



The British Association for Shooting & Conservation

16 September 2015

Ms Christine Darrah
Clerk to the Committee for Justice
Room 242
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Dear Ms Darrah

Introduction

The British Association for Shooting and Conservation (BASC) is grateful for the opportunity to respond to the Justice Committee's call for evidence in relation to Justice No. 2 Bill and the department's proposed amendments. BASC looks forward to further engagement with the Committee as the process moves forward. In responding to the Committee's call for evidence BASC has commented only on the parts of the Bill that are relevant to the Association and our members.

BASC recognises the considerable amount of time and effort that the Committee has expended dealing with these issues which have been ongoing since June 2012. BASC thanks the Committee for its patience and assistance in helping to resolve these important issues. BASC is particularly grateful to MLAs Patsy McGlone, Paul Frew and Edwin Poots who by their actions in placing amendments to the Justice Bill have brought us to this juncture.

Over the past number of years BASC has consulted widely with our members in relation to these important issues. While our members have generally accepted that an increase in licensing fees is needed, the message from our members has been very clear with regard to the need to significantly improve the service provided by PSNI FEB, in line with the increased fees.

In general, BASC members would welcome the implementation of the banded system given the many benefits that it would bring including a reduction in the PSNI's administrative burden.

In relation to the age reduction for young shooters, BASC members are generally opposed to the Minister's proposal to restrict young people using shotguns to clay target shooting within a PSNI approved clay target club. BASC and our members fail to see the Minister's rationale for restricting young people to clay target shooting only. To date, the department has failed to produce any evidence of a problem with young people having supervised access to shotguns in GB where no minimum age exists and where young people can shoot any lawful quarry under supervision.

BASC has the following comments in relation to the departments proposed Amendments to NI firearms legislation:

Banded System

BASC commends the department for their recent pragmatic approach in helping to resolve this issue and we fully support the department's proposals for the implementation of a banded system which would allow certificate holders to exchange one firearm for another within published bands.

BASC believes that once implemented, the banded system would greatly benefit both the gun trade and NI's 60,000 firearm certificate holders. Indeed in the words of the PSNI, it would offer "considerable flexibility". BASC also believes that the banded system would also be of significant benefit to the PSNI's Firearms and Explosives Branch, as it would reduce their workload and increase their efficiency without impinging on public safety.

As previously discussed and agreed with the department, BASC believes that the banded system should be applied to firearms that have been conditioned for "dual use", i.e. field use and in target clubs.

BASC further believes that the banded system should be based on the calibre of the firearm NOT the type of action. For example, a firearms dealer cannot currently exchange a .22 LR semi-auto rimfire rifle for a .22 LR bolt action rimfire rifle.

The DoJ and PSNI have repeatedly stated that the banded system does not exist in any other jurisdiction. That does not mean that Northern Ireland should not lead the way in terms of creating the model for a more efficient, cost effective and safe licensing system.

The table below shows the banded system that was previously discussed and agreed with the department.

BASC believes that any change of legislation to facilitate the implementation of the banded system should include an enabling clause that would allow other calibres and other bands to be included without a change of primary legislation.

BASC further believes that any change of legislation to facilitate the implementation of a banded system must be accompanied by a commencement order.

BASC agrees with the department's plans to provide training to firearms dealers with regard to the use of the banded system. BASC also agrees with the department in relation to firearms dealers being granted "authorisation" to use the banded system once that training has been completed. BASC also agrees with the department's proposal to remove the banded system "authorisation" from firearms dealers who breach the rules.

BASC has previously discussed and agreed the following bands with the department:

Band	Calibre
1. Small quarry Air rifles	.177 - .25
2. Small quarry	.17 Mach 2 .17 HMR .22 LR .22 WMR
3. Medium quarry CF	.17 CF .22 Hornet CF .222* .204 Ruger .223/5.56* .220 Swift* .22/250*
4. Large quarry CF	.243 25/06 6.5mm x 55/256 7mm x 08 .270 7.62 x 51/.308 30/06

Note: The * shown in box 3 above indicate cartridges that use the same diameter (.224) bullet head.

BASC believes that the following rules should apply to the banded system:

1. BASC believes that the banded system should apply to firearms conditioned for dual use, e.g. field and target use in a PSNI approved target club.
2. BASC suggests that target club secretaries are required to confirm their support for transactions completed under the banded system, by signing a very slightly revised PSNI form, confirming that the applicant is a full member of a registered target club and that the club in question does indeed have access to a range that has been approved for that calibre of firearm.
3. All handguns are excluded including personal protection weapons.
4. All muzzle loading and black powder firearms are excluded.
5. Firearms conditioned solely for target use are excluded
6. BASC believes that a firearm which is "on-loan" should be included in the banded system. This exchange could be facilitated in exactly the same way that a one-off-one-on is done at present, in that both FAC holders are present and complete separate forms which the dealer faxes to firearms branch who then update the electronic record of both certificate holders. There is no need to send the certificates to Firearms and Explosives Branch as the PSNI simply update their electronic database. The certificates can then be reprinted the next time they are returned to firearms branch.
7. A person under a 6 month "supervision clause" could still exchange a firearm for another firearm within the same band, given that they are issued for the same "good reason" to first time applicants. The supervision period should continue for the remaining period – i.e. six months in total.
8. When changing within a band, a change cannot be made to a firearm of a calibre which the individual already holds for the same good reason.
9. Any transactions outside of these rules must be carried out under the normal variation process.

10. When changing calibre, all associated ammunition must be surrendered (except where the FAC holder possesses firearm of the same calibre)

In order to ensure the smooth implementation of the banded system, BASC would be happy to work in conjunction with both PSNI and the DoJ to draft a guidance document for dealers and even run a number of workshops for dealers, prior to the implementation of the banded system.

Age reduction for young shooters.

BASC is strongly opposed to the Minister's proposal to reduce the minimum age for supervised shooting to 12 years of age, restricted to clay target shooting within a PSNI approved clay target club.

BASC is aware that the Minister has not enacted the will of the Northern Ireland Assembly who voted for no minimum age back in March 2011. However that amendment lacked the all-important supervision criteria that would ensure both the safety of the young person and the public.

The Minister's proposed clay target restriction discriminates against young people wanting to learn to shoot live quarry and vermin under supervision. The clay target restriction does not exist in any other part of GB (where young people can shoot live quarry and vermin and no minimum age exists) and the department is unable to produce any evidence to indicate that there is a problem with young people having supervised access to shotguns .

BASC firmly believes that the minimum age for supervised shooting in Northern Ireland using shotguns and air rifles should be reduced to 10 years of age for inanimate targets and any lawful quarry. Indeed, 10 years of age is the age of criminal responsibility in Northern Ireland. However in order to progress this issue and by way of a compromise, BASC asserts that the minimum age for supervised shooting should be reduced to 11 years of age and that the supervisor must be at least 25 years of age and have held a firearm certificate for that particular type of firearm for at least five years.

This supervision criteria means that the supervisor themselves would have been through the mentoring process when their firearm certificate was initially granted. This also means that the supervisor will have been through the PSNI's vetting process on at least two separate occasions, firstly at the time of the initial grant and secondly at the 5 year renewal point. BASC believes that the supervisory requirement should remain in place until the young person reaches the age of 18.

BASC believes that this proposal is sensible, robust and that it would allow young people to be taught safety and respect for firearms, under supervision, during their formative years. BASC believes that any changes of NI firearms legislation relating to the age reduction for young shooters should be enacted immediately upon receiving Royal Assent.

BASC also believes that the existing provisions for 16 to 17 year olds as per Article 7 of the Firearms (Northern Ireland) Order 2004 should remain in place. While BASC welcomes that department's proposal to extend access to all other sporting and vermin disciplines to young people from the age of 16, BASC does not agree with the department's proposal to increase the supervision criteria to 25 years of age with 5 years' experience.

Currently, young people of 16 years of age can shoot clays, game and wildfowl, under the supervision of a person aged at least 21 years of age with 3 years' experience with that particular type of firearm.

The department has not produced any evidence to suggest that the existing supervision criteria has been problematic therefore BASC questions the need to change the current provisions. Indeed the department's proposal is contrary to the Northern Ireland Better Regulation Strategy to which the department is committed.

Firearms licensing fees

Subject to the full and successful implementation of the banded system and subject to reaching agreement with both the department and PSNI in relation to processing time, BASC agrees with the department's proposals to increase firearms licensing fees as follows:

- Firearm certificate grant/re-grant increased to £98
- Variations carried out by the PSNI increased to £30
- Variations carried out by a firearms dealer £15 (new fee)
- Firearms dealer's certificate increased to £300 (interim figure pending further work by BCS, DFP and a review of the Ministerial Directive and dealer security)

BASC is opposed to the department's plans to introduce an application fee. BASC believes that if an application fee was introduced it would lead to an increase in the number of appeals and judicial reviews which are paid for by the public purse.

BASC has the following comments in relation to the Clause 45 of the Bill.

BASC has major concerns in relation to Clause 45 (known as a "Henry VIII" Clause) as we believe this Clause would give the department overriding powers to change the content of the Bill without Assembly scrutiny therefore BASC asserts that Clause 45 should be removed in its entirety.

BASC has the following comments in relation to the Clause 47 (Commencement Clause)

BASC believes that department's banded system amendment should be accompanied by a commencement order. BASC further believes that any changes of NI firearms legislation relating to the age reduction for young shooters should be enacted automatically on receiving Royal Assent.

The any lawful quarry condition.

In relation to the "conditioning" of firearms held on certificate, BASC believes that PSNI FEB should be using the any lawful quarry condition. Many of the constabularies in GB have moved away from conditioning certain firearms for certain types of quarry and are now conditioning firearms for "any lawful quarry". This change is reflected in the Home Office Guide on Firearms Licensing Law.

The way in which the PSNI "condition" certain firearms for certain types of quarry over the years has been extremely problematic to say the least. Generally, when applying for their first firearm certificate or even submitting a re-grant most applicants state: "Sporting Purposes". However the phrase "Sporting purposes" has caused a considerable amount of confusion over the years. Neither the Firearms Order 2004 nor the Guidance on NI Firearms Controls define its meaning, and the PSNI have refused on many occasions over the years to give their definition of "Sporting Purposes", which we now know to be clay targets, game and wildfowling.

The ambiguity around the phrase "Sporting Purposes" means that over the years, a significant number of applications have been sent back to the applicant asking them to define what they mean by "Sporting Purposes".

In Northern Ireland, game birds, ducks, geese, waders, deer and pest birds, are all regulated by either the Game Preservation Act 1928, the Wildlife Order 1985, or by General Licence issued annually by NIEA. That being the case, BASC believes that there is no need to further regulate the quarry species that a person may shoot by applying specific conditions to a firearm certificate. Indeed removing this level of bureaucracy would help reduce the administrative burden on PSNI FEB which in turn would allow them to focus their resources more effectively on areas where the Branch has genuine concerns.

One-off transactions.

As previously agreed with the department, BASC feels that firearms dealers should be able to remove any firearm from a firearm certificate without replacing it with any other firearm. This is known as a one off transaction which, if implemented, would remove the current requirement whereby certificate holders send their certificates to PSNI FEB for the firearm to be deleted.

Amendments to Justice No. 2 Bill

BASC would be grateful if the Committee for Justice would consider an amendment that would reduce the minimum age for supervised access to shotguns and airguns to 11 years of age for both inanimate targets and any lawful quarry.

Engagement with the Committee

In closing BASC once again thanks the Committee for the opportunity to respond to its call for evidence in relation to Justice No. 2 Bill and the department's proposed amendments. BASC expects to see the departments draft clauses to the Bill by mid October, after which we would welcome the opportunity to make a joint presentation to the Committee.

Yours sincerely

A handwritten signature in black ink that reads "Tommy Mayne". The signature is written in a cursive style with a long, sweeping underline.

**Tommy Mayne
Director
BASC Northern Ireland**