

# ORDER IN COUNCIL

**II**  
**2000**

ratifying a Projet de Loi

ENTITLED

## **The Firearms (Guernsey) (Amendment) Law, 2000**

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(Registered on the Records of the Island of Guernsey  
on the 11th April, 2000.)

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**2000**

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 11th day of April, 2000 before de Vic Graham Carey, Esquire, Bailiff; present:- John Richard Rowe Henry, David Charles Lowe, Esquires, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, O.B.E., Esquires, and The Reverend Peter Gerald Lane, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 15th day of March, 2000, approving and ratifying a Projet de Loi entitled "The Firearms (Guernsey) (Amendment) Law, 2000", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ORDERED that the said Order in Council be registered on the records of this Island of which Order in Council the tenor followeth:-

## At the Court at Buckingham Palace

The 15th day of March 2000

PRESENT,

### The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 3rd day of March 2000 in the words following, viz.:-

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth:-

“1. That, in pursuance of their Resolution of the 29th day of September 1999, the States of Deliberation at a meeting held on the said 29th day of September 1999 approved a Bill or “Projet de Loi” entitled “The Firearms (Guernsey) (Amendment) Law, 2000”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is as set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Firearms (Guernsey) (Amendment) Law, 2000”, and to order that the same shall have force of law in the Islands of Guernsey, Herm and Jethou.”:

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of law within the Islands of Guernsey, Herm and Jethou.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet do Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island to Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*A. K. Galloway*

**The Firearms (Guernsey) (Amendment) Law, 2000**

**THE STATES**, in pursuance of their Resolutions of the 29th day of September, 1999<sup>1</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

**Amendment of 1998 Law in respect of loaded shot guns in public places.**

1. After section 20 of the Firearms (Guernsey) Law, 1998<sup>2</sup> ("the Law"), insert the following section-

**"Possession of loaded shot guns in public places.**

**20A.(1)** A person does not commit an offence under section 20 by reason of having with him in a public place a loaded shot gun provided that-

(a) he does so under the authority of and in accordance with the conditions of a licence granted to him under this section by the Chief Officer; and

(b) he holds a shot gun certificate.

(2) A licence granted under this section by the Chief Officer-

(a) shall state the name and address of the person to whom it is granted and shall bear a photograph of that person;

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<sup>1</sup> Article IV of Billet d'État No. XVI of 1999.

<sup>2</sup> Order in Council No. XII of 1998.

- (b) shall be granted for such period not exceeding three years as the Chief Officer thinks fit and shall specify the date upon which it will, unless revoked earlier, cease to be valid; and
- (c) may be granted subject to such conditions (including, without limitation, conditions as to the locations, occasions, circumstances and purposes for which the licence is valid) as the Chief Officer considers to be necessary or expedient, whether on grounds of public safety or otherwise; and the Chief Officer may from time to time by notice in writing vary or rescind any condition subject to which a licence was granted or impose any new condition.

(3) An application for a licence under this section shall be made to the Chief Officer in such form, and shall be accompanied by such documents, information and particulars, as the Chief Officer may require.

(4) A licence under this section shall be granted by the Chief Officer if he is satisfied that the applicant-

- (a) is over 18 years of age;
- (b) is the holder of a shot gun certificate;
- (c) has good reason for applying for the licence; and

(d) can demonstrate proven knowledge and experience of applying the best practice in relation to safe shooting.

(5) A licence under this section shall cease to be valid-

(a) on the date specified therein; or

(b) if the Chief Officer revokes it.

(6) A licence under this section may be revoked by the Chief Officer-

(a) if he is satisfied that, in the case of the holder, any of the requirements of subsection (4)(a) to (d) are not or are no longer complied with or would not be complied with if an application for such a licence were then being made;

(b) if any condition of the licence is contravened; or

(c) on any ground on which, in the case of the holder, a shot gun certificate could be revoked under section 33(2).

(7) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, whether for himself or for another person, the grant or variation of a licence under this section.

- (8) There shall be payable-
- (a) on the grant of a licence under this section;
  - (b) on the replacement of any such licence which has been lost or destroyed; and
  - (c) on the variation of any such licence (otherwise than when it is replaced at the same time);

the prescribed fee.

(10) Where the Chief Officer by notice in writing varies or rescinds any condition subject to which a licence under this section was granted or imposes any new condition, he may by 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 of the licence.

(11) Where the Chief Officer, pursuant to subsection (10), requires the holder of a licence under this section to produce the licence, it is an offence for the holder to fail to deliver up the licence within the specified period.

(12) Where a licence under this section is revoked by the Chief Officer, 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 it is an offence for the holder to fail to 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.

(13) References in this section to the grant of a licence under this section include references to the renewal thereof."

**Production of licences.**

2. After section 50 of the Law insert the following section-

**"Production of licence to carry loaded shot gun in public place.**

**50A.** (1) A police officer may demand, from any person whom he believes to have with him in a public place a loaded shot gun, the production of his licence under section 20A.

(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, the police officer may seize and detain the shot gun and ammunition 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, it is an offence for him to refuse to declare it or to fail to give his true name and address."

**Consequential amendments of 1998 Law.**

3. (1) In the Arrangement of Sections in the Law, after the entries relating to sections 20 and 50 insert, respectively, the following entries-

"20A. Possession of loaded shot guns in public places."; and

"50A. Production of licence to carry loaded shotgun in public place."

(2) In section 20 of the Law, for the words "A person commits an offence" substitute "Subject to the provisions of section 20A, a person commits an offence".

(3) In section 46(1) of the Law, for the expression "section 29" substitute "section 20A, 29".

(4) In section 52(3) of the Law, after the expression "section 50(2)" insert "or 50A(2)".

(5) In Part I of Schedule 2 to the Law, after the entry relating to section 20, insert the following entries-

"S. 20A(7)	Making false statement in order to obtain licence to carry loaded shot gun in public place.	(a) Summary.  (b) On indictment.	6 months or a fine of level 4; or both.  3 years or a fine; or both.
S. 20A(11)	Failure to deliver up licence.	Summary.	A fine of level 3.
S. 20A(12)	Failure to surrender licence on revocation.	Summary or on indictment.	A fine of level 2."

(6) In Part I of Schedule 2 of the Law, after the entry relating to section 50(3), insert the following entry-

"S. 50A(3)	Failure to comply with requirement of police officer that a person shall declare his name and address.	Summary or on indictment.	A fine of level 2."
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**Citation.**

4. This Law may be cited as the Firearms (Guernsey) (Amendment) Law, 2000.