

3.12 Senator S. Syvret of the Minister for Home Affairs regarding her satisfaction with the provisions of the Firearms (Jersey) Law 2000:

Is the Minister satisfied with the provisions of the Firearms (Jersey) Law 2000-, which appear to allow a licence to be issued to an individual enabling him or her to build up an arsenal of multiple weapons even though that individual has criminal convictions for firearms and drugs offences?

Senator W. Kinnard (Minister for Home Affairs):

The fact that a person could obtain a firearm certificate with such criminal convictions must give cause for concern. Article 34(a) of the Firearms (Jersey) Law 2000 places the responsibility for determining whether a person is fit to be entrusted with a firearm upon the Connétable, and I understand that, as I have said before, the Comité actually wrote to the Attorney General in January seeking advice about dealing with applications from individuals who do hold criminal convictions, and that advice will help determine whether, and in what way, the Firearms Law should be amended.

3.12.1 Senator S. Syvret:

Can the Minister inform the Assembly which Connétable was involved in granting this licence?

Senator W. Kinnard:

I do not have that information to hand, and whether or not the Connétable concerned would be prepared to come forward and own up I think that is a matter for them. But actually I could find it out later today, but I do not have that specific information.

3.12.2 Deputy G.C.L. Baudains:

Would the Minister confirm that the Firearms Law actually lays down criteria which states who and who cannot have a licence according to the convictions held by a person, for arguments sake, of somebody who had a parking offence? I am sure that would not, in most people's eyes, preclude them from owning a firearm whereas if they were guilty of grievous bodily harm that possibly would. Would she confirm that, in fact, the Firearms Law does contain those criteria?

Senator W. Kinnard:

My belief is, in fact, that it does not contain those criteria and it is actually a matter for the Connétable to make that decision, and that is why obviously they are seeking advice about the sorts of convictions and so on that perhaps ought to be considered inappropriate. And out of that will be developed a set of Regulations which will, in fact, cover this area.

3.12.3 Deputy J.J. Huet of St. Helier:

These 2 words here, "criminal convictions" for firearms and drugs offences, I would like to ask - to get it clear in my own mind - would somebody have a criminal conviction for firearms if they were late in renewing their licence? And the second one, would somebody... well I know they would have a criminal record for a drugs offence because in the old days, Sir, when Centeniering - and I am going back 12 to 14 years... Nowadays one will not get a criminal conviction if one is using a drug for personal allowance - a very small amount - but in those days it was an utter offence to even have one puff of a roll-up, as they called it, and the person went to jail. They had no choice. Now that has changed from then to now.

The Bailiff:

Come to the question please.

Deputy J.J. Huet:

The question is, when we are talking about criminal convictions for firearms and drugs offences, are we including those things from way back in that length of time because nowadays they are not a conviction?

Senator W. Kinnard:

The States of Jersey Police would have the role in actually confirming to the Connétables if an individual had any convictions but it would, at the end of the day, be up to the Connétable to take a view on whether or not they wished to still go ahead and grant the certificate.

3.12.4 The Connétable of St. Helier:

I think it is unfortunate that the Minister has used the phrase “owning up” for Constables that are Members, Sir, that answer these criteria. If that is the phrase she wishes to use I am pretty sure that in St. Helier we do have people who have firearms certificates with things in their past that have come up in the Police check. Could she confirm to me, however, that the Constables make their decisions based on advice from the States of Jersey Police Firearms Unit and that that Unit has recently tightened-up the terms of its advice to the Constables?

Senator W. Kinnard:

I believe that it is very important that we do have procedures to ensure that we have a continual process of improving upon them. “Owning up”, I apologise, it is an unfortunate use of terms and I do actually take that back. But I am pleased that, in fact, the Connétables themselves are expressing concerns about this area and have committed to work with us to ensure that we do improve matters. We have to improve matters in the way in which we deal with the law on our side, under the remit of Home Affairs, and I think there obviously needs to be tightening-up on the part of the actions of the Connétable. But, as I have said before, both sides are of one mind of trying to work together to improve matters.

3.12.5 Senator S. Syvret:

Will the Minister confirm to the Assembly that the Hungerford and Dunblane massacres were carried out by people who were legally entitled to possess those firearms? And will she not accept the fact that the entirely random and inconsistent nature of the application and granting of licences by the separate 12 Parish Constables is no longer a viable way of proceeding on this basis and that we have to have Island consistency, and that it is not appropriate for people to be deciding whether to grant a firearms licence or not to individuals who may be friends of theirs?

Senator W. Kinnard:

Leaving aside the rather inflammatory language, I would say that a central firearms licensing authority is obviously an issue that will be discussed with the Connétables as part of our review of the operation of the 2000 Law and will be discussed with the Firearms Liaison Group. But, of course, much consultation would have to go on before any such decision is made about whether it would be necessary to go to a

centralised firearm licensing authority or otherwise because, quite clearly, I know that there will be divided views among the Connétables. In areas where some tragic events have taken place there has been a centralised licensing authority, so there is not an automatic correlation between the two issues. But I would say, Sir, what we do have in Jersey, I think, which is over and above what they have in the United Kingdom, is a central firearms index which is the database of certificate holders, and that was introduced by the 2000 Law and the United Kingdom is still awaiting such an index.

3.12.6 The Connétable of Grouville:

May I ask the Minister whether she is aware of any case where recommendations have been given by the Police on the application for a firearms permit which had not been carried out by the Constable?

Senator W. Kinnard:

I do not have that detail of information. It is not necessarily helpful to go there, but clearly if it is required and the Constable requires that information I would perhaps suggest that he ask his fellow Connétables.

3.12.7 The Deputy of St. Martin:

It was reported in the media that the States Police had grave fears that the current licensing rules means that unstable and unsuitable people are legally getting hold of guns with the blessings of the Parish Connétables. Has the States Police passed on that information to the Minister? If so, when, and what action has the Minister taken to address those concerns?

Senator W. Kinnard:

I can actually say that what happened... to really raise these issues this time round, there was a short video clip that was brought to the attention of the Chief Officer of Police in January 2006 and apparently it had been circulating Jersey, and it was demonstrating a particularly unusual weapon, At that point it was raised with myself and with the Assistant Minister, and we then went on to raise it with the Chairman of the Comité des Connétables. At that point, Sir, we also then went on to raise our concerns with the Education, Sport and Culture Department because we were aware that individuals were seeking certification on the basis of using local ranges and the ESC (Education, Sports and Culture) Department have commissioned a U.K. expert to inspect their facilities and to report back on various issues, including whether or not local ranges are suitable for high velocity firearms and obviously, therefore, to establish whether such certification for possession would be invalid. Also, some research was undertaken on the general issue of firearms to really look at the operation of the Firearms Jersey Law and, as I mentioned, the Comité des Connétables also raised some issues at this point. What we have decided is what we would like to do, as a result of concerns that have been expressed to us and which we have taken forward now, is that in collating the information a report is nearly finalised as to the ways in which the current Law operates and, if you like, some of its inconsistencies and inadequacies, and on the basis of that report we will be trying to draw up a proposition to bring to the House for debate. Certainly what else has happened is that we have also decided to...

The Bailiff:

Sorry, I think your time expired.

The Connétable of St. Lawrence:

I was just going to mention something that occurred earlier which was a reference to whether we should have a central authority issuing licences or not? I was just going to make the comment that it did not help in Hungerford or Dunblane.

The Bailiff:

Connétable, this is not comment time, this is question time.

The Connétable of St. Lawrence:

No, Sir, I was just saying the particular point I was going to address and ask the Minister if she agreed with me in that case?

The Bailiff:

If you wish to ask a supplementary question you can.

3.12.8 Connétable M.K. Jackson of St. Brelade:

Could the Minister please confirm with regard to the review to which she just alluded that she has communicated with the Firearms Law Liaison Group which is, in fact, chaired by her Chief Officer?

Senator W. Kinnard (The Minister for Home Affairs):

It is not chaired by my Chief Officer. It is chaired by my Assistant Minister. The intention is to have a meeting and I gather that a date has been set to meet with the Firearms Liaison Group to look at methods for tightening up the controls of the 2000 Law in that Group. I am also going to be writing to shooting clubs - to their secretaries - to ensure that all shooting clubs are registered by given date because in the Law longstanding clubs do not necessarily have to but I want to change that. We are doing a lot of other things, Sir, like trying to identify who are currently club members who are returning to clubs and shooting at clubs and those that are on the clubs' lists but not necessarily taking up the opportunity to use the clubs. So, there are many things going on, Sir, to address this issue and I am aware that there will be much more work to do in conjunction with the Firearms Liaison Group.

3.12.9 The Connétable of St. Peter:

The Minister stated in the previous comment that this review started with the clip of a film. Could I inquire where this film originated from and was it requested by the Home Affairs Minister? Was it requested by herself as Minister or was it requested by the Police Chief and, if not, who?

Senator W. Kinnard:

Sir, it was raised, as I mentioned, by the public. It appeared to be circulating the Island. It was obviously open-source material which was referred to the Police Chief and indeed myself and my Assistant Minister have reviewed the clip.