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FIREARMS CONSULTATIVE COMMITTEE

SEVENTH ANNUAL REPORT

The Independent body established by an Act of Parliament to keep
under review the working of the Firearms Acts

Report of the Firearms Consultative Committee for 1995–1996

Presented pursuant to Act Eliz II 1988 c.45

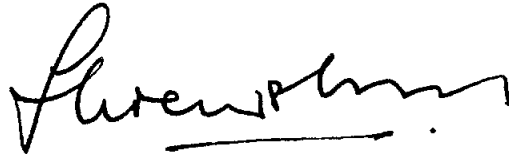
Section 22(6) (Firearms (Amendment) Act 1988)

*Ordered by the House of Commons to be printed
11 July 1996*

**Annual Report of the
Firearms Consultative Committee**

Sir

I have pleasure in submitting to you as required by section 22(6) of the Firearms (Amendment) Act 1988 the seventh Annual Report of the Firearms Consultative Committee.

A handwritten signature in black ink, appearing to read 'Shrewsbury', with a horizontal line underneath the name.

THE EARL OF SHREWSBURY AND WATERFORD
Chairman

The Rt Hon Michael Howard QC MP
Secretary of State for the Home Department

CONTENTS

	<i>Pages</i>
1. INTRODUCTION	
The Committee	8
Aims and Activities	8
2. PROGRAMME OF WORK	
Publicity	10
Representations	10
3. DUNBLANE PRIMARY SCHOOL SHOOTING	
Scottish and Home Office Submission to Lord Cullen	12
Home Affairs Select Committee Inquiry into the Possession of Handguns	12
4. IMITATION FIREARMS	
Background	13
Types of Imitation Firearm	13
Statutory Provisions	13
Offences involving Imitation Firearms	14
Consideration	15
Conclusion	16
5. EX-PATRIATE CERTIFICATE HOLDERS	
Background	17
Statutory Provisions	17
The Difficulties	17
Consideration	18
Conclusion and Recommendation	18
6. EUROPE	
Background	19
Areas of difficulty with the present system	19
Consideration	21
Recommendation	21
7. APPEALS	
Background	22
The Present System	22
The Way Forward	22
Consideration and Recommendations	23
8. OTHER ISSUES	
British Western Shooting Society	24
Number of photographs to be supplied with an application for a firearm or shot gun certificate	25
Component parts of Shot guns	26
Ministry of Defence Inspection of Club Ranges	26
New Deactivation Specifications	27
Metrication	27
New Criteria for Approved Rifle and Pistol Clubs	27

	<i>Pages</i>
Administration of the Firearms Licensing System	27
Bodyguard Training	28
Armed Forces Bill	29
Testing of Air Weapons	30
9. SUMMARY OF RECOMMENDATIONS	31

ANNEXES

	<i>Pages</i>
A. Extract from Firearms (Amendment) Act 1988 (section 22) and Firearms (Amendment) Act 1988 (Firearms Consultative Committee) Order 1993 (paragraph 2)	33
B. Biographies of members relevant to their appointment to the Committee and record of attendance at meetings 1995/96	35
C. List of topics from which 1995 to 1996 work programme was drawn	37
D. News Release: Firearms Consultative Committee programme of work for 1995-96	38
E. News Release 14 March 1996: Dunblane Primary School Shooting: Statement by the Firearms Consultative Committee	40
F. Written evidence given by the Earl of Shrewsbury and Talbot, Chairman of Firearms Consultative Committee, to the Home Affairs Select Committee	41
G. Letter of 19 February 1996 from Lord Shrewsbury to the Rt Hon Michael Howard QC MP about the British Western Shooting Society (BWSS)	43
H. Organisations and other interested parties which have submitted representations	44
I. List of publications relevant to the Report	45

APPENDIX 1

Submission to Lord Cullen from the Firearms Consultative Committee	46
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CHAPTER 1

Introduction

The Committee

1.1 The Firearms Consultative Committee is a statutory body set up under section 22 of the Firearms (Amendment) Act 1988 (reproduced at Annex A). Members appointed to the Committee are chosen from those who appear to the Home Secretary to have knowledge and experience of either the possession, use (in particular for sport or competition) or keeping of, or transactions in firearms; or weapon technology; or the administration or enforcement of the provisions of the Firearms Acts.

1.2 Under section 22(8) of the 1988 Act the Committee initially existed for a period of five years from 1 February 1989. The life of the Committee has been extended by Order for a further three years until 31 January 1997. Paragraph 2 of the Firearms (Amendment) Act 1988 (Firearms Consultative Committee) Order 1993, which extended the Committee's life, is included in Annex A. Lord Shrewsbury is the current Chairman of the Committee and has been appointed until 31 January 1997. *We recommend* that the Home Secretary make a further Order extending the Committee's life beyond 31 January 1997.

1.3 Members of the Committee have been appointed for periods of two years which may be renewed. There have been a number of changes to the Committee's complement since its inception and a list of current members is at Annex B.

Aims and Activities

1.4 The Committee's statutory function is to review the provisions of the Firearms Acts and to make recommendations for improving their working; to make proposals for amending the provisions of these Acts where necessary; and to advise the Home Secretary on other matters which he refers to us.

1.5 During our seventh year we met on five occasions. Our meeting in October 1995 was held at Edinburgh Castle and we were delighted to be joined by the Rt Hon David Maclean MP, Minister of State at the Home Office, for dinner the previous evening. In May 1996 we returned once again to Bisley Camp at the invitation of the National Rifle Association.

1.6 Our work this year has been overshadowed by the tragic events at Dunblane which is dealt with in Chapter 3. As always, the prime consideration in our deliberations has been the need for public safety.

1.7 Once again we have considered this year complex and sometimes contentious issues. We have also revisited areas which we have considered before. As ever, we have tried to produce recommendations which offer practical and sensible proposals for improvements to the firearms legislation.

1.8 In our Fifth and Sixth Annual Reports we expressed our profound disappointment that Parliamentary time had not been found

for appropriate legislation where we had indicated need for reform. We would repeat that concern and would urge that priority be given to the introduction of a new Firearms Act and not simply further piecemeal change. Such an Act will require careful and considered deliberation by Parliament if it is not to suffer the same deficiencies and pitfalls as the existing enactments. We would hope to play our part in those discussions.

CHAPTER 2

Programme of work

2.1 The Committee's work programme for this year was drawn from the list of topics which is reproduced at Annex C. At our first meeting we decided to give consideration during the course of our seventh working year to the following:

Categories of dealer

Categories of prohibited weapon

Imitation firearms

Europe

Appeals

Antiques

Territorial Conditions

Ex-patriate certificate holders

Home Office publication "*Firearms Law: Guidance to the Police*"

2.2 We were not able to give full consideration to a number of subjects on our work programme owing to our consideration of the terrible events at Dunblane and preparation of our evidence to Lord Cullen. We did not therefore consider in any detail categories of dealer, categories of prohibited weapon, antiques, territorial conditions or the Home Office publication "*Firearms Law: Guidance to the Police*". Those subjects we were not able to consider as part of our work programme this year, we will consider as part of a future work programme.

Publicity

2.3 On 1 November 1995 the Committee publicised its work programme by the issue of a press release. This is reproduced at Annex D. As in previous years, the news release enabled us to bring the items on our work programme to those who had an interest in them and might want to make representations to the Committee.

Representations

2.4 We are grateful once again for the number and quality of the representations we have received on the range of subjects on our work programme. Anyone wishing to draw the Committee's attention to particular issues which are properly within our remit should write to:

The Secretary
Firearms Consultative Committee
50 Queen Anne's Gate
London SW1H 9AT

2.5 We must repeat our annual reminder however, that it is not the Committee's function to seek to intervene in or comment on individual applications for the grant or renewal of firearm or shot gun certificates, or to act as an appellate authority where individuals are aggrieved by decisions made by chief officers of police. Nor would it

be right for the Committee to endorse specific commercial products as this would go beyond our terms of reference.

2.6 This report records our deliberations on the topics on the programme of work and other issues which were brought to our attention during the course of the year.

CHAPTER 3

Dunblane Primary School Shooting

3.1 We, in common with the rest of the country, were appalled by the terrible event at Dunblane Primary School on Wednesday 13 March when 17 people were killed by Thomas Hamilton, who then shot himself.

3.2 We express our deepest sympathy to the families of the bereaved and our support to those injured in this dreadful incident. The Committee had a scheduled meeting the day after the Dunblane shooting. Following that meeting we issued a press statement which is reproduced in Annex E.

3.3 As that statement says, it would be wrong for the Committee to express any views on the event in advance of the results of the Inquiry which has been set up by the Government and which is being chaired by Lord Cullen. However, we have submitted written evidence to Lord Cullen's Inquiry. This evidence does not make recommendations for change but draws to Lord Cullen's attention areas of our work to date which may be of relevance to him. A copy of our submission to Lord Cullen is included as Appendix 1 to this Report.

3.4 We stand ready to consider and advise on any interim or final recommendations which Lord Cullen makes. We would, of course, consider and advise the Home Secretary on any other matters which he refers to us as a result of this terrible incident.

Scottish and Home Office Submission to Lord Cullen

3.5 The Committee notes the submission by the Scottish and Home Offices to Lord Cullen which was circulated to us. We had an opportunity to comment on an early draft of the submission. We commend the fact that it does not make recommendations but presents the advantages and disadvantages of options for change.

Home Affairs Select Committee Inquiry into the possession of handguns

3.6 The Home Affairs Select Committee held a one day inquiry into the possession of handguns on 8 May. The Chairman was unable to give oral evidence and a written submission was therefore provided. A copy of the Committee's submission is reproduced at Annex F. We await the outcome of the Home Affairs Committee's inquiry with interest.

CHAPTER 4

Imitation Firearms

Background

4.1 We considered the issue of imitation firearms in our Third Annual Report where we recommended that the Home Secretary should give consideration to amending the legislation to extend to imitation firearms the offences relating to the criminal misuse of live-firing firearms. We noted in our Sixth Annual Report that the Firearms (Amendment) Act 1994 implemented that recommendation. We therefore felt that we should review the law as it relates to imitation firearms to ensure that it is now adequate.

4.2 In our consideration of this issue we were grateful for a factual paper from the Home Office.

Types of Imitation Firearm

4.3 “Imitation firearm” is defined in section 57(4) of the Firearms Act 1968 as meaning “any thing which has the appearance of being a firearm . . . whether or not it is capable of discharging any shot, bullet or other missile”. Imitation firearms fall into two types: those which can be converted to live fire and those which cannot.

Imitation weapons which can be converted to fire live ammunition are subject to the same licensing controls as real firearms.

4.4 Most non-firing imitation firearms are **toys**. There are probably many millions in circulation. **Reproductions** of real firearms which are *not* capable of firing live ammunition are collected by individuals who are interested in firearms but do not wish to possess ‘genuine’ firearms (which are subject to licensing controls). **Blank firing replicas**, which give the sound and impression of a shot being fired but which do not actually fire a missile, are widely used in film, theatre and television productions and by re-enactment groups and societies which act out historical battles. Real firearms which have been **de-activated** may, depending upon the nature and extent of their deactivation, also fall within the definition of an imitation firearm. De-activated firearms are widely held.

Statutory Provisions

4.5 Under section 1 of the Firearms Act 1982, an imitation firearm which has the appearance of being a firearm to which section 1 of the Firearms Act 1968 applies, and which is so constructed or adapted as to be readily convertible into a firearm to which that section applies, is subject to the same controls as a “genuine” firearm. A firearm certificate issued by the local chief officer of police is therefore required to acquire or possess imitation weapons of this sort. Imitation weapons which are not readily convertible to fire live ammunition are not subject to control and can be acquired or possessed freely without a certificate.

4.6 The possession of an imitation firearm (whether readily convertible or not) with intent to commit an indictable offence or to resist arrest is an offence punishable, as in the case of “genuine” firearms, by life imprisonment.

4.7 A firearm which has been de-activated so that it is not capable of firing any shot, bullet or other missile, is not a firearm within the

meaning of the Firearms Acts and is not subject to certificate control.

4.8 Section 8 of the Firearms (Amendment) Act 1988 introduced an approved standard for de-activation. Weapons which have been de-activated in a manner and to a standard approved by the Secretary of State, and which have been stamped and certified as such by one of the Proof Houses are presumed no longer to be firearms and do not require a certificate. New, more stringent standards, particularly for portable prohibited (section 5) weaponry, were introduced on 1 October 1995, as recommended in our Fifth Annual Report. The Proof House certificate is an evidential requirement only and firearms which have been deactivated in some other manner may have ceased to be firearms subject to certificate control.

4.9 As reported in our Sixth Annual Report, section 1 of the Firearms (Amendment) Act 1994 created a new offence of possessing an imitation firearm (or a live firing firearm) with intent to cause, or to enable another person to cause, someone else to fear that unlawful violence will be used against him or another person. It provides for a maximum penalty of ten years imprisonment or a fine, or both. Section 2 extended the existing offences of trespassing with a firearm in a building or on land to include trespassing with an imitation firearm. It provided that the new offence of trespassing with an imitation firearm in a building is liable to a maximum penalty of 6 months' imprisonment or a fine; or both. Trespassing with an imitation firearm on land is liable to a maximum penalty of 3 months' imprisonment or a fine; or both. Section 2 also extended section 46(1)(b) of the Firearms Act 1968 (police powers of search with a warrant) to provide for the seizure of imitations as well as real firearms.

Offences involving imitation firearms

4.10 The Committee heard that the number of recorded offences involving imitation firearms is a very small proportion of all firearms offences. In 1994 in Great Britain, there were 14,755 offences involving firearms recorded by the police; these represented only 0.3% of all notifiable offences that year. Of those, only 536 (3.6%) are known to have involved an imitation firearm.

4.11 However, in 1994 the University of Oxford Centre for Criminological Research published a report about robberies involving the use of firearms. We discussed the report in our Sixth Annual Report. The Oxford study was based on police records of the 1,134 incidents of armed robbery which occurred in the Metropolitan Police District in 1990 and detailed interviews with 88 of the robbers involved. About 80% of the firearms were not recovered from these incidents and information about what proportion of the guns used had been genuine was therefore very limited. However, because the firearms were recorded as real unless they are known to be imitations it seems likely that a proportion of the guns reported as real, were in fact imitations.

4.12 The view of the researchers was that this may be particularly true in the case of handguns because some replica pistols are so realistic that it is difficult to distinguish them from the genuine article on the basis of their appearance alone. It would not be surprising that such weapons when seen, probably for a matter of seconds in the highly charged context of an armed robbery, would be assumed to be real. Of the robbers interviewed, only 41% claimed to have used a real gun. The research therefore suggested that the official statistics might substantially underestimate the number of imitation guns used in robbery, particularly in relation to pistols.

Consideration

4.13 When we considered this issue in our Third Annual Report we said then that we did not think that banning all imitation weapons would be a practical option. *We still remain of that view.* A comprehensive ban would be extremely difficult to effect in view of the millions of such items in circulation. Banning toy guns would not necessarily be supported and any attempt to ban some types of imitations such as blank firers would cause huge definitional problems. There is also the danger that a clampdown on replica guns might lead to more criminals turning to real firearms, knives, clubs and other lethal weapons.

4.14 We also noted in our Third Annual Report that a person being threatened by a realistic imitation firearm would find the experience just as frightening as if a real weapon had been used. This is no less true now than it was then. In addition, there continue to be occurrences where armed police are deployed to incidents involving imitation firearms which sometimes end in shooting of the culprit. Whilst the sympathy of the public in these cases is firmly on the side of the police, cases involving imitation firearms often lead to calls for further controls on the legitimate users of real firearms.

4.15 Unfortunately statistics are not yet available on the use of the 1994 Act and it is too early to tell if it addresses fully the concerns expressed in our earlier Reports. We therefore considered if there were any further steps which could be taken to tackle the use of imitation weapons in crime.

4.16 We considered whether it would be possible to create a criminal offence of carrying a firearm, or imitation firearm, whilst committing any other criminal offence, unless the object in question was carried with lawful authority or reasonable excuse. The Committee did not think this would be an acceptable approach. However, we thought that it may be necessary in the future to consider reversing the burden of proof in relation to possession of imitation weapons so that the carrier of an imitation weapon had to prove that he did have lawful authority or reasonable excuse for possession of it. We understand that this is already the case with possession of knives in Scotland.

Conclusion

4.17 As noted in our Sixth Annual Report we welcome the introduction of the Firearms (Amendment) Act 1994 and the extended range of offences which it creates for the use of imitation firearms. However, we consider that because statistics are not yet available on the operation of the 1994 Act it is too early to tell whether any further measures might be necessary and therefore, because of the fear induced in victims by imitation firearms and their use in serious crime, *we intend to keep the subject under review.*

CHAPTER 5

Ex-patriate certificate holders

Background

5.1 As part of its work programme this year the Committee was asked to consider the status of firearms and certificates held by groups of people such as servicemen, who are temporarily posted overseas. It was suggested to us that the administration of the firearms licensing system by local police forces had presented some problems for certificate holders who moved abroad for any period of time. Particular difficulties were met by those with no fixed address in the UK, such as members of the Armed Services and those who worked abroad in Europe and elsewhere.

5.2 In examining this subject we were grateful for a paper provided by the British Shooting Sports Council (BSSC).

Statutory Provisions

5.3 Section 1 of the Firearms Act 1968 requires that any person having in his possession, or seeking to purchase or acquire, a defined firearm or shot gun, or defined ammunition, shall be authorised by a certificate subject to certain exemptions. The Act later defines the circumstances in which a chief officer of police shall grant a certificate and, at section 26 includes the requirement that an applicant for the grant or renewal of a firearm or shot gun certificate shall apply to "*the chief officer of police in whose area the applicant resides*". Section 29 includes a similar requirement for the variation of a firearm certificate.

The Difficulties

5.4 The BSSC noted that the principle was that it was **place of residence**, rather than any other consideration, which determined where an applicant enters the administrative procedures for possessing a firearm or shot gun. This could cause problems if, for whatever reason, an individual had to spend extended periods of time away from home, perhaps in another country. They considered that in the past, this situation had applied particularly to members of the armed services, but thought that with the advent of the European Union more UK citizens were likely to find career opportunities on the Continent.

5.5 The BSSC noted that there was no guidance to the police on dealing with these cases at present and thought that there was room for a pragmatic solution to these problems which preserved the spirit, rather than the strict letter, of the Firearms Act 1968.

5.6 In considering this subject, the BSSC pointed out that in normal circumstances, temporary absences from home would not normally come to the notice of the police. However, if a certificate fell due for renewal during an absence from home then administrative difficulties might be encountered. In addition, a certificate holder abroad might wish to purchase a firearm and would be faced with difficulties when attempting to import it into this country.

5.7 In order to assist police in dealing with these cases the BSSC therefore recommended that guidance be issued to the effect that the certificate holder should continue to deal with the chief officer of

police who issued or renewed his existing certificate, even if he has no domicile in the UK at the time of his application for renewal. When the holder returned to the UK, the certificate holder would have to notify the local police in the same way as if the change of residence had been within this country. Ideally, the BSSC recommended, the police and the certificate holder should deal with the renewal of the licence before the certificate holder goes abroad. Finally, there should be no bar to postal applications for variations.

Consideration

5.8 We were grateful to the BSSC for bringing these potential problems to our attention. However, we considered that evidence of problems in this area to date was largely anecdotal. The key issue is that the 1968 Act says that an application should be made to the chief officer in whose area the applicant **resides**. This meant that if a person was residing elsewhere at the time of application then the chief officer may refuse to grant or renew it. The Committee could not recommend issuing guidance to the police which suggested that they should ignore the provisions of the Firearms Acts.

5.9 The Committee considered that there were ways within the Firearms Acts that these technical difficulties could be overcome. For example, additional weapons which a certificate holder wanted could be held on a British Visitors Permit or a section 7 permit until a full certificate or variation to a certificate could be granted. Firearms or shot guns could be put into storage whilst the certificate holder was abroad.

Conclusion and recommendation

5.10 In order to change procedures in the way that the BSSC recommend would require primary legislation. We are not satisfied at this stage that there is sufficient evidence of overwhelming problems in this area for a change in the law to be justified. The problems should be limited to small numbers of people only and most of the difficulties should be capable of being resolved by co-operation between the certificate holder and the police. *We therefore recommend* that the police adopt a sympathetic approach in dealing with these cases. If it becomes apparent that problems are being caused by the law as it relates to this small group of people we would, of course, consider the subject again.

CHAPTER 6

Europe

Background

6.1 We announced in our work programme that we intended to give further consideration to the firearms legislation as it relates to Europe. We make no apologies for returning to this subject, which is one we have discussed in previous Annual Reports, since the implementation of the EC Weapons Directive still seems to be causing difficulties for the legitimate shooter. In our consideration this year we were grateful for a paper by Mr Kevin Drummond and Mr Tony Burden.

6.2 The EC Weapons Directive came into effect from 1 January 1993 and was designed to compensate for the relaxation of systematic border controls, which followed the introduction of the single market. In particular, the Directive:

- created a minimum standard of EU States firearms law through the classification of firearms into 4 categories A to D;
- introduced the European Firearms Pass (EFP) to allow individuals to take firearms to other EU States, and Article 7 authority for those acquiring Category B firearms in another EU State;
- harmonized the Community Licensing System for commercial and permanent firearms movements (imports/exports); and
- introduced a Weapons Information Exchange System (WIES).

6.3 Because of the varying strength of firearm controls within different EU States, the British Visitors' Permit (BVP), introduced under the Firearms (Amendment) Act 1988, was retained to regulate how visitors can use firearms, to improve safekeeping requirements and to provide information about domestic legislation. We supported the retention of the BVP in our Second Annual Report.

6.4 To date, a number of countries have failed to implement the EC Directive fully and in some cases not at all. The only countries which have fully implemented the requirements of the Directive are Belgium, Germany, Ireland, Italy, Spain and the United Kingdom.

Non-commercial Firearm Movements

Areas of Difficulty with the Present System

6.5 The slow or incomplete adoption of the Directive in many countries has not assisted its smooth introduction. Similarly, there has been a limited exchange of information on national procedures which has caused confusion amongst shooters and has slowed administrative processes.

6.6 The Committee heard that, although the Directive defined a minimal standard for firearms law, there is still a lack of commonality between the domestic firearms legislation of Member States. Many, therefore, maintain additional controls to ensure that the protection afforded by domestic legislation is not compromised. All

EU States require 'prior authorization' for some or all firearms before permitting movement across their national frontiers. Thus the EFP is frequently only an adjunct to domestic procedures.

6.7 This is certainly true in the UK where the BVP is the essential document allowing the movement of firearms into the UK. In fact, as noted in our Report last year (Chapter 9), following advice from the Home Departments, the police are not demanding sight of an EFP when processing BVP applications.

6.8 The Committee heard that there is concern that the additional tier of administration, which exists in many EU States, is affecting the shooting tourist trade with implications on some shooting estates. Shooters also have concerns that the requirement to forward an EFP to another Member State to process prior authorization, prevents individuals crossing other European borders.

Commercial Firearm Movement

6.9 The Committee heard that the delayed or incomplete implementation of the Directive has also caused difficulties for firearms dealers. In particular, problems have been experienced by exporters resulting from their requirement to obtain 'prior consent' from the destination country. These problems are mainly administrative and stem from EU States not indicating from what date the requirements for 'prior consent' would become effective. Confusion has also arisen as a result of some States using pre-1993 documentation. We heard that the Department of Trade and Industry have now overcome most difficulties.

6.10 The Committee is aware of evidence which would suggest that it is easier for dealers to import European made components through the United States than it is to trade direct with the manufacturers in the EU. Part of the reason for this is said to be the additional administrative tiers introduced following the Weapons Directive.

6.11 Specific examples mentioned to the Committee include:

- now that Austria is a member of the EU it is easier to buy Glock components and spares from the US than from Austria;
- Because the EU has not decided on which items require import/export licences, everything now requires an export licence within the EU. Accordingly, a barrel manufacturer who would formerly send barrel blanks to Sweden prior to its EU membership with minimum difficulty, is now required to obtain an import licence from Sweden which he is then required to send to the DTI along with his application for an export licence; and

- when exporting to a fellow Member State traders are required to complete a European Firearms Transfer Document which is **additional and identical** to the document which they are required to complete for non-EU countries.

Weapons Information Exchange System (WIES)

6.12 The WIES was introduced to notify a State of (i) every commercial or permanent transfer of firearms from its territory from another EU State; and (ii) the acquisition or possession of firearms by one of its residents in another EU State. The system has not yet been fully adopted across Europe and therefore not all movement of weapons is notified.

Consideration

6.13 As noted in our Report last year, we are very concerned about layers of bureaucracy which have been introduced by the Directive. Since additional controls are being retained at national level we wonder what function is being served by the Weapons Directive beyond paying lip service to the principle of commonality when it seems apparent that true harmonization throughout the EC seems to be an unreasonable expectation.

6.14 In the case of dealers it is clear to us that, particularly in relation to specialised components, they are experiencing restrictions on European trade which do not exist on non-EU trade which would seem to be in direct contravention of the stated principles of harmonization and the principle of the free EU market.

6.15 We consider that it is important that movement of weapons is notified through WIES. In the absence of systematic border controls this is essential in ensuring that HM Customs and Excise are able to use the information from WIES to target imports for selective checks. We understand that use of the system is improving but there is clearly room for further enhancement.

Recommendation

6.16 We understand that shooting organisations are already lobbying in Brussels over excessive paperwork created by the EC Directive. We recommend that the concerns set out here and in our previous Reports are taken into account when the Government reports to the Commission on the implementation of the Weapons Directive.

CHAPTER 7

Appeals

Background

7.1 We announced in our work programme that we intended to give further consideration to a simplified appeals process. This followed on from our consideration last year of the idea of a tribunal on the status of firearms (Chapter 5, Sixth Annual Report). In our discussions we were grateful for papers from Mr Kevin Drummond and the BSSC.

7.2 In our Third Annual Report (Chapter 3) as part of our consideration of the proposal for a civilianised firearms board we identified that there should be a new, simpler and more accessible appellate system. We recommended then that the Home Secretary should establish a new appeals process alongside any civilianised firearms board. As we reported in our Sixth Annual Report, the Home Secretary announced in July 1994 that the proposal for a civilianised firearms board was not going ahead. We decided therefore to look again at possible mechanisms for a simpler appeals process.

The present system

7.3 The papers before us suggested that the present appeal system is extremely costly. Appeals invariably involve both solicitors and Counsel on each side and an enormous amount of preparatory work. In addition to the actual cost, it was suggested to us that the appeal system is seen by a majority of certificate holders as a daunting prospect. Certificate holders may never have seen the inside of a court and may be over-awed by the prospect; they may also be reluctant to 'take the police to court'. In addition, the appeals process takes a long time to resolve.

7.4 It was therefore suggested that the present system acts as a deterrent to any challenge of the decisions of chief officers of police.

7.5 We were also made aware that the threat of an appeal may influence chief officers' decisions. There is a perception that the evidence on which a chief officer has to rely when revoking or refusing a certificate is onerous.

The way forward

7.6 The papers presented to us suggested that there might be scope for a voluntary code which would not require legislation but would achieve some of the stated objectives. A system akin to arbitration or to other forms of alternative dispute resolution procedures already in operation today was envisaged.

7.7 It was suggested that any system would not remove the right of appeal to the courts as a final stage but would hope to resolve disputes without such a measure being necessary. Disputes on any matters related to the firearms legislation such as definitional problems or interpretations also should be able to be referred to a tribunal, not just appealable decisions. It was envisaged that such a body would be self-financing in that the costs incurred would be borne by the parties to the dispute. There would however, be administrative costs and it was suggested that if the concept of such a tribunal

found favour with the national shooting organisations that they might consider methods of funding its proceedings.

7.8 Membership of such a body must consist of people who are familiar with the law and practice as it relates to firearms matters. It was suggested that a body would probably need to have three members, perhaps picked from an approved panel, one of whom might have some legal background and the other members might be representative of the police and shooters' interests. It was thought that if such a system could be created with the co-operation and sanction of chief officers it might prove a satisfactory way for resolving disputes relatively quickly and easily.

Consideration and recommendations

7.9 We were attracted by the idea of an informal appeals process which could resolve disputes without the expense and complexity of a formal court process. However, we were conscious that any tribunal with no statutory basis or legal power might have little authority and cases may still end up in the courts, thus saving little court time. We were also made aware that such a tribunal might not be self-financing particularly for administrative functions and the cost of tribunal members, and that there was no new money available for such a system.

7.10 Our consideration of this subject was curtailed by the terrible event at Dunblane. However, we have drawn the inadequacies of the present appellate system to Lord Cullen's attention as part of our submission to him (see Appendix 1). There are clearly defects in the present system from both the police and shooters' point of view which cannot be beneficial to either party. *We would therefore reiterate the recommendation in our Third Annual Report that the Home Secretary should investigate in depth the best mechanism for achieving a new appeals process which would be simple and inexpensive.* If it is considered that legislation is the best way of achieving this, *we would recommend that, if legislation is forthcoming as a result of Lord Cullen's Inquiry, that consideration is given to including the legislative framework for an appeals tribunal in that legislation.*

CHAPTER 8

Other issues

British Western Shooting Society

8.1 In our Sixth Annual Report we stated our intention to give further consideration to the subject of the British Western Shooting Society (BWSS) and Western style and 'end-of-trail' shooting generally. In particular, the Home Office had sought our views on whether membership of the BWSS should be 'good reason' for grant of a section 1 certificate for a short barrelled shot gun.

8.2 We noted in last year's Report that the BWSS has been set up as an official society for those wishing to participate in 'end-of-trail' shooting. 'End-of-trail' is a practical shooting discipline, popular in America, which is gaining in popularity here. The discipline is based on firearms and shot guns typical of those used in the American West in the latter part of the nineteenth century and tries to use authentic weapons which include period rifles, pistols and section 1 short barrelled shot guns. Participants are encouraged to dress in appropriate costumes and have authentic aliases. Only those people with full firearm certificates participate in the events and firing only takes place on approved ranges.

8.3 Following our meeting at Bisley last year (May 1995) some members of the Committee had a chance to meet with a representative of the BWSS and were impressed by the responsible attitude shown and the efforts taken to ensure that safe practices were adhered to.

8.4 In examining this subject further this year we were grateful for two papers on this subject, one from David Penn and one from the BSSC. The BSSC considered that the short barrelled shot gun was no more lethal than the conventional full length shot gun and, within the context of the discipline, has no connection with armed robbery. They emphasised that the short barrelled shot gun used by the BWSS is a distinctly different firearm to what is known as a 'saw-off' shot gun. We understand that the shot guns used by the BWSS are typical of the period and have barrels which are at least 20 inches long. This makes them very different from those shortened for the purpose of concealment in the commission of crime which have barrels which are typically 10-12 inches long. The BSSC concluded that membership of the BWSS should be 'good reason' for grant of a section 1 certificate for a short barrelled smooth-bore gun. The acquisition of such weapons must however respect the provisions set down in section 4 of the Firearms Act 1968.

8.5 Mr Penn's paper provided considerable detail about the historical background to 'end-of-trail' shooting. He explained that the adoption of a *nom de guerre* by members of the BWSS is a reflection of Western custom, for example 'Billy the Kid' and 'Wild Bill' Hickok.

8.6 In Britain, interest in the West was rekindled in the 1950s with the foundation of the English Western Society in 1954, a body of serious historians and researchers. Shortly after came the 'British

Westerners', a group which dresses the part and does much charity work. There also grew up in the 1950s, the game of 'fast draw', a blank-firing exercise which bears no reality to gunfighting in the American West and which has retained a modest following in the UK. Substantial museum collections of Western Americana exist in the American Museum near Bath and in the Glasgow Art Gallery and Museum.

8.7 Mr Penn's paper said that given this background, and in the light of modern day passion for historical re-enactment, 'living history', and GCSE history teaching through empathy, it is no surprise that 'end-of-trail' shooting should find a receptive and rapidly growing following in the UK.

8.8 There is some confusion between BWSS activities and blank-firing 'quick draw' or 'British Westerners' events but we understand that BWSS rules forbid fanning and 'gun juggling' events thus distancing them from such activities.

8.9 Having taken all the information available to us into account we considered that membership of the BWSS **should** constitute 'good reason' for grant or renewal of a certificate for a section 1 short barrelled smooth-bore gun and *we so recommend*. The BWSS appeared to be safety conscious and those applying for grant for this purpose tend already to have firearm certificates. However, we agreed it would be helpful if the police used a standard set of conditions when dealing with these applications and *we further recommend* that the Home Departments address this when it gives guidance to the police on this subject. As the Home Office had asked for our advice quickly it was agreed that the Chairman should write to the Home Secretary in advance of our Annual Report with these recommendations and a copy of that letter is at Annex G. At the time of going to print the Home Secretary had not replied to our letter.

Number of photographs to be supplied with an application for a firearm or shot gun certificate

8.10 During the year we were asked by Home Office Ministers to consider correspondence received from Lord Marlesford about the number of photographs which needed to be supplied with an application for a firearm or shot gun certificate. Lord Marlesford thought that it was unnecessary for four photographs to be supplied with a single application.

8.11 We considered this issue in our Fifth Annual Report (Chapter 9) and concluded then that four photographs should continue to be supplied with an application so that the police had spares if a shooter lost his certificate or required a European Firearms Pass (EFP). Having considered the issue again, on balance the Committee concluded that there was insufficient evidence that providing four photographs was an unnecessary burden to shooters and we support our earlier recommendation. However, we also continue to support our earlier recommendation that only four photographs should be

supplied when an applicant applies for both firearm and shot gun certificates at the same time.

Component parts of shotguns

8.12 During our discussions, it was raised that it was an anomaly that component parts of shot guns were not subject to certificate control in the same way as component parts of firearms. The background is that it can be deduced from the definition of a “firearm” in section 57(1) of the 1968 Act, that a shot gun is a firearm for the purposes of the Act. This is also clear from section 1(3) of the Act in that a shot gun is identified as a firearm, albeit not one to which that section applies.

8.13 It therefore follows that a component part of a shot gun must also be a firearm - section 57(1)(b). However, section 57(1) also makes it clear that section 1 does not apply to a component part of a shot gun. There is no need therefore, to obtain a firearm certificate under section 1 in order to possess a component part of a shot gun. From section 57(4) it is clear that a component part of a shot gun is only included within the meaning of shot gun for the purposes of section 3(1) and 45(2) and the definition of ‘firearms dealer’. It follows that a component part of a shot gun is not a shot gun for the purposes of section 2 and therefore there is no need to obtain a shot gun certificate under that section in order to possess such a component part.

8.14 As mentioned earlier, this seems an anomaly and we heard of cases in which individuals had been found in possession of component parts of shot guns but could not be prosecuted. *We therefore recommend* that at a suitable legislative opportunity component parts of shot guns are brought under some form of certificate control.

8.15 We were also concerned that since component parts of shot guns were not subject to certificate control, that it was not an offence for a person prohibited under section 21 to be in possession of such a component part. Our attention was drawn to a judgement (unreported) at Newcastle Crown Court (*R v Quinn*, 1983) in which it was ruled that a component part of a shot gun was relevant in the case of prohibited persons. The reasoning behind this is that because a component part of a shot gun is a firearm (see paragraph 8.12 above) it is clear that section 21 applies to it. Accordingly a person prohibited under that section from having a firearm in his possession commits an offence under subsection 21(4) if he has a component part of a shot gun in his possession.

Ministry of Defence inspection of club ranges

8.16 We noted in our Sixth Annual Report (paragraph 12.28) that the Ministry of Defence (MoD) appeared to be withdrawing from their traditional role of inspecting club ranges and recommended that the Home Office ascertain the exact position.

8.17 The Home Office reported that the MoD had confirmed that they were **not** withdrawing from their role of inspecting ranges. The MoD reported that their inspection teams had been busy inspecting military ranges as a result of army reorganisations and for this reason it may have been taking longer than normal to inspect civilian ranges. We were pleased to hear that the MoD would continue to provide this service.

New deactivation specifications

8.18 The Committee welcomed the publication of new deactivation standards which came into effect on 1 October 1995. As noted in our Sixth Annual Report we hope that the new standards will substantially reduce the potential for the illegal reactivation of deactivated arms.

Metrication

8.19 We noted in our Sixth Annual Report that generic legislation was proposed to amend all existing legislation, subject to specific exemptions, conferring official recognition on non-metric units by converting Imperial references to their metric equivalent. The Committee heard that the Weights and Measures Units of Measurement Regulations 1995 (SI 1995/1804) were laid before Parliament on 14 July and came into force on 1 October 1995.

8.20 We heard that the Department of Trade and Industry (DTI) had issued guidance to businesses and public sector organisations on the implications of the EC Units of Measurements Directive. The guidance explained that, from 1 October 1995, metric units should be used as the primary system of measurement. The guidance also stressed the benefits of the continued use of imperial measurements as supplementary indicators. The Committee heard that calibres such as .22 were unaffected by the metrication legislation as they were classified as **descriptors**. We are not aware of any difficulties which have been caused by the introduction of this legislation.

New criteria for approved rifle and pistol clubs

8.21 The Committee welcomed the introduction of new criteria for approved rifle and pistol clubs as recommended in our Sixth Annual Report. All currently approved rifle and pistol clubs had been informed of the change and the new criteria came into force on 1 January 1996. We believe the new criteria are an improvement over the previous ones.

Administration of the firearms licensing system

8.22 In discussion, we considered that following the Home Secretary's decision not to proceed with the Firearms Control Board police forces should consider greater compatibility of computer systems and more pooling of resources and information. We heard that the police were already moving towards greater compatibility in computer systems. The prospect of a Firearms Control Board had previously deterred many police forces from investing in new equipment. However, we understand that police forces are looking for a model common computer system to purchase when existing systems are due to be replaced. *We endorse* this approach.

Bodyguard training

8.23 We noted in our Report last year that some approved rifle and pistol clubs were using club approval to conduct ‘bodyguard training’ on a commercial basis. We noted that this appeared to be outside the scope of section 15 of the Firearms (Amendment) Act 1988 and we considered that this was inappropriate for approved clubs to be used in this way. We decided to give further consideration to this subject. We were grateful for papers from the Home Office and the Association of Chief Police Officers (ACPO).

8.24 At present it is extremely unlikely that the police would grant an individual firearm certificate for the purpose of bodyguard training or for personal protection or the protection of others. Paragraph 6.8 (h) of the Home Office publication *Firearms Law: Guidance to the Police* says:

“Applications for the grant of a firearm certificate for the applicant’s protection or that of his premises should be refused on the grounds that firearms are not regarded as an acceptable means of protection in this country. This principle should be maintained even in the case of applications from representatives of banks and firms who desire to protect valuables or large quantities of money.”

8.25 Notwithstanding the UK position on firearms for self-defence, the Committee recognised that there are many countries where bodyguards could lawfully carry firearms. However, the Committee was divided on whether we should lawfully allow such training to be carried out in this country.

8.26 We heard that the police experience with bodyguard training so far had not been good. One company had staged a hostage-taking exercise in the middle of a town centre in Shropshire during which replica firearms were discharged. As a result of calls from the public, this led to the deployment of armed police, with obvious implications for public safety. There were also a number of cases where people with criminal records were involved with companies offering bodyguard courses or were taking part in such courses. We also heard that some courses did not seem to view range safety as an important consideration. A number of Committee members considered that these courses attracted the wrong type of person and as such should not be encouraged.

8.27 On the other hand, the view was expressed that it was a restraint on trade if UK companies could not train their staff in firearms use for overseas service. In addition, it was not that the possession of firearms for personal protection was illegal in the UK, just that policy considerations meant that the police would not accept personal protection as a ‘good reason’ for possession of a firearm. There were respectable companies who offered a range of security and defence-related training, not simply firearms training.

8.28 One area which was not in dispute was the invaluable training which some companies carry out for foreign correspondents and camera crews of the BBC and others showing the effect of various types of firearm. In these courses participants do not handle the firearms themselves and we have no difficulty with this form of training.

8.29 We considered whether companies who organise and conduct bodyguard training courses should require the Secretary of State's approval, which would be separate from any club approval. This seemed to have its attractions as the companies could be strictly regulated.

8.30 We reached no firm conclusions on this subject this year and intend to include it as part of our work programme next year. We would welcome any comments on this particular subject and would particularly like to hear from companies who conduct this sort of training.

Armed Forces Bill

8.31 The Committee heard that the Ministry of Defence (MoD) have proposed changes to the Firearms Acts as part of the Armed Forces Bill currently going through Parliament. The MoD had only recently realised that members of the public or other non-military personnel who handled and fired service issue weapons (most of which are prohibited) either on MoD property or at other MoD establishments were committing offences under the Firearms Acts. This was because the individuals concerned had neither certificates nor authority for the weapons they possessed and there was no specific exemption under the Firearms Acts which would allow these activities legally to take place. In addition, cadet corps, who are exempt from the need to have a certificate for non-prohibited weapons under section 11(3) of the Firearms Act 1968, could not handle and fire **prohibited** weapons which would require the authority of the Secretary of State. Servicemen and others employed by the MoD are exempt from the need to have either certificates or authority for the weapons which they possess in the course of their duty.

8.32 We heard that the effect of the clause in the Bill currently going through Parliament is to allow those not normally exempt to handle and fire service issue weapons (including prohibited weapons) in the following circumstances:-

- i) **formal military training and exercising** - the proposed change would exempt military personnel from other countries from the requirements of the Firearms Acts where they are not already covered by the Visiting Forces Act;
- ii) **familiarisation, recruitment and selection activities** - it is proposed to amend section 16 of the Firearms (Amendment) Act 1988 to allow VIPs, members of the public and recruits to handle and fire service issue weapons under strictly controlled conditions. The exemption applies to possession only, not to

purchase or acquisition, and will only apply to activities taking place under the strict supervision of service personnel, fully trained in the use and supervision of the weapons concerned.

- iii) **cadet force activities** - section 11(3) of the Firearms Act 1968 is to be repealed and a new section added which will allow cadet corps to handle and fire prohibited and non-prohibited weapons when engaged in, or in connection with, target practice. It also provides for persons instructing approved cadet corps to enjoy the same exemptions as the cadets. Again the exemptions will only apply to activities taking place on MoD premises or associated land.

8.33 These amendments seem sensible and the Committee has no difficulty with them.

The Testing of Air Weapons

8.34 Air weapons are exempt from the requirement for a firearm certificate under the terms of section 1(3)(b) of the Firearms Act 1968, provided they do not exceed the power levels set down in the Firearms (Dangerous Air Weapons) Rules 1969 and the corresponding Firearms (Dangerous Air Weapons)(Scotland) Rules 1969. This provides a limit of six foot pounds for an air pistol and twelve foot pounds for any other air weapon. It was drawn to our attention by the Shooting Sports Trust that problems were being caused by the fact that there is not a standard test for determining the power of an air weapon. Slightly different procedures are adopted by the police service, the Forensic Science laboratories, manufacturers, importers and retailers meaning that different results are obtained. This might lead to the possibility of someone who has bought an air weapon in good faith facing prosecution.

8.36 The Shooting Sports Trust suggested that a standard testing procedure should be drawn up in conjunction with the police, the Forensic Science Service and the trade. This seems a very sensible suggestion and *we so recommend*.

CHAPTER 9

Summary of Recommendations

- Chapter 1: Introduction** The Committee recommended that:
- the Home Secretary make a further Order extending the Committee's life beyond 31 January 1997 (paragraph 1.2).
- Chapter 5: Ex-patriate certificate holders** The Committee recommended that:
- the police adopt a sympathetic approach in dealing with these cases (paragraph 5.10).
- Chapter 6: Europe** The Committee recommended that:
- the concerns set out here and in our previous Reports are taken into account when the Government reports to the Commission on the implementation of the Weapons Directive (paragraph 6.16).
- Chapter 7: Appeals** The Committee recommended that:
- as recommended in our Third Annual Report, the Home Secretary should investigate in depth the best mechanism for achieving a new appeals process which would be simple and inexpensive (paragraph 7.9);
 - if legislation is forthcoming as a result of Lord Cullen's Inquiry that consideration is given to including the legislative framework for an appeals tribunal in that legislation (paragraph 7.9).

British Western Shooting Society

- Chapter 8: Other Issues** The Committee recommended that:
- membership of the BWSS should constitute 'good reason' for grant or renewal of a firearm certificate for a short barrelled smooth-bore gun (paragraph 8.9);
 - the police should use a standard set of conditions in dealing with these applications and this should be addressed by the Home Departments in giving guidance to the police on this subject (paragraph 8.9).

Component parts of shot guns

- The Committee recommended that:
- at a suitable legislative opportunity component parts of shot guns should be brought under some form of certificate control (paragraph 8.14).

Testing of Air Weapons

The Committee recommended that:

- a standard testing procedure for air weapons should be drawn up in conjunction with the police, the Forensic Science Service and the trade (paragraph 8.36).

ANNEX A

Firearms (Amendment) Act 1988

Firearms Consultative Committee

22.—(1) There shall be established in accordance with the provisions of this section a Firearms Consultative Committee consisting of a chairman and not less than 12 other members appointed by the Secretary of State, being persons appearing to him to have knowledge and experience of one or more of the following matters -

- (a) the possession, use or keeping of, or transactions in, firearms;
- (b) weapon technology; and
- (c) the administration or enforcement of the provisions of the principle Act, the Firearms Act 1982 and this Act.

(2) The reference in subsection (1)(a) above to the use of firearms includes in particular a reference to their use for sport or competition.

(3) Subject to subsection (4) below, a member of the Committee shall hold and vacate office in accordance with the terms of his appointment.

(4) Any member of the Committee may resign by notice in writing to the Secretary of State; and the chairman may by such a notice resign his office as such.

(5) It shall be the function of the Committee -

- (a) to keep under review the working of the provisions mentioned in subsection (1)(c) above and to make to the Secretary of State such recommendations as the Committee may from time to time think necessary for the improvement of the working of those provisions;
- (b) to make proposals for amending those provisions if it thinks fit; and
- (c) to advise the Secretary of State on any other matter relating to those provisions which he may refer to the Committee.

(6) The Committee shall in each year make a report on its activities to the Secretary of State who shall lay copies of the report before Parliament.

(7) The Secretary of State may make to members of the Committee such payments as he may determine in respect of expenses incurred by them in the performance of their duties.

(8) The Committee shall cease to exist at the end of the period of five years beginning with the day on which this section comes into force unless the Secretary of State provides by an order made by statutory instrument for it to continue thereafter, but no such order shall continue the Committee for more than three years at a time.

**The Firearms (Amendment) Act 1988
(Firearms Consultative Committee) Order 1993**

2. The Firearms Consultative Committee shall, following the expiry of the initial period of its existence specified in section 22(8) of the Firearms (Amendment) Act 1988, continue to exist for a period of three years beginning on 1 February 1994.

ANNEX B

Biographies of members relevant to their appointment to the Committee and record of attendance at meetings 1995/96 [in brackets]

- Mr A T Burden** [4/5] Chief Constable, Gwent Constabulary. Chairman of the Association of Chief Police Officers Crime Committee Sub-Group on the Administration of Firearms.
- Mr B G Carter** [4/5] Director of the Gun Trade Association. Secretary of the Shooting Sports Trust. Member of the British Shooting Sports Council. Several times Great Britain Team Manager at various shooting Grand Prix, European and World Championships and formerly a Registered Firearms Dealer.
- Mr D E J Dracup** [4/5] Solicitor. Chief Crown Prosecutor for the South East Area of the Crown Prosecution Service to 31 March.
- Mr K Drummond** [6/6] QC. Home Advocate-Depute for Scotland. Member of the Criminal Injuries Compensation Board. Former council member of UK Practical Shooting Association (UKPSA). Council member of Scottish Association for Country Sports. Competed in pistol and rifle competitions in UK and abroad. Participates in sporting shooting. Member of British Association for Shooting and Conservation, British Field Sports Society, and National Rifle Association.
- Mr C A Ewing** [4/5] Former Chief Executive of National Rifle Association. Member of British Shooting Sports Council and of the Management Committee of the Great Britain Target Shooting Sports Federation. Formerly Regular Soldier (Colonel).
- Mrs B H Fair/
Mr N Sanderson** [5/5] Head of Operational Policing Policy Unit (formerly F8 Division), Home Office.
- Mr M Jones** [4/5] Labour MP for Clwyd South West since 1987, experienced target shooter.
- Mr D Macniven** [3/5] Head of Police Division, Scottish Office.
- Mr P Misselbrook** [4/5] Solicitor. Member of Federation of Field Sports Associations of the EEC (FACE).
- Dr I Oliver** [4/6] Chief Constable, Grampian Police
- Mr D J Penn** [6/6] Keeper, Exhibits and Firearms, Imperial War Museum. Fellow of the Society of Antiquaries. Liveryman of the Worshipful Company of Gunmakers. Office holder in Muzzle Loaders Association of Great Britain and Historical Breechloading Smallarms Association. Member of British Shooting Sports Council, Arms and Armour Society and National Rifle Association. Has represented Oxford University and County of London in pistol shooting. Also shoots rifle and shot gun.
- Mr R J Pitcher** [5/5] Special Investigation Branch, Royal Military Police to 1984. Branch Proof Master, Worshipful Company of Gunmakers, Royal Small Arms Factory, Enfield to 1986. Proof Master, Worshipful Company

of Gunmakers, London and head of British delegation to the Commission of International Proof. Pistol shot and rough shooter.

Dr M J Pugsley [5/5] International shot, current member of Great Britain rifle team. First woman to win Grand Aggregate at Bisley. Also enthusiastic deer stalker and rough shooter.

Lord Tollemache [5/5] Farmer, landowner and working Peer. Over 40 years experience of game shooting, clay pigeon shooting, deer stalking and target shooting, both civilian and military.

Mr T Warlow [6/6] Home Office National Firearms Forensic Service, Forensic Science Services Laboratory, Huntingdon. An active shooter for most of his life with experience in muzzle-loading, air weapons, rifle and pistol target shooting, game shooting, deerstalking, wildfowling and clay pigeon shooting.

Attendance figures include attendance at Sub-Committee meetings

ANNEX C

List of topics from which 1995 to 1996 work programme was drawn

- * Appeals procedure
 - Registration of firearms
 - Certificate fees - costs
 - Large magazine smooth-bore guns
 - * Europe
 - * Ex-patriate certificate holders
 - * Territorial Conditions
 - * Categories of prohibited weapons
 - * Home Office publication "*Firearms Law: Guidance to the Police*"
 - * Categories of dealer
- (* included in work programme)

ANNEX D

News Release: Firearms Consultative Committee: Programme of Work for 1995-96

The team of experts set up to review firearms issues published its seventh annual programme of work today.

Announcing this year's schedule, Lord Shrewsbury, Chairman of the Firearms Consultative Committee (FCC), said:

"The Committee is planning to build on work it has already done by examining specific areas of the firearms law in some detail.

"We will seek to make recommendations which will benefit the police service, the shooting community and the non-shooting public.

"I look forward to debating the issues."

The Committee will be giving detailed consideration to a number of issues, this is in addition to any matters referred to it by the Home Secretary for advice. These are:

** Categories of dealer*

Detailed consideration of a suggestion that firearms dealers should be separated into categories according to the size of their business.

** Categories of prohibited weapons*

Consideration of whether some types of weapon, for example tranquilliser guns, need to be in the prohibited category.

** Imitations*

A review of the legislation as it relates to imitation firearms to ensure that it is adequate.

** Europe*

Further consideration of a number of issues in connection with Europe.

** Appeals*

Further consideration of a simplified appeals process.

** Antiques*

Consideration of the Committee's previous recommendations on antiques to ensure that they remain adequate.

** Territorial Conditions*

Further consideration of the Committee's previous recommendations on territorial conditions.

** Ex-patriate certificate holders*

Consideration of the status of firearms and certificates held by groups of people such as servicemen, who are temporarily posted overseas.

** Guidance to the Police*

Consideration of a draft new edition of the Home Office publication "*Firearms Law: Guidance to the Police*".

The Committee welcomes topics for discussion raised by shooting organisations and members of the public which involve matters of national importance to the shooting community.

Anyone wishing to make representations to the Committee should write to the Secretary, Firearms Consultative Committee, 50 Queen Anne's Gate, London, SW1H 9AT.

ANNEX E

News Release 14 March 1996: Dunblane Primary School Shooting: Statement by the Firearms Consultative Committee

“Our first thoughts today are for the bereaved parents and families in Dunblane and for all those who have been injured in this awful incident.

“We offer them our profound sympathy and support.

“We understand that the Crown Office in Scotland has instructed that a Fatal Accident Inquiry should take place into the whole circumstances surrounding this incident.

“It would be inappropriate for the Firearms Consultative Committee (FCC) to express any views on these events in advance of the determination of that Inquiry.

“Once the whole facts have been established they will be scrutinised by the FCC to determine if and where there is a need for amendment to firearms legislation or practice.

“The FCC was established by the Firearms (Amendment) Act 1988 and its statutory function is to review the provisions of the Firearms Acts and to make recommendations for improving their working.

“Some of the Committee’s recommendations have been enacted as legislation and other recommendations have been able to be put into effect without legislation.”

ANNEX F

Written evidence given by the Earl of Shrewsbury and Talbot, Chairman Firearms Consultative Committee to the Home Affairs Select Committee

I am pleased to provide a written statement of evidence, and I am more than prepared to give further evidence orally, if required.

I declare my interest as the current Chairman of the Firearms Consultative Committee (FCC). I am also an active member of the House of Lords.

It is my understanding that the Home Affairs Committee (HAC) are in possession of all of the FCC Annual Reports up to and including the FCC's 6th Annual Report of July 1995. These Reports will provide the HAC with details of all matters which the FCC has deliberated on to date, together with our recommendations to the Home Secretary.

The history of the Firearms Consultative Committee

The FCC is a statutory body set up under section 22 of the Firearms (Amendment) Act 1988. Lord Kimball chaired the Committee until he retired in August 1994, at which stage I was appointed chairman. My appointment runs until 31 January 1997. The Committee's life comes to an end at that date, but the Home Secretary can make an Order to extend the life of the FCC.

The FCC feels that it would be desirable to extend the life of the Committee, especially in the light of recent tragic events, and the higher profile engendered with regard to the ownership and use of guns.

The function of the Committee

The FCC's statutory function is to review the provisions of the Firearms Acts and to make recommendations for improving their working; to make proposals for amending the provisions of these Acts where necessary; and to advise the Home Secretary on other matters which he refers to the FCC. The FCC does not have a statutory duty to advise Parliament directly.

The FCC meets regularly during the year, normally on some 5 occasions, the working programme being decided upon in September. Various other meetings are held at regular intervals by sub-committees.

The FCC reports annually to the Home Secretary.

The FCC's Views

Annually in each Report, the FCC makes certain recommendations to the Home Secretary. The majority of the Committee's recommendations have not been actioned, we understand in the main due to the need for primary legislation and the lack of Parliamentary time. On a number of occasions the FCC has expressed its regret that Parliamentary time has not been available to promote primary legislation, and the Committee feels that a new Firearms Bill is necessary; firstly to correct various anomalies in the Firearms (Amendment) Act 1988, and secondly to put into effect our recommendations for needed improvements in firearms law.

Some of the views of the FCC include:

- The FCC would like to express to the HAC the need for clear, unified law on firearms. Parliamentary time should be made available for primary legislation, preferably a new Firearms Act rather than simply a consolidating measure.
- New and comprehensive Firearms legislation should not be enacted in haste and would probably take at least twelve months for adequate scrutiny, in order to avoid some errors of the past.
- There is a high level of co-operation between the Government and the shooting community, which has been greatly assisted by the existence and work of the FCC.
- There does not exist in the UK a confrontational 'gun lobby' as there does in the USA.

In conclusion, I trust that the evidence provided is of assistance to the Committee. If further assistance is required, please do not hesitate to contact me.

ANNEX G

Letter of 19 February 1996 from Lord Shrewsbury to the Rt Hon Michael Howard QC MP about the British Western Shooting Society (BWSS)

My Committee met recently and agreed that I should write to you on the above subject.

The Committee's views on this subject were sought by the Home Office because of the need to issue guidance to the police on this relatively new form of shooting to avoid inconsistency of practice in respect of granting certificates for this purpose.

The British Western Shooting Society (BWSS) practise a form of shooting known as 'end-of-trail'. This is a practical shooting discipline, popular in America, which is gaining in popularity here. The discipline is based on firearms and shot guns typical of those used in the American West in the latter part of the nineteenth century and tries to use authentic weapons which include period rifles, pistols and section 1 short barrelled shot guns. Participants dress in authentic costumes and have aliases. Only people with full firearm certificates participate and firing only takes place on approved military ranges. The Committee was asked to consider particularly the use of short barrelled shot guns for this discipline and whether membership of the BWSS should represent 'good reason' for possession of such a firearm.

Some members of my Committee had a chance to meet with a representative of the BWSS at our meeting at Bisley in May last year. They were impressed by the responsible attitude shown and the efforts taken to ensure that safe practices were adhered to.

We are aware that there is concern over short barrelled shot guns. However, the shot guns which are used by the BWSS are typical of the period and have barrels which are at least 20 inches long. This makes them very different from those shortened for the purpose of concealment in the commission of crime which have barrels which are typically 10-12 inches long.

In conclusion, we are satisfied that public safety will not be endangered by this shooting discipline provided that it is carried out under safe and controlled conditions. The Committee therefore recommends that membership of the BWSS should represent 'good reason' for possession of a short barrelled shot gun. In addition, we further recommend that the Home Office should advise the police to use a standard set of conditions in dealing with these applications.

I am writing to you now with these recommendations rather than waiting for our Annual Report because I understand that the Home Office is being pressed for guidance on this subject by the police service and we recognise that it is important for appropriate guidance to be issued quickly to the police to ensure consistency of approach.

ANNEX H

Organisations and other interested parties which have submitted representations

1. Association of Chief Police Officers
2. Association of Chief Police Officers in Scotland
3. The British Shooting Sports Council
4. The British Association for Shooting and Conservation
5. The Shooting Sports Trust Limited

In addition the Committee has received a number of representations from individual members of the public.

ANNEX I

List of publications relevant to the Report

Firearms Act 1920	HMSO ISBN 0 10 8504107
Firearms Act 1968	HMSO ISBN 0 11 802339
Firearms Act 1982	HMSO ISBN 0 10 5431826
Firearms (Amendment) Act 1988	HMSO ISBN 0 10 5445886
Firearms (Amendment) Act 1992	HMSO ISBN 0 10 5431923
Firearms Acts (Amendment) Regulations 1992	HMSO ISBN 0 11 0259025
Firearms (Amendment) Act 1994	HMSO ISBN 0 10 543194 X
Firearms Rules 1989	HMSO ISBN 0 11 0968549
Firearms (Amendment) Rules 1992	HMSO ISBN 0 11 0258924
Firearms (Amendment) Act 1988 (Firearms Consultative Committee) Order 1993	HMSO ISBN 0 11 033390X
Firearms Law: Guidance to the Police	HMSO ISBN 0 11 3409036
Firearms Consultative Committee First Annual Report	HMSO ISBN 0 10 2543909
Firearms Consultative Committee Second Annual Report	HMSO ISBN 0 10 257491X
Firearms Consultative Committee Third Annual Report	HMSO ISBN 0 10 2074933
Firearms Consultative Committee Fourth Annual Report	HMSO ISBN 0 10 0210333
Firearms Consultative Committee Fifth Annual Report	HMSO ISBN 0 10 248894 0
Firearms Consultative Committee Sixth Annual Report	HMSO ISBN 0 10 258895-3

APPENDIX I

Submission to Lord Cullen from The Firearms Consultative Committee

The Hon Lord Cullen
Dunblane Public Inquiry
Parliament House
Edinburgh
EH1 1RQ

22 May 1996

SUBMISSION FROM THE FIREARMS CONSULTATIVE COMMITTEE

I have pleasure in presenting our submission to you.

The Earl of Shrewsbury and Waterford
Chairman

I Introduction

1. This submission outlines the origin and role of the Firearms Consultative Committee and draws to Your Lordship's attention in broad terms, areas of our work over the years which may be of relevance to your present Inquiry. It must be said at the outset, however, that, subject to any matters of fact which are established before Your Lordship and on the basis of the current law, **the Committee is not aware of any recommendation which we have made to date which could have prevented the tragic incident at Dunblane.**

2. We do not intend to set out background information about the licensing of firearms and ammunition since this is covered in the submission submitted by the Secretary of State for Scotland and the Home Secretary and we see no need to repeat it here.

3. The Committee is aware of media comment since Dunblane calling for radical reforms of the firearms legislation, some of which has been ill-informed. Our submission does not comment on these since, in terms of our statutory remit, they are not areas on which we have made any formal recommendations to the Home Secretary. We would, however, be pleased to let you have our views on any of these matters should you consider that appropriate.

II Origin and Role of the Firearms Consultative Committee

4. The Firearms Consultative Committee was established by section 22 of the Firearms (Amendment) Act 1988 which provided that the Committee should consist of a chairman and not less than twelve members appearing to the Secretary of State to have knowledge and experience of one or more of the following matters :

- (a) the possession, use or keeping of, or transactions in, firearms;
- (b) weapons technology; and
- (c) the administration or enforcement of the Firearms Acts.

5. Section 22 (2) made specific provision for the inclusion of persons experienced in the use of firearms for sport or competition.

6. Under section 22(8) of the 1988 Act the Committee initially existed for a period of 5 years from 1 February 1989. The life of the Committee has been extended by Order for a further 3 years until 31 January 1997. Lord Kimball was Chairman of the Committee from its inception until 31 July 1994. Lord Shrewsbury took over the Chairmanship of the Committee from Lord Kimball and has been appointed until 31 January 1997.

7. Members of the Committee have been appointed for periods of two years which may be renewed. There have been a number of changes to the Committee's complement since its inception and a list of the current members of the Committee, with biographies relevant to their appointment is at Annex A.

8. The function of the Committee is described by section 22(5) as being :
- (a) to keep under review the working of the provisions of the Firearms Acts and to make to the Secretary of State such recommendations as the committee may from time to time think necessary for the improvement of the working of those provisions;
 - (b) to make proposals for amending those provisions if it thinks fit; and
 - (c) to advise the Secretary of State on any other matter relating to those provisions which he may refer to the committee.

9. We understand that you already have copies of our Six Annual Reports. A summary of our 199 recommendations to date together with a note of action on them is provided for Your Lordship's convenience at Annex B. Of our recommendations, 50 have been implemented by legislation or administrative action, 29 require no action, 12 have been rejected, 26 are under consideration and 33 require either primary or secondary legislation to implement them. The Home Secretary has not formally responded to the remainder of our recommendations which were contained in our Sixth Annual Report.

10. In making recommendations we have aimed to use the broad measure of autonomy given by our terms of reference to draw up recommendations which are designed to benefit the public interest, the police service and the shooting community. **The prime consideration in all our deliberations has been the need for public safety.**

11. Your Lordship will see from the biographies of members at Annex A the breadth of expertise in all aspects of firearms matters available to it. One value of the Committee which, notwithstanding what was said in our First Report (Chapter 9), is perhaps not fully reflected in our Reports is the bringing together of experienced users and enforcers in an objective atmosphere where issues of public safety can be scrutinised.

The possession and use of handguns

**III Previous Deliberations
of the Committee as they
may relate to your
Lordship's Present Inquiry**

12. The Committee considered the possession and use of handguns specifically in our Fourth Annual Report (Chapter 6) and in our Sixth Annual Report (Chapter 8).

13. By virtue of section 27(1) of the Firearms Act 1968, the police must be satisfied, before they grant a firearm certificate, that the applicant has a good reason for possessing a firearm. In paragraph 8 of Chapter 6 of the Home Office publication *Firearms Law: Guidance to the Police* (of which we are aware that Your Lordship

has a copy) advice is given on the points which should be borne in mind in applying the 'good reason' test. These include advice that "a certificate for a handgun with ammunition should not be granted (except in very rare cases) unless the applicant has regular and legitimate opportunity of using the weapon, eg for target practice as a member of a pistol shooting club".

14. Our considerations have concentrated on whether the Home Office *Guidance* should be amended to allow the use of handguns for purposes other than target shooting. We should point out that the majority of handguns which might be used for off-range purposes are very different to the common perception of a 'pistol' and we would draw your attention particularly to paragraphs 8.4 - 8.5 of our Sixth Annual Report which gives further details of these firearms.

15. We concluded that the Home Office *Guidance* should not be changed. The wording of it does not preclude the issue of a certificate for activities other than target shooting at a club and we think it is right that handguns are controlled strictly because of their popularity in criminal activity. We have therefore thought it right that the onus should remain on the applicant to show good reason why an exception to this general principle should be made in order to prevent a proliferation of handguns.

Numbers of handguns possessed

16. The Committee considered whether limits should be placed on the number of handguns which could be held by an individual at any one time in paragraphs 6.14 - 6.15 of our Fourth Annual Report. This followed consideration of whether a statutory upper limit should be introduced on the numbers of firearms and amount of ammunition a certificate holder should be entitled to possess in paragraphs 5.6 - 5.7 of our Third Annual Report.

17. In both cases we concluded that it would not be right to impose what would in effect be no more than an arbitrary statutory restriction. Under section 27 of the Firearms Act 1968, chief officers already have to be satisfied that shooters have good reason for the possession of each firearm that they wish to hold. Our judgement was that this provided sufficient safeguards.

Licensing of the individual rather than the weapon

18. This is a theme to which we have returned throughout our existence. In our view, in terms of public safety, the most important consideration is whether an individual is suitable to possess firearms safely; determination of the exact types and numbers of weapons to be held should be secondary considerations.

19. We draw Your Lordship's attention to detailed consideration of this issue in our Third Annual Report Chapter 3 and our Fifth Annual Report Chapter 4. Prior to the Dunblane tragedy there was a Home Office Working Group considering our recommendations in detail. That group had already met and carried out a certain amount of preliminary work but has postponed further consideration of the issues pending the outcome of Your Lordship's Inquiry.

The administration of the firearms licensing system

20. Again this is an area which has been a common theme throughout our discussions under a number of different sub-headings. The present structure is that each police area operates its licensing system under the direction of its Chief Constable whose powers to grant and renew and vary firearms certificates are regulated by sections 26 and 27 of the Firearms Act 1968. In *Kaye - v - Hunter* 1958 S.C. 208 L.P. Clyde (at 211) observed "...Clearly therefore the issue of a certificate is essentially a matter for the discretion of the Chief Constable. He is probably in a far better position than any other official to know or to be able to ascertain whether the granting of the certificate is advisable in the public interest and the matter is therefore rightly left primarily with him."

21. The exercise of these powers is a matter for the Chief Constable but guidance is provided to help to ensure consistency of practice between police forces in the Home Office publication *Firearms Law : Guidance to the Police* which was drawn up in consultation with the Association of Chief Police Officers (ACPO) and the Association of Chief Police Officers in Scotland (ACPOS).

22. We also generally welcomed the publication of '**best practice**' **guidelines** by the Home Office (Third Annual Report, paragraph 3.24) which were drawn up by a Home Office Working Group. The guidelines were intended to promote a consistent and streamlined approach by police forces to the operation of the licensing system. The best practice guidelines recommend that thorough investigations should be carried out into applications for initial grant of certificates, a practice which we endorse.

23. The form of application for a certificate is prescribed by the Firearms Rules 1989 and the identical Firearms (Scotland) Rules 1989. From time to time representations are made to the Firearms Consultative Committee concerning difficulties said to arise from variations between police forces in the use of **non-statutory forms** during the application process. We addressed this issue in our Fifth Annual Report, paragraphs 4.43 - 4.44. The use of such non-statutory forms and the requesting of information beyond that perceived to be statutorily authorised has been a source of some dispute and may result in a Chief Constable being reluctant to move outwith the bounds of the prescribed forms when seeking additional information concerning an applicant.

Validity of certificates

24. This is an area we addressed in our Second Annual Report, paragraph 8.10. For reasons of efficiency we recommended that the Home Secretary take powers to vary the period of validity of a firearm or shot gun certificate. The Firearms (Amendment) Act 1992 gave the Secretary of State the power to vary the validity of a firearm or shot gun certificate by Order. Power to vary is now unrestricted. An Order increasing the life of a firearm or shot gun certificate to five years came into effect on 1 January 1995.

Countersignatories

25. We considered the issue of countersignatories in our First Annual Report, Chapter 4. Our concern at that time was that the list of professions which might operate as countersignatories included in the Firearms Rules 1989 (and the Firearms (Scotland) Rules 1989) was being interpreted too narrowly. It was our view that it was better for someone who knew the applicant well to countersign the form rather than the mere selection of a person of particular standing whose intimate knowledge of the applicant might be limited. The Rules include the phrase 'or person of similar standing' and we recommended that this be interpreted more widely. We understand that police forces have adopted this practice.

26. In our Fifth Annual Report (Chapter 9 and Annex H) we endorsed a recommendation from a Home Office Working Group, consisting of representatives of the police and shooting organisations, that the countersignatory requirement should be abolished. It was considered that the countersignatory was little more than a rubber stamping exercise and added little value to the licensing process. Our endorsement of this recommendation followed a similar recommendation made by Her Majesty's Inspectorate of Constabulary in its 1993 Report on 'The Administration of Firearms Licensing' which itself followed a recommendation made by ACPO in a report of a multi-force scrutiny by the ACPO Crime Committee Working Group on the Administration of Firearms in March 1991.

Approved Rifle and Pistol Clubs

27. This is another subject we have discussed at some length during our existence. As discussed above, it is general practice that an applicant will not be granted a certificate for a handgun unless he is a member of a pistol shooting club. (See *Guidance to the Police* paragraph 6.8(e)). Under section 15(1) of the Firearms (Amendment) Act 1988, members of a rifle or pistol club which has the Home Secretary's or Secretary of State for Scotland's approval can possess firearms and ammunition without a firearm certificate when engaged as a member of the club in, or in connection with, target practice. In

order for a club to obtain, and retain, approval they must comply with published criteria.

28. Following the 1988 Act and as a result of two tragic incidents in 1989 new criteria for the approval of rifle and pistol clubs were introduced. Full information surrounding the introduction of these criteria is to be found in our First Annual Report, Chapter 3. Following the introduction of these criteria, concern was expressed to the Committee and others, that some aspects of their application were giving rise to problems. In 1992 a review of the criteria was announced and the result of the Home Office research was published in 1993. It was studied by the Firearms Consultative Committee in 1994 (Fifth Annual Report, Chapter 11 and Annex J) and as a result of its findings we recommended that a Working Group should be set up to consider revising the criteria for clubs.

29. In particular we asked the group to consider how clubs could vet prospective members (Fifth Report, paragraph 11.4) and noted that "...access to criminal records and police intelligence is clearly an area fraught with difficulty... but there is a need to find some mechanism for ensuring that unsuitable individuals are identified and excluded".

30. Our Sixth Annual Report records the results of that Working Group at Chapter 12. We would draw Your Lordship's attention particularly to what the Working Group said about vetting of members (paragraphs 12.16 - 12.18). As you will see, they were unable to reach an entirely satisfactory conclusion and recommended that a new requirement be introduced that members, prospective members and guests should be asked to sign a declaration to say that they are not prohibited persons under section 21 of the Firearms Act 1968 (as amended). This requirement was included in new criteria which were introduced on 1 January 1995 and was obviously directed towards the concerns which we had expressed referred to at paragraph 27 above. It goes some way towards meeting the criminal aspects of that concern. However, it does not address all our concerns.

Mentally Disordered Persons

31. What the new requirement does not do, is to provide any solution for another class of person who would fall within the category of 'unsuitable' individuals, namely, mentally disordered persons. Possession of firearms by mentally disordered persons is an issue on which we reported in our Third Annual Report (Chapter 9). Part of the history of the difficulties experienced in this area is set out in that Chapter and the nature of our recommendation is illustrative of some of the difficulties then being encountered. We have to say that this is not a straightforward area.

Revocation of certificates

32. A further area in which concern has been recognised is to be found in the situation which has developed since the 1968 Act whereby the grant of a certificate after an applicant has satisfied the tests laid down by Section 27 of the 1968 Act there is a perception that satisfaction may be deemed to continue unless the contrary can be demonstrated. Members of the Committee are divided on whether such a view is a proper interpretation of the law but we do not propose to explore the detail of these differing views in this paper.

33. Powers of revocation which broadly match the terms of the grant or renewal are contained in Section 30 of the 1968 Act and this power was amended by Section 12 of the 1988 Act. The Committee has not had occasion to examine the exercise of the powers so conferred in detail, but we are conscious of a perception that the material on which a Chief Constable is required to rely when revoking a certificate is onerous. One example of the kind of difficulties occasionally encountered is to be found in *Rodenhurst -v- Chief Constable of Grampian Police 1992 SLT 104*.

34. The Committee believes that this is an area of the firearms legislation which Your Lordship may wish to subject to scrutiny.

The Appeal System

35. In this context, we would also draw Your Lordship's attention to what we have identified in our Reports as the inadequacy of the appellate system within the firearms legislation (Third Report paragraphs 3.20 and 3.21 and Sixth Report paragraph 5.6). In our Third Annual Report we recommended that an appeals process should be established which is informal and inexpensive. Our view was that the current appeals process is cumbersome and inaccessible to both the police and certificate holders.

36. In our Sixth Annual Report we reported that we consider that there is a defect in the system which means that definitive rulings on matters of definition (such as whether a weapon is antique or not or whether it is prohibited or not) can only be obtained by resorting to criminal proceedings. This does not seem to us to be the most satisfactory way of resolving such difficulty. As part of our work this year, and as recently as February, we were giving further consideration to some form of appeals tribunal which would be more accessible to the police and certificate holders and which could consider cases without the need for criminal prosecution or appeal to the courts. We continue to believe that there would be benefits to be derived from a simplified appeals process.

Safekeeping of Firearms and Shot guns

37. Another area to which we have devoted considerable time is the area of secure storage of firearms and ammunition and shot guns. The Firearms Rules 1989 (and the Firearms (Scotland) Rules 1989) introduced a new safekeeping condition to be attached to all firearm and shot gun certificates. Firearms and ammunition, and shot guns, must be stored securely at all times, so as to prevent, as far as is reasonably practicable, access to the firearms and ammunition, or shot gun, by an unauthorised person. Our consideration of this subject is in our First Annual Report, Chapter 6, Third Annual Report, paragraphs 5.8 - 5.9 and 10.11 - 10.13 and Fifth Annual Report, Chapter 6.

38. No minimum statutory requirement for safekeeping is laid down in the Firearms Acts and each case should be judged on its merits. In addition, the safekeeping condition does not come into force until the certificate is issued but in nearly all cases the police will inspect a potential certificate holder's security before issuing a certificate. These issues have caused some conflict between shooters and the police.

*Statistics***IV Other Matters Arising**

39. Your Lordship will no doubt be presented with a variety of statistical information. We would like to draw your attention to one particular area. There are no statistics collected on the number of crimes committed by firearm or shot gun certificate holders. However, it is assumed that if a certificate holder commits a serious offence and if he is detected for that offence his certificate will be revoked. At 31 December 1995 there were 174,020 firearm certificates on issue and in 1995 230 firearm certificates were revoked, around 0.13% of the total. At 31 December 1995 there were 722,620 shot gun certificates and in 1995 720 shot gun certificates were revoked - 0.1% of the total. The reasons for the revocations are not known but certificates can be revoked for a variety of reasons, not just that the holder has committed an offence.

40. It would appear therefore that commission of crime by certificate holders is statistically insignificant although we of course recognise that when crimes such as those committed at Dunblane and Hungerford, their consequences far outweigh any bare statistical significance. The numbers of fatalities are of course significant in relation to the statistics on homicide generally. We draw this matter to Your Lordship's attention without further comment and solely for such assistance if any as may be derived from the statistical information.

Scottish and Home Office Evidence

- 41.** The Committee has expressed concern over the reliance by the Research and Statistics Directorate of the Home Office on research undertaken by Professor Martin Killias in 1993 which has been included in Annex G of the submission to Your Lordship on behalf of the Secretary of State for Scotland and the Home Secretary.
- 42.** The Annex rightly draws attention to the ideological and partisan nature of the academic debate on gun control. Professor Killias' study has however been strongly criticised both for its factual accuracy and its methodology. Footnote 2 on page 74 of the submission is based on Killias and is incorrect. Quite apart from a sealed box being an unlikely deterrent to an individual intent on a serious criminal act, government-loaded ammunition is available for sale at Swiss rifle ranges and around 60 million rounds a year are expended outside military duty. Commercial equivalent cartridges (two of which, 9mm and 5.6mm GP90 are Swiss versions of the 9mm NATO and 5.56mm NATO cartridges distributed worldwide) are readily available at gun shops. The validity of Killias' exclusion of military arms from his Swiss gun ownership rates is therefore seriously open to doubt, as the arm is in the home and ammunition is readily available.
- 43.** Killias' 1989 survey, referred to in footnote 6 on page 77 consisted of a random sample of 2,000 people in each country (1,000 in Switzerland) telephoned by a polling agency which told the respondents that it was acting for the Interior Ministry, and then asked them about crime, their security provisions, and whether they had firearms in the household. It is understood that around 47% of those telephoned refused to co-operate or terminated the interview.
- 44.** The above comments have been based on a letter by Gary Clerk MA, PhD, a Professor in the School of Criminology and Criminal Justice, Florida State University, published in the Canadian Medical Association Journal 1993 149(2) Page 1774, and on 'Most Armed and Most Free?' by Richard Munday, Piedmont Publishing Ltd 1996, Pages 86-89. Both these authors support the view that the association between wider gun availability and higher homicide rates has not been proven, but their criticisms of Killias are trenchant.
- 45.** The Committee would also point out the inconsistency in the statistics given in graphic form on pages 76 and 77 and in tabular form on page 83. The Canadian Department of Justice figures for the rate of gun homicide in the United States are given as 6.4 per million of the population, the Killias figure as 44.6 million of population. Clearly a zero has been misplaced, but even then the usefulness of statistics that differ by approximately 29% must be questioned.
- 46.** Difficulties occur with the Department of Justice, Canada, statistics given in Figure 1. 'Gun registration' is not a good index of

gun ownership, legal or otherwise. Registration of rifles and shot guns is still not required in some of the countries cited. We draw this matter to Your Lordship's attention without further comment and again solely for such assistance if any as may be derived from the information.

Conclusions

47. Your Lordship will note from our Annual Reports the scope of the subjects which have been examined and the many recommendations made by the Committee. You will also note that a number of our recommendations have not been implemented as they require primary legislation. We are aware that where we have recommended changes to legislation, these often require further consideration and consultation before the necessary legislation can be introduced. However, in our Fifth (and Sixth) Annual Reports the Committee expressed its profound disappointment that Parliamentary time had not been found for legislative change where the Committee had thought it necessary. The main thrust of our work has been to analyse in detail aspects of the practical efficiency and effectiveness of the existing controls and, where necessary, make recommendations for change. Our intention has been to lay down in detail the basis for a root and branch reform of existing controls. Our hope has been that this reform would not be event-driven, as was the case with the Firearms (Amendment) Act 1988.

48. Following the 1988 Act there was a significant polarisation of views between the police and parts of the shooting community. We believe this Committee has made significant strides in eliminating those differences. Despite, and perhaps because of, the very different backgrounds of members, issues are discussed objectively and conclusions reached, which we believe are in the wider public interest.

49. We are aware that following Your Lordship's findings there will be pressure on the Government to take action quickly to implement any recommendations which relate to firearms legislation. We would hope, however, that Your Lordship will see from our Reports and this submission, the value of the Firearms Consultative Committee and be able to recommend to the Home Secretary that any recommendations on firearms matters are further considered by this Committee before implementation.

50. The purpose of this submission is to set out our role and identify our previous consideration of subjects which may be relevant to Your Lordship's present Inquiry. We have, of course, covered a much wider range of subjects in our deliberations over the years and if you conclude that we may be able to assist Your Lordship further, either with matters contained in our submission, or on wider issues we would be happy to assist either orally or in writing.

ANNEX A

Biographies of Members relevant to their Appointment to the Committee

- Mr A T Burden** Chief Constable, Gwent Constabulary. Chairman of the Association of Chief Police Officers Crime Committee Sub-Group on the Administration of Firearms.
- Mr B Carter** Director of the Gun Trade Association. Secretary of the Shooting Sports Trust. Member of the British Shooting Sports Council. Several times Great Britain Team Manager at various shooting Grand Prix, European and World Championships.
- Mr D E J Dracup** Solicitor. Chief Crown Prosecutor for the South East Area of the Crown Prosecution Service to 31 March.
- Mr K Drummond** QC. Home Advocate-Depute for Scotland and presently member of the Criminal Injuries Compensation Board. Chairman of Institute of Chartered Accountants of Scotland Discipline Tribunal. Former council member of UK Practical Shooting Association (UKPSA). Council member of Scottish Association for Country Sports. Competed in pistol and rifle competitions in UK and abroad. Participates in sporting shooting. Member of British Association for Shooting and Conservation, British Field Sports Society, and National Rifle Association.
- Mr C A Ewing** Former Chief Executive of National Rifle Association. Member of British Shooting Sports Council and of the Management Committee of the Great Britain Target Shooting Sports Federation. Formerly Regular Soldier (Colonel).
- Mr M Jones** Labour MP for Clwyd South West since 1987, target shooter.
- Mr D Macniven** Head of Police Division, Scottish Office.
- Mr P Misselbrook** Solicitor. Member of Federation of Field Sports Associations of the EEC (FACE).
- Dr I Oliver** Chief Constable, Grampian Police
- Mr D J Penn** Keeper, Exhibits and Firearms, Imperial War Museum. Fellow of the Society of Antiquaries. Liveryman of the Worshipful Company of Gunmakers. Office holder in Muzzle Loaders Association of Great Britain and Historical Breechloading Smallarms Association. Member of British Shooting Sports Council, Arms and Armour Society and National Rifle Association. Has represented Oxford University and County of London in pistol shooting. Also shoots rifle and shot gun.
- Mr R J Pitcher** Special Investigation Branch, Royal Military Police to 1984. Branch Proof Master, Worshipful Company of Gunmakers, Royal Small Arms Factory, Enfield to 1986. Proof Master, Worshipful Company of Gunmakers, London and head of British delegation to the Commission of International Proof. Pistol shot and rough shooter.

- Dr M J Pugsley** International shot, current member of Great Britain rifle team. First woman to win Grand Aggregate at Bisley. Also enthusiastic deer stalker and rough shooter.
- Mr N Sanderson** Head of Operational Policing Policy Unit (formerly F8 Division), Home Office.
- Lord Tollemache** Farmer, landowner and working Peer. Over 40 years experience of game shooting, clay pigeon shooting, deer stalking and target shooting both civilian and military.
- Mr T Warlow** Home Office National Firearms Forensic Service, Forensic Science Services Laboratory, Huntingdon. An active shooter for most of his life with experience in muzzle-loading, air weapons, rifle and pistol target shooting, game shooting, deerstalking, wildfowling and clay pigeon shooting.

ANNEX B

Summary of Committee's Recommendations 1989-1995 and Action on them

1st Annual Report (1989 - 1990)

Approved Rifle and Pistol Clubs

The Committee recommended that:

- 1.1 provision should be made for any person who wishes to join an approved rifle or pistol club as a probationer to receive initial instruction as a novice member on no more than four occasions a year in the safe use of firearms only (paragraph 3.14). **Implemented. Included in Home Office approval criteria for rifle and pistol clubs.**
- 1.2 the instruction given to a novice member should be under the direct personal charge of a club member of not less than two years full membership experience (paragraph 3.14). **Implemented. Included in Home Office approval criteria for rifle and pistol clubs.**
- 1.3 a novice member should have no access to ammunition (paragraph 3.15). **Implemented. Included in Home Office approval criteria for rifle and pistol clubs.**
- 1.4 limited numbers of people known to the club should be invited in person by the club secretary to attend guest days as guest members so that their suitability to become probationary members and handle and use firearms and ammunition can be properly assessed (paragraph 3.15). **Implemented. Included in Home Office approval criteria for rifle and pistol clubs.**
- 1.5 clubs should give reasonable notice of the proposed guest days to their local chief officer of police (paragraph 3.15). **Implemented. Included in Home Office approval criteria for rifle and pistol clubs.**
- 1.6 the two sponsors of an applicant for probationary membership should be one full member of the club which the applicant wishes to join and one person who knows the applicant personally (paragraph 3.17). **Implemented. Included in Home Office approval criteria for rifle and pistol clubs.**
- 1.7 the correct terminology should be used when referring to rifle and pistol clubs (paragraph 3.22) and future issued of the Home Office leaflet should take this into account. **Implemented. Included in second edition of Home Office leaflet on rifle and pistol clubs issued March 1991.**
- 1.8 national shooting organisations to which approved rifle and pistols clubs are affiliated should draw up appropriate standards of instructions in the safe handling of firearms and ammunition (paragraph 3.26). **Implemented. The National Rifle Association, National Small Bore Rifle Association and the National Pistol Association have drawn up comprehensive safety regulations.**

1.9 such standards of instruction should be disseminated to all clubs (paragraph 3.26). **Implemented. The National Rifle Association, National Small Bore Rifle Association and the National Pistol Association have disseminated comprehensive safety regulations.**

1.10 the expression “target practice” as used in section 15 of the Firearms (Amendment) Act 1988 should be taken to embrace all forms of competitive shooting (paragraph 3.34). **Implemented. Home Office leaflet on rifle and pistol clubs amended accordingly. “Target practice” is now generally construed in this way.**

Countersignatures

The Committee recommended that:

1.11 no class or category of persons should be automatically excluded from being considered a person of some standing in the community to act as a countersignatory (paragraph 4.7). **Implemented. This is included in police force practice. To be formally included in new Firearms Rules.**

1.12 flexibility should be used in the interpretation of the definition of a countersignatory (paragraph 4.8). **Implemented. This is included in police force practice.**

1.13 where an apparent inconsistency occurs in the interpretation of the definition the person concerned writes to the chief officer of police for an explanation (paragraph 4.8). **For members of the public to implement.**

Safeguarding of Firearms and Shot Guns

The Committee recommended that:

1.14 when assessing the appropriate level of security each case should be considered on its individual merits (paragraph 6.3). **Implemented. Police forces operate this policy.**

1.15 no blanket requirements on secure storage should be imposed (paragraph 6.3). **Implemented. Police forces operate this policy.**

1.16 where it is considered that an individual has been harshly treated the matter should be taken up direct with the chief officer of police (paragraph 6.11). **For members of the public to implement.**

Visitor’s Permit Scheme

The Committee recommended that:

1.17 a visitor’s permit should, in general, be issued valid for a period of twelve months unless there is good reason to decide otherwise (paragraph 7.18). **This is now standard practice amongst police forces.**

1.18 all details on the application form and supporting documentation should be provided in English (paragraph 7.18). **No action required as this is standard practice.**

- 1.19 the definition of a shot gun given on the application forms should be clarified (paragraph 7.19). **Requires amendment to Firearms Rules. To be included in new Firearms Rules as recommended by the Firearms Rules Working Group set up by the Home Office as a result of recommendation 3.3.**
- 1.20 until such time as clarification of the definition of a shot gun on a visitor's permit takes place a covering letter should be sent out with all application forms explaining the definition (paragraph 7.19). **Not implemented. Awaiting amendment to the Firearms Rules.**
- 1.21 provision should be made within firearms legislation for revocation of a visitor's permit and the charging of a fee for a replacement permit (paragraph 7.20). **Not yet implemented. Awaiting suitable legislative opportunity.**

2nd Annual Report (1990 - 1991)

European Commission proposal for Council Directive on the Control of the Acquisition and Possession of Weapons

The Committee recommended that:

- 2.1 the British Visitor's Permit Scheme should be retained for the foreseeable future (paragraph 3.8). **No action required.**
- 2.2 efforts should be made to achieve an agreed common European standard of de-activation of firearms (paragraph 3.9). **Not implemented. Approaches were made to some other EC member states in 1992, but present deactivation standards are far more stringent in the United Kingdom. It was therefore not possible to reach a compromise satisfactory to all member states.**
- 2.3 the grant of a European Firearms Pass should be the responsibility of chief officers of police who already have experience of administering the domestic firearms licensing system (paragraph 3.10). **Implemented by the Firearms Acts (Amendment) Regulations 1992.**
- 2.4 the cost of the grant or renewal of a European Firearms Pass is kept to a minimum (paragraph 3.10). **No action required - no fee charged at present.**
- 2.5 dealers are not made liable for the sale of a firearm to a European Community national whose credentials they are unable to verify (paragraph 3.10). **No action required - dealers are not liable.**

Control of Explosives Regulations

The Committee recommended that:

- 2.6 the proposed regulations should make provision for either the automatic grant of an explosives certificate to those already holding a shot gun or firearm certificate (**considered and rejected by the Home Office as *ultra vires***), or for explosives certificates to be issued coterminously with an existing shot gun or firearm certificate without additional investigation (paragraph 4.4). **The Health and Safety Executive (HSE) has advised police to issue coterminous certificates using their discretion as to whether further investigation is required.**
- 2.7 the findings of the two reports on the administration of the firearms licensing system by the Association of Chief Police Officers and the British Association for Shooting and Conservation should be taken into account before any scale of fees for an explosives certificate is set (paragraph 4.5). **HSE will take account of these before setting fees.**
- 2.8 the need for wider powers of entry under the proposed regulations should be reconsidered (paragraph 4.7). **It was reconsidered by the Health and Safety Executive. Police powers of entry have caused no complaint and therefore no action was taken.**
- 2.9 the existing upper limit of 15kg of gunpowder should be retained (paragraph 4.9). **Implemented. Contained in Control of Explosives Regulations 1991.**
- 2.10 black and smokeless powders should be regulated separately (paragraph 4.11). **Implemented.**
- 2.11 further consideration should be given to increasing the existing private use limits for smokeless powder (paragraph 4.11). **Under consideration by HSE and the Home Office.**
- 2.12 the concerns about the private use limits for smokeless powder and gun powder should also be borne in mind by the Home Secretary in his consideration (paragraph 4.13). **They will be borne in mind by the Home Office and HSE in their considerations.**

Estate Rifles

The Committee recommended that:

- 2.13 subject to the views of the courts, the notion of “borrow” in terms of section 16 should be construed to include a transaction which is not necessarily gratuitous (paragraph 5.11). **No action necessary.**
- 2.14 section 16 of the Firearms (Amendment) Act should be amended to clarify its scope (paragraph 5.11). **Not yet implemented. Awaiting suitable legislative opportunity.**

**Use of Large Magazine
Smooth-bore Guns for Clay
Pigeon Shooting**

The Committee recommended that:

- 2.15 the Home Office consider amendment of its *Guidance to the Police* to delete the advice that vermin control should normally represent a good reason for the grant of a firearms certificate for a large magazine smooth-bore gun (paragraph 6.13). **Superseded by Recommendation 3.25.**

**Computerisation of Dealers'
Registers**

The Committee recommended that:

- 2.16 the law is amended to make it clearly acceptable for dealers to maintain their registers on computer (paragraph 7.9). **Not yet implemented. Awaiting suitable legislative opportunity.**
- 2.17 provision should continue to be made for dealers to keep their registers in manual form if they so choose (paragraph 7.9). **Not yet implemented. Awaiting suitable legislative opportunity.**

**Administration of the
Firearms Licensing System**

The Committee recommended that:

- 2.18 the Home Secretary should take powers to vary the length of a certificate (paragraph 8.10). **Implemented. The Firearms (Amendment) Act 1992 came into force on 16 March 1992, and provided the Home Secretary with this power. From January 1st 1995 the length of a certificate was increased to five years under the Firearms (Period of Certificate) Order 1994**
- 2.19 the period of validity of certificates should be reviewed (paragraph 8.10). **See above.**
- 2.20 both the ACPO and BASC studies into the administration of the firearms licensing system should be examined by the Home Secretary with a view to the formulation of a best practice model of current practices, on which an assessment of appropriate levels for fees can be based (paragraph 8.12). **Implemented. Best practice guidelines issued as Home Office Circular 94/1991.**
- 2.21 section 54 of the Firearms Act 1968 should be extended to allow civilians employed by police authorities to be in possession of firearms in the course of their duties (paragraph 8.13). **Implemented in the Police and Magistrates Court Act 1994.**

**Air and Gas Powered
Weapons**

The Committee recommended that:

- 2.22 tightening of the present controls on air weapons would not reduce air weapon misuse to any substantial extent (paragraph 9.6). **Accepted, no action required.**
- 2.23 low powered CO2 weapons should be treated in the same way as low powered air weapons and exempted from certificate control (paragraph 9.10). **Not yet implemented. Awaiting suitable legislative opportunity.**

Other Issues**Trophies of War**

The Committee recommended that:

- 2.24 firearms of historic value seized in battle should be made available to interested museums (paragraph 10.1).
Implemented.
- 2.25 British servicemen might be allowed to keep firearms seized during battle provided that they have been submitted for a process of de-activation to a recognised standard (paragraph 10.3). Rejected by Armed Forces Minister.

Working group on target practice

The Committee recommended that:

- 2.26 the term “target practice” is replaced with “target shooting” in section 15 of the Firearms (Amendment) Act 1988 (paragraph 10.19). **Not yet implemented. Awaiting suitable legislative opportunity.**
- 2.27 the exemption in section 15 should only apply to weapons held on club certificate (paragraph 10.19). **Not yet implemented. Awaiting suitable legislative opportunity.**
- 2.28 the law should be clarified to permit club members to continue to borrow one another’s weapons during club sessions (paragraph 10.19). **Not yet implemented. Awaiting suitable legislative opportunity.**
- 2.29 club members should be required to abide by the conditions, including the safekeeping requirement, attached to the club firearm certificate (paragraph 10.19). **Considered by working group which considered the criteria for rifle and pistol clubs.**

3rd Annual Report (1991-1992)**The Firearms Licensing System**

The Committee recommended that:

- 3.1 the Home Secretary should press ahead with the proposal to establish a national Firearms Control Board (paragraphs 3.5 - 3.10); and in doing so should have regard to the practical considerations which we examined (paragraphs 3.11 - 3.19).
Following a feasibility study, this proposals was rejected by the Home Secretary in July 1994.
- 3.2 the Home Secretary should also as part of this work investigate in depth the best mechanism for achieving a new appeals procedure which would be simple and inexpensive (paragraphs 3.20 - 3.21). **Deferred pending outcome of decision on a Firearms Control Board. Appeals part of the work programme this year.**
- 3.2 the Home Office set up a working group, including representatives from the shooting community, to consider changes to the format of firearms and shot gun certificates (paragraph 3.27).

Implemented. Working Group set up by Home Office in July 1993. Report of the Working Group included in Fifth Annual Report.

Replica and De-activated Firearms

The Committee recommended that:

- 3.4 the Home Secretary should consider amending the firearms legislation to extend the range of offences relating to criminal misuse of firearms to cover imitation weapons (paragraph 4.19). **Implemented by the Firearms (Amendment) Act 1994.**
- 3.5 the Home Office pursue with the trade the possibility of introducing voluntary labelling of packaging with a clear warning to the purchaser about the penalties and dangers of criminally misusing imitation firearms (paragraph 4.20). **Rejected by the Home Office after consultation with manufacturers.**
- 3.2 the Home Secretary should use a suitable opportunity to express in public support for the police in their handling of incidents where they believe the public to be at risk notwithstanding that a weapon might subsequently be found to be an imitation (paragraph 4.21). **Implemented. Parliamentary Under Secretary of State, Mr Charles Wardle made reference to this in a speech in an adjournment debate 6.7.92**

Minimum age for possession of firearms and other issues arising from the Parkhill shootings

The Committee recommended that:

- 3.7 existing provisions to limit access to firearms by young people, to control the quantities of firearms and ammunition which may be held and to ensure safe storage are adequate and tighter restrictions are unnecessary (paragraph 5.10). No action required.

Definition of antique weapons and the collecting of firearms and ammunition

The Committee recommended that:

- 3.8 subject to further discussion, the Home Office should amend its *Guidance to Police* to include certain breech-loading centre-fire arms but not certain other specified weapons (paragraphs 6.4-6.5) **Implemented. "Dear Chief Officer" letter circulated by the Home Office 19.11.92**
- 3.9 the Home Office should give consideration to firearm and shot gun certificates for shooters of antique muzzle-loaders giving a general authorisation permitting use of any such weapon (paragraph 6.6). **Not yet implemented. Awaiting suitable legislative opportunity.**
- 3.10 there should be no concept of antique self-contained ammunition (paragraph 6.7). **Accepted. No action required.**
- 3.11 the legislation should be amended to introduce a separate collectors' certificate (paragraph 6.11). **Not yet implemented. Awaiting suitable legislative opportunity.**

- 3.12 an exemption should be provided allowing the continued private possession of certain items which will be prohibited by virtue of the EC Directive (paragraph 6.12). **Implemented by the Firearms Acts (Amendment) Regulations 1992 and The Firearms (Dangerous Air Weapons) (Amendment) Rules 1993.**
- 3.13 the Home Secretary should amend section 3(1A)(b) of the Firearms (Amendment) Act 1988 to permit the grant of a shot gun certificate for the sole purpose of purchasing cartridges (paragraph 6.13). **Not yet implemented. Awaiting suitable legislative opportunity.**

Miniature Rifle Ranges

The Committee recommended that:

- 3.14 the Home Secretary should amend section 11(4) of the Firearms Act 1968 to clarify that .22 rim-fire rifles only are intended and to remove the words “or carrying on” (paragraphs 7.5 and 7.16). **Not yet implemented. Awaiting suitable legislative opportunity.**
- 3.15 the legislation should be further amended to introduce a statutory safekeeping requirement (paragraph 7.10). **Not yet implemented. Awaiting suitable legislative opportunity.**
- 3.16 in the absence of legislative change, the Home Secretary should issue guidance to the police on the interpretation of “miniature rifles” and should urge the HSE and Showmen’s Guild to expand and strengthen their security advice to shooting gallery owners (paragraph 7.6 and 7.11). **Partially implemented. HSE published new guidance including security advice.**
- 3.17 the Home Office should explore with the NSRA and Showmen’s Guild options for issuing a standard recognised documentary proof of exemption (paragraph 7.14). **Implemented. Standard form of document agreed and issued by organisations representing miniature rifle ranges from 1.4.94.**

Component Parts

The Committee recommended that:

- 3.18 the Home Secretary should consider amending section 57 of the Firearms Act 1968 at a suitable early opportunity to include a definition of the term “component part” which would clearly limit these to pressure bearing parts only (paragraph 8.9). **Not yet implemented. Awaiting suitable legislative opportunity.**

Possession of firearms by mentally disordered persons

The Committee recommended that:

- 3.19 the Home Secretary should look closely again in consultation with Ministerial colleagues in other interested government departments at whether an amendment to the firearms legislation to prohibit access to firearms by the mentally disordered will be feasible (paragraph 9.7). **Under consideration by the**

Home Office, the Department of Health and other interested government departments.

Other Issues

Carriers of Prohibited Weapons

The Committee recommended that:

- 3.20 the Home Office should issue an addendum to their guidance covering the exemption under section 58(1) of the Firearms Act 1968 in respect of the carriage of weapons to and from the Proof Houses (paragraph 10.5). **Implemented. Revised guidance issued.**

Dismantling of Ammunition

The Committee recommended that:

- 3.21 the legislation should be amended to legalise the non-commercial unmaking of ammunition. **Not yet implemented. Requires secondary legislation.**
- 3.22 in the meantime the Home Office should issue guidance to the police that prosecutions under the current law would not be in the public interest. **For the offence of illegal manufacture of explosives HSE is the enforcing authority, not the police. This matter has been drawn to HSE's attention.**
- 3.23 subject to the amendment of the law the HSE, in consultation with all interested parties, should issue an advisory leaflet on the unmaking of ammunition (all paragraph 10.9). **Not yet implemented. Awaiting secondary legislation under recommendation 3.21.**

Leaflet on the Security of Firearms and Shot guns

The Committee recommended that:

- 3.24 the Home Office should go ahead with publication of the leaflet subject to drafting amendments to bring it more closely in line with the publication *Firearms Security - A Beat Officer's Guide* (paragraph 10.13). **Implemented. New security leaflet issued.**

Use of Large magazine Smooth Bore Guns

The Committee recommended that:

- 3.25 the Home Office should refrain for the time being from amending their *Guidance to the Police*. Accordingly vermin control will remain good reason for possession of a large capacity gun and, where good reason has otherwise been established, there should be no objection to using these guns at clay targets (paragraph 10.28). **Accepted by the Home Office and guidance issued to the police.**

4th Annual Report (1992 - 1993)

Territorial Conditions

The Committee recommended that:

- 4.1 the Home Office should amend its *Guidance to Police* to make clear that territorial conditions should be imposed only in exceptional circumstances. **Under consideration. Part of the work programme this year.**
- 4.2 territorial conditions should not be imposed on those who have held a sporting rifle for three years without incident; or have passed a recognised course; or are employed as a game keeper, stalker, pest controller or similar professional sporting rifle user. **Under consideration. Part of the work programme this year.**
- 4.3 those new to shooting should in general also be free from territorial conditions to enable them to receive proper guidance without being tied to particular land, provided they are supervised by an experienced shooter. **Under consideration. Part of the work programme this year.**
- 4.4 any territorial condition which is imposed should not be limited to a specific purpose but to “any lawful purpose” (all paragraph 4.11). **Under consideration. Part of the work programme this year.**
- 4.5 the “any lawful purpose” criterion should also be applied to sporting rifle certificates which are free of territorial restriction (paragraph 4.12). **Under consideration. Part of the work programme this year.**

Definition of pistols and carbines

The Committee recommended that:

- 4.6 the Home Secretary should consider establishing a standing body to vet new weaponry (paragraph 5.11). **Not implemented.**
- 4.7 the Home Office set up a working group to attempt to formulate recommendations on how the definitional ambiguities should be clarified (paragraph 5.12). **Implemented. Working Group set up by the Home Office. Report of the Working Group included in Fifth Annual Report.**

Use of Handguns

The Committee recommended that:

- 4.8 the Home Office *Guidance to Police* on the circumstances in which a firearm certificate for a handgun might be granted should remain as presently worded (paragraph 6.13). **No action required.**
- 4.9 it would be wrong to impose mandatory limits on the number of handguns which could be held by any one person as long as the law requires good reason to be demonstrated for the possession of each and every firearm (paragraph 6.15). **No action required.**

Other Issues

- Barrel Block Devices** The Committee recommended that:
- 4.10 barrel block devices should not be made mandatory for shot gun owners (paragraph 7.4). **No action required.**
- Implementation of EC Weapons Directive** The Committee recommended that:
- 4.11 the Home Office should look urgently at what improvements might be made to the operation of the new system (paragraph 7.20). **Implemented - Meeting of Member States held in Brussels. EC Weapons Directive under constant review.**
- 4.12 the Home Secretary should review the feasibility of other EC Member States' domestic firearms licences being accepted for travel to this country (paragraph 7.21). **Not yet implemented. Would require agreement amongst EC Member States about levels of firearms control.**
- Police powers of search** The Committee recommended that:
- 4.13 there is no need for a separate Code of Practice for the exercise of police powers contained in sections 46-47 of the Firearms Act 1968 (paragraph 7.23). **No action required.**

5th Annual Report (1993-94)

- Licensing by Categories** The Committee recommended that:
- 5.1 a system of licensing by categories should be introduced in which the broad categories of weapon should be prohibited weapons, hand guns, rifles, smooth bore guns and others (paragraph 4.14);
- 5.2 the Home Office set up a working group to formulate detailed proposals on licensing by categories (paragraph 4.14);
- 5.3 where it has been decided that an individual can possess weapons of a certain category he should be able to possess any number of weapons in that category up to an agreed limit which would be based primarily on security considerations (paragraph 4.14);
- 5.4 the requirement for "one-for-one" variations should be abolished but such transactions should continue to be notified to the police (paragraph 4.14);
- 5.5 where it has been decided that an individual can possess weapons of a high category, possession of weapons of a lower category should normally be allowed, subject to satisfactory security (paragraph 4.15);

5.6 there should be a single certificate for all categories of weapon which should also be able to be used as a European Firearms Pass (paragraph 4.16).

A Working Group has been set up to discuss these recommendations.

Transfer

The Committee recommended that:

5.7 the whole issue of notification of transfers is considered as part of the wider debate on the future of the firearms licensing system (paragraph 4.22);

This issue is being considered as part of the licensing by categories working group.

Criminal Conviction under Consideration at time of Refusal/Revocation

The Committee recommended that:

5.8 a chief officer should be able to take all the facts into consideration when deciding whether to grant a certificate and there should be no change in the law in this area (paragraph 4.35).
No action required.

Statutory Time Limit for Application after Refusal/Revocation

The Committee recommended that:

5.9 there should be no statutory time limit for re-application after refusal or revocation of a certificate (paragraph 4.38).
No action required.

Reasons to be given for refusal/revocation

The Committee recommended that:

5.10 the present Home Office *Guidance to Police* which recommends that reasons for refusal or revocation of a certificate should be given in most cases, should stand (paragraph 4.41).
No action required.

Use of Non-Statutory Forms by Police During Application Process

The Committee recommended that:

5.11 the police, the Home Office and the BSSC should work together to produce a single non-statutory form and standard information pack to assist with postal renewals (paragraph 4.44).
Under consideration.

Borrowing of Rifles and Ammunition

The Committee recommended that:

5.12 a definition of “occupier” based on that in the Wildlife and Countryside Act 1981 should be included in the Firearms Acts (paragraph 5.4); **Not yet implemented. Awaiting suitable legislative opportunity.**

5.13 until such time as legislative change is possible, the Home Office *Guidance to Police* should be amended to include a definition of “occupier” in line with the Wildlife and Countryside Act 1981 (paragraph 5.4); **Under consideration.**

- 5.14 the scope of section 16 of the Firearms (Amendment) Act 1988 (estate rifles) be clarified (as previously recommended in our Second Annual Report) and that consideration be given to introducing a minimum age for the lender of a weapon (paragraph 5.6); **Not yet implemented. Awaiting suitable legislative opportunity.**
- 5.15 the differing exemption provisions for rifles and shot guns be examined and clarified (paragraph 5.6); **Not yet implemented. Awaiting suitable legislative opportunity.**
- 5.16 that there should be no change in the law on borrowing of rifle ammunition (paragraph 5.7). **No action required.**

Club Members

The Committee recommended that:

- 5.17 the existing widespread practice whereby club secretaries provide members with written authority to carry club firearms or ammunition should be endorsed (paragraph 5.10). **No action required.**

Treatment of Prohibited Weapons as Antiques

The Committee recommended that:

- 5.18 prohibited weapons should not specifically be excluded from the antique category (paragraph 5.14). **No action required.**

Secure Storage

The Committee recommended that:

- 5.19 there should be no statutory power for the police to inspect an applicants or certificate holders security but it is reasonable for the police to inspect security before granting or renewing a certificate (paragraph 6.6); **No action required. This is police force practice.**
- 5.20 the three publications - the Home Office *Guidance to Police*, the Home Office "Firearms Security" leaflet and *A Beat Officer's Guide* - should be examined to ensure that the advice that they contain is both consistent and accurate (paragraph 6.7). **Publications have been examined. Possible changes under consideration.**

Grant in Principle Pending Enhanced Security

The Committee recommended that:

- 5.21 provision should be made to allow grant in principle of a certificate pending enhanced security (paragraph 6.10); **Not yet implemented. Awaiting suitable legislative opportunity.**
- 5.22 where a grant in principle is issued the police should write to the applicant stating what measures are necessary to secure grant of the certificate (paragraph 6.10). **Dependent on 5.21 above.**

Safekeeping By Exemption Beneficiaries

The Committee recommended that:

- 5.23 the recommendation made in our Third Annual Report that miniature rifle ranges **should** be subject to a safekeeping

	<p>requirement should stand but this provision should not be extended to other exemption beneficiaries (paragraph 6.12). No action required.</p>
<p>Add Drugs Offences to Schedule Relating to Section 17(2) Offences</p>	<p>The Committee recommended that:</p> <p>5.24 the more serious offences under the Misuse of Drugs Act 1971 should be added to the Schedules relating to section 17(2) of the Firearms Act 1968 (paragraph 8.4). Rejected by Home Secretary.</p>
<p>Persons who have had Certificates Revoked or Cancelled to be Prohibited from Taking Advantage of Exemptions</p>	<p>The Committee recommended that:</p> <p>5.25 the police should also be given the power, when revoking or refusing a certificate, to prohibit a person from benefiting from the exemptions. Such a decision should be subject to appeal (paragraph 8.10). Not yet implemented. Awaiting suitable legislative opportunity.</p>
<p>Extension of Statutory Prohibition</p>	<p>The Committee recommended that:</p> <p>5.26 the law in this area should not be changed (paragraph 8.12). No action required.</p>
<p>Should Prohibition be for Life in all Cases ?</p>	<p>The Committee recommended that:</p> <p>5.27 there should be no change to the law in this area (paragraph 8.15). No action required.</p>
<p>New Offence of Supplying</p>	<p>The Committee recommended that:</p> <p>5.28 new offences of supplying, intent to supply, and concern in the supplying of firearms or imitation firearms in the furtherance of crime should be added to the Firearms Acts at the earliest possible opportunity (paragraph 8.20). Rejected by the Home Secretary.</p>
<p>Order Making Power</p>	<p>The Committee recommended that:</p> <p>5.29 the powers of the Secretary of State to amend legislation by Order should not be extended (paragraph 8.24). No action required.</p>
<p>Report of a Working Group set up to consider amendments to the Firearms Rules 1989</p>	<p>The Committee recommended that:</p> <p>5.30 the recommendations of the Working Group should be adopted (paragraph 9.8); see Annex H below.</p> <p>5.31 four photographs should continue to be supplied with applications for a single certificate (paragraph 9.8); No action required.</p> <p>5.32 there should be an early trial of credit card style certificates in a small number of forces (paragraph 9.8). Under consideration.</p>

Report of a Working Group set up to consider Section 5(1)(ab) of the Firearms Act 1968 (as amended)

The Committee recommended that:

- 5.33 the recommendations made by the Group be adopted (paragraph 10.15);
- 5.34 the draft guidance to the police drawn up by the Group and reproduced at Annex I to this Report should be issued by the Home Office as soon as possible (paragraph 10.15);
- 5.35 the Home Office should produce a leaflet explaining certain difficulties associated with the interpretation of section 5(1)(ab) and the new guidance issued to the police (paragraph 10.15).

In its 6th Annual Report, the FCC accepted that its recommendations on Section 5(1)(ab) could not be implemented, and that it was not possible to issue the FCC guidance on this point in full.

Other Issues

Approved Rifle and Pistol Clubs

The Committee recommended that:

- 5.36 in the light of the Home Office report and other representations made to the Committee, the Home Office set up a working group to consider revising the criteria for approved rifle and pistol clubs (paragraph 11.3). **Working group set up and report contained in Sixth Annual Report.**

Reactivation of Deactivated Firearms

The Committee recommended that:

- 5.37 the new deactivation standards being worked on by the Home Office and the Proof Houses should be introduced as soon as possible (paragraph 11.10);
- 5.38 further attempts be made to introduce common deactivation standards throughout the European Community (paragraph 11.10);
- 5.39 the Ministry of Defence should adopt the Home Office specifications for deactivation of weapons (paragraph 11.11).

New deactivation standards were published on 1 October 1995. The Ministry of Defence standards are similar to those of the Home Office and will adopt the revised 1995 standards.

Annex from the Fifth Annual Report containing recommendations:

**Conclusions and
Recommendations of the
Firearms Rules Working
Group
Reactivation of
Deactivated Firearms**

Annex H

1. The countersignatory requirement should be abolished. However, the Group noted the view of the Home Office that it would not be right to remove the countersignatory requirement by amending the Firearms Rules. The countersignatory requirement was discussed in Parliament during the passage of the Firearms (Amendment) Act 1988, and it ought not to be abolished without further Parliamentary discussion. Amendments to the Rules would not allow for that. The Group therefore recommends that there should be no restriction on the occupational groups who can countersign certificate applications. **Awaits amendment to the Firearms Rules.**
2. The aim should be to introduce a credit card style certificate by the end of the century. **Under consideration.**
3. The number of photographs required for coterminous certificate applications should be reduced from eight to four. **Awaits amendment to the Firearms Rules.**
4. Firearm and shot gun certificates should remain A4 sized. **No action required.**
5. The requirement for “one-for-one” variations should be abolished but such transactions should be notified to the police like shot gun transfers. **Under consideration by the licensing by categories working group.**
6. There should not be a separate application form for variations. **No action required.**
7. All forms used in the firearms administration process should, wherever possible, be written in ‘plain English’. **Awaits amendment to the Firearms Rules.**
8. Parts 3 and 4 (Renewals and Variations) of the current Firearm Certificate should be removed. **Awaits amendment to the Firearms Rules.**
9. On renewal, applicants should not have to repeat basic information which the police already have about them. **Awaits amendment to the Firearms Rules.**
10. A combined application form for both firearm and shot gun certificate applications should not be introduced at this time. **No action required.**
11. Police forces should include their full postal address and telephone number in information packs sent out to applicants. **Implemented. This is general police force practice.**

12. When firearm and shot gun certificates are due for renewal, police forces should generally ask holders to submit a photocopy of their certificate and retain the original, but that if a police force for some reason requires to see the original of a certificate it should return it within 72 hours, making a photocopy if necessary. **Under consideration.**

13. The legislation should be amended to allow notification of transfers by fax. **Not yet implemented. Awaiting suitable legislative opportunity.**

14. Section 27(2) of the Firearms Act 1968 requiring sales of ammunition to be recorded should be abolished. **Not yet implemented. Awaiting suitable legislative opportunity.**

15. The new design for firearm and shot gun certificates and the application forms for them, agreed by the Group, should be incorporated in new Rules. **Awaits amendment to the Firearms Rules.**

Sixth Annual Report 1994-95

No formal response has been made by the Home Secretary to the recommendations made in the Sixth Annual Report. An indication is given below where recommendations have been implemented in advance of the Home Secretary's formal response.

Chapter 3: Exemptions for film and TV work

The Committee recommended that:

- 6.1 any revision of section 12 should use language that is not medium specific (paragraph 3.4);
- 6.2 any future revision of section 12 should not be restricted to commercial activities only (paragraph 3.5);
- 6.3 guidance should be issued on the use of re-enactment groups in relation to section 12 (paragraph 3.6);
- 6.4 any revision of section 12 should retain the distinction between a theatrical production which must involve an element of production and a cinematographic film which need not (paragraph 3.7);
- 6.5 the exemption under section 12 should be extended to cover the production of still images in circumstances analogous to a moving one (paragraph 3.8);
- 6.6 any revision of section 12 should avoid restricting non-theatrical exemptions to any form of 'recording' so that 'live' transmission are not excluded (paragraph 3.9);
- 6.7 section 12(2) should be amended to allow a suitably authorised armourer or hire company to authorise performers or

others to have temporary possession of prohibited weapons during a performance, etc (paragraph 3.10);

6.8 guidance should be issued on security and staffing levels when firearms or prohibited weapons are provided for a production, particularly 'on location' and on the status of antiques used in productions (paragraph 3.11);

6.9 there should be no change in the issue of authorities for prohibited weapons for film and TV work (paragraph 3.12);

6.10 that the Home Office set up a working group to consider these recommendations in detail (paragraph 3.13).

**Chapter 4: Firearms
Amnesty**

The Committee recommended that:

6.11 an amnesty is held as soon as possible (paragraph 4.16);

6.12 attention should be focused on illegally held trophies of war, CS gas and pepper sprays, electric 'stun guns' and large magazine smooth bore guns (paragraph 4.16);

6.13 measures should be taken to ensure that weapons of historic or antique value are not lost to the nation through destruction of weapons surrendered during an amnesty (paragraph 4.16).

Amnesty to be held 3 June - 30 June 1996.

**Chapter 6: Air rifles and
young shots**

The Committee recommended that:

6.14 when an opportunity arises for major firearms legislation the provisions should be examined to ensure that unnecessary complexity or restrictions are removed (paragraph 6.14);

6.15 the Home Office produce a leaflet which explains briefly and simply the firearms law as it relates to young people and which commends the value of training and safe supervision (paragraph 6.15).

**Chapter 8: Use of pistols
for vermin control**

The Committee recommended that:

6.16 our previous recommendation, in our Fourth Annual Report, that the Home Office *Guidance to Police* on the circumstances in which a firearm certificate for a handgun might be granted should remain as presently worded, should stand (paragraph 8.7);

6.17 the length of 24 inches, below which one- or two-shot shot guns require a firearm certificate, should be reviewed at the next legislative opportunity (paragraph 8.9).

**Chapter 9: EC Weapons
Directive**

The Committee recommended that:

6.18 the Home Office should continue to urge other EU States to implement the requirements of the Directive (paragraph 9.11).

Chapter 10: Report of the dealers Sub-Committee

The Committee recommended that:

- 6.19 the exemption allowed under section 41 of the Firearms Act 1968 should be extended to those involved with component parts or accessories of firearms (paragraph 10.6);
- 6.20 the recommendations made by the Sub-Committee and reproduced at Annex F (*see below*) to this Report be adopted (paragraph 10.25).

Chapter 12: Report of a Working Group to consider the criteria for rifle and pistol clubs

The Committee recommended that:

- 6.21 the Home Office ascertain from the Ministry of Defence their position on inspection of ranges (paragraph 12.28);
- 6.22 the recommendations made by the Working Group be adopted (paragraph 12.28);
- 6.23 the new criteria for rifle and pistol clubs and accompanying notes which are reproduced at Annex G (*see below*) to this Report be adopted (paragraph 12.30);
- 6.24 the new criteria for rifle and pistol clubs in schools which are reproduced at Annex H (*see below*) to this Report be adopted (paragraph 12.30);
- 6.25 the Home and Scottish Offices notify all clubs which are currently approved of the new arrangements (paragraph 12.31);
- 6.26 the Home and Scottish Offices produce a leaflet setting out the new criteria (paragraph 12.31).

Implemented. The new criteria came into force on 1 January 1996

Annexes from the Sixth Annual Report containing recommendations:

Annex F

Summary of recommendations of the Dealers Sub-Committee

1. There should be a specific power in the Firearms Acts for the police to be able to seize a firearms dealer's register. The register should, however, be returned to the dealer as soon as possible to enable the dealer to continue trading.
2. Section 8 of the Firearms Act 1968 should be amended to read 'a servant **or agent authorised in writing**'. This should be further clarified by an addition to section 8(1) which said that 'provided that all such authorisations to agents shall be in the form of a certificate issued by the registered firearms dealer in terms of Rules made by the Secretary of State under section 53 of this Act'. Rules should also include a requirement for the chief officer of police to be notified 48 hours in advance as to the form of any temporary agent appointed for transfer of work or carriage and the identity of the party so authorised.

3. The police should be able to refuse to renew a firearms dealer's certificate of registration on the grounds of failing to trade to a substantial extent (at present the power is limited to refusing an initial grant).
4. There should be a prescribed form for registered firearms dealer's certificates (detailed recommendations for change were made by the forms group) and the certificate should carry a photograph of the person applying for the certificate. In the absence of legislation necessary to implement this recommendation, the Home Office should issue guidance to the police recommending that they use a standard certificate printed on security paper. *
5. The existing certificate for additional places of business, and the application form for it, should be scrapped. The Home Office have added the caveat that this should not be done without prior formal consultation with ACPO and ACPO(S). *
6. The application form for registering additional places of business should be amended and brought into wider use for registering new places of business inside and outside the 'home' force area and for registering for game fairs, etc. Use of the long form should be restricted to initial applications for registration and on renewal. *
7. The idea of a certificate for employees and servants of firearms dealers issued by the GTA should be explored. *
8. On renewal, dealers should not be asked to provide information which the police already had. *
9. The application form for registration as a dealer should be revised as suggested by the forms group. *
10. A dealer's register should be kept in a bound book rather than loose leaf but dealers should not be required to keep their register in a standard form only available from HMSO. *
11. Pending a change to the Rules to implement recommendation 10 above, chief officers should be reminded that they can include a condition on a dealer's certificate of registration requiring him to keep his register in bound form. This should not be a standard condition but used in appropriate circumstances.
12. Transfers between dealers should not be notified to the police. *
13. Dealers should not be required to show knowledge of the law and firearms before being registered.
14. The Sub-Committee endorses the Committee's recommendation in its second annual report that firearms dealers should be able to keep their registers on computer.

15. Civilians working in police firearms licensing departments should have equivalent powers to their police counterparts to inspect dealer's registers.
16. Police powers of inspection of dealers premises should not be extended.
17. Dealers should not be required to notify the police of deactivation of weapons.
18. The transfer requirement should be changed so that anyone who parted with a gun, whether to a firearms dealer or not, or otherwise disposed of it or destroyed it should notify the chief officer of the area in which his certificate was granted. This would eliminate the present anomalies between section 1 and 2 weapons.
19. There should be no set definition of 'in business'.
20. Guidance to the police should be issued on the supervision of dealers. The detailed content of such a document should be a matter for the Home Office in consultation with the police and relevant shooting organisations.
21. Detailed guidance to dealers along the lines of Firearms Law: Guidance to the Police should be issued. *
22. Schedule 4 of the Firearms Act 1968 and the format of the firearms dealer's register should be simplified on the basis of the framework provided by the SST.
23. A system should be set up whereby police forces and the GTA are notified of any dealers who have their certificates revoked or cancelled. The GTA would circulate such information to their members.

* Those recommendations made, or also made, by the dealers forms group (see Chapter 10).

Annex G

**Proposed new criteria for
Home and Scottish Office
approved rifle and pistol
clubs and accompanying
notes**

The criteria to which a rifle and pistol club must conform in order to be, and remain, approved are as follows :

- the club is a genuine rifle and pistol club with a written constitution;
- the principal officers of the club are responsible persons who can be entrusted with the proper administration of the club;
- the club has at least 10 members at the time of application for approval and at all times whilst approved unless, exceptionally

- the Secretary of State determines that there are special circumstances which justify a lesser number;
- members must be of good character;
- members, prospective members and guests must be asked to sign a declaration to say that they are not prohibited from possessing a firearm or ammunition by virtue of section 21 of the Firearms Act 1968 (as amended). (This will usually apply to persons who have served a term of imprisonment);
- the club has regular use of ranges which are suitable for the categories of firearm in respect of which approval is sought or given, as the case may be;
- the security arrangements for the storage of club firearms and ammunition are satisfactory;
- the club does not run a day or temporary membership scheme;
- the club does not have more than 12 **guest days** a year. Guest members must be either members of a recognised outside organisation (see note 8 below) or individuals who are known personally to at least one full member of the club;
- guests must be supervised on a one-to-one basis at all times when handling firearms and ammunition, by either a full club member or someone who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and governing bodies. The club secretary must notify each guest day to the police firearms licensing department of the area in which the guest day is to take place, at least 48 hours in advance;
- anyone who applies for **probationary membership** must be sponsored by at least one full club member;
- before becoming a full member, individuals must have a probationary period of at least **3 months** during which time they must attend and shoot regularly. The probationary member must be given a course in the safe handling and use of firearms on a one-to-one basis by someone who is either a full member of the club or who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and governing bodies;
- once a probationary member has satisfactorily completed a course in the safe handling and use of firearms, he/she must be supervised at all times when in possession of firearms or ammunition by either the range officer, or a full member of the club, or someone who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and governing bodies;
- the probationary period may be waived, **at the club's discretion**, for someone who

- is already a full member of another club which has been approved by the Secretary of State in respect of the same type or types of firearm; or
- holds a firearm certificate; or
- has handled firearms in the course of his/her duty in the police or the armed services, and has a statement from his/her existing or former senior/commanding officer saying that he/she is fully trained in handling the type of firearms in respect of which the club has obtained approval and is able to use them safely without supervision;
- the club never has more probationary members than full members unless the Secretary of State determines that there are special circumstances which justify a greater number of probationary members; and
- there is nothing else that would make the club unsuitable for approval.

Notes on the criteria

1. The club must be a genuine rifle and pistol club, set up for the purpose of target practice. The constitution of the club should implement the requirements of the criteria.
2. Clubs should make their own arrangements for assessing whether members or prospective members are of good character. Police firearms licensing departments should **not** be asked to disclose whether someone has a criminal record or not. Prospective members should not be required to apply for a firearm or shot gun certificate as a means of determining 'good character'. The police will not normally grant a certificate to a probationary member of a club.
3. The National Associations are able to provide advice on the construction and use of ranges. Clubs which are affiliated to the National Rifle Association or the National Small Bore Association may be able to obtain a safety certificate for their range from the Ministry of Defence.
4. Recognised coaching qualifications for the purposes of the Home and Scottish Office criteria for approved clubs are : [list to be provided by shooting organisations]
5. The National Associations are able to give advice on safety training courses for probationary members.
6. A club may end a probationer's membership at any time or extend the probationary period if it considers that this is necessary.

7. The Secretary of State may, in exceptional cases - such as university or college clubs - allow a club to have more probationary members than full members.

8. Examples of recognised outside organisations whose members may be guest members of approved rifle and pistol clubs are Scouts and Guides, schools, Rotary Clubs and Women's Institutes.

9. Clubs can have non-shooting categories of membership such as associate, family, social or honorary members. Such members are not covered by section 15 of the Firearms (Amendment) Act 1988 and must not, under any circumstances, have any access to firearms or ammunition.

Annex H

Proposed new criteria for Home and Scottish Office approved rifle and pistol clubs in schools

The following criteria apply to rifle and pistol clubs at schools:-

- all aspects of shooting at the school are under the control of one adult who is nominated by and responsible to the Head Teacher, and who must as a minimum have personal experience of shooting with the types of firearms used by the club, and at least one year's experience of exercising control over pupils of a similar age group as those who are using the firearms. In addition, it is desirable, though not essential, that the nominated adult should own or possess a firearm for which he/she has his/her own firearm certificate or be a full member of a club approved under section 15 of the Firearms (Amendment) Act 1988;
- the school has regular use of ranges which are suitable for the categories of firearm for which approval is sought or given, as the case may be;
- the security arrangements for storing the school firearms and ammunition are satisfactory;
- all shooting activities, including the handling of firearms and ammunition, are supervised at all times either by the adult nominated as being responsible for shooting at the school, or by at least one other equally experienced adult nominated by the Head Teacher, or someone who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and governing bodies;
- shooting is normally available only to pupils and staff of the school, visiting teams from schools which have also been approved by the Secretary of State under section 15 of the Firearms (Amendment) Act 1988, full members of rifle or pistol clubs approved under that section, members of Cadet Corps approved under section 11(3) of the Firearms Act 1968 or individuals who hold a personal firearm certificate;

- the school does not allow shooting by guests on more than eight days each year. On such occasions, only parents, guardians and other relatives of pupils of the school or other adults known to the adult nominated as responsible for shooting at the school, may handle firearms or ammunition. Guest members must be under constant one-to-one supervision when handling firearms and ammunition either by the adult responsible for shooting at the school, or another equally experienced adult nominated by the Head Teacher, or someone who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and governing bodies. The person nominated as being responsible for shooting at the school must tell the local police about guest days at least 48 hours in advance;
- there is nothing else that would make the school unsuitable for approval.

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