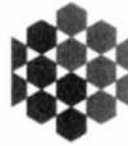


FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice
www.dojni.gov.uk

Minister's Office Block B,
Castle Buildings
Stormont Estate
Ballymiscaw
Belfast
BT4 3SG
Tel: 028 90522744

private.office@dojni.x.gsi.gov.uk

Our ref SUB/1459/2015

FROM: TIM LOGAN

DATE: 18 DECEMBER 2015

TO: CHRISTINE DARRAH

**COMMENTS FROM STAKEHOLDERS ON THE FIREARMS
AMENDMENTS TO BE INCLUDED IN THE JUSTICE (No. 2) BILL**

Summary

Business Area: Protection and Organised Crime Division.

Issue: Following the Justice Committee meeting on 19 November officials met Messrs Frew, McGlone and Poots on 1 December. We then circulated draft firearms clauses to the stakeholders inviting their comments. The note provides a briefing on the outcome. Officials are to attend the Committee on 7 January.

Restrictions: None.

Action Required: To note this update and the draft amendments.

Those Attending: Simon Rogers, Deputy Director, Protection and Organised Crime Division,
Robert Kidd, Head of Firearms, Explosives & Organised Crime Branch.



Background

Officials attended the Committee on 19 November to brief Members on the draft firearms clauses for the Justice (No 2) Bill. It was agreed that officials would meet Mr Frew, Mr McGlone and Mr Poots. This happened on 1 December. We explained the provisions and no further changes were requested. We then sent the draft clauses to the shooting bodies. We have had two written responses (and a one line clarification point on the banded system included in a response to the EC Directive consultation). There was one other call from the Northern Ireland Firearms Dealers' Association seeking clarification on a couple of points in the clauses which we gave.

2. One written note is a joint response from the British Association of Shooting and Conservation (BASC), Gun Trade Guild Northern Ireland (GTGNI) and Countryside Alliance (CAI). The other was an email from the Ulster Clay Pigeon Shooting Association (UCPSA) suggesting an amendment to Certificates of Approval for airguns – see below.

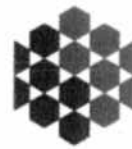
Detail

Young Shooters

3. BASC, GTGNI and CAI remain opposed to the proposal to reduce the minimum age for supervised shooting with a shotgun to 12 years of age for clay target shooting only in a club approved by the PSNI. They continue to press for “clay target and any other lawful quarry”.

4. They suggest that the proposed introduction of shotgun clubs introduces a level of bureaucracy which they feel is totally unnecessary.

5. They feel strongly that the draft clause should contain a provision which allows review and changes to be made without the need for primary legislation.



6. The Department believes the amendments are appropriate to deliver its policy objective. This was accepted by a number of stakeholders – although not BASC, GTGNI and CAI. There is a review provision in draft Article 50A(7) and (8).

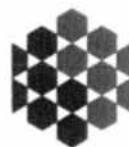
Payment of Firearms Licensing Fees

7. As dealers are being enabled to make more changes to a firearm certificate, BASC/ GTG/CAI want the certificate to be amended to allow more space for these amendments. This is, however, an administrative matter rather than a matter for legislation.

8. They highlight the choice of wording in the clause which states that, “the dealer may, on payment of the appropriate fee...” vary the certificate. They say that the wording must reflect that the fee will be collected from the applicant by the dealer. The concern seems to be that the dealer should not be made liable for the fee. The dealer will not be so liable. A fee is required, however, to complete the transaction. It can be paid by either the applicant or the dealer to the police. This is to allow flexibility and future proofing. The latter arises as PSNI want to consider telephone payments and on-line payments. The arrangements will be set out in the guidance.

Banded System

9. The BASC/ GTG/ CAI feel strongly that there should be provision to permit review and change to be made without the need for primary legislation. The draft clauses provide for this – see Article 11(9).



Airguns

10. UCPSA comment that the Certificates of Approval regime would capture all GB airguns and not just those with a muzzle energy of one joule or more. The draft has been amended accordingly.

Summary

11. The Committee is asked to note the amendments, our response and the draft clauses. Copies of the written comments are attached for information.

A handwritten signature in black ink that reads "Tim Logan". The signature is written in a cursive style with a long horizontal stroke at the beginning.

**TIM LOGAN
DALO**

ENC

Kidd, Robert

Subject: FW: Clauses inviting the views of stakeholders

From: Tommy Mayne (Northern Ireland) [<mailto:Tommy.Mayne@basc.org.uk>]
Sent: 07 December 2015 12:27
To: Kidd, Robert; Rogers, Simon
Cc: fireflyards1@o2.co.uk; lyall@caireland.org; ashley-graham; Laura Morrison (Northern Ireland)
Subject: RE: Clauses inviting the views of stakeholders

Robert,

Thank you for the opportunity to comment on the draft legislation.

BASC/CAI/GTG NI have the following comments:

Young Shooters

As you know we are very much opposed to the Minister's proposal to reduce the minimum age for supervised shooting to 12 years of age, for clay target shooting only, within a PSNI approved shotgun club.

BASC/CAI/GTG NI have always said that the supervision criteria should be 25 years of age with 5 years' experience, **for clay target and any other lawful quarry**, this is contrary to your commentary document which states:

There is a provision for supervision in Article 50A(6) which reflects the view of stakeholders that there should be a more stringent requirement for this age group in these circumstances.

We feel that the proposal to introduce a "shotgun club" simply introduces another level of bureaucracy which is totally unnecessary.

Finally, we feel strongly that the draft clause should contain a provision which allows review and changes to be made without the need for primary legislation.

Firearms licensing fees:

- In relation to the proposed fee for an "updated firearm certificate" – I trust that you will ensure that the format of the firearm certificate (in its current form) is amended to reflect the new legislative changes?
- We note the phrase: "the dealer may, on payment of the appropriate fee." The wording **MUST** reflect that the fee will be collected from the applicant by the dealer.

Banded system.

- We feel strongly that the draft clause should contain a provision which allows review and changes to be made without the need for primary legislation.

Regards

Tommy

Tommy Mayne
Director (Northern Ireland)
The British Association for Shooting and Conservation
33 Castle Street
Lisburn
BT27 4SP

Kidd, Robert

Subject: FW: Clauses inviting the views of stakeholders

Clarification of point made by BASC/GTGNI and CAI

From: Tommy Mayne (Northern Ireland) [<mailto:Tommy.Mayne@basc.org.uk>]
Sent: 09 December 2015 14:55
To: Kidd, Robert
Cc: fireflyards1@o2.co.uk; lyall@caireland.org; ashley-graham; Laura Morrison (Northern Ireland); Rogers, Simon
Subject: RE: Clauses inviting the views of stakeholders

Robert,

I was referring to the layout of the FAC, more specifically, the number of boxes that can be completed which, if I recall correctly, is 5.

I assume that the department and the PSNI have given consideration to increasing the number of boxes by perhaps including additional pages?

The benefits iare fairly obvious don't you think?

Regards

Tommy

Tommy Mayne
Director (Northern Ireland)
The British Association for Shooting and Conservation
33 Castle Street
Lisburn
BT27 4SP

From: Kidd, Robert [<mailto:Robert.Kidd@dojni.x.gsi.gov.uk>]
Sent: 08 December 2015 17:01
To: Tommy Mayne (Northern Ireland)
Cc: fireflyards1@o2.co.uk; lyall@caireland.org; ashley-graham; Laura Morrison (Northern Ireland); Rogers, Simon
Subject: RE: Clauses inviting the views of stakeholders

Tommy

Can I just seek to clarify the point you make on the reprint/update of certificates?

Our intention here is to permit an FAC holder to obtain a reprint of their FAC for any reason whether it be to replace a lost certificate or to update the FAC (perhaps prior to overseas travel) to include in print those changes which might have been made in manuscript by a dealer for example where someone has carried out a same type and calibre exchange or a one on one off.

This is a technicality – if you have not carried out any variations since it was issued then it is a direct replacement and if there have been then it is an updated certificate.

Perhaps we are saying the same thing here, I just want to check for my own peace of mind.

Thanks
Robert

Robert Kidd
Head of Organised Crime, Firearms & Explosives
Department of Justice
Room B4.25
Castle Buildings
Stormont Estate
BT4 3SG

Tel: 028 9052 2993

From: Tommy Mayne (Northern Ireland) [<mailto:Tommy.Mayne@basc.org.uk>]
Sent: 07 December 2015 12:27
To: Kidd, Robert; Rogers, Simon
Cc: fireflyards1@o2.co.uk; lyall@caireland.org; ashley-graham; Laura Morrison (Northern Ireland)
Subject: RE: Clauses inviting the views of stakeholders

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Banded system.

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Regards

Tommy

Kidd, Robert

Subject: FW: Comment on the Firearms Clauses

Comment on behalf of UCPSA – Relates to Certs of Approval - airguns

From: Cochrane, Nick
Sent: 10 December 2015 12:30
To: Kidd, Robert
Subject: RE: Comment on the Firearms Clauses

Robert,

If you want to capture all air guns over 1 joule, then it should be quite simple to require a COA for anything above this. The issue is really about whether you apply the proposed reciprocal FAC recognition to GB FAC holders in respect of air rifles that have a power in excess of 12ft/lbs, . In essence what needs to be taken account of is that air rifles in excess of 12 ft/lbs power must be held on a FAC in GB the same as rim fires etc. Not helped by the fact that we and GB use different units of measure for power (1 joule = approx 0.74 ft/lbs)

If so, there are a couple of different ways that this could be presented:

Air rifles with power in excess of 1 joule and not held on a GB FAC, or
Air rifles with power in excess of 1 joule but less than 12 ft/lbs

Happy to chat about it if you wish

Nick

Kidd, Robert

Subject: RE: EC Directive on Firearms - Proposed Amendments

HP TRIM Record Number: 15/449879

SACS Comment on clauses contained in email re EC Directive

-----Original Message-----

From: Alex Stoddart [<mailto:alex.stoddart@sacs.org.uk>]

Sent: 11 December 2015 16:59

To: Kidd, Robert

Subject: TRIM: RE: EC Directive on Firearms - Proposed Amendments

Hi Robert,

One question on the banding please? What about other chamberings not listed within the bands?

Best regards,
Alex

Justice (No. 2) Bill – Consideration Stage
Amendments to be moved by the Minister of Justice

New Clause

After Clause 44 insert –

Firearms

Amendments of Firearms (Northern Ireland) Order 2004, etc.

44A.-(1) The Firearms (Northern Ireland) Order 2004 has effect subject to the amendments contained in Schedule 4.

(2) The following provisions of the Justice Act (Northern Ireland) 2011 are repealed-

section 103 (variation of firearm certificate);

section 104 (restrictions on use of shotguns by young persons), and

section 105 (restrictions on possession of air guns by young persons).’

New Clause

After Clause 44 insert –

Repeal of Unlawful Drilling Act 1819

Repeal of Unlawful Drilling Act 1819

44B.-(1) The Unlawful Drilling Act 1819 is repealed.

(2) In consequence of subsection (1) the following provision are repealed-

(a) Article 49(4) of the Firearms (Northern Ireland) Order 2004;

(b) paragraph 1 of Schedule 1 to the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007.’

New Schedule

After Schedule 3 insert-

[see attached text of Schedule 4]

Long title

Leave out “and” after “images” *[Printing?]*

Long title

After “United Kingdom” insert “and firearms; and to repeal the Unlawful Drilling Act 1819”

15/12/15

SCHEDULE 1

Section {j}

AMENDMENTS OF FIREARMS (NORTHERN IRELAND) ORDER 2004
[S10]

PART 1

FIREARMS—PERSONS UNDER 18

Authorisation of shotgun clubs to allow use of shotguns by persons under the age of 16

1.—(1) In Article 2(2) (interpretation), after the definition of “shotgun certificate” insert—

““shotgun club” means a club established for the purpose of promoting and practising skill in the use of shotguns;”.

(2) In the heading to Part 6, add at the end “AND SHOTGUN CLUBS”.

(3) After the heading to Part 6 add—

“Firearms clubs”.

(4) After Article 50 insert—

“Shotgun clubs

Authorisation of shotgun clubs to allow use of shotguns by minors for limited purposes

50A.—(1) If the Chief Constable is satisfied that there will not be a danger to public safety or to the peace, the Chief Constable may, on payment of the appropriate fee, grant an authorisation for a shotgun club to allow persons under the age of 16 who have attained the age of 12 to use shotguns under appropriate supervision in accordance with the authorisation.

(2) An authorisation must state that it is limited to the use of shotguns for clay target shooting or for such other purposes as may be prescribed.

(3) The Chief Constable may at any time by notice in writing—

(a) attach conditions to an authorisation;

(b) vary or revoke conditions attached under this Article.

(4) An authorisation shall continue in force for a period of five years from the date on which it is granted but if the Chief Constable is satisfied that there is a danger to public safety or to the peace, the Chief Constable may revoke the authorisation.

(5) Any person who—

(a) operates a shotgun club which allows a person under the age of 16 to use a shotgun except in accordance with an authorisation, or

(b) contravenes any condition of an authorisation,

shall be guilty of an offence.

(6) In this Article—

“appropriate supervision” means under the supervision of a person who has attained the age of 21 and has held a firearm certificate for a shotgun for at least five years;

“authorisation” means an authorisation granted under this Article;

“prescribed” means prescribed by regulations made by the Department of Justice.

(7) The Department of Justice may make regulations substituting a different age for the lower age mentioned in paragraph (1) and paragraph 11(4) of Schedule 1.

(8) The Department of Justice shall not make regulations under this Article unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.”.

(5) Before the heading to Article 51 insert—

“Power of entry”.

(6) In Article 51 (power of entry), in paragraph (1)—

(a) in sub-paragraph (a), after “club” insert “or a shotgun club”;

(b) after “Article 49” insert “or 50A”.

(7) In Schedule 1 (firearm certificates - exemptions), in paragraph 11, after sub-paragraph (3) add—

“(4) A person who is under the age of 16 but has attained the age of 12 may, without holding a firearm certificate, use a shotgun in accordance with an authorisation under Article 50A.”.

(8) In Schedule 5 (table of punishments), after the entry relating to Article 49(5) (b) insert—

“Article 50A(5)(a)	Operating a shotgun club which allows unauthorised use of shotguns	(a) Summary	1 year or a fine of the statutory maximum or both
		(b) Indictment	3 years or a fine or both
Article 50A(5)(b)	Contravention of conditions of authorisation	(a) Summary	1 year or a fine of the statutory maximum or both
		(b) Indictment	3 years or a fine or both”.

(9) In Schedule 5, in the second column of the entry relating to Article 51(2), after “club” insert “or shotgun club”.

Other amendments relating to persons under 18

2.—(1) Article 7 (purposes for which young person may acquire and have in possession certain firearms and ammunition), in paragraph (3)(b)(i), after “sporting purposes” insert “or for the purpose of pest control”.

(2) In Schedule 1 (firearm certificates—exemptions)—

- (a) in paragraph 9 (air guns and ammunition), in sub-paragraph (3)(b), (person under 18 may not purchase air gun without a certificate unless the person has attained the age of 17), the words “unless he has attained the age of 17” are repealed;
- (b) in paragraph 11 (shotguns), in sub-paragraph (3), at the end add “unless the person has attained the age of 16 and is under the supervision of a person who has attained the age of 21 and has held a firearm certificate for a shotgun for at least three years”.

PART 2

FIREARM CERTIFICATES AND OTHER CERTIFICATES

Variation of firearm certificate

3.—(1) In Article 11 (variation of firearm certificate), for paragraphs (3) to (5) substitute—

“(3) If a person—

- (a) sells a firearm (“the first firearm”) to the holder of a firearms dealer’s certificate (“the dealer”); and
- (b) as part of the same transaction purchases from the dealer another firearm (“the second firearm”); and
- (c) paragraph (4) applies,

the dealer may, on payment of the appropriate fee, vary that person’s firearm certificate by substituting the second firearm for the first firearm.

(4) This paragraph applies—

- (a) if both the first firearm and the second firearm are shotguns; or
- (b) if—
 - (i) the second firearm is of the same type and calibre as the first firearm; and
 - (ii) neither firearm is a prohibited weapon or a shotgun; or
- (c) if—
 - (i) the first firearm is a rifle of a description mentioned in the first column of Schedule 1A; and
 - (ii) the second firearm is a rifle of a calibre specified in relation to the same Band of Schedule 1A as the calibre of the first firearm; and
 - (iii) neither firearm is a prohibited weapon, a muzzle-loading firearm as defined in Article 45(9) or a shotgun; and

- (iv) the second firearm will not be of the same calibre as any other firearm to which the firearm certificate relates; and
- (v) the firearm certificate is not held subject to a condition that the first firearm may be used only for the purposes of target shooting.

(5) If a person—

- (a) sells or transfers a firearm to the holder of a firearms dealer’s certificate (“the dealer”); and
- (b) does not as part of the same transaction purchase or acquire from the dealer another firearm,

the dealer may, on payment of the appropriate fee (if any), vary that person’s firearm certificate by deleting that firearm.

(6) Where the holder of a firearms dealer’s certificate (“the dealer”) varies a firearm certificate under this Article, the dealer shall—

- (a) notify the Chief Constable of the variation within 72 hours of the variation being made; and
- (b) where the dealer receives the fee for varying the certificate, pay it to the Chief Constable.

(7) A person who fails to comply with paragraph (6)(a) shall be guilty of an offence.

(8) Schedule 1A (relevant firearms for Article 11(4)(c)) shall have effect.

(9) The Department of Justice may make regulations amending Schedule 1A if a draft of the regulations has been laid before, and approved by resolution of, the Assembly.”.

(2) After Schedule 1 insert—

“SCHEDULE 1A

Article 11(8).

RELEVANT FIREARMS FOR ARTICLE 11(4)(C)

BAND	CALIBRE
1. Small quarry air rifles	.177
	.20
	.22
	.25
2. Small quarry	.17 Mach 2
	.17 HMR (Hornady Magnum Rimfire)
	.22 LR (Long Rifle)
	.22 WMR (Winchester Magnum Rimfire)

3. Medium quarry	.17 Hornet
	.17 Remington
	.17 Remington Fireball
	.22 Hornet/5.6x36Rmm
	.222 Remington
	.204 Ruger
	.223 Remington/5.56x45mm
	.220 Swift
	.22-250
	4. Large quarry
.25-06	
6.5mm x 55/.256	
7mm x 08 Remington	
.270	
7.62 x 51mm/.308 Winchester	
.30-06”	

(3) In Schedule 5 (table of punishments), after the entry relating to Article 10(3) insert—

“Article 11(7)	Failure of firearms dealer to notify Chief Constable of variation of firearm certificate	Summary	Level 3”.
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Variation of firearms dealer’s certificate

4. In Article 29(6) (variation of firearms dealer’s certificate), at the end add “on payment of the appropriate fee”.

Updated certificates

5.—(1) In Article 5 (grant of firearm certificate)—

(a) in paragraph (5), after “duplicate certificate” insert “or an updated certificate”;

(b) after paragraph (5) add—

“(6) In paragraph (5)—

“duplicate certificate” means a copy of the firearm certificate as granted; and

“updated certificate” means the firearm certificate revised up to such date as may be specified on the certificate.”.

(2) In Article 26 (grant of firearms dealer’s certificate)—

(a) in paragraph (7)—

- (i) after “duplicate certificate” insert “or an updated certificate”;
- (ii) the words “(if any)” are repealed;
- (b) after paragraph (7) add—
 - “(8) In paragraph (7)—
 - “duplicate certificate” means a copy of the firearms dealer’s certificate as granted;
 - “updated certificate” means the firearms dealer’s certificate revised up to such date as may be specified on the certificate.”.

Certificates granted in Great Britain

6.—(1) The following provisions of Article 17 (firearm certificate or shotgun certificate granted in Great Britain has effect in Northern Ireland if Chief Constable grants certificate of approval) are repealed—

- (a) in paragraph (1), the words from “if” to the end;
 - (b) paragraphs (2) and (3);
 - (c) in paragraph (4)—
 - (i) in the definition of “applicable conditions” the words from “, subject” to the end;
 - (ii) the definitions of “certificate of approval” and “modifications”.
- (2) In Article 18 (air guns held without a firearm certificate in Great Britain)—
- (a) in paragraph (1)—
 - (i) after “an air gun” insert “to which paragraph (3) applies”;
 - (ii) in sub-paragraph (c) after “issued to him by the Chief Constable” add “on payment of the appropriate fee”;
 - (b) after paragraph (2) add—
 - “(3) This paragraph applies to an air gun which is capable of discharging a missile so that the missile has, on being discharged, a kinetic energy in excess of one joule.”.

PART 3

SUPPLEMENTARY

Fees

7.—(1) For Schedule 6 (fees) substitute—

“SCHEDULE 6

Article 75.

FEEES

Firearm certificate

1. Grant of firearm certificate £98

2. Variation by Chief Constable	£30
3. Variation by firearms dealer under Article 11(3) to substitute firearm	£15
4. Variation by firearms dealer under Article 11(5) to delete firearm	No fee
5. Duplicate certificate	£14
6. Updated certificate	£14

Museum firearms licence

7. Grant of museum firearms licence by Department of Justice	£110
8. Extension to additional premises	£75

Visitor's firearm permit

9. Grant of visitor's firearm permit (except where paragraph 10 applies)	£16
10. Grant of six or more permits (taken together) on a group application	£80

Certificate of approval for air gun for resident in Great Britain

11. Certificate of approval for air gun for resident in Great Britain	£11
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Firearms dealer's certificate

12. Grant of firearms dealer's certificate	£300
13. Duplicate certificate	£14
14. Updated certificate	£14

Firearms clubs and shotgun clubs

15. Authorisation of firearms club	£71
16. Authorisation of shotgun club to allow use of shotgun by persons 12 or over but under 16, except where the shotgun club is also a firearms club and an authorisation under Article 49 is granted at the same time	£71".

Consequential amendment

8. In Article 80(5) (regulations and orders made by the Department of Justice), after "Order" insert ", except regulations under Article 11(9) or 50A,".