

Draft
Ordinance of the Chief Pleas
entitled
The Shotguns (Sark) Ordinance, 1994

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of 5th October, 1994, and in exercise of the powers conferred upon them by section 50(2) of the Firearms (Guernsey) Law, 1983(a) and all other powers enabling them in that behalf, hereby order:-

Substantive provisions

Requirement for shotgun licence

1. (1) Subject to the exceptions set out in this Ordinance, a person shall not -

(a) have in his possession, use, purchase or acquire, a shotgun without holding a shotgun licence in force at the time, or otherwise than as authorised by such a licence;

(b) have in his possession, use, purchase or acquire, any ammunition for a shotgun without holding a shotgun licence in force at the time, or otherwise than as authorised by such a licence, or in quantities in excess of those so authorised.

(2) the holder of a shotgun licence must comply with every condition subject to which it is granted.

(a) Ordres en Conseil Vol. XXVIII, pp.53 and 511.

Business and other transactions with shotguns

2. (1) A person shall not, by way of trade or business -

(a) manufacture, sell, transfer, repair, test or prove a shotgun, or

(b) expose for sale or transfer a shotgun, or have a shotgun in his possession for sale, transfer, repair, test or proof,

without being registered under the Law as a firearms dealer.

(2) A person shall not sell or transfer a shotgun to any other person except a registered firearms dealer unless that other produces his shotgun licence or shows that he is by virtue of this Ordinance entitled to purchase or acquire it without holding a licence.

(3) A person shall not undertake the repair, test or proof of a shotgun for any other person except a registered firearms dealer as such, unless that other produces his shotgun licence or shows that he is by virtue of this Ordinance entitled to have possession of it without holding a licence.

(4) Subsections (1) to (3) of this section have effect subject to any exemption under this Ordinance or under the Law.

(5) A person shall not, with a view to purchasing or acquiring, or procuring the repair, test or proof of, a shotgun, produce a false document or a

document in which any false entry has been made, or personate a person to whom a shotgun licence has been granted, or make any false statement.

Shotgun permits

3. (1) A person who has obtained from the Constable a permit for the purpose in the form set out in Schedule 1 to this Ordinance or a form to the like effect, may, without holding a shotgun licence, have in his possession a shotgun and ammunition in accordance with the terms of the permit.

(2) A person shall not make any statement which he knows to be false for the purpose of procuring, whether for himself or for another person, the grant of a permit under this section.

Possession of shotguns by visitors

4. (1) A person not ordinarily resident in Sark who is the holder of a current permit (by whatever named called) issued by the appropriate authority in his place of residence authorising him to possess a shotgun there, and who has not been in Sark for more than 30 days in all in the preceding 12 months, may have that shotgun and ammunition therefor in his possession without holding a shotgun licence if -

(a) the permit is in his possession in Sark; and

(i) the shotgun is to be used at a shoot organised by an established shooting club in Sark; or

- (ii) he has in his possession the authority in writing of the owner of the land on which the shotgun is to be used.

(2) For the purposes of section 13 of this Ordinance (production of licences) any permit described in subsection (1) of this section is deemed to be a shotgun licence valid during the 30 days concerned.

Acquisition of shotguns and ammunition by minors

5. (1) A person shall not sell or let on hire any shotgun or ammunition to a person under the age of 16 years.

(2) A person shall not make a gift -

- (a) of a shotgun, to a person under the age of 12 years; or
- (b) of ammunition for a shotgun, to a person under the age of 16 years.

(3) In proceedings for contravening any provision of this section it is a defence for the person charged with the offence to prove that he believed on reasonable grounds that the other person was of or over the age mentioned in the provision.

Insurance

6. (1) A person shall not use or cause or permit any other person to use any shotgun unless there is in force in relation to the use of that shotgun by that person or that other person, as the case may be, a policy of insurance issued by an authorised insurer,

the policy being one which, subject to any restrictions or conditions specified therein, insures such persons or classes of persons as may be specified in the policy in an amount of not less than one million pounds in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person or for loss of or any damage to property in any one occurrence or series of occurrences arising out of any one event caused by or arising out of the use of that shotgun.

(2) A person shall not make any statement which he knows to be false for the purpose of procuring, whether for himself or another person, a policy of insurance.

(3) A person shall not, with a view to obtaining the grant or renewal of a shotgun licence, produce a false policy of insurance or a policy of insurance in which any false entry has been made, or personate a person to whom a policy of insurance has been issued, or make any false statement in relation to a policy of insurance.

(4) Section 13 of this Ordinance (production of licences) applies in relation to a policy of insurance, or to such other written evidence of the existence of such policy as may be acceptable to the Constable, as it applies in relation to a shotgun licence.

(5) In this section "authorised insurer" has the same meaning as in section 25 of the Law.

Procedural provisions

Application for, and grant of, licences

7. (1) An application for the grant of a shotgun licence shall be made in the form set out in Schedule 2 to this Ordinance or a form to the like effect, to the Constable, shall state such particulars as may be required by the form, and shall be accompanied by a policy of insurance in relation to the use by the applicant of any shotgun specified in the application or by such other written evidence of the existence of such policy as may be acceptable to the Constable.

(2) A shotgun licence shall, unless previously revoked or cancelled, continue in force for one year from the date when it was granted or last renewed, but shall be renewable for a further period of one year by the Constable upon an application being made to him in the form set out in Schedule 2 to this Ordinance or a form to the like effect, and so on from time to time.

(3) A person aggrieved by the refusal of the Constable to grant a shotgun licence may appeal against the refusal under section 11 of this Ordinance.

(4) A person shall not make any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a shotgun licence.

(5) A shotgun licence shall be granted or, as the case may be, renewed, by the Constable unless he has reason to believe that the applicant:

- (a) is prohibited by this Ordinance from possessing a shotgun; or
- (b) cannot be permitted to possess a shotgun without danger to the public safety or to the peace; or
- (c) has not attained the age of 18 years, or
- (d) is not covered in respect of the use of a shotgun to which the application relates by a policy of insurance.

(6) Notwithstanding the provisions of paragraph (c) of subsection (5) of this section, the Constable may, on receipt of an application accompanied by the written consent of the parent or guardian of the applicant, issue to a person who has not attained the age of 18 years -

- (a) where the applicant has attained the age of 12 years, a shotgun licence ("a restricted shotgun licence") authorising the holder to use a shotgun only at a place approved by the Constable named in the licence, and only while the holder is under the personal supervision of a person over the age of 18 years who is himself the holder of a shotgun licence for the time being in force; or

(b) where the applicant has attained the age of 16 years, a shotgun licence ("a shotgun training licence") authorising the holder to use a shotgun (with the permission of the owner of the land on which it is used) only while under the personal supervision of a person over the age of 18 years named in the shotgun training licence who is the holder of a shotgun licence in force at the time when he exercises such supervision.

(7) A shotgun licence shall

- (a) be in the form set out in Schedule 3 to this Ordinance or a form to the like effect and shall specify the conditions subject to which it is held, the nature and number of the shotguns to which it relates and, as respects shotgun ammunition, the quantities which may be purchased and held at any one time thereunder;
- (b) shall in every case be subject to the general conditions specified at items 3(i) to 3(vi) in that form; and
- (c) may be subject to such additional conditions as the Constable may specify and insert under item 4 in that form when the licence is issued, renewed or varied under the Ordinance.

(8) This section applies to the renewal of a shotgun licence as it applies to a grant.

Variation of licences

8. (1) The Constable may at any time by notice in writing vary the conditions subject to which a shotgun licence is held, and may by the notice require the holder to deliver up the licence to him within such period as may be specified in the notice for the purpose of amending the conditions specified therein.

(2) A shotgun licence may also, on the application of the holder, made in accordance with the form set out in Schedule 2 to this Ordinance or a form to the like effect, be varied from time to time by the Constable; and a person aggrieved by the refusal of the Constable to vary a shotgun licence may appeal against the refusal under section 11 of this Ordinance.

(3) A person shall not make any statement which he knows to be false for the purpose of procuring, whether for himself or another person, the variation of a shotgun licence.

Revocation of licences

9.(1) A shotgun licence may be revoked by the Constable if he is satisfied that the holder is prohibited by this Ordinance from possessing a shotgun, or cannot be permitted to possess a shotgun without danger to the public safety or to the peace, or that a shotgun to which the licence relates is not the subject of a policy of insurance.

(2) A person aggrieved by the revocation of a shotgun licence may appeal against the revocation under section 12 of this Ordinance.

(3) Where a shotgun licence is revoked by the Constable under this section, he shall by notice in writing require the holder to surrender the licence within such period from the date of the notice as may be specified therein; and the holder must do so within the period so specified:

Provided that, if an appeal is brought against the revocation, this subsection shall not apply to that revocation unless the appeal is abandoned or dismissed, and shall then apply with the substitution, for the reference to the date of the notice, of a reference to the date on which the appeal was abandoned or dismissed.

Fees

10. There shall be payable to the Constable -

- (a) on the grant of a shotgun licence,
- (b) on the renewal of a shotgun licence or on the replacement of such a licence which has been lost or destroyed,
- (c) on any variation of a shotgun licence (except when it is renewed or replaced at the same time) so as to increase the number of shotguns to which the licence relates,

a fee of £5.00.

Appeals

11.(1) A person aggrieved by a decision of the Constable under section 7, 8 or 9 of this Ordinance may appeal to the Court of the Seneschal on the grounds that the decision was ultra vires or unreasonable.

(2) It is hereby declared for the avoidance of doubt that an appeal under this section is a civil matter for the purposes of section 23(2) of the Reform (Sark) Law, 1951(b).

Enforcement provisions

Search warrants

12. If the Seneschal is satisfied by information on oath that there is reasonable ground for suspecting that a contravention of this Ordinance has been is being, or is about to be, committed, the Seneschal may grant a search warrant authorising a police officer named therein -

(a) to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found there;

(b) Ordres en Conseil Vol. XV, p.215; Vol. XXIII, p.200; Vol. XXVII, p.385; Vol. XXIX, p.352 : section 23(2) was substituted by the Court of the Seneschal (Increase of Jurisdiction and Transfer of Prisoners) Law, 1971 (Ordres en Conseil Vol. XXIII, p.200).

- (b) to seize and detain any shotgun or ammunition which he may find at the premises or place, or on any such person, in respect of which or in connection with which he has reasonable ground for suspecting that a contravention of this Ordinance has been, is being, or is about to be, committed; and
- (c) if the premises are those of a registered firearms dealer, to examine any books relating to the business.

Production of licences etc.

13.(1) A police officer may demand, from any person whom he believes to be in possession of a shotgun, the production of his shotgun licence.

(2) If a person upon whom a demand is made under this section fails to produce the licence or to permit the police officer to read it, or to show that he is entitled by virtue of this Ordinance to have a shotgun in his possession without holding a licence, the police officer may seize and detain the shotgun and may require the person to declare to him immediately his name and address.

(3) If under this section a person is required to declare to a police officer his name and address, he must declare his true name and address; and the police officer may arrest him without warrant if he refuses to declare his name and address or if the police officer suspects him of giving a false name or address or of intending to abscond.

Forfeiture

14.(1) When a person is convicted of an offence under section 50(3) of the Law the Court of the Seneschal may make such order as to the forfeiture or disposal of any shotgun or ammunition found in his possession as the court thinks fit and may cancel any shotgun licence held by him.

(2) Where the court cancels a licence under this section -

- (a) the court shall cause notice to be sent to the Constable; and
- (b) the Constable shall by notice in writing require the holder of the licence to surrender it within such period as may be specified in the notice; and
- (c) the holder must surrender the certificate within the period specified in the notice given him by the Constable.

(3) A police officer may seize and detain any shotgun or ammunition which may be the subject of an order for forfeiture under this section.

(4) The Court of the Seneschal may, on the application of the Constable, order any shotgun or ammunition seized and detained by a police officer under this Ordinance to be destroyed or otherwise disposed of.

Supplementary provisions

Service of notices

15. Any notice required or authorised by this Ordinance to be given to a person shall be validly served or given if delivered to him, or if left or sent by registered post or by recorded delivery service to him at his usual or last known place of abode.

Interpretation

16.(1) In this Ordinance, unless the context otherwise requires, -

(a) "contravention" includes failure to comply;

"the Law" means the Firearms (Guernsey) Law, 1983;

"police officer" means the Constable, the Vingtenier and any member of the salaried police force of the Island of Guernsey;

"policy of insurance" means a current policy of insurance which complies with the requirements of section 6(1) of this Ordinance;

"shotgun" means a smooth bore gun with a barrel not less than 24 inches in length (measured from the muzzle to

the point at which the charge is exploded on firing) not being an air gun;

"shotgun licence" means a licence granted by the Constable under this Ordinance in respect of a shotgun or ammunition for a shotgun;

- (b) other words and expressions defined in the Law have the meanings given for them in the Law;
- (c) related words and expressions, and corresponding parts of speech, are to be construed accordingly;
- (d) a reference to an enactment is to that enactment as amended, repealed and replaced, extended to applied by or under any other enactment including this Ordinance.

(2) The Interpretation (Guernsey) Law, 1948(c) applies to the interpretation of this Ordinance as it applies to the interpretation of an enactment in force in the Island of Guernsey.

Citation

17. This Ordinance may be cited as the Shotguns (Sark) Ordinance, 1989.

(c) Ordres en Conseil Vol. XIII, p.355.

Commencement

18. This Ordinance shall come into force as follows:

- (a) sections 7, 10(a) and 11 on 5th October, 1994;
- (b) the remaining provisions, on 31st December, 1994.

Schedule 2

Sections 7(1), 7(2)
and 8(2)

APPLICATION FOR THE GRANT, RENEWAL OR VARIATIONS OF
SHOTGUN LICENCE
Shotguns (Sark) Ordinance, 1989 sections 7(1), 7(2) and
8(2).

To be completed by all applicants

Applicant's title
and surname
(Mr./Mrs./Miss Surname
or other title)
Christian or forenames in full
Full postal address
Date of birth Place of birth

SHOTGUNS:

Details of shotguns possessed at date of this
application. If none, write NONE here:
Calibre Maker's name Type Serial No.

Details of shotguns desired to be purchased or
acquired:
Calibre Maker's name Type Serial No.

AMMUNITION

Quantity Calibre
Amount of ammunition possessed
at date of this application:

Maximum amount of ammunition
desired to be possessed at
any one time:

Maximum amount of ammunition
desired to be purchased or
acquired at any one time:

Do you suffer from any form of mental disorder or
defect? YES/NO\$

If YES, give details:

Have you been convicted of any offence, other than
minor traffic offences? YES/NO\$

If YES, give details:
Are you a member of a shooting club? YES/NO\$

If YES, give details:

Reasons for requiring each of the shotguns and the
ammunition specified:

Where do you intend to use each of the shotguns
specified?

Where, if a shotgun licence is issued, renewed or
varied, will each of the shotguns and the ammunition be
kept when not in use and what arrangements have been
made for their safe custody?

.....

\$Delete as appropriate.

To be completed in respect of applications for the
GRANT of a shotgun licence

Date and place of issue of any previous shotgun licence
or certificate held. If none, write NONE here.....

Date of issue.....Place of issue.....

Date and place of issue of any firearm certificate
held. If none, write NONE here.....

Date of issue.....Place of issue.....

Number.....

Have you at any time had an application for the grant
or renewal of a firearm or shotgun licence or
certificate refused? YES/NO\$

If YES Date Place

If at any time you have used a name or names other than
those quoted above, give details (including, in the
case of a married woman, surname before marriage):
.....

If you have lived at addresses other than those quoted
above during the last five years, give them below:
.....
.....
.....

\$Delete as appropriate

To be completed in respect of applications for the RENEWAL or VARIATION of a shotgun licence

Details of shotgun/shotgun training/restricted shotgun licence to be renewed or varied:

Number Date of issue

To be completed by ALL applicants

COMPULSORY THIRD-PARTY INSURANCE

Name of Insurance Company

Policy No..... Amount of Indemnity.....

I hereby apply to the Constable for

a shotgun licence/restricted shotgun licence/shotgun training licence\$

the renewal of the shotgun licence specified\$

the variation of the shotgun licence specified\$

in respect of the shotgun(s) and ammunition and for the reasons specified.

I declare that the statements made on this form are true.

Date

Usual signature of applicant

If the applicant is under 18 years of age, signature of parent or guardian.

.....

Telephone number (in case the Constable needs to contact you).

\$Delete as appropriate

Schedule 3

Section 7(7)

SHOTGUN LICENCE

This licence is granted for the purposes of the Shotguns (Sark) Ordinance, 1994 to the holder named below and relates to the shotguns and ammunition specified hereunder.

Name and address of holder

r	┌	Licence number
		Date of issue
L	└	Expiry date

When notifying a change of address (see condition 3(vi) below) please enclose this licence for amendment.

Signature of holder	Signed
	(Constable)

- 1. SHOTGUNS To be kept in safe custody
 - (i) Possessed.
 - (ii) Authorised to be purchased or acquired.

2. AMMUNITION

Calibre	Possessed	Maximum amount authorised to be possessed at any one time	Maximum amount authorised to be purchased or acquired at any one time

3. GENERAL CONDITIONS

This licence is subject to the following conditions. Maximum penalty for non-compliance: 3 months imprisonment.

- (i) The holder must, on receipt of this licence, sign it in ink with his/her usual signature.
- (ii) The shotguns and ammunition to which this licence relates must at all times when not in

actual use be kept in a secure place with a view to preventing access to them by unauthorised persons.

- (iii) A shotgun to which this licence relates must, when being carried in a public place and not in actual use, be sleeved or boxed at all times.
- (iv) A shotgun to which this licence relates must not be taken into any public house or other licensed premises.
- (v) The holder must inform the Constable at once of the theft, loss, sale or other disposal of any shotgun to which this licence relates.
- (vi) The holder must, without undue delay, inform the Constable of any change in his/her permanent address.

4. ADDITIONAL CONDITIONS