

REVIEW OF FIREARMS ORDINANCE, 1997

Decision Sought

Committee is asked to agree to amend the Firearms Ordinance, 1997, to make provision for the issuing of a Licence to the Museum of St Helena in order to exhibit its firearms and ammunition collection, thus enabling those responsible for its management to be exempt from requiring a Firearm or Shot Gun Certificate.

Background and Considerations

1. The Museum of St Helena has a small collection of Firearms of historical cultural value. Details of the collection are attached in Annex 1.

2. The island has a long history of being a fortified outpost of the East India Company and the British Empire. Many of the firearms listed in Annex 1 were in use by those stationed here as well as local militias. In addition the island also has a more recent history of excelling in marksmanship, locally and internationally. Museum staff can better promote this history at the Museum with display and information of such firearms in original condition. The Museum does not have any ammunition for these Firearms, as most of them are so old that it would not be possible to obtain such.

3. Amending the Firearms Ordinance, 1997, to allow for the issuing of a Licence to the Museum would protect the Museum from two things:
 - 1) having it's firearms collection destroyed by blocking the firing mechanism or barrel; and
 - 2) having to pay to license many firearms which are not in use but for the benefit of the island, education and cultural experience.

4. Section 4. (1) of The Firearms Ordinance, 1997, provides that:

"Requirement of firearm certificate

4. (1) Subject to any exemption under this Ordinance, it is an offence for a person to import, or have in the person's possession, or acquire —

(a) a firearm to which this section applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate;

(b) any ammunition to which this section applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate, or in quantities in excess of those so authorised.

Penalty: A fine, or imprisonment for 3 years, or both, subject to section 7(3)

2) It is an offence for a person to fail to comply with a condition subject to which a firearm certificate is held by the person.

Penalty: A fine of £500 or imprisonment for 6 months, or both

(3) This section applies to any ammunition for a firearm, except the following articles, namely: (a) cartridges containing 5 or more shot, none of which exceeds .36 inch in diameter;

(b) ammunition for an air gun, air rifle or air pistol;

(c) blank cartridges not more than one inch in diameter measured immediately in front of the rim or cannellure of the base of the cartridge.”

5. The Ordinance provides also that members of the St Helena Police Service or Her Majesty's Armed Forces are exempt from the provisions of the Ordinance when carrying out their lawful duties. Section 11 of the Ordinance provides for exemption of holding a firearm certificate for certain businesses, slaughterhouses and sporting activities. For example, members of the St Helena Rifle Association are exempt from the requirement to have a Firearm Certificate when participating as a member in competitions held by the club. Section 14 of the Ordinance provides for 'entertainment activities' and states that:

“(1) The Director of Police may authorise a person who is not the holder of a certificate to have a firearm, with or without ammunition, in his or her possession for the purpose of the performance, rehearsal or production of any concert, play or other activity of entertainment: but only if the Director of Police is satisfied that no person likely to attend the performance, rehearsal or production will be at risk of physical injury or other harm.

(2) If the Director of Police is satisfied, on the application of a person in charge of a performance, rehearsal or production of any concert, play or other type of entertainment that a prohibited weapon is required for any of those purposes, the Director may, pursuant to section 9 8(1), additionally authorise some other specified person or persons to have possession of it while participating in such performance, rehearsal or production.”

The day to day operations of the Museum of St Helena are the responsibility of the Heritage Society and it is an educational and cultural facility. It would therefore be

proposed that a new section be included in the Ordinance to provide for 'Educational and Cultural Organisations', subject to the views of the Attorney General.

6. In the United Kingdom, the Firearms (Amendment) Act 1988 provides for a licence to be granted to Museums which wish to exhibit firearms; as such those employed in the Museum are not required to hold a Firearm Certificate. It follows, therefore, that consideration should be given to those responsible for the management of the Museum of St Helena to be exempt also from the requirement to hold a firearm certificate for firearms in the collection.

7. Attached at Annex 2 is a copy of the UK Home Office guidance relating to Firearms Licences for Museums. Some of this guidance may be useful to replicate in St Helena. For example, a proviso of the issuing of a Firearms Licence to a Museum in St Helena must be approved by the Director of Police who must inspect the premises and be satisfied that keeping or exhibiting the Firearms and/or ammunition will not endanger public safety or the peace; a Licence should only be awarded for Museum premises or a specific area of premises, as may be deemed necessary by the Director of Police; the Director of Police should be authorised attach conditions to the awarding of a Firearms Licence; and renewal of such Licences should be required every 5 years

Financial Implications

There are no financial implications. It is not suggested that there should be a fee associated with the issuing of a Firearms licence to the Museum of St Helena, as unlike Museums in the UK, no entrance fee is levied.

Economic Implications

There are no economic implications

Consistency with Investment Policy Principles

Not applicable.

Public/Social Impact

There is unlikely to be any significant adverse public reaction.

Environmental Impact

There is no environmental impact.

Previous Consultation/Committee Input

The Director of Police has suggested to the Museum of St Helena that it should seek an amendment to the Firearms Ordinance, 1997, to provide for a licence for the Museum, thus obviating the need for those responsible for the Museum's management to have Firearms or Shot Gun certificates and is thus supportive of this proposal.

Public Reaction

There is unlikely to be any adverse public reaction.

Publicity - No specific publicity necessary.

Support to 10-Year Plan: This does not relate to any specific National Goal

Corporate Support

14th April 2020