

CHAPTER 5**MATTERS ARISING FROM LORD CULLEN'S TRIBUNAL OF INQUIRY**

5.1 In October 1996 the Secretary of State for Scotland presented to Parliament Lord Cullen's Tribunal of Inquiry Report (Cm. 3386) into the circumstances leading up to and surrounding the tragic events at Dunblane Primary School on 13 March 1996 which resulted in the deaths of 18 people. The report contained a number of recommendations to improve the control of firearms in Great Britain.

5.2 Lord Cullen's Terms of Reference did not extend to Northern Ireland. Nonetheless, the then Secretary of State undertook to carefully consider the report and its recommendations to see whether any of his proposals on firearms control could usefully be extended to the Province.

5.3 This chapter explains the extent to which some of Lord Cullen's recommendations already apply in the Province (in full or in part), and what further steps are planned to implement the remaining recommendations.

5.4 **RECOMMENDATION:** "OFFICERS CARRYING OUT ENQUIRIES SHOULD BE SUPPLIED IN ADVANCE WITH FULL INFORMATION ABOUT ANY KNOWN CHANGE OF CIRCUMSTANCES AND ANY REASON FOR EXERCISING PARTICULAR CAUTION" (CULLEN REPORT PARAGRAPH 8.9).

The RUC have confirmed that this is already their practice. Final decisions about granting a firearm certificate are taken centrally by the RUC's Firearms Licensing Branch who may request local police to make whatever further enquiries are judged necessary.

5.5 **RECOMMENDATION:** "THE USE OF CHECKLISTS BY ENQUIRY OFFICERS IS ENDORSED, SUBJECT TO A NEED FOR THEM TO BE ALERT AND REPORT ANYTHING WHICH COULD BE RELEVANT TO THE SUITABILITY OF THE

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APPLICANT OR CERTIFICATE HOLDER (CULLEN REPORT PARAGRAPHS 8.10-8.11).

This is already RUC practice, but the current checklist will be revised.

5.6 RECOMMENDATION: "ENQUIRY OFFICERS SHOULD BE GIVEN AS MUCH TRAINING AND GUIDANCE FOR THEIR WORK AS IS PRACTICABLE" (CULLEN REPORT PARAGRAPH 8.13).

This has been accepted by the Chief Constable.

5.7 RECOMMENDATION: "THE POWER OF SEARCH WITH WARRANT UNDER SECTION 46 OF THE FIREARMS ACT 1968 SHOULD BE EXTENDED TO CASES IN WHICH THERE IS REASONABLE GROUND FOR SUSPECTING THAT THERE IS A SUBSTANTIAL RISK TO THE SAFETY OF THE PUBLIC; AND TO INCLUDE IN SUCH CASES THE POWER TO SEIZE AND DETAIN ANY FIREARM CERTIFICATE WHICH MAY BE FOUND" (CULLEN REPORT PARAGRAPH 8.15).

This is accepted. Article 45 of the Firearms Order 1981 (which provides for a power of search with warrant) will be amended to include the public safety criterion.

5.8 RECOMMENDATION: "THE POWER OF SEARCH WITH WARRANT UNDER SECTION 46 OF THE FIREARMS ACT 1968 SHOULD BE EXTENDED TO ANY CIVILIAN LICENSING AND ENQUIRY OFFICER WHO IS AUTHORISED IN WRITING FOR THAT PURPOSE BY THE CHIEF CONSTABLE" (CULLEN REPORT PARAGRAPH 8.15).

This is accepted. Article 45 of the Firearms Order will be amended to include any person duly authorised by the Chief Constable.

5.9 RECOMMENDATION: "THE POWERS ENJOYED BY POLICE OFFICERS TO INSPECT DEALERS' REGISTERS AND PREMISES AND APPROVED CLUBS SHOULD BE EXTENDED TO CIVILIAN LICENSING AND ENQUIRY OFFICERS WHO ARE AUTHORISED IN WRITING FOR THAT PURPOSE BY THE CHIEF CONSTABLE" (CULLEN REPORT PARAGRAPH 8.16).

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This is accepted. Article 45 of the Firearms Order will be amended.

5.10 RECOMMENDATION: "THE STEPS BEING TAKEN TO ENABLE POLICE FORCES TO HOLD AND EXCHANGE INFORMATION ON COMPUTER AS TO THE INDIVIDUALS WHO HOLD FIREARMS CERTIFICATES, AND THOSE WHOSE FIREARM APPLICATIONS HAVE BEEN REFUSED OR CERTIFICATES REVOKED ARE ENDORSED" (CULLEN REPORT PARAGRAPH 8.23).

All such information is already held on a central database by the RUC's Firearms Licensing Branch.

5.11 RECOMMENDATION: "THE GUIDANCE TO THE POLICE SHOULD ADVISE THAT "GOOD REASON" IMPLIES INTENTION; AND THAT LACK OF PAST USE PRIMA FACIE INDICATES THE LACK OF IT" (CULLEN REPORT PARAGRAPH 8.30).

It is already the practice of the RUC to use evidence (or lack of it) of ammunition purchases by the certificate holder when deciding whether to renew or vary a firearm certificate. It had not previously been their practice to use such information to revoke certificates. However, the Chief Constable has now indicated that he will do so in future.

5.12 RECOMMENDATION: "SECTION 30(1) OF THE FIREARMS ACT 1968 SHOULD BE AMENDED SO AS TO PROVIDE FOR:

- THE REVOCATION OF A FIREARM CERTIFICATE ON THE GROUND THAT THE CHIEF OFFICER OF POLICE IS SATISFIED THAT THE HOLDER DOES NOT HAVE A GOOD REASON FOR HAVING IN HIS POSSESSION, OR FOR PURCHASING OR ACQUIRING, THE FIREARM OR AMMUNITION IN RESPECT OF WHICH THE CERTIFICATE IS HELD; AND FOR PARTIAL REVOCATION; AND

- IN THE CASE OF THE REVOCATION OF A FIREARM CERTIFICATE IN RESPECT OF THE AMMUNITION TO WHICH IT RELATES, THE POWER TO SUBSTITUTE DIFFERENT QUANTITIES" (CULLEN REPORT PARAGRAPHS 8.31 TO 8.33).

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While the Chief Constable already has the power under Article 30 of the Firearms Order to revoke a firearm certificate on grounds that "good reason" is no longer being satisfied, the Article does not specifically allow for partial revocation or for the substitution of different quantities of ammunition. The Article will, therefore, be amended to include these provisions.

5.13 RECOMMENDATION: "EACH CLUB WHICH IS APPROVED FOR THE PURPOSES OF SECTION 15 OF THE FIREARMS (AMENDMENT) ACT 1988 SHOULD BE REQUIRED TO MAINTAIN A REGISTER OF THE ATTENDANCE OF ITS MEMBERS WHO ARE HOLDERS OF FIREARMS CERTIFICATES, TOGETHER WITH DETAILS AS TO THE FIREARMS WHICH THEY USED AND THE COMPETITIONS IN WHICH THEY PARTICIPATED WHEN THEY ATTENDED" (CULLEN REPORT PARAGRAPH 8.42).

While firearms clubs in Northern Ireland are already required by the Secretary of State to keep formal records in relation to members' attendance at the shooting range, competitions, meetings etc, the guidance will be amended to reflect precisely Lord Cullen's recommendations.

5.14 RECOMMENDATION: "EVERY HOLDER OF A FIREARM CERTIFICATE SHOULD BE REQUIRED TO BE A MEMBER OF AT LEAST ONE APPROVED CLUB; AND THE FIREARM CERTIFICATE SHOULD SPECIFY THE APPROVED CLUB OR CLUBS OF WHICH HE OR SHE IS A MEMBER AND THE FIREARMS WHICH HE OR SHE INTENDS TO USE IN EACH OF THEM" (CULLEN REPORT PARAGRAPH 8.44).

This recommendation, while accepted by Government for holders of firearm certificates for target shooting, will have only limited impact following the Secretary of State's announcement of her intention to proscribe certain categories of handguns in private possession.

5.15 RECOMMENDATIONS: "EACH APPROVED CLUB SHOULD BE REQUIRED TO INFORM THE POLICE WHEN THE HOLDER OF A FIREARM CERTIFICATE HAS CEASED TO BE A MEMBER OF THE CLUB FOR WHATEVER REASON" (CULLEN REPORT PARAGRAPH 8.50); AND

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"EACH APPROVED CLUB SHOULD BE REQUIRED TO INFORM THE POLICE WHEN A MEMBER WHO IS A HOLDER OF A FIREARM CERTIFICATE HAS NOT ATTENDED A MEETING OF THE CLUB FOR A PERIOD OF A YEAR (CULLEN REPORT PARAGRAPH 8.51)"; AND

"THE PROPOSAL THAT EACH CLUB SHOULD APPOINT A PERSON TO ACT AS A LIAISON OFFICER WITH THE POLICE IS ENDORSED" (CULLEN REPORT PARAGRAPH 8.52).

Although these recommendations already operate in practice in Northern Ireland, it is the intention to formalise the requirements in the Secretary of State's Guidance to clubs.

5.16 RECOMMENDATION: "EXPLICIT STATUTORY PROVISION SHOULD BE MADE FOR THE LAYING DOWN OF CRITERIA FOR THE APPROVAL OF CLUBS FOR THE PURPOSE OF SECTION 15 OF THE FIREARMS (AMENDMENT) ACT 1988" (CULLEN REPORT PARAGRAPH 8.53).

This is already the practice in Northern Ireland. Article 54(1) of the 1981 Order already empowers the Secretary of State to attach conditions and limitations when authorising clubs.

5.17 RECOMMENDATION: "THE LANGUAGE OF SECTION 30(1) OF THE FIREARMS ACT 1968 SHOULD BE BROUGHT INTO FULL CORRESPONDENCE WITH THAT OF SECTION 27(1); AND EACH REVISED IN ORDER TO ACHIEVE A LOGICAL AND CONSISTENT ARRANGEMENT" (CULLEN REPORT PARAGRAPHS 8.62 AND 8.65).

This is already the case in Northern Ireland where the corresponding Articles in the Firearms Order ~~already~~ harmonise.

5.18 RECOMMENDATION: "SECTION 27(1) OF THE FIREARMS ACT 1968 SHOULD INCLUDE AS ONE OF THE CONDITIONS ON WHICH THE GRANTING OR RENEWAL OF A FIREARM CERTIFICATE IS DEPENDENT THAT THE CHIEF OFFICER OF POLICE IS SATISFIED THAT THE APPLICANT IS FIT TO BE ENTRUSTED WITH THE FIREARM AND AMMUNITION TO WHICH THE APPLICATION RELATES" (CULLEN REPORT PARAGRAPH 8.63).

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This is accepted in principle. Article 28 of the Firearms Order will be amended accordingly.

5.19 RECOMMENDATION: "IT IS DESIRABLE THAT THE (HOME OFFICE) GUIDANCE TO THE POLICE SHOULD CONTAIN ADVICE AS TO THE SCOPE OF "FITNESS" TO BE ENTRUSTED WITH A FIREARM AND AMMUNITION" (CULLEN REPORT PARAGRAPH 8.64).

The Secretary of State's proposed guidance to the Chief Constable will contain similar advice.

5.20 RECOMMENDATIONS: "EACH APPROVED CLUB SHOULD BE REQUIRED TO INFORM THE POLICE OF THE RECEIPT OF AN APPLICATION FOR MEMBERSHIP; AND THE OUTCOME OF THE APPLICATION" (CULLEN REPORT PARAGRAPH 8.71); AND

"EACH APPLICANT FOR MEMBERSHIP OF AN APPROVED CLUB SHOULD BE REQUIRED TO STATE WHETHER OR NOT HE OR SHE HAS SUBMITTED ANY PRIOR APPLICATION FOR A FIREARM CERTIFICATE OR A SHOTGUN CERTIFICATE WHICH HAS BEEN REFUSED; AND WHETHER HE OR SHE HAS PREVIOUSLY HELD SUCH A CERTIFICATE WHICH HAS BEEN REVOKED" (CULLEN REPORT PARAGRAPH 8.73).

These recommendations are accepted in principle and the Secretary of State will suitably amend her authorisation criteria for clubs.

5.21 RECOMMENDATION: "THE CURRENT REQUIREMENT FOR A COUNTER-SIGNATORY OF A FIREARM APPLICATION SHOULD BE ABOLISHED; AND REPLACED BY A SYSTEM FOR THE PROVISION OF TWO REFERENCES" (CULLEN REPORT PARAGRAPH 8.81).

The legislation in Northern Ireland does not currently require firearm certificate applications to be counter-signed. Nor is there any provision for character references. The Firearms Order will therefore be amended to introduce a requirement for two references to be provided.

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5.22 **RECOMMENDATION:** "THE PROPOSAL BY THE ASSOCIATION OF POLICE SURGEONS FOR THE PROVISION BY THE APPLICANT'S MEDICAL PRACTITIONER OF INFORMATION AS TO THE APPLICANT'S MEDICAL HISTORY AND ITS CONSIDERATION BY A FORENSIC MEDICAL EXAMINER SHOULD BE THE SUBJECT OF CONSULTATION WITH THE INTERESTED BODIES" (CULLEN REPORT PARAGRAPH 8.90).

The Government has consulted with the police, the British Medical Association and the British Shooting Sports Council but there was no support for the idea from any of these parties. All saw practical or ethical difficulties with it and the Association of Police Surgeons has since withdrawn this proposal.

5.23 **RECOMMENDATION:** "CONSIDERATION SHOULD BE GIVEN TO THE REFORM OF THE SCOPE FOR APPEAL AGAINST DECISIONS OF THE CHIEF OFFICER OF POLICE BY RESTRICTING IT TO ENUMERATED GROUNDS WHICH DO NOT TRENCH ON THE EXERCISE OF HIS DISCRETION" (CULLEN REPORT PARAGRAPH 8.119).

Unlike the situation in Great Britain where firearms appeals are made to either the Crown Court or Sheriff's Court in Scotland, firearms appeals in Northern Ireland are made to the Secretary of State. Proposals for improving the appeals system are given at Chapter 8.

5.24 **RECOMMENDATION:** "CONSIDERATION SHOULD BE GIVEN TO RESTRICTING THE AVAILABILITY OF SELF-LOADING PISTOLS AND REVOLVERS OF ANY CALIBRE WHICH ARE HELD BY INDIVIDUALS FOR TARGET SHOOTING;

- PREFERABLY BY THEIR DISABLEMENT, WHILE THEY ARE NOT IN USE, BY EITHER (i) THE REMOVAL OF THE SLIDE ASSEMBLY/CYLINDER, WHICH IS TO BE KEPT SECURELY ON THE PREMISES OF AN APPROVED CLUB OF WHICH THE OWNER IS A MEMBER OR BY A CLUB OFFICIAL; OR (ii) THE FITTING OF A LOCKED BARREL BLOCK BY A CLUB OFFICIAL;
- OR, IF SUCH A SYSTEM IS NOT ADOPTED, BY THE BANNING OF THE POSSESSION OF SUCH HANDGUNS BY INDIVIDUAL OWNERS".