

1
10
(4) to
(6) to
12/2/87

NOTE FOR THE RECORD

- 1. [redacted] 2/10/87
- 2. [redacted] 8/12/87
- 3. [redacted] 8/10

cc PS/SofS (L&B)
 PS/Mr Stanley (L&B)
 Mr Stephens
 [redacted]
 Mr Steele
 [redacted]

HEAD OF DIVISION
 3835 OCT 1987
 POB-NIO BELFAST

MR STANLEY'S MEETING WITH REVEREND MARTIN SMYTH MP ON 2 OCTOBER

Personal Protection Weapons (PPWs) for Members of the UDR

The Reverend Martin Smyth expressed his opinion that all members of the UDR should be issued with Personal Protection Weapons as the Government has a duty to protect those who are recruited to protect the community. If a person is deemed suitable to serve in the UDR then they should be considered responsible enough to hold a PPW. He also made the point that the low level of applications for licences to the Chief Constable in the last three years was because members of a disciplined organisation would find it difficult to go against a decision handed down from senior ranks.

2. The Minister responded by outlining the criteria used in deciding on these cases, first by the UDR and then by the RUC. On the question of whether a person deemed suitable to serve in the UDR should also be suitable to hold a PPW, the Minister pointed out that the criteria used for the issue of firearms certificates was very much tighter than that used to select for membership of the armed forces. The Minister concluded the discussion on this subject by saying that he felt the right balance had been struck as regards policy in this area. Personal Protection Weapons were issued to those at risk against a background of the need to bear in mind the importance of keeping to a minimum the number of firearms circulating in any community. UDR members have the right

to apply for a firearms certificate from the Chief Constable and then they have an automatic right of appeal to Ministers. Mr Stanley suggested to the Reverend Smyth that he should be advising his UDR constituents to go ahead and apply to the RUC where necessary and indeed to appeal the Chief Constable's decision as this was their legal right.

Prisoner [REDACTED]

3. The Reverend Smyth rehearsed his belief, as he has done several times in the past, that [REDACTED] was wrongly convicted of murder in 1976. Although [REDACTED] had pleaded guilty to the charges, the Reverend Smyth's view is that he was wrongly advised by counsel (Desmond Boal) to do this. He referred to two policemen who had been involved in the case, Ford and White, who are also of the opinion that [REDACTED] was wrongly convicted. The Reverend Smyth believes that [REDACTED] has now served his sentence and should not be held for another year before consideration of his case is given by the LSRB.

4. The Minister replied that he accepted the Reverend Smyth's sincere conviction that [REDACTED] was innocent, however, this conviction must be coupled with tangible new evidence before anything further could be done. The Minister agreed that the advice on which way to plead may have been wrong but that was history now and brought no bearing on the decisions made recently by the RUC, the DPP, and the NIO when [REDACTED]'s case was looked at. In absence of any new evidence no further progress can be made.

[REDACTED]

[REDACTED]

PS/Mr Stanley

6 October 1987



C O N F I D E N T I A L

cc. PS/Secretary of State (B & L)-B
PS/[REDACTED] (B & L)-B
PS/PUS (B & L)-B
Mr Stephens-B
[REDACTED]-B
Mr Steele-B
[REDACTED]

-B
-B



PS/Mr Stanley (B & L)

MINISTER'S MEETING WITH REV MARTIN SMYTH MP ON 2.10.87

PERSONAL PROTECTION WEAPONS (PPWs) FOR MEMBERS OF THE UDR

As requested in your minute of 8 September 1987 I set out below briefing for the above.

Background

2. Rev Martin Smyth contends that if a person is suitable to serve in the UDR he should not be precluded from holding a firearm certificate and further that such a person should be given a personal protection weapon or at least be granted a firearm certificate authorising him to purchase one.

3. The UDR issues PPWs to its members based solely on its assessment of the threat against each individual member. The assessment of this threat takes into account where the member lives, where he is stationed, his routes to work (ie both UDR locations and "ordinary" workplaces for P/T members), previous threats etc. The UDR does not consider all its members to be at risk (ie a UDR member living at Bangor and working at Palace Barracks, Holywood would not be considered at risk unless there were exceptional circumstances) and each application is considered on its merits. If the UDR refuses to issue a PPW to a member it advises the RUC.

C O N F I D E N T I A L



C O N F I D E N T I A L

2

4. The Minister is aware that a UDR member who has been refused a PPW on this basis, may, like any member of the public, apply to the RUC for a firearm licence. The criteria under which the RUC operates are set out in Article 28(2) of the Firearms (NI) Order 1981 viz:

"..... a firearm certificate shall not be granted unless the Chief Constable is satisfied that the applicant -

- (i) is not prohibited by this Order from possessing a firearm, is not of intemperate habits or unsound mind and is not for any other reason unfitted to be entrusted with a firearm; and
- (ii) has a good reason for purchasing, acquiring or having in his possession the firearms and ammunition in respect of which the application is made; and
- (iii) can be permitted to have that firearm or ammunition in his possession without danger to the public safety or to the peace."

In practice the Chief Constable considers all UDR members to be at risk and therefore to satisfy paragraph (ii) - Refusals are usually because of intemperate habits, criminal records or association with paramilitary organisations such as the UDA. The UDR is notified by the police if a firearm certificate has been refused, and the reasons for refusal can result in a UDR member being discharged.

5. A UDR member refused a firearm certificate by the Chief Constable may of course appeal to the Secretary of State

C O N F I D E N T I A L



C O N F I D E N T I A L

3

for reversal of the decision and 13 have done so during the last 3 years, only 7 of which involved PPWs - one was allowed by the Minister, the remainder, including appeals involving sporting firearms, were refused.

Line to take

6. Rev Martin Smyth has suggested that there is "divergence from place to place". This may be his interpretation of the UDR authorities application of their policy, eg, members serving around Border areas being given service weapons while members in relatively safer areas have to seek authority from the Chief Constable to buy their own guns. That of course is a matter for the UDR authorities. The Chief Constable's policy does not vary by area.

7. However there is undeniably an apparent inconsistency in an individual being considered suitable for employment in the UDR and unsuitable to hold a PPW, and presumably Rev Smyth will press the Minister on this. A suggested line to take is:

- (a) A member of the UDR is subject to the full rigour of military discipline. The holder of a firearm certificate is a free agent. The criteria for employment in the UDR and holding a firearm certificate are therefore not identical.
- (b) This is an area of subjective judgement applied by two different organisations in a very grey area. There will therefore always be differences of view in a few cases.
- (c) The number of cases where difficulty arises is very small, as evidenced by the number of appeals (paragraph 5).

C O N F I D E N T I A L



C O N F I D E N T I A L

4

7. The Minister is of course aware of the recent correspondence with the GOC concerning the tightening up of recruitment and employment criteria in the UDR. He will not wish to disclose this but he may wish to hint that any improvement in the existing arrangements is more likely to lie in that direction than in any relaxation of the Chief Constable's policy.



Police Division (B)

1 October 1987

C O N F I D E N T I A L