



Windsor Framework Democratic Scrutiny
Committee

OFFICIAL REPORT (Hansard)

Regulation (EU) 2025/41:
Department of Justice

30 January 2025

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Philip McGuigan (Chairperson)
Mr David Brooks (Deputy Chairperson)
Mr Jonathan Buckley
Mr Declan Kearney
Mr Peter Martin
Ms Kate Nicholl
Ms Emma Sheerin
Mr Eóin Tennyson

Witnesses:

Ms Claire Duncan	Department of Justice
Ms Jennifer Stewart	Department of Justice

The Chairperson (Mr McGuigan): I welcome Jennifer Stewart, head of firearms and explosives branch in the Department of Justice, and Claire Duncan, deputy head of firearms and explosives branch in the Department of Justice. I will hand over to you to present evidence to the Committee. We will ask a few questions once you are finished. Thank you.

Ms Jennifer Stewart (Department of Justice): Thank you, Chair. As you said, I am Jennifer Stewart, and this is my colleague Claire. We are from the firearms and explosives branch in the Department of Justice. Our branch has policy responsibility for devolved firearms matters in Northern Ireland. It might be helpful for the Committee to know that the Home Office is the lead GB Department for firearms policy. In respect of the EU regulation, the Cabinet Office is coordinating responses from the UK Government (UKG). Because the regulation relates to import and export matters, it is the responsibility of the Department for Business and Trade. Import and export matters are reserved under the Northern Ireland Act 1998, so they are outside the competence of the Department of Justice.

The Committee was notified of the adoption of the new EU regulation, which is intended to tighten import and export controls around the illicit manufacturing and trafficking of firearms, their essential components and ammunition through better information sharing between member states. The existing regulation that it updates has been in place since 2012. Certain articles of the new regulation will apply from 11 February, but the majority of the provisions will not take effect until February 2029. We are aware that the Cabinet Office will be coordinating the preparation of an explanatory memorandum (EM).

You provided some questions to us in advance of this morning's session, and we have tried to answer those as best we can, given that the matter falls outside our remit. We provided some observations on the proposed regulation back in summer 2024, but we have not yet seen the UKG-agreed explanatory

memorandum. We do not believe that there are significant numbers of movements of firearms between NI and GB that would fall under this regulation, so we do not expect there to be a significant impact in that regard. Obviously, it is dealing with illicit manufacturing and trafficking, so it will not cover the legal stuff that we tend to see.

If you have any questions, we can try to answer them.

The Chairperson (Mr McGuigan): In your assessment of the impact of the legislation in your written evidence, you say that this is intended to address illicit activities, does not affect the application that relates to firearms for civilian use and that the Department welcomes any proposals to address illegal activity. I should ask you for your conclusion rather than inferring it, but you say that you do not envisage this having any particular negative impact that is liable to persist.

Ms Stewart: From our perspective, we are not seeing anything that suggests that there would be a major issue. Obviously, import and export controls are outside our area of responsibility, but the new regulation does say that it should not impact the weapons directive that relates to the civilian use that we see. We believe that numbers that move between GB and NI will be relatively small.

Mr Buckley: An earlier UK explanatory memorandum stated plainly that it would lead to regulatory divergence between GB and Northern Ireland, but later, it went on to say, on MP engagement, it would have minimal impact on importers and exporters. Have you any information on the numbers and scale of imports of civilian firearms? I am largely thinking about shotguns for recreational shooting. Is there any indication of the level of trade between GB and NI in that regard? How can you be clear that this will not have an impact?

Ms Stewart: In the Department of Justice, we do not have that information. Import and export is through the Department for Business and Trade, so it does not come across our desks at all. We do not have a role.

Mr Buckley: OK. There are significant backlogs and delays in current firearms licensing here in Northern Ireland, so, with the introduction of single harmonised procedure in the EU that will not apply in GB, how do we guarantee that that will not cause further disruption and blockages in the system?

Ms Stewart: Firearms licensing is an operational policing matter, and the police try to ensure that anyone who is applying for a firearms certificate is a fit person and has good reason to possess each firearm that they have. We have tight controls on civilian possession of firearms in Northern Ireland, and that is separate from the import and export side of things.

Mr Buckley: If I have picked it up right, you have been engaging on this since summer 2024.

Ms Stewart: We were invited to join a conversation between Cabinet Office, Home Office and Department for Business and Trade colleagues who were trying to understand what the EU proposals meant. It was acknowledged that we did not have any responsibility, but we were asked whether we had any observations.

Mr Buckley: OK.

Ms Stewart: We have not had any further discussions since those initial observations.

Mr Buckley: There are quite a number of firearms dealers in Northern Ireland, and there are quite a number of representative bodies that operate on a UK-wide basis that have a significant footprint in Northern Ireland. Has there been any reach-out to any of those bodies or dealers in order to assess the impact? My understanding is that those organisations are well organised and therefore easily assessed. They regularly feed into DOJ engagements on firearms issues. I just wonder whether you brought this to their attention at that early stage in the summer.

Ms Stewart: No, we did not. At that stage, it was a European proposal, and UK colleagues were trying to understand the implications and outworkings of that proposal. Again, because it is outside DOJ's area of responsibility, we were not the lead Department, and we have not had any wider engagement.

Mr Brooks: This is not to push back on you. We have done that before, but other Departments — those, perhaps that are in front of us more often and have got used to the process — that have been asked about something that is not within their remit have had some information that they can share with us, and they sometimes do. Sometimes, there is a bit of tension in that. It is slightly worrying to me that you have had engagement as part of groups that represent the Departments that have responsibility in this area, yet most of the responses to our questions have been, "It is not within our remit", and, "Sorry, we cannot provide information on that". That creates issues for us in making decisions, because some of that information is key.

The response to my colleague's point about there not having been engagement from an early stage is particularly concerning because, it seems to me, the people who are most likely to flag issues quickly and early in the process, if they are engaged early, are those who are directly involved in the trade.

That is less a question than a comment on how I would like to see a more proactive approach from the Department of Justice and any Department that is involved in these issues and looking at European legislation that is coming forward. They should consider talking to stakeholders at the earliest possible stage about how it will affect them. I understand that it is not always within your remit, and the Committee is sympathetic, given that we ask our Departments to give us a broader picture that may be beyond their remit. However, for some of the relationships, stakeholder engagement is more likely to be done at local level. It is concerning. That is not aimed only at the Department of Justice — we have had these issues with other Departments — but it is important to say it.

Mr Martin: We have a list of organisations that the Assembly Research and Information Service (RaISe) created for us. On it is a range of sporting associations, bodies and NGOs. The Ulster Clay Pigeon Association is an example; I assume that its members shoot clay pigeons. That would have been a really obvious stakeholder for DOJ, had it been part of the process in summer 2024. Has DOJ had any engagement with organisations or retailers in Northern Ireland in order to say, "Here is what this is. How do you think it might affect you?"?

Ms Stewart: No, not on the proposed changes. There is an existing EU regulation that the new one will replace over time. The existing controls remain in place. The EU is trying to tighten the regime to prevent further illicit trafficking, import and export of firearms, so the legal side of things should, hopefully, continue as it is. However, we have not had any engagement. The revised proposal from the EU has just been published, so the initial discussions in the summer were on an early proposal.

Mr Martin: I echo the comments of my colleague. It is not necessarily about the DOJ here. This is quite common. If I were a Department coming before a scrutiny Committee to talk about this sort of stuff, I would expect to be asked what engagement there has been with retailers that, for example, fix a farmer's shotgun or a clay pigeon shooting organisation. Those are the people whom this regulation may well affect.

I will give you one example: there is talk about ghosting, ghost firearms and the component parts. If a dealer in Belcoo who fixes shotguns for farmers for pest control needs a particular part, that part may now be regulated in a way that it was not beforehand. That has an impact, and he is just a trader who repairs shotguns.

You said that you did not believe that there were significant numbers of those movements. Will you elaborate on that?

Ms Stewart: From initial conversations with GB colleagues, we do not get the impression that there will be huge numbers, but we do not have further information at this stage.

Mr Martin: That view, Jennifer, is just really a view, and is based on conversations that you had with colleagues in GB. Was it a Department that you were speaking to?

Ms Stewart: The Department for Business and Trade. We are still reaching out to other Departments in GB to get more information.

Mr Martin: What body would monitor those movements?

Ms Stewart: Import and export would require a licence or some sort of approval from the Department for Business and Trade. I suspect that HMRC may have an interest, but for import and export, the Department for Business and Trade would have to give its approval.

Mr Martin: Would that apply to, for example, a gun barrel or a firing mechanism?

Ms Stewart: We do not see any of those sorts of things, but, on the basis of definitions and essential components, I would expect that approval would be required for each individual component as defined in the regulation.

The Chairperson (Mr McGuigan): I am not sure if this covers some of the points that Peter is raising, but the updated explanatory memorandum states:

"Firearms owners are not intended to be subject to bureaucratic licensing procedures for the temporary movements of firearms and will be provided with exemptions from import and export licensing for hunters, sport shooters and collectors."

In addition, there are:

"exemptions to the requirement for import authorisations and they cover evaluation or exhibition without sale, or inward processing for repair; or for import following temporary export for the purpose of evaluation and repair and exhibition without sale".

I am not sure if that is within your area to denote whether some of those exemptions cover some of the points that Peter was making about potential impacts.

Ms Stewart: Potentially, but we have not seen any of the documents, so we cannot say definitively. The Firearms (Northern Ireland) Order 2004, which is the legislation that we are familiar with, defines firearms and component parts, and to hold them legally a person needs to have a firearms certificate granted by the Chief Constable. The new regulation is looking to deal with illicit manufacturing and import and export. It would be different from the things that we have seen.

The Chairperson (Mr McGuigan): I totally understand.

Sorry, Peter, I interjected.

Mr Martin: That is useful, and the Chair's intervention was useful as well. I suppose that I am just frustrated that there has been no reach-out to obvious groups in Northern Ireland by DOJ to say, "This is something that is being considered and is going to come up. What do you think about it?". I am sure that a lot of those groups would feed back and give you a view on that.

I appreciate that you are also coming here and you are the closest we have to a lead Department in Northern Ireland. However, that is a problem that the Committee faces all the time. I would expect Departments to have at least reached out to some of the stakeholders in Northern Ireland to bring their views on this, challenging as that is — we have mentioned this before — given the size and scope of some of the legislative changes and the sheer amount of paperwork involved.

I have no more questions, Chair.

Mr Brooks: I have just a brief point. There is probably an element of how the Executive at large coordinate around this. I understand that some of those issues on trade, import and export are quite far away from what you do on a day-to-day basis. I do not want you to feel that we are homing in on you; I understand that. However, we will have to get to a point where the Executive, as a whole, understand that, where there is a lead Department on an issue, it needs to work with us in providing some of the information that it will have around issues that do not fall within its remit. That is something that the Executive need to look at: how that Department fulfils that role in interacting with the Committee.

It is not just on you, the witnesses. Some of this is quite different in nature from the work you do. However, where a lead Department is involved in discussion forums around something coming in, where it may have access to information that the rest of us, in other Departments, do not, it is important that those officials go into those meetings knowing that there may be a requirement to

attend this Committee and furnish it with information that is outwith what they would normally do in their day-to-day roles.

The Chairperson (Mr McGuigan): You missed the opportunity to say, "armed with that information".

Mr Brooks: There you go: I leave the puns to you, Chair.

The Chairperson (Mr McGuigan): OK. Are there any other questions? None. OK.

Thank you very much for your evidence. We really appreciate it.