

3.7 Deputy J.A. Martin of St. Helier of the Chairman of the Comité des Connétables regarding cessation of firearms licence-issuing by the Connétables pending review of the Law:

In view of the recent attention surrounding the possession of firearms under the Firearms (Jersey) Law 2000, would the Chairman advise whether the Constables will voluntarily cease issuing licences under the Law until a full review of its provisions has been undertaken and, if not, the reasons why?

Connétable K.P. Vibert of St. Ouen (Chairman of the Comité des Connétables):

The Connétables cannot consider the question of ceasing issuing licences under the Firearms (Jersey) Law 2000 because under this Law they have no power to do so. In fact, the discretionary function for the granting or refusal of licences, having been conferred by Statute on the Connétables, they are obliged under Article 3(4), in part 2 of the Law, to grant a firearms certificate providing they are satisfied that the conditions under this Law have been adhered to. The Connétables are of the understanding that they would be acting outside the Law should they determine to refuse each and every application put before them. If an application is properly made, the Connétable is obliged, under the terms of the Firearms (Jersey) Law 2000, to consider such an application and failure to do so could leave the Connétable in question vulnerable to appeal in Law. Connétables are satisfied that they have, since the law was introduced, made every attempt to consider licences strictly according to the terms of the Firearms (Jersey) Law 2000 and I assure the House that they will continue to do so. Nevertheless, the Connétables, without the need of the 10th anniversary of the Dunblane incident to remind them, have sought advice from the Attorney General in January of this year to ensure that the Law was being correctly administered.

3.7.1 Deputy G.C.L. Baudains of St. Clement:

In light of the comments, which have been attributed to the Constable, could the Constable enlighten us as to what particular action he seeks with a view to the gun laws, because it has been reported that urgent action is required on the gun laws and the Parish Constables have given their unconditional backing to that. Could the Constable - the Chairman of the Comité - firstly assure us that he is aware that a working party has been working on reviewing the gun laws for the last 5 years and has turned up nothing of any moment and therefore, would he advise us what his main concern is?

The Connétable of St. Ouen:

I am aware that there has been a working group of firearms users, which was set up by the Comité following the introduction of the Law in 2000, because in fact I chaired that for the first 3 years of it. I think that every law needs revision at times and I think that this is possibly an opportunity for us to look at the Firearms (Jersey) Law 2000 and if anything can be identified within it, which needs revision, this is the moment to revise it.

3.7.2 Deputy S.C. Ferguson:

Does the Chairman of the Comité des Connétables consider that, as implied in the interview published in the Evening Post, that they have been careless in their issue of licences to people who are unsuitable?

The Connétable of St. Ouen:

No, Sir, I would not agree with that article. Every firearms application has been duly considered on its own merits, as is requested by the terms of the Law.

3.7.3 Senator S. Syvret:

So, is the Connétable then saying that in his view it is satisfactory, upon application, for somebody to be issued with a firearms licence even though they might have convictions for firearms offences and drugs offences?

The Connétable of St. Ouen:

No, I would not say that, Sir, but I would point out that there is a set of guidelines that have been issued by the Home Office for Chief Officers on the Mainland, who do the licensing firearms applications, and, if I may be allowed to quote from it, it says that: "Decisions on applications and revocations should be made on an assessment of all the relevant information and must be made on the individual merits of each case. Evidence of previous convictions or intemperate behaviour, for example, might not result in an automatic refusal if, since the conviction, the applicant has led a law abiding life and shown the capacity to be entrusted to be in possession of a firearm."

3.7.4 Deputy J.A. Martin:

I am grateful the Constable has explained why he cannot, and hopefully if he could, he probably would. **[Laughter]** I will follow that, Sir, as all 12 Constables are very reasonable men and I find it hard that this Law... All I can find out is that we have 28 gun clubs in Jersey. Nobody needs to keep a register of who shoots at these gun clubs. There are really major issues here and I really do not have a problem with the Constables issuing the licences but the Law - and I am sure the Constable will agree with me - is very deficient. I heard on the radio today we only have 1,500 people licensed but we still have 11,000 guns on the Island. Now, as I say, there are many questions, and I am sorry that he cannot stop under the current Law.

The Bailiff:

You must come to one of them, Deputy. **[Laughter]**

Deputy J.A. Martin:

Yes. Would he not agree that even not knowing where these guns are being used and by whom is a real cause for concern for the Constables, as responsible men?

The Connétable of St. Ouen:

The application for possession of a firearms certificate: part of it does ask the question where the firearm is to be used and for what purpose, so every firearm application does have that information on it. As far as club licensing is concerned, which was not part of the question from the Deputy but was something that she referred to, the licensing of gun clubs is down to what was the Home Affairs Committee, which is now the Minister for Home Affairs, and yes, I agree that maybe there is some deficiency in the licensing of the clubs. Nevertheless, I would say that the clubs are very well run and have a history of being well run and I would like to take this opportunity of congratulating the Assistant Minister for Home Affairs this morning when he tried to make a reassurance on the radio that the *bona fide* club members have nothing to fear from a review of the Law.

3.7.5 Connétable D.J. Murphy of Grouville:

Could the Chairman of the Comité des Connétables confirm to this House that in fact every application for a firearms certificate is processed through police headquarters in Jersey and that their comments are obviously taken into account prior to the issue of this licence?

The Connétable of St. Ouen:

Yes, Sir.

3.7.6 Deputy A.D. Lewis of St. John:

I just wanted to ask the Constable whether he thought it was appropriate, with modern day compliance process in mind, that Constables should be issuing licences to people that quite often they know very, very well and would he not think that maybe an impartial adjudicator would be the way that we should be progressing?

The Connétable of St. Ouen:

No, Sir, I actually see no advantage in that. Whatever adjudicator you are going to use is going to come up against someone that he will know in an Island of this size.

3.7.7 Deputy G.C.L. Baudains:

In order to allay public concern and give reassurance, could the Chairman of the Comité des Connétables assure us that, to the best of his knowledge, none of his fellow Constables has issued a licence for machine guns to be owned on this Island? As far as I am aware, under Article 31, only the Home Affairs Minister is allowed to issue authority for the ownership of a machine gun and as far as I am aware, there are none on the Island, unless that is the police have any.

The Connétable of St. Ouen:

I would just say that the Deputy has correctly read the Law, Sir.

3.7.8 Deputy F.J. Hill of St. Martin:

Could the President inform the House, once a licence has been issued, what monitoring system, or who is responsible for ensuring that those weapons are kept in safe places and what system is in place to ensure that there is a monitoring system to ensure that those guns are kept in safe places?

The Connétable of St. Ouen:

The responsibility for ensuring that the guns are safely kept rests with the Connétables and I cannot speak for my other Connétables because I have not actually asked them the question, but I can say that as far as the Parish of St. Ouen is concerned, that we do do regular checks of individuals' premises.