



House of Commons  
Northern Ireland Affairs  
Committee

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**Government Response to  
the Committee's Fourth  
Report on the Control of  
Firearms in Northern Ireland  
and the Proposed Draft  
Firearms (Northern Ireland)  
Order 2002, HC 67–I, Session  
2002–2003**

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*Fourth Special Report of Session 2002-03*

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## The Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Northern Ireland Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel).

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### Committee staff

The current staff of the Committee are Elizabeth Hunt (Clerk), Tony Catinella (Committee Assistant), Camilla Brace (Secretary).

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## Fourth Special Report

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The Committee published its Fourth Report of Session 2002-2003 on 4 February 2003. The response from the Northern Ireland Office was received in the form of a memorandum on 4 April 2003, and is published as the Appendix to this Report.

### Appendix

1. In March 2002 the Northern Ireland Affairs Committee (NIAC) announced its intention to hold an inquiry into controls on firearms in Northern Ireland. It later amended its remit to include the Draft Firearms (Northern Ireland) Order 2002, which the Government laid as a proposal before Parliament on 22 July 2002.

2. The Government welcomes the inquiry as a very helpful addition to its own in depth review of Northern Ireland's firearms controls and wide ranging consultation with interested parties. The Northern Ireland Office provided written evidence to the NIAC on behalf of the Government in the Autumn of 2002 and the Minister of State, Jane Kennedy MP gave oral evidence to the NIAC on 27 November 2002.

### The NIAC Report on the Control of Firearms in Northern Ireland and the Proposed Draft Firearms (Northern Ireland) Order 2002.

3. The NIAC's Report was published on 4 February 2003. The Government has considered the NIAC's recommendations carefully and this memorandum sets out the Government's response. For clarity, the paper responds to each of the NIAC's recommendations (in bold type) in turn.

a) **We welcome the undertakings made by the Northern Ireland Office to address technical points made in our letters of 5 September, 7 November and 2 December. We expect to see those points carried through into the revised Firearms Order (paragraph 5).**

The Government was grateful to the Committee for drawing to its attention a number of technical and drafting points in relation to the draft Order, which will be revised as appropriate.

b) **We welcome the proposal for the draft Firearms (Northern Ireland) Order 2002. It is imperative that, once the Order comes into force, the shooting community and the wider public are provided with proper guidance as to how the law then stands. Subsequent changes to the law should be consolidated wherever possible and comprehensive, up-to-date, guidance should be readily available (paragraph 12).**

The Government recognises the importance of a Guidance Document, which would explain the law and the Chief Constable's policies and procedures for enforcing it. Such guidance will be provided when the Order comes into force or very soon after that. The Government intends to consult with interested bodies prior to its publication.

The Government accepts the recommendation that subsequent changes to the law should be consolidated wherever possible.

- c) **As a general principle, comprehension of the controls on firearms would be greatly assisted if, so far as the political situation allows, the regulatory framework was consistent throughout Great Britain and Northern Ireland (paragraph 13).**

The Government accepts the Committee's recommendation, while noting the Committee's comment that Northern Ireland should not inevitably follow the example set in Great Britain. Public safety is and will continue to be the Government's primary objective in relation to firearms controls throughout the United Kingdom but differing circumstances may on occasion require different measures.

- d) **We accept that a general ban on handguns is not appropriate given the current political environment in Northern Ireland. Nonetheless, we believe that there are persuasive arguments for seeking a general prohibition, leaving scope for allowing personal protection weapons if necessary, when circumstances change. The situation should continue to be kept under review (paragraph 22).**

The Government is grateful for the Committee's understanding and acceptance of its position on the controls relating to handguns in Northern Ireland. It accepts the Committee's recommendation that the situation should be kept under review.

- e) **We believe that the application of controls to all air weapons, except those with a muzzle energy of one joule or less, is an appropriate means to seek greater public safety in Northern Ireland. Nonetheless it is important that such a measure, if introduced, does fulfil that objective. It may fail to do so if currently unregulated air weapons users and retailers are not made aware of, or choose to resist, the changes; or if the net result is a greater presence of higher powered weapons within the community. We therefore recommend that the effects of this extension of air weapon regulation, if implemented, be subject to interim review after three years and full review after five years (paragraph 36).**

The Government accepts the Committee's recommendation that the effects of the implementation of its proposal for the certification of air guns with a muzzle energy of more than one joule should be subject to review after 3 and 5 years.

The Government believes, however, that the proposal will not lead to a demand for higher powered firearms in the community since, unlike the position in Great Britain, those air guns are already subject to firearm certificate control.

The Government will discuss with the Chief Constable what action will be required in respect of those air guns already in circulation (the numbers are expected to be small), which do not currently require a certificate but will when the new Order comes into operation.

- f) **We would urge the PSNI to continue to be rigorous in tackling incidents of air weapons misuse, in order that the twin messages of regulation and enforcement will be understood by all, not just those within the currently recognised shooting community (paragraph 38).**

The Committee's comments have been brought to the attention of the Chief Constable. Government has no doubt that the PSNI will continue to deal rigorously with incidents of air gun misuse and ensure that it does not become a significant problem in Northern Ireland.

- g) A single regime should govern young people's access to firearms across the whole of the United Kingdom (paragraph 53).**

The Government is considering the recommendation.

- h) We recommend that article 7(3)(d) of the draft order should be amended to provide that any individual assuming a supervisory capacity in respect of a young firearm user is at least 21 and has held a firearm certificate for the kind of weapon concerned for at least the last three years (paragraph 57).**

and

- i) We also recommend that paragraph 9(3)(a) of Schedule 1 (Firearm certificates exemptions: air guns and ammunition) should be amended to provide that the supervisor is at least 21 (paragraph 58).**

Subject to the wider consideration of young people's access to firearms, the Government accepts the Committee's recommendations. It is very much in the interests of public safety that persons supervising young shooters should be mature and experienced in the safe handling and use of the particular firearm.

- j) We invite the Government to consider further whether the appellate arrangements it contemplates will be adequate to ensure both a fair and effective appeal system and protection of sensitive information (paragraph 68).**

The Government is reconsidering the issue of firearms appeals which involve sensitive information.

- k) The Minister wrote to inform us that while she was not aware of any appeals against certificate refusals in which the Chief Constable's discretion was a factor, she would "revisit" the use of the word 'may' in the proposed Article 5.1. In doing so, we invite her to bear in mind the Chief Constable's point about being able to limit numbers of firearms in circulation. It also seems to us possible to imagine other plausible circumstances in which for now the residual discretion could have continued value. Nevertheless, removal of this feature from article 5 of the proposed draft order would be welcomed by the shooting community as an indication of the expected outcome of a firearm certificate application. The change would increase the degree of consistency in firearms controls in Northern Ireland and Great Britain. At the appropriate time, we do not believe that such a change would prove detrimental to the public interest if the statutory tests, particularly in relation to public safety, the peace and fitness to be entrusted with a firearm are fully applied (paragraph 69).**

The Government has revisited the proposed Article 5(1) in consultation with the Chief Constable and has concluded that it would be inappropriate to remove the residual

discretion at this time. In reaching its decision the Government has taken note of the Committee's comment that for now the residual discretion could have continued value.

- l) We recommend that Article 4(4)(d) of the proposed draft Order should be amended to enable references to be provided by any resident of the United Kingdom. The Northern Ireland Office should make representations to the Home Office for the equivalent change to be made in Great Britain (paragraph 75).**

Subject to discussions between the Northern Ireland Office and the Home Office about a reciprocal change to the law in Great Britain, the Government accepts in principle the Committee's recommendation that Article 4(4)(d) of the Draft Order should be amended.

- m) We are very concerned at the evidence of significant disparities between the text of article 5 of the draft Order, and the current thinking of the NIO on the issue of competence (paragraph 93).**
- n) We believe that the text of the draft Order is right to specify competence in the use, rather than simply the safe possession and handling, of weapons (paragraph 94).**
- o) We recommend that, if competence in the use of the firearm in question is to be retained as a criterion, the system for ascertaining an individual's competence should include the following:**
- a scale of pre-determined – where possible, pre-existing – tests of competence in both the use and handling of the firearm, reflecting the powerfulness of the weapon;**
  - the identification of an agreed group of approved instructors and examiners;**
  - a system for reporting competence test failures to the police, in order that problems can be identified and addressed;**
  - a system for training those who will be tasked with certifying competence, to ensure consistent standards;**
  - written guidance, which must be published and circulated before the provision comes into effect; and**
  - a periodic review by the NIO of the working of the system (paragraph 95).**
- p) We urge the Government, in reworking this proposal, to consult closely with the police, shooting organisations and others in determining a workable scheme for ascertaining competence in use relative to the type or class of firearm, and the test needed, in each case. If it is not possible to achieve this within the timetable for introduction of the revised legislation, the provision in article 5(2)(c) should be omitted for the time being (paragraph 96).**

In the light of the Committee's major concerns about its proposals to ensure that possession of firearms by a first time certificate holder does not present a risk to public safety, the Government is now considering with the Chief Constable whether the objective would not be more easily and effectively met by adding a condition to such a certificate

that a person when in possession of the loaded firearm must be supervised by a firearm certificate holder for a specified period. The supervisor would have to be aged 21 years or more and have at least 3 years' experience of the firearm in question.

- q) We urge the Government in preparing for the transition from three-year to five-year firearm certificates, to satisfy itself as to the adequacy of the powers in the proposed draft Order to enable a smooth transition (paragraph 100).**

The Government intends that, by virtue of Article 75(3), a Commencement Order will make such arrangements as are necessary to ensure that the transition from three year to five year certificates can be made efficiently.

- r) The Government must keep under review the number of firearm certificate holders in both Great Britain and Northern Ireland who cannot be traced when their certificate expires. If there is any indication that the extension of certificate life to five years is leading to an increase in such incidents, urgent action must be taken to address the problem (paragraph 103).**

The Government accepts the Committee's recommendation that it is important to monitor whether the transition from three-year to five-year certificates leads to any increase in the numbers of persons who cannot be traced when their certificates expire.

The Government and the police anticipate that this is likely to be less of a problem in Northern Ireland than may be the case in Great Britain.

- s) We welcome the further consideration of a museum's firearms licence which the Minister undertook to give (paragraph 109).**

The Government will include in the Draft Firearms (Northern Ireland) Order provisions for a museum firearms licence similar to those which apply in Great Britain.

- t) The PSNI should review its procedures for handling reports of domestic violence, with a view to identifying more quickly and effectively whether a legally-held firearm is involved in that situation. We also recommend that the Government commission research into the wider problem of domestic violence in Northern Ireland, to seek to establish what proportion of cases involving legally held firearms go unreported. The results of this research should be fed into future debates about the nature and extent of firearms controls in Northern Ireland (paragraph 115).**

The PSNI is about to review comprehensively the issue of legally held firearms and domestic violence and, when the review is completed, revised instructions will be issued to the Service. They have recently reminded all their officers of their obligations in respect of robust enforcement of the firearm legislation at scenes of domestic violence.

The Government is considering the costs and methodology of research, which the Committee recommends, into unreported domestic violence cases involving legally held firearms.

- u) We believe that consideration of a strengthening of the existing law in relation to imitation weapons is needed now. The Government should undertake this as a matter of urgency. The NIO and the Home Office should work together to ensure a**

**rigorous and consistent system of regulation of imitation and replica firearms across the United Kingdom (paragraph 118).**

The Government is considering introducing in Northern Ireland an offence in relation to the possession of an imitation firearm in a public place without reasonable excuse, similar to that currently under consideration for Great Britain.

- v) **An effective internal police communications system is essential to avoid unnecessary risks to individuals and the wider public from firearm certificate holders whose behaviour renders them demonstrably unfit to possess firearms. While we hope the new IT system will be introduced speedily, and urge the Government to do whatever it can to support that project, this cannot wait until the project is completed. PSNI must as a matter of urgency establish a system for consistent internal reporting to firearms licensing branches of significant incidents and court judgements (paragraph 123).**

The PSNI is currently piloting a new incident/Crime Report form, which will include questions about legally held firearms involved in any incidents to which police are called. Firearms Licensing Branch would be immediately informed of any such incidents.

- w) **We welcome the Government's commitment to publish guidance on the interpretation of the new Firearms (Northern Ireland) Order. It is important that the guidance in Northern Ireland is published as promised before the new Order comes into effect; and that it is regularly updated as the law develops, in keeping with the model established by the Home Office (paragraph 155).**

The Government's response on the provision of a Guidance Document is set out at (b) above.

- x) **The Firearms Consultative Committee for Great Britain has proved its worth, and we believe that there is a clear role for such a body in Northern Ireland. Like its counterpart, it should include in its membership firearms experts and representatives of both the 'pro-gun' and 'anti-gun' communities. It should be charged with investigating and advising the Secretary of State on firearms controls, and should work co-operatively with the Firearms Consultative Committee for Great Britain on issues of common concern, and on best practice. We urge the Government to set up a Firearms Consultative Committee for Northern Ireland as soon as possible (paragraph 159).**

The Government has considered this recommendation carefully but does not accept it for the following reasons –

- i) the new Firearms Order and the proposed Guidance Document will be the culmination of a detailed and comprehensive examination of the firearms legislation in Northern Ireland and there is unlikely to be further significant change to the law in the immediate future;
- ii) Northern Ireland is too small an area (the size of Yorkshire) to warrant such a standing committee, quite unlike Great Britain with its 51 separate police forces.

We already have the benefit of the Firearms Consultative Committee's reports to the Home Office; and

- iii) such issues as arise in future, can be addressed by the Chief Constable and/or the Northern Ireland Office, as appropriate, in discussion with the appropriate representative bodies as they arise.