



Jersey

## **FIREARMS (AMENDMENT No. 2) (JERSEY) LAW 2009**

### **Arrangement**

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## **FIREARMS (AMENDMENT No. 2) (JERSEY) LAW 2009**

**A LAW** to amend further the Firearms (Jersey) Law 2000 and for connected purposes

*Adopted by the States*

*3rd December 2008*

*Sanctioned by Order of Her Majesty in Council*

*13th May 2009*

*Registered by the Royal Court*

*29th May 2009*

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

### **1 Interpretation**

In this Law “principal Law” means the Firearms (Jersey) Law 2000<sup>1</sup>.

### **2 Article 1 amended**

In Article 1(1) of the principal Law –

(a) after the definition “component part” there shall be inserted the following definition –

“ ‘Connétable’ means –

(a) in Articles 3 to 8 and 9(2), the person responsible for the grant, variation and revocation of a firearm certificate in accordance with Article 2A;

(b) in Article 45, the person responsible for the grant of a hunting licence, in accordance with Article 2A as applied by paragraph Article 45(7);”;

(b) after the definition “firearms dealer” there shall be inserted the following definitions –

“ ‘flare gun’ means a firearm, with a barrel not exceeding 250 mm and a calibre not exceeding 26.5 mm, constructed or adapted solely for the discharge of projectile material for the purpose of giving warning or illumination or as a signal;

‘hunting licence’ means a licence granted under Article 45;”;

- (c) in the definition “prohibited ammunition”, the words “, (d)” shall be deleted;
- (d) after the definition “rifle” there shall be inserted the following definition –

“ ‘school premises’ means land consisting of an institution providing full or part-time education but does not mean any land occupied solely as a dwelling by a person employed at the school;”.

### 3 Article 2 amended

In Article 2(2) of the principal Law –

- (a) for sub-paragraph (a) there shall be substituted the following sub-paragraph –
- “ (a) all firearms except –
- (i) flare guns, and
- (ii) any air weapon of a type declared by Order of the Minister under Article 57 not to be specially dangerous;”;
- (b) in sub-paragraph (b)(ii) for the words “an air weapon” there shall be substituted the words “a flare gun or an air weapon”.

### 4 Article 2A inserted

After Article 2 of the principal Law there shall be inserted the following Article –

#### “2A Responsibility for grant, variation and revocation of firearm certificates

- (1) Subject to this Article, the person responsible for the grant, variation and revocation of a firearm certificate under this Law is the Connétable of the parish in which an applicant for, or the holder of, a firearm certificate resides.
- (2) Where the applicant for the certificate is the Connétable of the parish in which the Connétable himself or herself resides, or that Connétable’s spouse, parent, child or sibling, the person responsible for the grant, variation and revocation of that certificate is the Minister.
- (3) Paragraph (4) applies –
- (a) from –

- (i) where the Connétable of a parish is unable to perform his or her duties under this Law, on account of illness or absence from Jersey, the end of the first 2 weeks of such incapacity or absence, or
- (ii) the time when a vacancy in the office of Connétable arises;
- (b) until the Connétable is again able to perform those duties or until the election of a new Connétable, whichever first occurs.
- (4) Where this paragraph applies, the person responsible for the grant, variation and revocation of a firearm certificate in the parish is the Chef de Police of the parish.”.

## 5 Article 3 amended

In Article 3 of the principal Law –

- (a) in paragraph (2), for the words “up to 4 photographs of the applicant” there shall be substituted the words “such photographs of the applicant as may be prescribed”;
- (b) for paragraph (7) there shall be substituted the following paragraphs –
  - “(7) A firearm certificate shall, unless previously revoked or cancelled, remain in force from the date on which it was granted for –
    - (a) a period of 5 years; or
    - (b) where the certificate is being renewed without any material change in the conditions attached to it, the aggregate of –
      - (i) the remainder of the period for which the current licence would have remained in force (disregarding any extension under paragraph (7A)), and
      - (ii) the period of 5 years immediately following the period described in clause (i).
  - (7A) Notwithstanding paragraph (7), where an application for renewal of a firearm certificate has been made 3 months or more before the date the certificate would, apart from this paragraph, expire and the application will not be determined by the Connétable before that date –
    - (a) the Connétable may endorse the firearm certificate, in the prescribed manner, as remaining in force until whichever is the earlier of –
      - (i) the expiry of the period of 2 months following the date on which the certificate would, apart from this paragraph, expire, or
      - (ii) the determination of the application for renewal by the Connétable; and
    - (b) the firearm certificate shall continue in force in accordance with the endorsement, unless revoked or cancelled earlier.

(7B) Where a Connétable determines that a firearm certificate which continues in force in accordance with paragraph (7A) shall not be renewed and, accordingly, the certificate ceases to be in force before the expiry of the period mentioned in sub-paragraph (a)(i) of that paragraph, Article 5(1) and (3) shall apply as if, on the determination, the certificate had been revoked.

(7C) This Article shall otherwise apply to the renewal of a certificate as it applies to the first grant of a certificate.”.

(c) paragraph (13) shall be deleted.

## **6 Article 8 substituted**

For Article 8 of the principal Law there shall be substituted the following Articles –

### **“7A Particulars to be forwarded to Chief Officer**

(1) The Connétable shall forward to the Chief Officer particulars of the grant, renewal or variation of a firearm certificate under Article 3 within 21 days of the certificate being granted, renewed or varied.

(2) The Connétable shall forward to the Chief Officer particulars of the revocation or partial revocation of a firearm certificate under Article 3 or 4 as soon as practicable after the certificate is revoked or partially revoked.

### **8 Central Firearms Index**

(1) The Chief Officer shall maintain an index, to be known as the Central Firearms Index.

(2) The Central Firearms Index shall include –

(a) any particulars forwarded to the Chief Officer under Article 7A; and

(b) any notice of the cancellation of a firearm certificate sent to the Chief Officer under Article 48(2)(a).”.

## **7 Article 9 amended**

In Article 9(1)(b) of the principal Law, for the words “Connétable who issued the certificate” there shall be substituted the words “Connétable of the parish in which the certificate holder resides”.

## **8 Article 12 substituted**

For Article 12 of the principal Law there shall be substituted the following Article –

**“12 Firearms and ammunition on ships**

- (1) Any person may, without holding a firearm certificate –
  - (a) have in the person’s possession, on board a ship, a firearm or ammunition as part of the equipment of the ship;
  - (b) remove a firearm or ammunition from or to a ship, in accordance with the terms of a permit in the prescribed form issued to the person by the Harbour Master.
- (2) The Harbour Master shall notify the Chief Officer and the Connétable of the parish in which the ship has entered, of the issue of the permit.
- (3) In paragraph (1), the references to a firearm or ammunition are to a firearm or ammunition for possession of which a person would, apart from paragraph (1), require a firearm certificate.
- (4) A person who knowingly or recklessly makes any false statement in connection with the issue of a permit under paragraph (1)(b) shall be guilty of an offence and liable to imprisonment for a term of 2 years and to a fine.”.

**9 Article 14 amended**

In Article 14 of the principal Law –

- (a) in the heading for the words “other approved activities” there shall be substituted the words “other permitted possession of firearms or ammunition”;
- (b) after paragraph (7) there shall be inserted the following paragraph –

“(7A) The executor or administrator of the estate of a deceased certificate holder, or a deceased certificate holder’s principal heir or next of kin, may, without holding a firearm certificate, have in his or her possession any firearm or ammunition that belonged to the deceased certificate holder, until it is reasonably practical for him or her to surrender the firearm or ammunition to a police officer or a registered firearms dealer.”.

**10 Article 15 amended**

For Article 15(1) of the principal Law there shall be substituted the following paragraph –

- “(1) Any club that is –
  - (a) a pistol club;
  - (b) a shot gun club;
  - (c) a rifle club;
  - (d) a miniature rifle club; or
  - (e) any combination of the foregoing,

may apply in the prescribed form to the Minister for approval as a shooting club.”.

**11 Article 16 repealed**

Article 16 of the principal Law shall be repealed.

**12 Article 28 amended**

In Article 28(2) of the principal Law for the words “the Connétable who granted the party’s certificate” there shall be substituted the words “the Connétable of the parish in which the certificate holder resides”.

**13 Article 29 amended**

In Article 29(1) and (2) of the principal Law for the words “the Connétable who granted the certificate” there shall be substituted the words “the Connétable of the parish in which the certificate holder resides”.

**14 Article 30 amended**

In Article 30 of the principal Law –

- (a) in paragraph (1) for the words “the Connétable who granted the transferor’s certificate” there shall be substituted the words “the Connétable of the parish in which the transferor resides or last resided”;
- (b) in paragraph (3) for the words “the Connétable who granted the certificate” there shall be substituted the words “the Connétable of the parish in which the certificate holder resides or last resided”.

**15 Article 43 amended**

In Article 43(1) of the principal Law, for the words following the words “and liable to” there shall be substituted the words “imprisonment for a term of 4 years and to a fine.”.

**16 Article 45 substituted**

For Article 45 of the principal Law there shall be substituted the following Article –

**“45 Restrictions on hunting any bird or animal**

- (1) Subject to paragraph (2), any person who hunts any animal or bird with any firearm on Sunday, Good Friday or Christmas Day or between sunset and sunrise on any other day, shall be guilty of an offence and liable to a fine of level 2 on the standard scale, unless he or she is acting under and in accordance with the terms or conditions of a licence granted under this Article.



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- (2) The Connétable of a parish may, by licence in writing, authorize a person who resides in the parish to hunt, for the purpose of preserving public health or public or air safety –
    - (a) such animals and birds as may be specified in the licence;
    - (b) in any parish, or part of a parish, specified in the licence;
    - (c) for such period as shall be specified in the licence;
    - (d) on any days in that period, or on such days in that period, as may be specified in the licence;
    - (e) between sunset and sunrise or between such times between sunset and sunrise as may be specified in the licence.
  - (3) Before granting a licence under paragraph (2), a Connétable shall consult –
    - (a) the Connétable of any other parish in which the applicant proposes to hunt under the licence; and
    - (c) any other person or body whom the Minister considers it appropriate to consult.
  - (4) The Connétable may grant a licence under paragraph (2) subject to such further conditions as the Connétable thinks fit.
  - (5) The Connétable may revoke a licence granted under paragraph (2) if the holder of the licence has not complied with the terms and conditions on which it is granted or if the Connétable is satisfied that the holder no longer has a good reason for having the licence.
  - (6) A Connétable shall –
    - (a) forward a copy of a licence granted under this Article to the Minister, to each Connétable consulted in accordance with paragraph (3) and to the Chief Officer; and
    - (b) inform each of those persons of the revocation of such a licence.
  - (7) Article 2A shall apply for the purposes of the grant of a licence under this Article as it applies for the purposes of the grant of a firearm certificate.
  - (8) The grant of a licence under this Article –
    - (a) is not, for the purposes of Article 5(2)(b) of the Conservation of Wildlife (Jersey) Law 2000<sup>2</sup>, authority to destroy any protected wild animal or protected wild bird within the meaning of that Law; and
    - (b) does not derogate from any requirement for a licence under that Law to make the hunting lawful.”.

## 17 Article 48 amended

In Article 48 of the principal Law –

- (a) in the heading for the word “certificates” there shall be substituted the words “certificate or licence”;

- (b) in paragraph (1) after the words “firearm certificate” there shall be inserted the words “or hunting licence”;
- (c) for paragraphs (2) and (3) there shall be substituted the following paragraphs –
  - “(2) Where, pursuant to paragraph (1), the court cancels a person’s firearm certificate or hunting licence –
    - (a) the court shall cause notice to be sent to –
      - (i) the Connétable of the parish in which the person resides, and
      - (ii) the Chief Officer; and
    - (b) the Connétable shall by notice in writing require the person to surrender the certificate or licence, as the case requires, within the period of 21 days from the date of the notice.
  - (3) A person who fails to comply with a notice given under paragraph (2)(b) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.”.

## 18 Article 50 amended

In Article 50 of the principal Law –

- (a) for paragraph (1) there shall be substituted the following paragraphs –
  - “(1) A visitor or intended visitor to Jersey who wishes to bring to Jersey any firearm and ammunition to which Article 2 applies may apply to the Chief Officer for a visitor’s permit.
  - (1A) The Chief Officer may grant a visitor’s permit if the applicant –
    - (a) is the holder of a valid certificate issued in any place outside Jersey authorizing the applicant to possess firearms and ammunition and has produced the certificate or a certified true copy of the certificate to the Chief Officer; or
    - (b) is resident in a place that does not require the applicant to have a permit for the firearm that he or she wishes to bring to Jersey and the application is supported in writing by an official of a shooting club,and has paid the prescribed fee.
  - (1B) The visitor’s permit shall be in the prescribed form and shall authorize the applicant, without being a certificate holder –
    - (a) to possess the firearm described in the permit; and
    - (b) to possess and acquire the quantity of ammunition that is described in the permit,for such period not exceeding one year from the date of grant of the permit as shall be specified in the permit.
  - (1C) There shall be payable for the grant of a visitor’s permit such fee as may be prescribed and different fees may be prescribed for different circumstances.”;

- (b) paragraphs (5) and (6) shall be deleted.

**19 Article 55 substituted**

For Article 55 of the principal Law there shall be substituted the following Article –

**“55 Appeals**

- (1) Any person aggrieved by –
- (a) a refusal to grant, vary or renew a firearm certificate under Article 3;
  - (b) the revocation of a firearm certificate under Article 3(5)(a) to (d);
  - (c) the partial revocation of a firearm certificate under Article 4;
  - (d) the imposition of any additional conditions under Article 9(2);
  - (e) the refusal to issue a permit under Article 14(8) or any terms to which the permit is subject;
  - (f) the refusal to approve a club under Article 15(1);
  - (g) the imposition of any conditions on the approval of a club under Article 15(2)(a);
  - (h) the variation or withdrawal of an approval under Article 15(2)(b);
  - (i) the refusal to issue a permit to an auctioneer under Article 19(2) or any terms to which the permit is subject;
  - (j) the refusal to register the person as a firearms dealer under Article 20(3);
  - (k) the imposition or variation of, or refusal to vary or revoke, any condition of registration under Article 20(4);
  - (l) the removal of the person’s name from the register under Article 20(6) or Article 21(3);
  - (m) a refusal to enter in the register a place of business of a registered firearms dealer under Article 22(3);
  - (n) a removal from the register of a place of business of a registered firearms dealer under Article 22(3);
  - (o) the refusal to grant a hunting licence under Article 45(2);
  - (p) the terms and conditions of a hunting licence granted under Article 45(2);
  - (q) the imposition of any further conditions on a hunting licence under Article 45(4);
  - (r) the revocation of a hunting licence under Article 45(5);
  - (s) the refusal to grant a visitor’s permit under Article 50(1A);

- (t) the imposition of conditions on the grant of a visitor's permit under Article 50(2);
  - (u) the addition, variation or removal of a condition attached to a visitor's permit under Article 50(3)(a); or
  - (v) the cancellation of a visitor's permit under Article 50(3)(b),
- may, within 28 days after the day on which the person receives notice of the decision in question, appeal to the Court.

- (2) On the hearing of an appeal under this Article, the Court may –
  - (a) consider any evidence or other matter whether or not it was available when the decision being appealed against was taken;
  - (b) either dismiss the appeal or give the person authorized by this Law to grant the certificate, approval, licence, registration or permit which is the subject of the appeal, such directions as the Court thinks fit as respects the certificate, approval, licence, registration or permit.”.

## **20 Citation and commencement**

This Law may be cited as the Firearms (Amendment No. 2) (Jersey) Law 2009 and shall come into force 7 days after it is registered.

**M.N. DE LA HAYE**

*Greffier of the States*

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- <sup>1</sup> *chapter 23.200*  
<sup>2</sup> *chapter 22.450*