



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Justice (No. 2) Bill:
Amendments to Firearms Legislation

7 January 2016

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Alastair Ross (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Stewart Dickson
Mr Alban Maginness
Ms Bronwyn McGahan
Mr Patsy McGlone

Witnesses:

Mr Anthony Harbinson Department of Justice
Mr Robert Kidd Department of Justice

The Chairperson (Mr Ross): Anthony Harbinson and Robert Kidd, you are both very welcome. Can you outline where we are at the moment and then we will most likely turn over to Patsy for interrogation?

Mr McGlone: I am the only one here today, too. It will be all me. Can I have the other two's time?
[Laughter.]

Mr Anthony Harbinson (Department of Justice): I was going to say, "Do you want to skip the opening address and just go straight to questions?". *[Laughter.]* Thank you for the opportunity to give the Committee an update on the firearms amendments. Normally, Simon Rogers would represent the Department on this issue, but, due to a family bereavement, he is unable to be here today. When Simon and Robert were last before the Committee on 26 November, you suggested that it would be best if they met directly with Messrs Frew, McGlone and Poots, who had been the Committee members most involved in the issue. That meeting took place on 1 December, and I would like to take the opportunity to thank the Committee members for their time and contribution to what I believe was a very helpful discussion. The meeting covered quite a lot of detail and went through the amendments thoroughly, with Simon and Robert explaining the intent of each. They sought to tie them back to the commitments given by the Minister before the summer. They also responded to a point made at the Committee meeting on 26 November by agreeing to a single fee for a renewal for a firearms club that wanted to be authorised as a shotgun club used by young people. I believe the number of sites offering both target range and clay target facilities to be small in any case. However, the fee schedule takes that into account.

When consulting those who had previously engaged on the proposals, the Department asked each consultee whether they would like to make further comments on the amendments. A small number had views, and they are set out in our response, which the Committee has before it today. Therefore, I also thank the stakeholders who responded to the consultation on the draft clauses. Their comments

were very helpful and enabled us to clarify a number of points. As you can see, there was some comment about the new clubs, but I want to point out that the Ulster Clay Pigeon Shooting Association has indicated that it is content.

The issue of age, which has been discussed with you before, was also raised. We indicated in the past that a number of groups accepted the Minister's proposal as an appropriate way forward, but three organisations in particular still do not agree. In light of that, the Minister has once again considered the matter and has concluded that his approach is the correct and proportionate one, bearing in mind public safety. His proposals would see a significant relaxation of the existing rules so as to enable clay target shooting by 12- to 15-year-olds in PSNI-authorized clubs, coupled with greater access at 16 onwards to shotguns on top of existing options for young people to shoot; that is, to shoot in a more appropriate and controlled club. The Bill will also enable future changes, if appropriate, by affirmative regulation.

One additional issue that I will bring to the Committee's attention relates to the intention to repeal the Unlawful Drilling Act 1819 and its reference to the Firearms (Northern Ireland) Order 2004. The repeal of the Unlawful Drilling Act 1819 would require the consent of the Secretary of State for Northern Ireland and, we believe, would need to be examined in slower time. Although the Secretary of State's consent could be sought, we would need to fully understand the implications of such a repeal. That would require appropriate consultation, which, in turn, requires discussion about who could lead that consultation. In the meantime, we can confirm that there have been no prosecutions under the Act since 2006, and we would want to understand the Public Prosecution Service (PPS) and PSNI's views once we sort out who can lead on the issue. Given the timescale for the Justice (No. 2) Bill provisions and the fact that there have been no prosecutions for some considerable time, we feel that it would be prudent to take this forward as a separate issue in slower time.

Aside from the issues highlighted, we believe that there is broad agreement on the way ahead, and I therefore ask the Committee to endorse the proposals. We are, of course, happy to take any comments or questions.

The Chairperson (Mr Ross): Thank you very much.

Mr McGlone: I will work my way through this. A few wee items of clarity are required. Who were the stakeholders that accepted the amendments? It is a wee bit of by-the-side information.

Mr Robert Kidd (Department of Justice): The Northern Ireland Firearms Dealers' Association, the Ulster Clay Pigeon Shooting Association and the Scottish Association for Country Sports.

Mr McGlone: Thank you. I will work my way through the document. One of the issues was that people wanted the certificate amended to allow more space on the certificate itself. It was said that that is an administrative matter. Is that a major issue? It seems just to be about changing the form to allow more space on it or to put more lines on it.

Mr Kidd: I can answer that one. We have passed that to the PSNI for its consideration. Clearly, that would not be in the Bill; it is purely an administrative matter. One of the things that we have asked it to look at is possibly providing a continuation sheet or more boxes on the sheet.

Mr McGlone: Crazy things like copyright matters or anything like that are not going to come up, are they? This is purely its own form.

Mr Kidd: It is a PSNI form.

Mr Harbinson: It is just its own form.

Mr McGlone: All right. That is OK. That is grand.

It says here that guidance will be issued along with that. Has that guidance, or any guidance, been drafted yet?

Mr Kidd: We need to finalise the clauses before we can start on the guidance.

Mr McGlone: All right. That is OK. That is grand.

We raised this with you previously, Robert, and I am not too sure where it fits in. Is there the capacity for a semi-automatic rimfire .22 — say, a Ruger 10/22, which is a very popular wee gun — to be switched under the banded system for, say, a bolt-action firearm that is not for target purposes? Does this make provision for that to happen purely for rimfires?

Mr Kidd: Yes. If the calibres are listed in the banded system, the type of action can change.

Mr McGlone: All right. That is OK.

I am kind of surprised about this one. Will shotgun clubs, as you conceive them to be, be required to have or to hold club guns for the purposes of this?

Mr Kidd: No. They will not be required to do that. The existing system whereby a shotgun club has an opportunity to voluntarily register with the PSNI will continue to exist. The only thing that we are introducing is a registration scheme for those clubs that wish to open their doors to 12- to 15-year-olds. If a shotgun club or other target clubs wish to make arrangements to hold club guns such as a centrefire, that will be entirely a matter for them with the PSNI.

Mr McGlone: Right. On the authorisation issue, you mentioned the PSNI there. Could article 49 of the guidance on firearms controls form part of a condition of authorisation?

Mr Kidd: Article 49 for firearms clubs?

Mr McGlone: Yes.

Mr Kidd: We have effectively mirrored —

Mr McGlone: Because it is guidance.

Mr Kidd: Article 49 of the order itself? Do you mean the actual order as opposed to the guidance?

Mr McGlone: Article 49 of the guidance.

Mr Kidd: Sorry, yes, when we come to the guidance, it will be broadly similar.

Mr McGlone: But that still has to be —

Mr Harbinson: We still have not worked our way through the guidance at this point in time. That needs to be handled later.

Mr McGlone: That is grand.

Mr Kidd: Sorry, I will clarify that for you, Mr McGlone. Under the new clauses included, the new article 50A will mirror broadly article 49(4) of the 2004 Order, with the exception of the reference to the Unlawful Drilling Act.

Mr McGlone: Right. OK.

I picked up on this point myself, and I am not too sure about it. We will deal with the issue of an underage person, referred to as being 12, and the whole intention of that. I am surprised that the Ulster Clay Pigeon people did not pick up on this. I am not quite sure that the legislation as drafted here would allow for the whole purpose of it. The whole idea and purpose is to bring on young shooters to perform at a high level — Olympic level, national level and international level. However, the legislation as drafted refers to a person who:

"has held a firearm certificate for a shotgun for at least five years".

Many coaches, as you know, will be coming from GB or the Republic. A top coach coming from GB will obviously have a shotgun, but they may not have a firearm certificate, because, as you know,

there is a difference between a firearm certificate and a shotgun certificate. You can have a shotgun certificate in GB, but you do not necessarily need to have a firearm certificate.

It says here:

"has held a firearm certificate for a shotgun for at least five years".

You could conceivably have a top coach or even a top player or top shooter coming from England, Scotland, Wales or wherever who does not have a firearm certificate, and has no intention of getting one, but has a shotgun certificate. I am just thinking of the possibility of someone not interpreting that in the spirit in which it is meant and excluding or making it difficult for that type of situation to arise.

Mr Kidd: We can clarify that with the draftsman, Mr McGlone.

Mr McGlone: Could you?

Mr Kidd: My understanding is that our wording is, "a firearm certificate for a shotgun". So, we anticipate that that would include a shotgun certificate.

Mr McGlone: But you can understand —

Mr Kidd: I see where you are coming from.

Mr McGlone: — in GB, it would not be a firearm certificate; it would be a shotgun certificate.

Mr Kidd: Yes, it is a nomenclature issue.

Mr McGlone: Yes.

Mr Harbinson: We will clarify that, but it certainly was not the intent of the clause.

Mr McGlone: I know it was not, but you could have a very good young shot and a person standing there who is a top shot but is not able to mentor the young person. Does the person who is mentoring have to own the shotgun?

Mr Kidd: No. Again, to clarify, there are a number of different descriptions. The individual who owns the shotgun may or may not be the supervisor. So, you could have a young person being coached, as you rightly said, by someone from England and with him is his father, who is effectively the supervisor and is the owner of the shotgun. So, you could have different scenarios.

Mr McGlone: OK. That is grand.

Under paragraph 3 in Part 2 of the proposed new schedule, proposed new paragraph (4)(b)(i) states:

"the second firearm is of the same type and calibre as the first firearm".

Going back to the point about the semi-automatic rimfire, will the words "type and calibre" add complications?

Mr Kidd: That is outside the banded system.

Mr McGlone: Right. It will not confuse matters for anybody, will it?

Mr Kidd: No.

Mr McGlone: That is OK. That is grand.

We have covered it all fairly well. Will you pick up on those few issues and get back to us on them and the guidelines?

Mr Harbinson: The guidelines will come once the clauses are fully developed.

Mr McGlone: That is OK. Thank you for your time.

The Chairperson (Mr Ross): No one else has any questions. Thank you very much.

Are members content to support the proposed amendments to firearms legislation that the Department intends to table at Consideration Stage?

Members indicated assent.

The Chairperson (Mr Ross): We will address the issue again in the formal clause-by-clause scrutiny.