

155/96

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ASST SEC 17 JAN 1996
CENT SEC

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FROM: RUTH OSBORNE
16 JANUARY 1996

RO/33100/96/SD

NOTE FOR THE RECORD

UNDER/ SEC 624/1
16 JAN 1996
CENT SEC

Mrs McAuley
Mrs Deegan
LD 1871

- CC: PS/SECRETARY OF STATE (B&L) - B
- PS/SIR J WHEELER (B&L) - B
- PS/MICHAEL ANCRAM (B&L) - B
- PS/PUS (B&L) - B
- PS/SIR DAVID FELL - B
- MR LEGGE - B
- MR THOMAS (B&L) - B
- MR BELL - B
- MR DANIELL - B
- MR LEACH (B&L) - B
- MR STEELE - B
- MR WATKINS - B
- MR D J HILL - B
- MR PERRY - B
- MR SMYTH - B
- MR STEPHENS - B
- MR SLOAN - B
- MR LAMONT, RID - B
- MR DEW, DUBLIN - B

Mr [unclear]

REVIEW OF FIREARMS LEGISLATION

A MEETING TOOK PLACE AT MARYFIELD TO BRIEF THE IRISH SIDE ON THE REVIEW OF THE FIREARMS LEGISLATION. THE BRITISH SIDE WAS REPRESENTED BY MR BELL, MR SMYTH, MR SLOAN, MRS OSBORNE AND MR MCWILLIAMS. THE IRISH SIDE WAS REPRESENTED BY MR DONOGHUE, MR MAGNER, MR MCINTYRE AND MR TIERNEY.

2. MR DONOGHUE OPENED THE MEETING BY INDICATING THAT THE IRISH SIDE WELCOMED THE REVIEW. HOWEVER, HE SAID THAT THE IRISH SIDE HOPED THE OUTCOME WOULD BE AN EVENTUAL REDUCTION IN THE "VAST NUMBERS OF WEAPONS IN THE HANDS OF THE UNIONIST COMMUNITY", POINTING OUT THERE WAS A PERCEPTION WITHIN THE NATIONALIST COMMUNITY THAT SUCH FIREARMS COULD BE TURNED ON THEM SHOULD THE CEASEFIRES FAIL. MR SMYTH STRESSED THAT THE USE OF LEGALLY HELD FIREARMS FOR CRIMINAL PURPOSES HAS BEEN NEGLIGIBLE. THE REVIEW WAS UNCONNECTED TO DECOMMISSIONING AND THE PEACE PROCESS AND ITS TIMING WAS NOT

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SIGNIFICANT. MR SLOAN WENT ON TO SAY THAT NO DOUBT THE CESSATION OF TERRORIST VIOLENCE HAS GIVEN MINISTERS AN OPPORTUNITY TO LOOK AT THE ISSUES, ON THEIR MERITS, IN A LESS STRESSFUL AND MORE NORMAL ATMOSPHERE. HE EXPLAINED THAT THE FIREARMS (NORTHERN IRELAND) ORDER 1981 HAS BEEN AMENDED ON SEVERAL OCCASIONS, MOST RECENTLY LAST YEAR, BUT THE LAW HAS LARGELY REMAINED UNCHANGED SINCE THE 1960s. THERE WAS THEREFORE A NEED FOR A MAJOR REVIEW TO CONSOLIDATE PREVIOUS AMENDMENTS AND TO TAKE INTO ACCOUNT RECENT DEVELOPMENTS IN THE DESIGN AND TECHNOLOGY OF FIREARMS, AND THEIR INCREASED USAGE FOR RECREATIONAL AND SPORTING ACTIVITIES. MR DONOGHUE SAID THAT HE APPRECIATED THAT THE REVIEW WAS BEING CONDUCTED INDEPENDENT OF THE PEACE PROCESS BUT THAT IF HANDLED IN A CERTAIN WAY IT COULD NONETHELESS HAVE A BENEFICIAL IMPACT.

3. THE IRISH SIDE THEN ASKED A NUMBER OF QUESTIONS WHICH RAISED CONCERNS MAINLY ABOUT THE LARGE NUMBER OF FIREARMS IN CIRCULATION AND WHAT THEY CLAIMED WAS A LACK OF STATISTICAL INFORMATION TO DEMONSTRATE THAT THE CONTROLS WERE EFFECTIVE. THEY ALSO ASKED A NUMBER OF QUESTIONS ABOUT THE STRUCTURE OF THE REVIEW ITSELF.

ISSUE OF CERTIFICATES AND RENEWALS

4. MR DONOGHUE RECOGNISED THAT IT WAS HIGHLY UNLIKELY THAT THE CHIEF CONSTABLE WOULD ISSUE A LICENCE TO SOMEONE WHO HAD A CONVICTION FOR VIOLENT CRIME. HE ENQUIRED WHETHER THE CHIEF CONSTABLE WAS LIKELY TO REFUSE A CERTIFICATE TO SOMEONE WHO WAS SUSPECTED TO HAVE ASSOCIATIONS WITH A SEDITIOUS ORGANISATION, EG: THE THIRD FORCE. MR SLOAN EXPLAINED THAT THE CHIEF CONSTABLE SOUGHT INTELLIGENCE ADVICE ON EVERY APPLICANT, REGARDLESS OF THE TYPE OF FIREARMS APPLIED FOR. IF THERE WAS ANY SUSPICION OF PARAMILITARY OR CRIMINAL CONNECTION THERE WAS NO DOUBT THAT THE CHIEF CONSTABLE WOULD REFUSE TO ISSUE A CERTIFICATE. MR MAGNER ASKED WHETHER THIS MEANT THAT THE CHIEF CONSTABLE WOULD ALSO REFUSE THE RENEWAL OF A CERTIFICATE IF THE HOLDER BRANDISHED IT IN PUBLIC, IE WITH THE

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IMPLICIT THREAT THAT THE FIREARM WOULD BE USED FOR ILLEGAL PURPOSES. MR SMYTH SAID, IF THE INDIVIDUAL CONCERNED COULD BE IDENTIFIED, THIS WOULD BE A CONSIDERATION THE CHIEF CONSTABLE WOULD TAKE INTO ACCOUNT. HE POINTED OUT THAT A CERTIFICATE COULD BE REVOKED AT ANY TIME, NOT ONLY WHEN ITS 3 YEAR LIFE EXPECTANCY EXPIRED.

5. MR DONOGHUE THEN ENQUIRED ABOUT ANY RESTRICTIONS ON MULTIPLE "WEAPONS" WHICH ANY INDIVIDUAL COULD HOLD. MR SLOAN EXPLAINED THAT THERE WAS NO STATUTORY RESTRICTION BUT THE APPLICANT MUST STATE THE REASON(S) FOR EACH FIREARM WHICH WOULD BE CONSIDERED ON ITS MERITS, AND LISTED ON THE ACTUAL LICENCE; HOWEVER THE POLICE ATTEMPT TO KEEP THE NUMBERS ISSUED TO ANY ONE INDIVIDUAL TO A MINIMUM, AS IS THE CASE FOR ALL APPLICATIONS.

6. MR DONOGHUE THEN ENQUIRED ABOUT HOW OFTEN THE CHIEF CONSTABLE WOULD REFUSE TO ISSUE OR REVOKE LICENCES TO DEALERS. MR SLOAN SAID THAT THIS WAS AN AREA WHICH HAD NOT CAUSED ANY DIFFICULTY. HE EMPHASISED THAT THE LEGISLATION EMPOWERS THE CHIEF CONSTABLE NOT TO ISSUE A LICENCE IF HE HAS SUSPICIONS THAT THERE COULD BE A "THREAT TO PUBLIC SAFETY", WHICH WOULD INCLUDE SUCH CONSIDERATIONS AS CRIMINAL RECORDS AND PARAMILITARY CONNECTIONS. HE ADDED THAT THERE WAS NOTHING TO BE GAINED BY TAKING RISKS AND THE CHIEF CONSTABLE THEREFORE INTERPRETS THE CRITERIA FAIRLY WIDELY.

STATISTICS

7. MR DONOGHUE RECOGNISED THAT THIS WAS REASSURING BUT PRESSED FOR FIGURES TO SUBSTANTIATE THE EFFECTIVENESS OF THE CRITERIA. HE SAID THAT THE IRISH SIDE WOULD BE INTERESTED, FOR INSTANCE, TO KNOW HOW MANY TIMES THE CHIEF CONSTABLE REFUSED TO RENEW A CERTIFICATE. MR SMYTH, SHOWING SURPRISE, STRESSED THAT THE BRITISH SIDE WOULD BE VERY CONCERNED IF A LARGE NUMBER OF LICENCES WERE NOT RENEWED AS

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THIS WOULD SUGGEST A LACK OF RIGOUR IN APPLYING THE STATUTORY CRITERIA TO THE ORIGINAL APPLICATIONS.

PERSONAL PROTECTION WEAPONS

8. MR DONOGHUE THEN ENQUIRED WHETHER THE TOTAL FIGURE OF 133,779 INCLUDED THE 13,000 OR SO PPWS IN CIRCULATION, AND WHO WOULD BE IN POSSESSION OF THE LATTER. MR SMYTH CONFIRMED THAT THE TOTAL FIGURE INCLUDED PPWS. HE SAID PPWS WERE ISSUED TO MAINLY RUC/ROYAL IRISH MEMBERS, POLITICIANS AND SOME PEOPLE IN SENSITIVE OCCUPATIONS. MR SMYTH WENT ON TO EMPHASISE THAT ALL WEAPONS IRRESPECTIVE OF THEIR USE, MUST BE ISSUED WITH A LICENCE AND THE SAME CRITERIA ALWAYS APPLIED, REGARDLESS OF THE TYPE OF WEAPON. EQUALLY, ALL LICENCES ARE REVIEWED EVERY THREE YEARS, UNLESS REVOKED BEFORE THEN. MR SLOAN CLARIFIED THAT THERE WERE APPROXIMATELY 10,000 PPWS IN CIRCULATION, NOT OVER 13,000. HE ADDED THAT WITH THE ONSET OF THE CEASEFIRES, THE NUMBER OF LICENCES FOR PPWS ISSUED BY THE CHIEF CONSTABLE HAS DECLINED. SHOULD THE CEASEFIRES CONTINUE, THESE SHOULD DECREASE FURTHER, PARTICULARLY WHEN EXISTING LICENCES COME UP FOR THEIR 3 YEAR REVIEW. MR DONOGHUE COMMENTED THAT IT WAS GOOD THAT CONTROLS WERE IN PLACE, BUT UNLESS STATISTICS WERE AVAILABLE THERE WAS NO REASSURING PROOF THAT THEY WERE BEING STRICTLY ADHERED TO.

RELIGIOUS BREAKDOWN

9. MR MAGNER ENQUIRED WHETHER THERE WERE ANY STATISTICS TO SHOW HOW MANY LICENCES WERE HELD IN EACH COMMUNITY. MR SLOAN STATED THAT THERE WAS NO REQUIREMENT TO STATE ONE'S RELIGION ON THE APPLICATION, ALTHOUGH INDIVIDUALS WERE REQUIRED TO STATE THEIR NATIONALITY ON THE APPLICATION FORMS. HOWEVER, AT OFFICIAL'S REQUEST, THE POLICE HAD CARRIED OUT A QUICK ANALYSIS OF VARIOUS APPLICATIONS RECEIVED ON ONE DAY LAST AUTUMN. OF THE 100 APPLICATIONS RECEIVED BY THE RUC THAT DAY, 6 STATED THEIR NATIONALITY TO BE IRISH, AND THE REST

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DESCRIBED THEMSELVES AS EITHER BRITISH OR NORTHERN IRISH. MR SMYTH POINTED OUT THAT WITH REGARD TO ASSESSING THE RELATIVE PROPORTIONS OF LEGALLY HELD FIREARMS IN PROTESTANT AND CATHOLIC HANDS, THIS EXERCISE WAS NOT OF ANY GREAT VALUE. VERY MANY CATHOLIC APPLICANTS WOULD HAVE STATED THEIR NATIONALITY AS BRITISH OR NORTHERN IRISH, IF ONLY BECAUSE THEY MAY HAVE FELT THAT TO STATE OTHERWISE MIGHT OPERATE TO THEIR DISADVANTAGE IN OBTAINING A LICENCE. MR DONOGHUE SAID THAT HE FULLY TOOK THIS POINT.

10. MR DONOGHUE THEN ENQUIRED ABOUT WHETHER THERE WAS A RELIGIOUS BREAKDOWN ON THE NUMBER OF UNSUCCESSFUL APPEALS. MR SMYTH SAID THAT THIS WAS NOT AVAILABLE BECAUSE THERE WAS NO REQUIREMENT TO STATE ONES RELIGION ON THE FORM OF APPEAL. HE ADDED THAT ABOUT 10% OF APPEALS WERE UPHELD.

URBAN/RURAL BREAKDOWN

11. MR MCINTYRE ENQUIRED WHETHER THERE WAS A BREAKDOWN BETWEEN URBAN AND RURAL REGIONS. MR SLOAN INDICATED THAT APPROXIMATELY 75% OF THE TOTAL HOLDINGS OF SHOTGUNS AND SMALL CALIBRE RIFLES WERE ISSUED FOR AGRICULTURAL PURPOSES, WHICH SEEMED TO SUGGEST THAT MOST FIREARMS WERE HELD IN RURAL AREAS.

12. CONTINUING HIS APPARENT THEME THAT THERE WAS A PERCEPTION THAT THE MINORITY COMMUNITY WERE UNDER THREAT, MR DONOGHUE SAID THAT THERE WERE AN "ENORMOUS NUMBER OF PRIVATELY HELD WEAPONS IN NORTHERN IRELAND, GREATLY IN EXCESS OF THOSE HELD ELSEWHERE". HE ENQUIRED HOW THIS HAD COME ABOUT, AS IT SUGGESTED THAT THE CONTROLS WERE FAIRLY LAX. AT THIS STAGE, MR BELL INTERVENED TO POINT OUT THAT NORTHERN IRELAND HAD A HIGHER RURAL LANDSCAPE THAN THAT OF GB, AND THEREFORE IT WAS TO BE EXPECTED THAT THE ISSUE OF FIREARMS CERTIFICATES FOR AGRICULTURAL USE WOULD BE HIGHER. EQUALLY, IT WAS NOT SURPRISING THAT THERE WOULD BE A LARGE NUMBER OF PPWS IN CIRCULATION, GIVEN THE TERRORIST THREAT IN RECENT YEARS IN NORTHERN

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IRELAND. MR DONOGHUE AND MR MAGNER, APPEARING TO BE AT ONE ON THE ISSUE, POINTED OUT THAT THE BULK OF THE NORTHERN IRELAND POPULATION LIVED IN BELFAST AND THAT SCOTLAND WAS ALSO VERY RURAL. MR MAGNER FURTHER CLAIMED THAT THE "FIREARMS CLUBS WERE VIRTUALLY ALL UNIONIST" WHICH WAS NOT VERY REASSURING. MR SMYTH SOUGHT CLARIFICATION ON THIS AND ON THE IRISH SIDE'S INTERPRETATION OF "UNIONIST". HE REITERATED THAT EACH APPLICATION WAS CONSIDERED ON ITS MERITS, TAKING INTO CONSIDERATION THE MAINTENANCE OF PUBLIC AND INDIVIDUAL SAFETY AND THE LEGITIMATE RIGHT OF INDIVIDUALS' USE OF FIREARMS FOR SPORT AND OTHER RECREATIONAL PURSUITS, AS WELL AS FOR AGRICULTURAL PURPOSES. THE REVIEW WOULD AIM TO STRIKE A BALANCE OF ALL THESE ASPECTS.

STRUCTURE OF REVIEW

13. MR DONOGHUE MADE A NUMBER OF ENQUIRIES WITH REGARD TO THE COMPOSITION OF THE STEERING GROUP AND REVIEW TEAM AND WHICH BODIES HAD BEEN CONSULTED. HE ALSO ENQUIRED ABOUT THE TYPE OF AND TIMETABLE FOR THE LEGISLATION AND THE IMPLICATION FOR THIS SHOULD THERE BE A GENERAL ELECTION LATER THIS YEAR. DURING THE DISCUSSIONS, IT WAS POINTED OUT THAT, UNLIKE THE PROCEDURES IN REPUBLIC OF IRELAND, ALL LICENCE APPLICATIONS WERE DEALT WITH CENTRALLY BY THE RUC. MR SMYTH AND MR SLOAN EMPHASISED THAT IT WAS TO BE A WIDE RANGING REVIEW WHICH WOULD RESULT IN A BALANCED PACKAGE FOR SUBMISSION TO MINISTERS HOPEFULLY BY AUGUST THIS YEAR. THERE WOULD THEN BE A CONSULTATION PERIOD, AND IT WAS NOT ANTICIPATED THAT THE LEGISLATION WOULD BE IN PLACE BEFORE THE AUTUMN OF 1997 OR PERHAPS EARLY 1998.

14. MR DONOGHUE ENDED THE MEETING BY STATING THAT THE IRISH SIDE CONSIDERED THAT IF THE REVIEW DID NOT RESULT IN A TIGHTENING UP OF CONTROLS, IT WOULD NOT HAVE ANY CREDIBILITY. MR SLOAN ENQUIRED ABOUT WHAT PARTICULAR AREAS THE IRISH SIDE CONSIDERED NEEDED TO BE

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TIGHTENED UP TO WHICH MR DONOGHUE RESPONDED THAT IT WAS DIFFICULT TO SAY WITHOUT SIGHT OF STATISTICAL INFORMATION. MR SMYTH WELCOMED ANY WRITTEN OBSERVATIONS FROM THE IRISH SIDE.

[SIGNED - RO]

RUTH OSBORNE

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