



**The Firearms and Weapons (Approved Ranges)
(Guernsey) Regulations, 2018**

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| <i>Made</i> | <i>17th September , 2018</i> |
| <i>Coming into operation</i> | <i>1st April , 2019</i> |
| <i>Laid before the States</i> | <i>, 2018</i> |

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred on it by sections 22 and 55A of the Firearms and Weapons (Guernsey) Law, 1998^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Range approvals.

1. (1) The owner or occupier of a range may apply to the Committee for approval of the range for the firing of firearms.

(2) An application under paragraph (1) shall –

(a) be made in a form and manner specified by the Committee,

^a Ordres en Conseil Vol. XXXVIII, p. 324; as amended by Vol. XL, p. 24; Order in Council No. IV of 2016; Ordinance No. XXXIII of 2003, No. III of 2012 and No. IX of 2016. See also the Firearms and Weapons (Guernsey) Ordinance, 2017 (Ordinance No. XXVI of 2017).

- (b) specify –
 - (i) the class of firearms sought to be fired on the range,
 - (ii) the class of ammunitions sought to be fired on the range,
 - (iii) the standard operating procedures proposed for the range, and
- (c) include any other information required by the Committee.

(3) The standard operating procedures proposed for the range may delineate an area on a map (whether or not the area is in the range) as a 'danger area' from which the public is to be excluded whilst firing is in progress on the range; in this case, the standard operating procedures shall also set out the geographic coordinates of that area.

(4) If the Committee is of the opinion that the range may safely be used for the firing of firearms and ammunitions of a specified class in accordance with specified standard operating procedures, the Committee may by notice in writing to the applicant approve –

- (a) that range, and
- (b) the following, in relation to that range –
 - (i) a class of firearms specified or referred to in the approval,

- (ii) a class of ammunitions specified or referred to in the approval, and
- (iii) standard operating procedures specified or referred to in the approval.

(5) Upon granting an approval under paragraph (4), the Committee shall publish the following information in any manner the Committee considers appropriate –

- (a) the name and description of the approved range,
- (b) the location of the approved range,
- (c) the class of firearms and the class of ammunitions approved for firing on that range, and
- (d) the standard operating procedures approved for that range.

(6) In addition to its duty in paragraph (5)(d), if the Committee approves the designation of a danger area in the standard operating procedures, the Committee shall publish in the *Gazette Officielle* the geographic coordinates of the danger area and its exact delineation in a map.

(7) If at any time the owner or occupier of an approved range proposes to amend or vary any of the matters specified in paragraph (5)(a), (b), (c) or (d) –

- (a) the owner or occupier may apply to the Committee for approval of the amendment or variation,
- (b) the Committee may approve the amendment or variation if it considers it safe to do so, and
- (c) if the Committee approves the amendment or variation, the Committee shall publish details of it in any manner the Committee considers appropriate, subject to the additional requirement of publication in paragraph (6).

Duties of owners and occupiers of approved ranges.

- 2. (1) The owner or occupier of an approved range shall –
 - (a) if any physical alteration is made to the range after a range approval is granted under regulation 1(4) or (7)(b), give the Committee written notice of the alteration as soon as practicable and in any event within 28 days of the alteration being made, and
 - (b) ensure that the range is inspected for safety by an approved shooting body or the Ministry of Defence of the United Kingdom at least once every four years and that the inspector gives the owner or occupier a report and recommendations (if any) following the inspection, and
 - (c) as soon as practicable and in any event within 28 days of receiving the report and any recommendations –

- (i) submit to the Committee a copy of the report and those recommendations,
- (ii) remedy or rectify any significant physical deficiency identified in the report and recommended to be remedied or rectified,
- (iii) so far as practicable, carry out all the other recommendations in the report, and
- (iv) make a written report to the Committee detailing the steps taken to meet the requirements of subparagraphs (ii) and (iii), including the timetable for any future actions; and if any recommendations are not implemented, the reasons for not implementing those recommendations.

(2) In paragraph (1)(b), "**approved shooting body**" means –

- (a) the National Rifle Association of the United Kingdom,
- (b) the National Small-bore Rifle Association of the United Kingdom, or
- (c) any other shooting organisation approved for this purpose by the Committee.

Suspension or revocation of range approval.

3. (1) The Committee may at any time suspend a range approval

with immediate effect for a period not exceeding six months by notice in writing to the owner or occupier of the approved range, if –

- (a) the Committee has reasonable grounds to suspect that –
 - (i) that owner or occupier has committed a breach, or
 - (ii) the range does not meet or no longer meets the range safety condition,
- (b) the Committee is of the opinion that immediate suspension is necessary for reasons of safety, and
- (c) the suspension is for a period necessary to allow a full investigation to be carried out and completed.

(2) Whether or not a range approval is suspended under paragraph (1), the Committee may at any time suspend or revoke the range approval by notice in writing to the owner or occupier of the approved range –

- (a) at the written request of an owner or occupier of the range, or
- (b) if the Committee is satisfied that –
 - (i) an owner or occupier of the range has committed a breach, or
 - (ii) the range does not meet or no longer meets

the range safety condition.

(3) The Committee shall not suspend or revoke a range approval under paragraph (2)(b) unless –

- (a) the Committee has given the owner or occupier written notice of the proposed suspension or revocation and the reasons for it,
- (b) the notice specifies a period of no less than 2 weeks within which the owner or occupier may make a written representation to the Committee on the proposed suspension or revocation, and
- (c) the Committee has considered any written representation made by the owner or occupier within the period specified in the notice.

(4) If the Committee suspends or revokes a range approval under this regulation, the Committee shall publish a notice of it in any manner the Committee considers appropriate.

(5) In this regulation

"committed a breach" means contravened or failed to comply with –

- (a) regulation 2(1), or
- (b) regulation 10(1), and

"the range safety condition", in relation to a range, means that the range may safely be used for the firing of approved firearms and approved ammunitions in accordance with approved standard operating procedures.

Club approvals.

4. (1) Any shooting club may apply to the Chief Officer for approval to use an approved range for the firing of firearms and ammunition.

(2) An application under paragraph (1) shall –

(a) be made in a form and manner specified by the Chief Officer,

(b) specify persons proposed by the club to act as range officers to supervise the firing of firearms and ammunition on the approved range, and

(b) include any other information required by the Chief Officer.

(3) The Chief Officer may by notice in writing to the club approve the club to use the approved range if the Chief Officer is satisfied that –

- (a) the club is registered as a non profit organisation under the Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008^b,
- (b) the club has permission from the owner or occupier of the range to use the range for the purpose of discharging firearms,
- (c) the club is capable of using the range safely and supervising use of the range to ensure its safety,
- (d) the club holds public liability insurance cover up to a minimum of £5, 000, 000, and
- (e) the persons proposed by the club to act as range officers are approved as such under regulation 6 (approval and duties of range officers).

(4) The Chief Officer may impose any condition on a club approval by specifying the condition in the notice under paragraph (3).

(5) Upon granting a club approval, the Chief Officer shall publish the following information in any manner the Chief Officer considers appropriate –

- (a) the name and contact details for the approved club,
- (b) the name and description of the approved range, and

^b Order in Council No. XXVI of 2008; No. III of 2010; No. VIII of 2011; Recueil d'Ordonnances Tome XXXIII, pp. 149 and 290; Ordinance No. XXIX of 2010; No. VI of 2015; No. IX of 2016.

(c) any conditions of the approval.

(6) The Chief Officer may at any time vary or amend any conditions imposed on a club approval by notice in writing to the approved club.

Suspension or revocation of club approval.

5. (1) The Chief Officer may at any time suspend a club approval with immediate effect for a period not exceeding six months by notice in writing to the approved club, if –

(a) the Chief Officer has reasonable grounds to suspect that the club –

(i) has committed a breach, or

(ii) does not meet or no longer meets an approval requirement,

(b) the Chief Officer is of the opinion that immediate suspension is necessary for reasons of safety, and

(c) the suspension is for a period necessary to allow a full investigation to be carried out and completed.

(2) Whether or not a club approval is suspended under paragraph (1), the Chief Officer may at any time suspend or revoke the club approval by notice in writing to the club –

(a) at the written request of that club, or

- (b) if the Chief Officer is satisfied that that club –
 - (i) has committed a breach, or
 - (ii) does not meet or no longer meets an approval requirement.

(3) The Chief Officer shall not suspend or revoke a club approval under paragraph (2)(b) unless –

- (a) the Chief Officer has given the club written notice of the proposed suspension or revocation and the reasons for it,
- (b) the notice specifies a period no shorter than 2 weeks within which the club may make a written representation to the Chief Officer on the proposed suspension or revocation, and
- (c) the Chief Officer has considered any written representation made by the club within the period specified in the notice.

(4) If the Chief Officer suspends or revokes a club approval under this regulation, the Chief Officer shall publish notice of it in any manner the Chief Officer considers appropriate.

(5) In this regulation –

"**approval requirement**" means any requirement of regulation 4(3)(a) to (e), and

"committed a breach" means contravened or failed to comply with –

- (a) a condition of the approval imposed under regulation 4(4) or (6), or
- (b) regulation 9(1) or (2) or 10(1).

Approval and duties of range officers.

6. (1) Any person may apply to the Chief Officer for approval as a range officer for an approved range.

(2) An application under paragraph (1) shall –

- (a) be made in a form and manner specified by the Chief Officer, and
- (b) include any other information required by the Chief Officer.

(3) The Chief Officer may by notice in writing to a person approve the person as a range officer for an approved range if the Chief Officer is satisfied that that person–

- (a) is a fit and proper person to act as a range officer, and
- (b) is appropriately qualified to act as a range officer for the approved range.

(4) Whilst a range officer is supervising the firing of firearms or ammunition on an approved range, the range officer shall ensure that –

- (a) any person firing firearms and ammunition on that range complies with regulation 8, and
- (b) the range is used in compliance with the approved standard operating procedures for that range.

Suspension or revocation of range officer approval.

7. (1) The Chief Officer may at any time suspend a range officer approval with immediate effect for a period not exceeding six months by notice in writing to the range officer if –

- (a) the Chief Officer has reasonable grounds to suspect that the range officer –
 - (i) has committed a breach, or
 - (ii) does not meet or no longer meets an approval requirement,
- (b) the Chief Officer is of the opinion that immediate suspension is necessary for reasons of safety, and
- (c) the suspension is for a period necessary to allow a full investigation to be carried out and completed.

(2) Whether or not a range officer approval is suspended under paragraph (1), the Chief Officer may at any time suspend or revoke the range officer approval by notice in writing to the range officer –

- (a) at the written request of that range officer, or
- (b) if the Chief Officer is satisfied that that range officer—
 - (i) has committed a breach, or
 - (ii) does not meet or no longer meets an approval requirement.

(3) The Chief Officer shall not suspend or revoke a range officer approval under paragraph (1) unless –

- (a) the Chief Officer has given the range officer written notice of the proposed suspension or revocation and the reasons for it,
- (b) the notice specifies a period no shorter than 2 weeks within which the range officer may make a written representation to the Chief Officer on the proposed suspension or revocation, and
- (c) the Chief Officer has considered any written representation made by the range officer within the period specified in the notice.

(4) In this regulation –

"approval requirement" means any requirement of regulation 6(3)(a) or (b),

"committed a breach" means contravened or failed to comply with regulation 6(4) or 10(1), and

"range officer approval" means an approval granted to a person as a range officer for an approved range under regulation 6(3).

Mandatory conditions for discharge of firearms on approved ranges.

8. A person shall not fire any firearm or ammunition on an approved range unless the following conditions are satisfied –

- (a) the firearm is an approved firearm,
- (b) the ammunition is an approved ammunition,
- (c) the person is a member or guest (as defined by club rules) of an approved club, and
- (d) the firearm and ammunition are being fired –
 - (i) for target practice or a competition,
 - (ii) in accordance with approved standard operating procedures, and
 - (ii) in the presence and under the supervision of a person authorised by the approved club to supervise the firing of firearms and ammunition on the approved range.

Use of approved ranges by shooting clubs.

9. (1) A shooting club shall not use or permit the use of an approved range for the firing of any firearm or ammunition unless the club is approved to use the range under regulation 4.

(2) An approved club shall not use or permit the use of an approved range for the firing of firearms or ammunition except –

- (a) in accordance with approved standard operating procedures,
- (b) under the supervision of a range officer, and
- (c) where the conditions in regulation 8(a) to (d) are satisfied.

Inspection by Chief Officer, Committee, etc.

10. (1) On request by a relevant person, the owner or occupier of an approved range, an approved club using an approved range or a range officer on duty at an approved range shall allow the relevant person to enter and inspect the approved range at any reasonable time.

(2) In paragraph (1), "**relevant person**" means –

- (a) the Chief Officer, or
- (b) any person authorised in writing by the Chief Officer or the Committee.

(3) A person required under paragraph (1) to allow a relevant person of the kind specified in paragraph (2)(b) to enter and inspect an approved

range may require the relevant person to produce the written authorisation referred to in paragraph (2)(b) before allowing that relevant person to enter and inspect the range.

Appeals.

11. (1) This regulation applies to the following determinations –
 - (a) a refusal by the Committee to approve a range, class of firearms, class of ammunitions, standard operating procedures, or a variation or amendment, under regulation 1(4) or (7)(b),
 - (b) a suspension or revocation of a range approval by the Committee under regulation 3,
 - (c) a refusal by the Chief Officer to approve a club to use an approved range under regulation 4(3),
 - (d) a decision of the Chief Officer to impose, vary or amend any conditions of a club approval under regulation 4(4) or (6),
 - (e) a suspension or revocation of a club approval by the Chief Officer under regulation 5,
 - (f) a refusal by the Chief Officer to approve a person as a range officer for an approved range under regulation 6(3), and
 - (g) a suspension or revocation of a range officer approval by the Chief Officer under regulation 7.

(2) A person aggrieved by any determination to which this regulation applies may appeal to the Court against the determination on the following grounds –

- (a) the determination was *ultra vires* or there was some other error of law,
- (b) the determination was unreasonable,
- (c) the determination was made in bad faith,
- (d) there was a lack of proportionality, or
- (e) there was a material error as to the facts or as to the procedure.

(3) An appeal under this regulation shall be made within the period of 28 days immediately following the day on which the appellant receives written notice of the determination from the person that made the determination ("the decision-maker").

(4) An appeal under this regulation is made by summons served on the decision-maker stating the grounds and material facts on which the appellant relies.

(5) Where an appeal is made under this regulation, the decision-maker may apply to the Court by summons served on the appellant for an order to dismiss the appeal for want of prosecution; and on hearing the application the Court may –

- (a) dismiss the appeal or dismiss the application (in either case on such terms and conditions as the Court may direct), or
- (b) make such other order as the Court considers just.

(6) The provisions of paragraph (5) are without prejudice to the inherent powers of the Court or to the provisions of rule 52 of the Royal Court Civil Rules, 2007^c.

(7) Upon determining an appeal under this regulation, the Court may –

- (a) confirm the determination, or
- (b) annul the determination and remit the matter back to the decision-maker for reconsideration,

and make any other order it considers just.

(8) An appeal from a decision of the Court under this regulation lies to the Court of Appeal on a question of law.

(9) In this regulation, "Court" means the Royal Court of Guernsey sitting as an Ordinary Court.

Offences

12. (1) A person is guilty of an offence who contravenes or fails to comply with –

^c

- (a) regulation 6(4),
- (b) regulation 8,
- (c) regulation 9(1) or (2), or
- (d) regulation 10(1).

(2) A person who, without reasonable excuse, enters a danger area designated in any approved standard operating procedures is guilty of an offence.

(3) A person guilty of an offence under paragraph (1) or (2) is liable on summary conviction or conviction on indictment to a term of imprisonment not exceeding 3 months, or a fine not exceeding level 4 of the uniform scale within the meaning of section 1 of the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989^d, or to both.

Defence of due diligence.

13. (1) Subject to paragraph (2), in proceedings for an offence under regulation 12(1) or (2), it is a defence for the defendant ("A") to prove both –

- (a) that commission of the offence was due to a mistake or the reliance on information supplied to A, or to the act or default of another person, an accident or some other cause beyond A's control, and

^d Ordres en Conseil Vol. XXXI, p. 278; as amended by No. XVIII of 2009; Ordinance No. XXIX of 2006.

(b) that A exercised due diligence and took all reasonable precautions to avoid commission of the offence.

(2) If reliance on the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to reliance on information supplied by another person or to the act or default of another person, A is not, without leave of the court, entitled to rely on that defence unless, not less than 7 working days before the hearing, A has served on the prosecutor written notice providing information identifying, or assisting in the identification of, that other person.

Interpretation.

14. (1) In these Regulations, unless the context requires otherwise –

"**approved club**", in relation to an approved range, means a shooting club approved to use the approved range under regulation 4,

"**approved ammunition**", in relation to an approved range, means any ammunition of a class approved for the range under regulation 1(4) or (7)(b),

"**approved firearm**", in relation to an approved range, means any firearm of a class approved for the range under regulation 1(4) or (7)(b),

"**approved range**" means a range approved for the firing of firearms and ammunition under regulation 1(4) or (7)(b),

"**approved standard operating procedures**", in relation to an approved range, means standard operating procedures approved for the range under regulation 1(4) or (7)(b),

"**Chief Officer**" means the Chief Officer of the Island Police Force,

"club approval", in relation to any club –

- (a) means an approval granted to the club under regulation 4(3), and
- (b) includes any variation or amendment (in respect of the approval) made under regulation 4(6),

"the Committee" means the Committee for Home Affairs,

"danger area", in relation to an approved range, means any area designated in standard operating procedures and approved under regulation 1(4) or (7)(b) to be a danger area in relation to the range,

"enactment" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

"information" includes any document,

"the Law" means the Firearms and Weapons (Guernsey) Law, 1998,

"range approval", in relation to any range –

- (a) means an approval granted for or in respect of the range under regulation 1(4), and
- (b) includes any variation or amendment (in respect of the approval) approved under regulation 1(7)(b),

"range officer", in relation to an approved range, means a person approved as a range officer for the range under regulation 6(3),

"safe", in relation to a range and an approved club means safe for members and guests of the club, as well as members of the public; and cognate expressions have a corresponding meaning,

"shooting club" or "club" is deemed to include any cadet corps, and

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance.

(2) The Interpretation (Guernsey) Law, 1948^e applies to the interpretation of these Regulations.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Revocation.

15. The Firearms and Weapons (Approved Ranges) (Guernsey) Regulations, 2017^f are revoked.

Citation.

16. These Regulations may be cited as the Firearms and Weapons

^e Ordres en Conseil Vol. XIII, p. 355.

^f G.S.I. No. 85 of 2017.

(Approved Ranges) (Guernsey) Regulations, 2018.

Commencement.

17. These Regulations come into force on the 1st April 2019.

Dated this 17 day of September, 2018

A handwritten signature in black ink that reads "Mary Lowe". The signature is written in a cursive style with a large, sweeping flourish at the end.

Deputy Mary Lowe

President of the Committee for Home Affairs

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 22 of the Firearms and Weapons (Guernsey) Law, 1998 ("**the Law**").

Regulation 1 provides for the Committee for Home Affairs ("**the Committee**") to approve the ranges at which firearms may be fired, and, in connection with this, the classes of firearms and ammunition that may be used and the standard operating procedures that must be followed on these ranges.

Regulation 2 imposes duties on owners and occupiers of approved ranges.

Regulation 3 authorises the Committee to suspend or revoke a range approval based on a number of grounds relating to breaches or safety.

Regulation 4 provides for the Chief Officer of the Island Police Force ("**the Chief Officer**") to approve shooting clubs to use an approved range for the firing of firearms and ammunition.

Regulation 5 authorises the Chief Officer to suspend or revoke a club approval based on a number of grounds relating to breaches, safety or failing to continue to meet an approval requirement for clubs.

Regulation 6 provides for the Chief Officer to approve a person as a range officer for an approved range.

Regulation 7 authorises the Chief Officer to suspend or revoke a range officer approval based on a number of grounds relating to breaches, safety or failing to continue to meet an approval requirement for range officers.

Regulation 8 prohibits the firing of firearms or ammunition on an approved range unless a number of specified conditions are met.

Regulation 9 prohibits a club from using or permitting the use of an approved range for the firing of firearms unless the club is approved to use the range and specified conditions are met.

Regulation 10 requires owners and occupiers of approved ranges, approved clubs and range officers to allow the Chief Officer or anyone authorised by the Chief Officer or the Committee to enter and inspect an approved range at any reasonable time on request.

Regulation 11 provides for appeals against determinations made under these Regulations to be made to the Royal Court of Guernsey.

Regulation 12(1) creates offences of breaching regulation 6(4) (approval and duties of range officers), 8 (mandatory conditions for discharge of firearms on approved ranges), 9(1) or (2) (use of approved ranges by shooting clubs) or 10(1) (inspection by Chief Officer, Committee, etc.). Regulation 12(2) makes it an offence to enter, without reasonable excuse, a 'danger area' designated in standard operating procedures for an approved range.

Regulation 13 provides for the defence of due diligence in relation to an offence under regulation 12(1) or (2).

Regulation 14 defines expressions used throughout these Regulations.

Regulation 15 revokes the Firearms and Weapons (Approved Ranges) (Guernsey) Regulations, 2017.

Regulations 16 and 17 are the citation and commencement clauses.

These Regulations come into force on the 1st April, 2019.