



ORDINANCE OF THE STATES

V - 2022

The Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022

<i>Made</i>	<i>20th July 2022</i>
<i>Coming into force</i>	<i>21st July 2022</i>

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 20th July, 2022, and in exercise of the powers conferred on them by sections 2 and 9 of the Dangerous Weapons (Alderney) Law, 1965^a and all other powers enabling them in that behalf, hereby order:-

Amendment of the Ordinance of 1965.

1. The Dangerous Weapons (Alderney) Ordinance, 1965^b ("the principal Ordinance") is amended as follows.

2. In section 1 of the principal Ordinance, insert the following definitions in the appropriate places -

^a Ordres en Conseil Vol. XX, p. 25; this enactment has been amended.

^b Alderney Ordinance No. II of 1965; this enactment has been amended.

""**antique weapon**" means a weapon -

- (a) manufactured before 7th May 1945, and
- (b) purchased, acquired or (as the case may be) possessed solely as a curiosity or ornament,"

""**approved club**" means a rifle club, miniature rifle club or shooting club, approved by the Clerk of the States for the purposes of this Ordinance,"

""**approved range**" means a shooting range or other premises approved by the Clerk of the States for the purposes of this Ordinance,"

""**Clerk of the States**" means the Chief Executive of the States of Alderney,"

""**deactivated firearm**" means a firearm that bears a mark approved by the Secretary of State under section 8 of the Firearms (Amendment) Act 1988 -

- (a) made by either of the proof houses of the Master, Wardens and Society of the Mystery of Gunmakers of the City of London or of the guardians of the Birmingham proof house, and
- (b) denoting the fact that the firearm has been rendered incapable of discharging any shot, bullet or other missile,"

""**pistol**", for the avoidance of doubt, includes revolver,"

""**States Armourer**" or "**Armourer**" means a person appointed by the Clerk of the States as a States Armourer," and

""**States Armoury**" means the place designated by the Clerk of the States for safe custody of dangerous weapons or ammunition for the purposes of this Ordinance,".

3. Immediately after section 1 of the principal Ordinance, insert the following section -

"Meaning of "adequate public liability insurance".

1A. For the purposes of this Ordinance, a person is to be regarded as holding adequate public liability insurance in respect of a dangerous weapon only if the person holds a policy of insurance that -

- (a) is issued by a recognised insurer (within the meaning given by Schedule 5 to the Insurance Business (Bailiwick of Guernsey) Law, 2002), and
- (b) subject to any restrictions or conditions specified in it, insures the person in an amount of not less than £1,000,000 in respect of any liability which may be incurred by that person 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 the dangerous weapon."

4. In section 3 of the principal Ordinance -

- (a) in subsection (1), immediately after "peace" insert ", and that the applicant holds adequate public liability insurance for the dangerous weapon (except in the case of an antique weapon or a deactivated firearm)", and
- (b) immediately after subsection (1), insert the following subsection -

"(1A) Despite subsection (1)(b), a certificate may be granted to a person over the age of 15 years to purchase, acquire or have in the person's possession a smooth bore gun if the person is a member of an approved club."

5. In section 4 of the principal Ordinance -

- (a) immediately after subsection (1), insert the following subsection -

"(1A) A States Armourer may, without holding a weapons certificate, purchase, acquire or have in the Armourer's possession a dangerous weapon or ammunition, on behalf of the Clerk of the States, where the Armourer, acting in the execution of the Armourer's duties -

- (a) considers it necessary to do so for the purposes of safekeeping and public safety,
- (b) keeps the weapon or (as the case may be) ammunition in the Armourer's possession for a period not exceeding two weeks, and

(c) keeps the weapon or (as the case may be) ammunition in safe custody in the States Armoury, except where that weapon or ammunition is being moved to or from the States Armoury or being repaired, tested or proven.",

(b) for subsection (4), substitute the following subsection -

"(4) A member of an approved club may, without holding a weapons certificate, have in his possession a smooth bore gun, rifle, pistol, air rifle or air pistol and ammunition therefor when engaged as such a member in, or in connection with, target practice or other shooting activities carried out on or at an approved range.",

(c) in subsection (7) -

(i) in the text before paragraph (a) -

(A) delete "a shotgun, rifle or pistol", and

(B) at the end, delete ", if",

(ii) in paragraph (a) -

(A) immediately before "he has", insert "a shotgun, rifle or pistol, if", and

(B) at the end, immediately after "and", insert "that weapon is in his possession solely for use at a bona fide competition, previously organised and

notified to the Clerk of the States by an approved club and carried out on or at an approved range," and

(iii) for paragraph (b), substitute the following paragraph -

"(b) a shotgun, if he -

(i) has at the same time in his actual possession a currently valid permit (by whatever name called) issued by the appropriate authority in his country of residence and authorising him to possess a shotgun of the same kind or description,

(ii) has borrowed the shotgun from a person ("**the lender**") who holds a weapons certificate for it,

(iii) possesses and uses that shotgun in compliance with any conditions as to those matters specified in the lender's weapons certificate,

(iv) holds adequate public liability insurance for the use of that shotgun, and

(v) is in the presence of the lender at all times while in possession of that shotgun.", and

(d) in subsection (8) -

(i) in paragraph (a), for "that subsection, and", substitute " subsection (7)(a) or (as the case may be) for any permitted use of the weapon falling within subsection (7)(b)(iii), or", and

(ii) in paragraph (b), for "that subsection" substitute "subsection (7)".

6. Immediately after section 4 of the principal Ordinance, insert the following section -

"Disposal of dangerous weapons kept for safekeeping and public safety.

4A. (1) This section applies to any dangerous weapon or ammunition kept by a States Armourer in the States Armoury for the purposes of safekeeping or public safety in the course of the execution of the Armourer's duties.

(2) The States Armourer or the Clerk of the States may destroy or otherwise dispose of the weapon or (as the case may be) ammunition with the consent of the owner.

(3) Without limiting subsection (2), on an application by the Clerk of the States, the Court may make an order for the destruction or

disposal of the weapon or (as the case may be) ammunition in any manner the Court sees fit."

7. In section 5 of the principal Ordinance -

(a) in subsection (1) -

(i) for paragraph (a), substitute the following paragraphs -

"(a) a smooth bore gun, low-poundage air pistol or low-poundage air rifle, for sporting purposes or for the purpose of vermin or pest control, in and across land other than a public place, where the person -

(i) is the occupier of the land,

(ii) has obtained the prior written consent of the occupier of the land, or

(iii) is unable to identify the occupier of the land despite making reasonable inquiries,

(aa) in any case where paragraph (a) does not apply, a smooth bore gun, rifle or air rifle, for the purpose of vermin or pest control, in and across any land (whether or not a public place) in accordance with a permit issued under section 5A,"

- (ii) in paragraph (b), for "subsection (2)" to the end, substitute "section 4(2)",
 - (iii) for paragraph (e), substitute the following paragraph -
 - "(e) a smooth bore gun, rifle, pistol, air pistol or air rifle -
 - (i) by a member of an approved club in connection with target practice or other shooting activities on or at an approved range, or
 - (ii) by a person who holds a weapons certificate for it, on or at an approved range,"
 - (iv) repeal paragraph (f),
 - (v) in paragraph (h), for "subsection (6) of the last preceding section" substitute "section 4(6)", and
 - (vi) immediately after paragraph (i), insert "and" and the following paragraph -
 - "(j) a speargun for fishing.", and
- (b) immediately after subsection (2), insert the following subsections -

"(3) Nothing in subsection (1)(a) or (aa) or section 5A limits the Protection of Wild Birds (Alderney) Ordinance, 2005.

(4) In subsection (1) -

"low-poundage air pistol" means an air pistol capable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy which is no more than six foot-pounds,

"low-poundage air rifle" means an air rifle capable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy which is no more than 12 foot-pounds, and

"public place" includes any road, street, lane and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise.

(5) For the avoidance of doubt -

(a) in subsection (1)(a), the reference to sporting purposes includes the shooting of game, and

(b) the reference in subsection (1)(a) or (aa) to using a rifle or an air pistol or air rifle in and across any land for the purpose of vermin or pest control includes shooting or otherwise using the rifle, air pistol or air rifle in or across the land for the purpose of zeroing in order to shoot vermin or pests."

8. Immediately after section 5 of the principal Ordinance, insert the following section -

"Permit to shoot vermin or pests with smooth-bore gun, rifle or air rifle."

5A. (1) On application, the Clerk of the States may issue a permit for the purposes of section 5(1)(aa) to authorise a person who holds a weapons certificate for a smooth bore gun, rifle or air rifle to use it to shoot vermin or pests on any land for the purpose of vermin or pest control ("**culling**").

(2) The Clerk of the States must not issue a permit unless the person satisfies the Clerk that -

(a) in any case where the land into or across which the weapon will be fired is not a public place, the person -

(i) is the occupier of the land,

(ii) has obtained the written consent of the occupier of the land to carry out the culling during the days and times specified in the permit, or

(iii) is unable to identify the occupier of the land despite making reasonable inquiries, and

(b) the person holds adequate public liability insurance for the weapon.

(3) A permit -

- (a) must be issued in writing,
- (b) must specify the land in and across which, and the days and times during which, the person may carry out the culling,
- (c) is subject to the conditions specified in subsection (4) and any other condition (including, without limitation, conditions as to the locations, occasions, circumstances and purposes for which the permit is valid) specified in the permit by the Clerk of the States,
- (d) may be revoked or suspended at any time by notice in writing given to the person, if the Clerk of the States is of the opinion, based on reasonable grounds, that–
 - (i) the person has contravened a condition of the permit or a provision of this Ordinance,
 - (ii) the person has allowed or permitted any other person to contravene a condition of the permit or a provision of this Ordinance,
 - (iii) any requirement of subsection (2) is not or is no longer complied with or would not be complied with if an

application for such a permit were then being made, or

(iv) the permit should be revoked or suspended for any other good reason, and

(e) unless earlier revoked, expires on the anniversary of its issue or any earlier expiry date specified in the permit.

(4) The person –

(a) must take reasonable steps to ensure public safety when carrying out the culling, and

(b) must not fire the weapon beyond the land specified in the permit under subsection (3)(b)."

9. In section 6(1) of the principal Ordinance, immediately after "Island", insert ", other than the States Armourer,".

10. In section 6A of the principal Ordinance -

(a) in paragraph (a)(i), delete "or Ormer House Preparatory School, Alderney", and

(b) in paragraphs (a)(ii), (b) and (c), for "either of the schools" in each place where the expression occurs, substitute "the school".

11. In section 8 of the principal Ordinance -

(a) in paragraph (a) -

(i) for the part beginning "a rifle club" and ending with "Lieutenant Governor", substitute "an approved club", and

(ii) immediately after "target practice", insert "or other shooting activities", and

(b) immediately after paragraph (b), insert "or" and the following paragraph -

"(c) on the grant or renewal of a certificate relating solely to a dangerous weapon which is shown to the satisfaction of the Clerk of the States to be an antique weapon or deactivated firearm, and to be kept as such by the applicant, if no certificate is sought or granted for ammunition for that weapon."

12. Immediately after section 8 of the principal Ordinance, insert the following section -

Approvals

8A. An approval given to any person by the Clerk of the States under any provision of this Ordinance -

(a) must be given in writing,

- (b) is subject to any conditions or restrictions specified in writing by the Clerk of the States, and
- (c) may be revoked or suspended at any time by notice in writing given to the person, if the Clerk of the States is of the opinion, based on reasonable grounds, that -
 - (i) the person has contravened a condition or restriction of the approval or a provision of this Ordinance,
 - (ii) the person has allowed or permitted any other person to contravene a condition or restriction of the approval or a provision of this Ordinance, or
 - (iii) the approval should be revoked or suspended for any other good reason."

13. In section 10 of the principal Ordinance -

- (a) in subsection (2), for the part beginning "seize" to the end, substitute the following -

"-

- (a) require that person to declare to the officer immediately his name and address,

(b) seize and detain the dangerous weapon or ammunition, and

(c) for the purpose of exercising the powers in paragraph (b), enter any premises or place in or on which the officer reasonably believes that weapon or ammunition to be (exercising reasonable force if necessary).", and

(b) immediately after subsection 2, insert the following subsection -

"(2A) The officer of police must not enter a dwelling under subsection (2)(c) except under the authority of a warrant granted under section 10A."

14. Immediately after section 10 of the principal Ordinance, insert the following section -

"Power of search with warrant.

10A. (1) This section applies if the Chairman of the Court is satisfied by information on oath that there are reasonable grounds for suspecting that -

(a) a person upon whom a demand under section 10(1) is made has failed to produce the certificate, permit the officer of police to read the certificate, or show that the person is entitled by virtue of this Ordinance to have the dangerous weapon or ammunition in his

possession without holding a weapons certificate, or

- (b) an offence under this Ordinance has been, is being, or is about to be committed.

(2) Where this section applies, the Chairman of the Court may grant a search warrant authorising an officer of police named therein -

- (a) to enter at any time any premises or place named in the warrant, if necessary by reasonable force,

- (b) to search the premises or place and every person found there,

- (c) to seize and detain any dangerous weapon or ammunition which the officer may find in or on the premises or place, or on any such person, in respect of which or in connection with which that officer has reasonable ground for suspecting that -

- (i) no weapons certificate is held, or

- (ii) an offence under this Law has been, is being, or is about to be committed."

15. Revoke section 11(3) of the principal Ordinance.

16. In the Schedule to the principal Ordinance, in paragraph (2) of the footnote to the Weapons Certificate -

- (a) for "five", substitute "5",
- (b) delete "except a smooth bore gun for sporting purposes or", and
- (c) delete "other".

Citation.

17. This Ordinance may be cited as the Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022.

Commencement.

18. This Ordinance shall come into force on the 21st July, 2022.

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