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Thank you for inviting me to comment on matters relating to Justice No.2 BILL

I would like to make comments on the firearms related issues and the amendment proposed to clause 45 of the Bill.

Banded System

In relation to the Banded System proposed I am generally happy and can see no public safety issues as a result of implementation of this amendment.

From my position as a Firearms Dealer I see this as lifeline to my business. If it had not been for the ridiculously slow processing times for Firearms Certificate variations this Banded System would not have been necessary. I look forward to its implementation in order that my business can enjoy a more normal cash flow situation.

Young Shooters

The proposal that young people from age 11 onwards should be permitted to shoot shotguns and air rifles under the very rigorous supervisory requirement is welcomed by me.

It is only correct that young people interested in **all aspects** of shooting should be allowed to gain experience and safe gun handling from an early age on an **equal basis** with young people that join Target Shooting Clubs in N.I. and their counterparts in G.B.

It would be **discriminatory** to treat young people who wish to engage in live quarry shooting differently from young people who want to shoot clay targets without factual evidence that there is a public safety issue.

Young people residing in G.B. have without age restriction always been able to learn safe gun handling and engage in both live quarry and clay target shooting under much looser supervisory conditions than those proposed for N.I. To the best of my knowledge there are no public safety issues being raised in G.B. regarding this situation.

I would therefore welcome the fact that young shooters who reside in this part of the U.K. would be able to enjoy all shooting sports on a near equal basis to their counterparts who reside in G.B. and strongly oppose the Ministers decision to prevent young people from engaging in live quarry shooting

Fees

I feel the process for collecting fees and the costs involved have not been closely enough examined and therefore a lot of the additional money earmarked for improvements in processing times will sadly be eaten up in more administration. If this situation can be avoided I therefore broadly accept the increases on the basis that the PSNI, having been given a larger funding increase than any other Police Force in the U.K use their additional money to provide a much needed improved service. **If the PSNI do not improve their processing times the fees should be reduced.**

Clause 45.

It is my observation that the Minister of Justice had fought against most of the reforms to the firearms legislation and suspect that he and his officials were less than happy with the outcome and feel that they would wherever possible seek to preserve the status quo and reverse the changes if they could.

I am convinced that the Clause 45 Amendment if adopted will give the Minister unfettered discretion and unfettered power to change the content and intent of the Legislation in the Rules that he would devise. Having read the proposed Amendment I have no doubt that the Minister (rather ignobly I believe) would use the power he claims under Clause 45 to reverse those situations that do not suit him or more particularly his officials. The



powers he seeks means that without recourse to the Justice Committee or Assembly, he could by the Rules he proposes ignore or reverse the changes that the Justice Committee are in favour of.

It is my view this Amendment should be refused if it wishes to preserve the Legislation as intended. A more satisfactory situation would be to allow an Amendment to permit the Minister to make Rules in accordance with the Clause which will then require vetting by the Justice Committee in consultation with stakeholders, and experts (lawyers) before being permitted to enshrine them as the subordinate Legislation. This would ensure that the Minister does not avoid the Justice Committee scrutiny. He might be discomforted but he would be obedient. Not a word that Ministers would be comfortable with but nevertheless important. So my considered Opinion would be firstly to refuse to allow Clause 45 and secondly to propose an Amendment to make sure that all Rules that the Minister might make are subject to scrutiny by a panel/committee etc.

It is my considered view that the proceedings to date have been reasonably successful. Whilst I am not completely happy with all aspects of the proposed amendments I see it as a step in the right direction. Many contentious matters have already been the subject of **prolonged discussion and an eventual agreement**. The point I would make is that the proposed ancillary provision Clause 45 is not essential or desirable if it does not facilitate the matters that have been agreed and ensure that the substance and matters covered in the wording of the primary legislation is advanced.

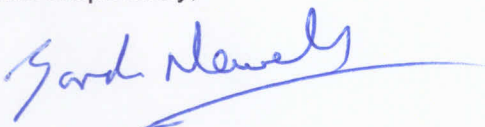
It appears that the Minister of Justice does not wish to be bound by the substance of the Bill and disingenuously is seeking under Clause 45 to gather to himself the power to ignore it, amend it, change it or revoke it at his discretion, While Regulations are supposed to enhance the Bill and clarify its purpose and put in place mechanisms to ensure that the Bill is brought to working efficiency very often an ignoble Minister can adulterate the Rules allow discretions where there are none and impose standards which are not directly in accordance with the Bill thus degree by degree he can reverse the direction of the Bill and eventually reduce it to a position whereby those Provisions which he likes are enacted and those provisions which he dislikes are rusticated. Under Clause 45 by grabbing this power to alter, amend, evoke or otherwise ignore the Provisions of the Bill he provides himself with the legal means whereby he can put in place his own interpretation of those Provisions which he feels helpful or in respect of Provisions he finds unhelpful, or difficult to implement, or expensive to implement or which would require money to be spent to upset such Provisions and to set those aside, to delay them to alter them, to water them down and ultimately if he does not like them to revoke them. Such is the power contained in Clause 45.

Have no doubt about it that the powers the Minister seeks are draconian powers and under Clause 45 (2) he takes the power to change, ignore, repeal, revoke the Provisions of this Act. If he can do that what then was the purpose of the Justice Committee's deliberation and what was the purpose of agreeing the terms of the Legislation if the Minister can choose to ignore it, or can revoke it at his pleasure, or can amend it on a whim, or can modify it to suit himself, or can change it to suit his officials. In short the Minister can do what he likes with it.

I strongly recommend that the amendment to Clause 45 be refused.

I hope you find my comments of benefit.

Yours respectfully,



Gordon Newell