in place - and I believe them to be so - that it should not be discouraged?

#### **The Connétable of St. Lawrence:**

I would agree.

### **3.5.3 Deputy A.D. Lewis of St. Helier:**

I know that the Constable of St. Lawrence goes way beyond what is statutory in terms of checks of firearms from feedback that I have had on the way that Constables deal with these matters. However, there is one thing that concerns me with the application process. With an application form the Constable will know that one has to state the reasons for possessing the firearm and there are usually 3 reasons: sporting reasons, perhaps pest control and maybe it is an antique or family heirloom. Can she tell me what checks are then done to ensure that the reason given for owning that firearm is happening? In other words, do they join a sporting/shooting club, do they attend it? What checks are done to follow up to ensure that the purpose of owning that firearm is happening?

#### **The Connétable of St. Lawrence:**

I do not do follow-up checks when I interview applicants for firearm certificates. I establish at the time whether they are a member of a particular shooting club and, indeed, that is something that they put on to their application form anyway. The Deputy mentioned that a lot of people are collectors; that is correct. I believe that a high number of firearms are indeed held by collectors. There is no prohibition unless the Constable puts a condition on to a certificate because we are able to put any conditions that we choose to on a certificate. So if somebody says that they want to hold firearms for the purposes of being a collector and do not intend to use them, the Constable is entirely within their right to state that that is the only purpose for which the firearm can be held. We all decide on every single application the conditions that we wish to apply to that individual.

### **3.5.4 Deputy A.D. Lewis:**

Is the Constable therefore saying that there is no actual follow up to ensure that the reason given that the applicant has given for owning that firearm is the case? In other words, they are members of a sporting club? In the case of owning weapons as heirlooms, as collectors' items, does that weapon have to be decommissioned in order that it cannot fire? If it is a collectors' piece then it is not going to be shot; should that not be the case?

**The Connétable of St. Lawrence:**

Certainly with regard to decommissioning a firearm, that is a condition that the Constable would make, having met with the applicant.

[10:30]

I know that many of us do recommend that firearms be decommissioned. The purpose for which members of the public choose to hold firearms are as the Deputy mentioned, be that for rifle shooting, as a collector, or as a member of the shooting fraternity, I do not ... there is nothing in the current 2000 law which says that there needs to be any follow up to ensure that the reason given for possession is satisfied. The Constable makes that decision when they meet the applicant at the time and would not issue a certificate if they were not satisfied with the responses that they receive.

**3.5.5 Deputy R. Labey:**

Is the Assistant Minister saying that the department's policy is that there is no need to upgrade the application process book on ownership to make it more stringent, in line with the U.K., and what we have in place now is fit for purpose and as safe as can possibly be?

**The Connétable of St. Lawrence:**

The Assistant Minister chairs the Firearms Liaison Group, which is a group that was set up prior to the 2000 law being introduced. The Firearms Liaison Group consists of members of the shooting fraternity: the chairman of the Firearms Council and 2 other members of the shooting community, including a firearms dealer. We meet regularly to discuss developments within the shooting community and to discuss developments within other areas of the British Isles, as I mentioned earlier. We work together to consider any necessary changes that may be required. What we have identified is that, for instance, we should be updating the application form to make it a little bit more stringent, which is what we are looking to do with the Comité des Connétables. As the Deputy knows, we are coming to the end of this Assembly. One of my recommendations to the next Minister for Home Affairs is that a review be undertaken of our Firearms Law because it is coming up to 20 years and there is always the need to be aware of changes and developments in other jurisdictions, and while we do our utmost to mitigate any potential mishap over here, I believe that the law as it stands has done a good job on that but, as I said, we should not be complacent, we are not complacent, and my recommendation is that a review be carried out.