

THE FIREARMS AND WEAPONS (GUERNSEY) ORDINANCE, 2017

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Firearms and Weapons (Guernsey) Ordinance, 2017", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

The Ordinance is made under the Firearms and Weapons (Guernsey) Law, 1998 ("the Law"), as amended by the Firearms (Guernsey) (Amendment) Law, 2016 ("the 2016 Law"). It brings into force the 2016 Law.

The Firearms and Weapons (Specially Dangerous Air Weapons) (Guernsey) Regulations, 2017, prescribes certain categories of air weapons as specially dangerous and thus, to be regarded as firearms under the Law. These categories are: air weapons disguised as other objects, air pistols with 6 foot-pounds kinetic energy or more, and other air weapons with 12 foot-pounds kinetic energy or more.

Section 1 of this Ordinance amends section 6(1) of the Law to add these categories of air weapons to the categories of prohibited weapons listed in that section. Possession, use, purchase, acquisition, manufacture, sale or transfer of such weapons requires specific authorisation from the Committee *for* Home Affairs.

Section 2 declares crossbows with a draw weight of 1.4 kgs or more, and spearguns, to be regulated weapons for the purposes of the Law.

Section 4 consequentially repeals the Firearms (Amendment) Ordinance, 2002.

The Firearms and Weapons (Guernsey) Ordinance, 2017

THE STATES, in pursuance of their Resolution of the 29th November, 2006^a, and in exercise of the powers conferred on them by sections 6(7)(a)(i), 55 and 58(3) of the Firearms and Weapons (Guernsey) Law, 1998^b, hereby order:-

Specially dangerous air weapons added to categories of weapons subject to general prohibition.

1. Section 6(1) of the Law is amended by inserting, immediately after paragraph (ea), the following paragraphs –

"(eb) any air weapon that is disguised as another object,

(ec) any air weapon (not being a weapon designed for use only when submerged in water) capable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy in excess –

(i) in the case of an air pistol, of 6 foot pounds (8.14 joules), or

^a Article X of Billet d'État No. XVIII of 2006.

^b Ordres en Conseil Vol. XXXVIII, p. 324; as amended by Vol. XL, p. 24; Order in Council No. IV of 2016; Ordinances No. XXXIII of 2003, No. III of 2012 and No. IX of 2016. See also the Firearms and Weapons (Specially Dangerous Air Weapons) (Guernsey) Regulations, 2017 (G.S.I. No. * of 2017).

- (ii) in the case of any air weapon other than an air pistol, of 12 foot pounds (16.27 joules),".

Weapons declared to be regulated weapons.

2. The following are declared to be regulated weapons for the purposes of the Law –

- (a) any crossbow with a draw weight of 1.4 kilograms or more, and
- (b) any speargun.

Interpretation.

3. (1) In this Ordinance, unless the context requires otherwise –

"**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,

"**the Law**" means the Firearms and Weapons (Guernsey) Law, 1998, 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) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Consequential repeals.

4. The Firearms (Amendment) Ordinance, 2002^c, is repealed.

Extent.

5. This Ordinance has effect in the islands of Guernsey, Herm and Jethou.

Citation.

6. This Ordinance may be cited as the Firearms and Weapons (Guernsey) Ordinance, 2017.

Commencement of the Law of 2016 and this Ordinance.

7. The Firearms (Guernsey) (Amendment) Law, 2016^d and this Ordinance shall come into force on the 1st November, 2017.

^c Ordinance No. XXXI of 2002.

^d Order in Council No. IV of 2016.