



**Friday 18<sup>th</sup> September 2015**

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### **GTG NI response to Committee for Justice call for evidence**

The Gun Trade Guild NI (GTG NI) is grateful for the opportunity to respond to the Justice Committee's call for evidence in relation to Justice No. 2 Bill and in particular the department's proposed amendments to firearms legislation and clause 45 of the Bill.

GTG NI recognises the considerable amount of time and effort that the Committee has expended in dealing with these issues which have been ongoing since June 2012. GTG NI is particularly grateful to Mr. McGlone, Mr Frew and Mr. Poots who by their actions have brought us to this juncture.

GTG NI was founded to promote an environment in which dealers and the wider shooting community could go about their lawful activities in accordance with a licensing regime that is safe, efficient and free from unnecessary bureaucracy. The Department and the PSNI have given public assurances that the licensing system will be managed in the most efficient way possible and that process will include the genuine engagement of stakeholders, GTG NI is moving forward positively based on those assurances.

GTG NI actively promotes good firearms licensing practice, training, education, scientific research and practical habitat conservation.

GTG NI believes that all who shoot should conduct themselves according to the highest standards of safety, sportsmanship and courtesy, with full respect for their quarry and a practical interest in wildlife conservation.

### **GTG NI has the following comments in relation to the departments proposed Amendments to firearms legislation:**

#### **Banded System**

GTG NI 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.



GTG NI 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.

**GTG NI has agreed the following bands with the Department:-**

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

**GTG NI has agreed in principle with the Department that the following rules will apply to the operation of the Banded System. We are awaiting further engagement with the department to enable the finer points to be ironed out.**

1. All muzzle loading and black powder firearms are excluded.
2. All handguns are excluded including personal protection weapons.
3. Firearms conditioned solely for target use are excluded.
4. Firearms conditioned for "dual use" i.e. field use and for target use in a PSNI approved club are included.



5. Firearms which are “on-loan” to another Firearms Certificate holder are included provided both FAC holders are present at the time of the transaction and complete separate forms.
6. A person under a 6 month “supervision clause” can still exchange a firearm for another firearm within the same band, the supervision period will continue for the remaining period – i.e. six months in total.
7. 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.
8. When a firearm is exchanged the conditions applied by The Chief Constable to the original firearm will apply to any subsequent Firearms.
9. When changing calibre, all associated ammunition must be surrendered (except where the FAC holder has another firearm licensed for that calibre of ammunition).
10. Any transactions outside of these rules must be carried out under the normal variation process.

**GTG NI would make the following points in relation to the implementation of The Banded System:-**

- A. Transactions should be based on the calibre of the firearm not the type of action.
- B. GTG NI 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/or bands to be included at a later date by agreement.
- C. GTG NI further believes that the any change of legislation to facilitate the implementation of a banded system must be accompanied by a commencement order.
- D. As suggested by GTG NI, CAI and BASC we agree with the DoJ/PSNI plans to provide training to firearms dealers with regard to their use of the banded system, we as stakeholders have offered to play our full part in assisting the DoJ/PSNI in achieving this.
- E. GTG NI acknowledges the Departments intent for firearms dealers to be granted “authorisation” to use the banded system once that training has been completed.
- F. GTG NI also acknowledges the Department’s proposal to remove the banded system “authorisation” from firearms dealers who habitually breach the rules although we do feel this could be



difficult to implement as a “stand-alone” sanction due to the wider implications of such action.

- G. GTG NI suggests that in order to support the integrity of the banded system when carrying out a “dual use” transaction target clubs are required to confirm relevant information by signing a slightly revised PSNI form, confirming that ‘the applicant is a full member of the club who has access to a range approved for the calibre of firearm being acquired and participates in a relevant discipline and has done so on at least three occasions in the last twelve months’.

### **Age reduction for young shooters.**

GTG NI 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.

GTG NI 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.

**GTG NI would respectfully seek the support of The Committee for Justice in adding the following amendment to The Justice No 2 Bill:-**

**“THAT THE MINIMUM AGE FOR SUPERVISED ACCESS AND USE OF SHOTGUNS AND AIRGUNS BE REDUCED TO 11 YEARS OF AGE FOR BOTH INANIMATE TARGETS AND ANY LAWFUL QUARRY. THE SUPERVISOR TO BE AT LEAST 25 YEARS OF AGE AND TO HAVE HELD A FIREARMS CERTIFICATE FOR AT LEAST 5 YEARS”**

GTG NI believes that it would be helpful if any change of legislation to facilitate the implementation of a young shots amendment was accompanied by a commencement order.

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 has been unable to produce any evidence to indicate that there is a problem with young people having access to supervised shooting.

The supervision criteria proposed by GTG NI is much more robust than the system currently in place in GB, as it introduces an increased minimum supervisory age of 25 with 5 years’ experience with that particular type of firearm. 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 that the supervisory initial grant and secondly at the 5 year renewal point. *GTG NI* believes the requirement should remain in place until the young person reaches the age of 18.



GTG NI also believes that the existing provisions for 16 to 17 year olds as per Article 7 of the Firearms Order 2004 should remain in place. GTG NI welcomes the department's proposal to extend access to all other sporting and vermin disciplines to young people from the age of 16. 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.

### **Firearms licensing fees**

Subject to the full and successful implementation of the banded system and, subject to the Department and the PSNI fulfilling the public assurances given, GTG NI agrees with the department's proposals to increase firearms licensing fees as follows:

- Firearm certificate grant/regrant 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)

GTG NI is opposed to the department's plans to introduce an application fee. GTG NI 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.

### **Clause 45.**

GTG NI has major concerns in relation to Clause 45 and feels strongly that it has such potential to undermine the democratic process that it should be removed from any Bill passing through the NI Assembly. It could give such wide ranging powers to an individual who would not be subject to any oversight, indeed it is positively frightening that a Department responsible for Justice has even proposed it. The mechanism is already in place for the Department to bring forward legislation to deal with any future changes that may be needed.

### **The any lawful quarry condition.**

In relation to the "conditioning" of firearms held on certificate, GTG NI believes that PSNI FEB should be using the any lawful quarry condition as recommended by The Home Office. 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".

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, GTG NI 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. This transaction is purely administrative, benefits all parties and has no public safety implications.

In July last GTG NI, CAI and BASC submitted a nine page document to the Department and the PSNI on a proposed way forward on a range of issues. This was done in a spirit of co-operation based on our aspirations and expertise and we currently believe it to be under active consideration. We expect to be meeting with the Department and the PSNI in the coming weeks to discuss all current issues after which GTG NI would welcome the opportunity to make a joint presentation to the Committee.

In closing GTG NI once again thanks the Committee for the opportunity to respond to its call for evidence.

**David Robinson**  
**Chairman**  
**Gun Trade Guild NI**