



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Justice (No. 2 Bill): British Association for
Shooting and Conservation, Countryside
Alliance Ireland, Gun Trade Guild NI

17 November 2015

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Members present for all or part of the proceedings:

Mr Alastair Ross (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Sammy Douglas
Mr Paul Frew
Ms Bronwyn McGahan
Mr Patsy McGlone

Witnesses:

Mr Tommy Mayne	British Association for Shooting and Conservation
Mr Lyall Plant	Countryside Alliance Ireland
Mr David Robinson	Gun Trade Guild NI

The Chairperson (Mr Ross): Our witnesses today are Tommy Mayne, Lyall Plant and David Robinson. Gentlemen, I am not sure which of you wants to lead with a presentation, after which we will ask questions. I will just make you aware that the Hansard report of the session will appear on the website in due course.

Mr Tommy Mayne (British Association for Shooting and Conservation): Good afternoon and thank you for giving us the opportunity to present to the Justice Committee once again. We welcome the opportunity to represent our members' interests. Over the past number of years, we have widely consulted our members on these important issues. Generally, they have accepted that an increase in fees is needed, but their very clear message is that there is a need for the PSNI's firearms and explosives branch (FEB) to improve significantly the service that it provides, including a reduction in bureaucracy.

There is also an urgent need for the PSNI's FEB to consult stakeholders in a genuine and meaningful way. Having agreed the increase in fees back in June and in an attempt to find a way forward, we submitted a joint nine-page document to the PSNI and DOJ at the end of July, titled 'A Proposed Way Forward'. The PSNI has since described our document as helpful. However, to date, there has been no formal response or discussion of the document, which involved considerable work on our part. We even went as far as creating the relevant transaction forms, which could be filled in electronically. As I say, it involved considerable work, a lot of which was down to David.

The lack of any progress whatever in the past five months is extremely frustrating and disheartening, to say the least. We have received occasional situation updates from the Department and the PSNI. Strangely enough, we usually receive them when we are just about to meet the Committee or the all-party group on country sports. Indeed, we received emails from both the Department and the PSNI

yesterday. The Department's email was simply to give us an update on the progress that has not been made, and the PSNI's was an invitation to what they call "a PSNI engagement meeting" on 3 December. The PSNI is well aware of our view on its engagement meetings, which are chaired by the police and carefully choreographed to meet their needs. It certainly appears that, although we have agreed the fees with DOJ and the PSNI, they have little interest in progressing the other related issues. We watched and listened carefully to the PSNI's presentation to the Committee on 5 November. We understand that the hands of the PSNI are tied to a certain extent on the draft clauses being put forward by the Department, but we are at a loss to understand why it has made no effort whatsoever to pick up on any of the points raised in our joint nine-page document on the way forward. Trying to make progress on those issues would have gone a long way to repair the damaged relationships.

I will now hand over to Lyall.

Mr Lyall Plant (Countryside Alliance Ireland): Thank you, Tommy.

I will deal first with the Minister's proposal on the age reduction for young shooters in Northern Ireland. We are somewhat confused about who is following whose advice on what the minimum age for access to supervised shooting should be. The Minister continually states that he is following the advice of the Chief Constable, but the Chief Constable will state that he is supporting the Minister's position. In any case, we are at a complete loss to understand how the Minister can differentiate between young people using a shotgun under supervision in other parts of the UK and in Northern Ireland. Is the Justice Minister saying that young people in Northern Ireland are in some way deficient compared with their counterparts in GB? Recently, we met the Northern Ireland Minister and Parliamentary Under Secretary of State for Northern Ireland, Ben Wallace MP, who clearly recognised the great disparity between the law for young people in Northern Ireland and their counterparts in GB, where there is far greater opportunity to take part in shooting sports through supervised participation.

The Committee is aware that we have already compromised and moved from our original position of supporting 10 years of age for supervised access to all forms of shooting. Our current position is to support 11 years of age. However, today, in a further attempt to reach a compromise, we are content to accept 12 years of age for supervised access to all forms of shooting. To that end, we respectfully seek the support of the Committee for Justice in tabling an amendment to the Justice (No.2) Bill, providing:

"that the minimum age for supervised access and use of shotguns and airguns be reduced to 12 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 that particular type of firearm for at least five years."

We once again ask the Committee to note that the supervisory criteria we have proposed are far more robust than those in GB, where there is no minimum age for supervised shooting. Furthermore, the Department has repeatedly failed to produce any evidence of a problem with young people having supervised access to firearms.

I pass you over to Tommy, who will deal with the banded system.

Mr Mayne: The Committee is aware that we previously reached agreement with the Department and the PSNI on the banded system. However, due to the lack of engagement over the last five months, we have major concerns about the conditions that the police and Department could apply, which would make the practical implementation and operation of the banded system basically unworkable.

David will now talk about clause 45.

Mr David Robinson (Gun Trade Guild NI): Our position on clause 45 is clear. It has been said that equivalent clauses or Henry VIII clauses, as they are sometimes called, have been placed in other Bills. It is the first time that we have come across one in firearms legislation and in any of our dealings with the Assembly. We have major concerns and feel strongly that it has the potential to undermine the democratic process. Therefore, we believe that it should be removed in its entirety. It could give wide-ranging powers to an individual who is not subject to any oversight. In our opinion, it is positively frightening that a Department responsible for justice even proposed it. The mechanism is already in place for the Department to introduce legislation to deal with any future changes that might be needed. We fully understand that, sometimes, something slips through in a Bill and needs to be changed. We

do not see any requirement, and this has been criticised heavily in Westminster, for the Minister, in any given situation, to lay down certain criteria for why a, b or c should happen under clause 45.

In this instance, if there was some sort of administrative hiccup in passing the legislation, I do not think that anybody around this table would object to the Minister putting it right, but at least he would have to bring it to the Committee. More specifically, this Minister has previously demonstrated his willingness to override the will of the Assembly, never mind a possible mistake made by the Assembly.

That is what we have to say on clause 45. We think that it is a horrendous clause. As far as we are concerned, this is fascist stuff of the 1930s. I know that that is amusing, but any readers of history will know that equivalent clauses were found in legislation passed in the 1930s on the continent.

In closing, we reiterate that we are bitterly disappointed by the lack of progress on all these issues and the failure of the PSNI and the Department to seize the opportunity and build on the improved relationships that we believed existed following agreement in June. We ask the Committee to note that our agreement on the fees issue was, and remains, subject to agreement and implementation of the banded system and a review of the ministerial directive, including categories for dealers, dealer security and permitted holdings. I would like to make the Committee aware of the impact of the limitations, which inhibit free lawful trade, on dealers across Northern Ireland. We submitted our document on the way forward in July — over three and a half months ago. It contained many suggestions, and the PSNI said that it was helpful. The agreement is now over 5 months old, but there has not been one single meeting or bit of paper addressing any of the issues.

I am well aware that members of the Committee emphasised to the police when they appeared here 12 days ago the need to move. Given that agreement was reached over five months ago, you will forgive us if we are a little sceptical. Are the PSNI and the Department trying to run down the clock on the Bill? They could put down conditions, bearing in mind that there is a lack of trust — a well-earned lack of trust, I might say — and they could implement the banded system and other issues in such a way as to make the end result totally unacceptable to any reasonable person. We want to see the nuts and bolts before there is any movement on fees. Oddly enough, that is the one issue that is ready to go. The Minister could press the button on fees this afternoon. Amazing — he can do it for fees, but not for anything else.

A lot of what we are talking about here had nothing to do with legislation. It was about moving on bureaucracy and red tape and improving things. These were suggestions that were helpful to the police but had nothing whatever to do with the required legislation. Five months with the DOJ, three and a half months with the police, and not a word. All we get is three emails in the last 24 hours, including this morning, about engagement meetings, which are, as far as we are concerned, as much use as a chocolate ashtray. We have expressed concern over the last number of years about how these engagement meetings are run. The assistant chief constable is well aware of it as he was the chief superintendent at the time.

The Chairperson (Mr Ross): Thank you. I absolutely share your frustration. Members who tabled amendments to the last Justice Bill and then withdrew them did so in a spirit of goodwill, believing that the Department was willing to work with you and them. It is incredibly frustrating that the Department is looking to run the clock down. Of course, there is a mechanism for Members to bring amendments back if the Department is not willing to, and I suspect that that will be the case.

Mr McGlone: Thank you very much, Chair. There are two or three things that I want to deal with. Just for the record, what is the position of young shooters in England?

Mr D Robinson: There is no minimum age for young shooters in England. The supervisor has to be over 21 and is not required even to have a firearms certificate. That system has run for 47 years, during which time 244 chief constables have been appointed in GB, and not one has raised an issue. What we are proposing to the regime here is an infinitely different field of robustness entirely.

Mr McGlone: For the record, can we identify that robustness, please?

Mr D Robinson: We say that the person should be 25 years of age and have held a licence —

Mr McGlone: That is for the supervisor.

Mr D Robinson: Yes. Supervisors would have to be 25 years of age and have held a licence for a shotgun or air rifle for at least five years, which means that they would have been through the vetting process twice. They will have gone through the supervisory criteria. With 24/7 monitoring by the police, it is an infinitely more robust system than in GB, where there have been no problems.

Mr McGlone: I hear firmly what you are saying, because I raised the issue at a previous Committee meeting. I see that a letter was sent on 2 November, and we have an update that states:

"Officials have been working closely with Legislative Counsel to translate the policy intent following engagement with stakeholders and the Justice Committee. This has raised some complex issues and we continue to work with the Office of Legislative Counsel to finalise the text of the draft amendments.

Officials had provisionally arranged to meet stakeholders on two dates — 7 and 13 October but these dates proved to be over optimistic and were postponed. Officials have sought to keep stakeholders updated on progress."

There are two things about that. For the record, have they kept any or all of you updated on progress?

Mr D Robinson: The updates, Mr McGlone, have been to say that —

Mr McGlone: There is progress.

Mr D Robinson: — they are working on it and there are difficulties. There has been no substance. The only questions that we were asked were almost grammatical, in the sense that they sent us an email to ask us where the dot should be or whether a dot should be used for calibres. As Tommy said, prior to submitting to the Committee on 18 September, we got emails; prior to going to the all-party group, we got emails; and, in the last 24 hours, before and including this morning, we got three emails, two of them from the police, which tell us nothing. In fact, the one from the Department states:

"We had further exchanges with the Office of Legislative Counsel last week and I would hope to see us moving towards a final draft in the coming days. We have been working with counsel to deliver draft clauses which accurately reflect the Minister's proposals, which we agreed we would bring forward, to repeat the earlier position, once I am in possession of the clauses."

That is the update.

Mr McGlone: I will pick up on that point. Maybe the Clerk could tell us whether the Department has given a date yet as to when the legislation will be before the Committee, because I do not want a situation in which we are dithering on and on and, as usual, it is into Christmas and the new year. Have they given us any definitive date yet?

The Committee Clerk: We have asked for the text of any draft amendments that the Department intends to bring prior to officials attending meetings on 26 November and 3 December. Officials are due to attend on both those dates to discuss the Bill and proposed amendments. We have asked for the draft text of all amendments prior to their attendance.

Mr McGlone: Thank you for that. That gives us an indication of what the Committee expects.

Thanks very much for all your work on this. I know that you have put in considerable hours trying to get us to where we are. The banding system, as you said, looks eminently like common sense. It was only when I did the deer-stalking course here through BASC that it was brought home to me that, when someone with a centrefire rifle that is conditioned for deer stalking spots vermin — a fox — on a property, and that fox could be detrimental to stock — pheasants or other flock — held by the landowner, technically in law, the person whose firearm has been conditioned for use purely for deer could not take a shot at the fox for vermin control. I have done a bit of reading and got material from you that states that they look at that and say that the weapon or firearm is conditioned for whatever and "any other lawful quarry". Can you give us an oversight as to what that means? As I look at it, I think that, if the outworkings of the law at present are that you need a rifle conditioned for one quarry and a second rifle conditioned for another quarry, it makes absolute sense to have one for any lawful quarry.

Mr Mayne: I am happy to answer that, Mr McGlone. I will give you a bit more of the Northern Ireland context first, if I may. In Northern Ireland, game birds, ducks, geese, waders, the quarry species and pest birds are all regulated by the Game Preservation Act (Northern Ireland) 1928, the Wildlife (Northern Ireland) Order 1985 or the general licence issued by the Environment Agency on an annual basis. That being the case, we are firmly of the opinion that there is no need to regulate quarry species further by applying specific conditions to each individual firearm on a firearm certificate. Indeed, removing that level of bureaucracy would help to reduce the administrative burden on the police, which, in turn, would allow them to focus their resources more effectively on areas where the branch has genuine concerns.

To answer your specific question, in GB, there is a primary species. It will say, for example, "deer and any other lawful quarry". The guidance on the use of the "any other lawful quarry" condition is worded as follows in the Home Office 'Guide on Firearms Licensing Law':

"Forces must ensure that where additional conditions are applied to certificates that they are kept to a minimum and are only applied where they are both proportionate and necessary."

To come back to the point of your question, I will give you an example of the condition that is applied in GB. The .223-calibre rifle, for example:

"The ... sound moderator and ammunition shall be used for shooting vermin including fox, and ground game/ deer (delete as appropriate) and any other lawful quarry, and for zeroing on ranges, on land deemed suitable by the chief officer of police for the area where the land is situated and over which the holder has lawful authority to shoot."

It goes on to state that the words "on land deemed suitable by the chief officer of police for the area where the land is situated and":

"may be omitted once the certificate holder has demonstrated competence. There is no set time for this and each case should be considered on its individual merits."

I am happy to provide the Committee with a copy of that condition.

Mr McGlone: That would be very helpful.

Mr Frew: Thank you very much, gentlemen. I am no stranger to this, of course, having been one of the Members who tabled amendments to the Justice (No. 1) Bill. I must say that I am deeply disappointed that no progress has been made to date. Just to get it on the record and to be clear: since the withdrawal of the amendments by the Members who launched them, which included me, how many meetings have there been with either the PSNI or Justice Department officials?

Mr D Robinson: None.

Mr Frew: None. As somebody said, they came to the Committee 12 days ago. When did they communicate with any of you after that meeting?

Mr Mayne: There have been sporadic emails. As I said, we received them just before coming before either the Justice Committee or the all-party group. There have been situational updates, which are pretty much, "No change. We are working on it and will come back to you in due course".

Mr Frew: Have there been any details in those emails or exchanges outlining the complexities that they say are stalling the finalisation of the text of the draft amendments?

Mr Plant: No details at all were included. However, we know about the Minister's proposals for 12 years of age for young shots, for instance, and we believe that that would be very hard to implement on the ground. We believe that our amendment or your amendment would have been more suitable and could have been drafted more easily and quickly.

Mr Frew: That was my next question. Amendments were tabled, and the wording may well have needed to be changed. That was the cry from the officials when they raised doubts about the wording in at least some of the amendments. Given that the nuts and bolts and the bricks and mortar were

there, is there any excuse or reason for them not coming forward with the final text for the draft amendments?

Mr D Robinson: The Minister has not changed his position on 12 years of age for clay target shooting only, which we never signed up to. There are complex issues involved. Given the police role in this area, there are 69 registered firearms clubs in Northern Ireland where there is no age limit. There is a voluntary scheme for clay target clubs and syndicates whereby they go to the police and prove that, from a shooting point of view, they own a piece of land that they can use for an extended period. They can register that land, which means that their members do not have to seek land letters. Of the hundreds of clay clubs in Northern Ireland, 75 are registered with that scheme. The police already have 69 clubs to deal with and, if we even assume that, out of the hundreds of clubs, only the 75 that took the trouble to register with the voluntary registration scheme register for this, it will more than double the police workload for clubs.

The Minister and his Chief Constable have been down here shouting about a lack of money and staff for the last four years, yet, in one fell swoop, the Minister is going to negate everything that is done by the fees because of the workload that he is potentially giving the police. We do not know how big that workload will be, because it is like commenting on running water. He has not talked about how this will be implemented or policed. Who will police it? There are a lot of issues for the police. I am not aware that the police have an inkling of what the Minister will propose.

Mr Frew: Whilst there is a lack of communication between you and the officials and between you and the PSNI, do you think that that is also the case between the PSNI and the DOJ.

Mr D Robinson: If the Department was going to talk to the police, why would it not talk to us? If it is trying to solve a problem like that, it would be slightly illogical. While we strongly object to the police's stance towards us, moving that up the chain, they are a little apprehensive about the Minister's proposals. The Department did not realise, as we said months ago, the difficulty in implementing what they were proposing.

Mr Frew: Tommy, do you want to come in?

Mr Mayne: I will comment further on what David said. There is no minimum age for a bullet-firing club regulated under article 49. Similarly, supervisors need to have been a member of a club for only a year. Mr Ford intends to introduce a minimum age and supervision criteria into a scenario in which we have not had a problem. I remind the Committee and my colleagues that the Department is signed up to the better regulation strategy, the first guiding principle of which is proportionality. The intentions of the Minister and his Department are disproportionate in that they intend to introduce regulations to a scenario in which there has not been a problem.

Mr Frew: I have worked with all three of you and your staff over the last year and a half on a lot of things, but specifically on these issues. I have also worked with DOJ officials on other things, and there has been a wide spectrum of work and professionalism. We have also worked with DOJ officials on these specific issues, and, as you would imagine, they are very civil when they come in front of the Committee. This battle between officials and stakeholders has gone on for many years — decades, in fact — but what is the current relationship between your organisations and the PSNI and the Department of Justice?

Mr Plant: Our relationships with the PSNI and the DOJ are professional. We are three professional organisations, and we carry out our duties and work on behalf of our members in a professional way. All our doors are open. We are forever ready to meet the DOJ and the PSNI, and have done so on numerous occasions. Indeed, we all have an invitation to a meet-and-greet with the PSNI on Friday afternoon. However, I am on holiday, and my deputy, Ashley Graham, will be attending.

We are willing at short notice, sometimes within a day, to meet the Department of Justice and to change our calendars or rotas and meetings with other people to accommodate it, because we are professional and know that these are important issues, and we will continue to be like that.

Mr Frew: What way would you describe the communication, consultation and contact now compared with the week leading up to the Further Consideration Stage of the Justice (No.1) Bill?

Mr Plant: Like chalk and cheese, Mr Frew. We were being given car-parking spaces, being invited to meet them at 5.30 pm or whatever. We changed our agendas and diaries to suit them, but since then and the agreement in June on fees, they have gone back into their shells, because I believe that the Minister's proposals are unworkable whereas our solutions are workable.

Mr Frew: No doubt the DOJ and the PSNI will be listening into this meeting, and they should take note that we have the ability, as we had before, to table amendments, and we will do that. It is as simple as that. It is in their best interest to make sure that their proposals are appropriate and workable.

Your documents state that the minimum age is 11. Here, today, you say 12 years of age, so you have gone further than what you originally said.

Mr Plant: Yes. We made that decision because life is about compromise and finding a balance. If it is OK for a 12-year-old to shoot inanimate targets, it is OK for a 12-year-old to shoot any lawful quarry.

Mr Frew: Yes.

Mr Plant: Under supervision.

Mr Frew: As you stipulated in —

Mr Plant: As we stipulated.

Mr Frew: Twenty-five years of age and five years with a licence.

Mr Plant: Twenty-five years of age and five years with a licence.

Mr Frew: Which means that you have been vetted twice.

Mr Plant: Yes, you have been vetted twice.

Mr Frew: That seems very sensible and responsible.

Mr Plant: It is responsible.

Mr Frew: Can I then lay the charge on you that 12 years of age may not be young enough if you are talking about the sporting world — the Commonwealth Games, the Olympic Games and so on. GB has had great success in this sport, so this will no doubt put us at a disadvantage in the sporting fraternity. Is that correct?

Mr D Robinson: You might recall, Mr Frew, that, two years ago, we had Amber Hill over here —

Mr Frew: Yes.

Mr D Robinson: — who started seriously shooting clays at the age of 10. She has now turned 17 and has just been picked for the GB team for the Olympics. She has done serious shooting since she was 10 years of age. We are fully supportive of that, but clay shooting is not what the majority of young people do when they are learning to shoot. Instead, they go out across the fields with their elder brother, father or uncle.

Members may recall that we wanted 10 years of age. We compromised at 11 years of age, got no response from the Minister and moved to 12 years of age. We have moved twice, and the Department's attitude is to take it or leave it.

Mr Frew: Remind me again, because there is confusion around the law, and, as I read it, an anomaly: what is the current minimum age?

Mr Plant: The current minimum age is 16. Young people of 16 years of age can obtain a firearms certificate and their own firearm — under supervision until they reach the age of 18 — for sporting purposes but not for vermin control. Young people of 16 who reside on a farm can obtain a rimfire rifle

or a shotgun to carry out vermin control on that land, but they may not shoot any game. If the landowner also owns the sporting rights, that is a discrepancy.

Mr Frew: Yes.

Mr Plant: The Minister's proposal is to allow a farmer's son to shoot just game, and the 16-year-old, who can shoot game, to shoot vermin. That is the only difference in that respect.

Mr Frew: When people talk about gun law, all sorts of things come into their head when they look at it in a global sense. Officials sometimes run a mile and turn the other way. How many 16-year-olds do we know who take part in shooting or have it as a hobby or some —

Mr D Robinson: We know that 32 firearms certificates were issued to 16- and 17-year-olds in Northern Ireland. Eleven of those are conditioned for the protection of livestock, which leaves 21 under the umbrella condition of sporting purposes, which includes clays and wildfowl. So the number of 16- or 17-year-olds who are shooting clays is between zero and 21. That is the number who have a licence.

Mr Frew: So —

The Chairperson (Mr Ross): I will curtail questioning because I am conscious of time, and Justice questions are coming up in the House. I would rather that we did not go over material that we have covered in previous sessions. I know that members are keen to get stuff on the record, but I think that it has been established on the record previously, so I am keen to —

Mr Frew: OK. I am happy to leave it there, Chair.

Mr McGlone: I will be brief. Officials are coming before us on 26 November and 3 December anyway, irrespective of whether they have the legislation ready.

The Chairperson (Mr Ross): Yes.

Mr McGlone: Good. It is in their interest to have it ready in that case. Thank you, Chair.

Mr Douglas: Thank you for your presentation. Can you clarify something? Have you requested a meeting with the PSNI or the Department of Justice and been refused?

Mr D Robinson: They said that they would be in touch. I rang a senior official. He did not actually take the call; he sent out an email. In our email, we asked what they were doing with the documents. We were told that they would be in touch. It was like being told that the cheque was in the post.

The Chairperson (Mr Ross): Thank you very much. Some members who are not here may not be so sympathetic to what you are trying to do, but I think that the entire Committee shares the frustration that there has not been more movement and communication. I hope that the officials are listening and will get that sense from the Committee.