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FIREARMS CONSULTATIVE COMMITTEE

FIFTH ANNUAL REPORT

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

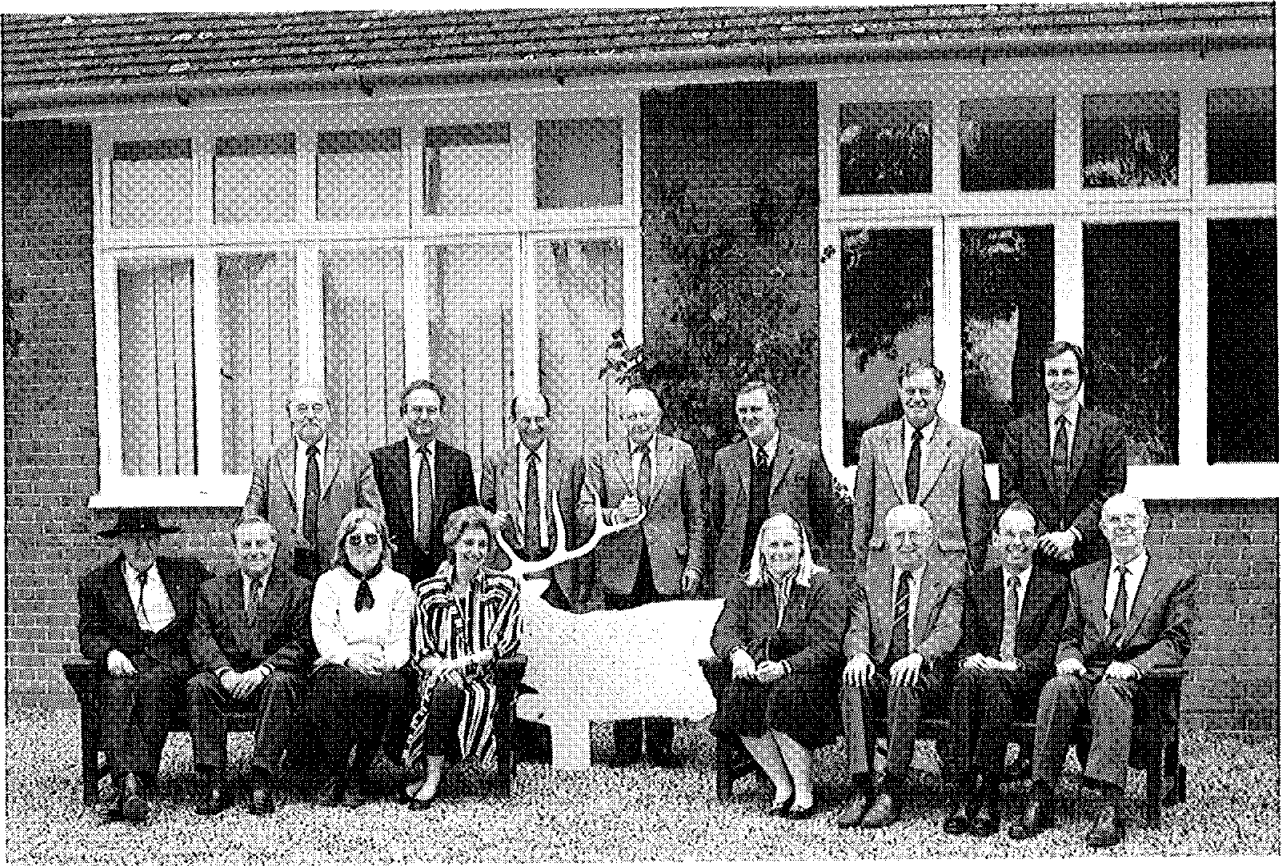
Report of the Firearms Consultative Committee for 1993 – 1994

Presented pursuant to Act Eliz II 1988 c.45

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

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The Chairman and Members of the Firearms Consultative Committee on their third visit to Bisley Camp, Surrey.

**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 fifth Annual Report of the Firearms Consultative Committee.

A handwritten signature in black ink, appearing to read 'Kimball', with a long horizontal flourish extending to the right.

THE LORD KIMBALL
Chairman

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

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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. Our Chairman Lord Kimball was appointed for the initial five year period. On 13 October 1993 the Home Secretary announced that the life of the Committee would be extended by Order for a further three years until 31 January 1997. The Home Secretary also announced that Lord Kimball had agreed to remain our Chairman until the end of the Committee's working year and that Lord Shrewsbury would assume the Chairmanship from 1 August 1994. Lord Shrewsbury has been a member of the Committee this year. Paragraph 2 of the Firearms (Amendment) Act 1988 (Firearms Consultative Committee) Order 1993, which extended the Committee's life, is included in Annex A. A copy of the press release announcing the extension of the Committee's life is at Annex B.

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 C.

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 These terms of reference give us a significant level of autonomy and as in previous years, we have aimed to make full use of this autonomy in drawing up recommendations which are designed to benefit the shooting community, the police service and the non-shooting public. As always, the prime consideration in our deliberations has been the need for public safety.

1.6 During our fifth year we met on five occasions. Our meeting in October 1993 was held at the headquarters of the British Association for Shooting and Conservation at Marford Mill by their kind invitation. In May 1994 we accepted a generous offer from the National Rifle Association to meet again at Bisley Camp as we have done in previous years.

1.7 Once again we have considered this year complex and sometimes contentious issues. As with earlier Reports we do not suppose that our recommendations will in every instance be greeted with unanimous approval. But we have tried to produce recommendations which offer sensible and workable proposals for improvements to the firearms legislation.

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 D. A large part of the work programme was based on the detailed discussion paper produced by the Committee's two police members last year and which we did not have time to consider in detail. At our first meeting we decided to give consideration to the topics in our work programme under the following five broad headings:

Licensing

Exemptions

Dealers

Security

Enforcement

2.2 As well as our planned programme of work we examined several other subjects which were brought to our attention during the year.

Publicity

2.3 On 18 November 1993 the Committee publicised its work programme by the issue of a press release. This is reproduced at Annex E. 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

The Committee's First Five Years

3.1 At the end of the Committee's first five years of existence we thought it would be prudent to include in this report a short review of our work to date. Over the five years we have considered a large number of wide ranging and complicated firearms issues.

The Committee's Recommendations

3.2 As a review of our work to date, a full list of the Committee's recommendations is included at Annex F together with a brief note indicating what action has been taken on each recommendation. Readers can hardly fail to notice the small number of our recommendations that have been implemented. The Committee appreciates that a large number of its recommendations require primary or secondary legislation. Nevertheless, *we would like to express our profound disappointment that Parliamentary time has not been found for appropriate legislation where we have indicated need for reform.* We know that our concern is shared by all those who have an interest in firearms.

3.3 We believe that we continue to have a valuable role to play in providing independent advice to the Home Secretary on firearms matters by bringing together, from a wide spectrum of backgrounds, those who have considerable knowledge and experience of firearms and discussing issues in an open and frank way. This view has been recognised by the Home Secretary who has extended the Committee's life for a further three years.

CHAPTER 4

Licensing

4.1 This was the first of the five major headings under which topics for inclusion on our work programme were grouped.

Licensing by Categories

Background

4.2 In our Fourth Annual Report we gave a broad overview of our initial thoughts about a major re-organisation of the firearms licensing system. As part of our work programme this year we wanted to give further thought to the way such a system might work and to the question posed at Annex E(i) of last year's Report which asked whether there should be a single certificate for firearms and shot guns. Annex E(k) asked whether "one-for-one" variations should be abolished and we considered this issue also.

Considerations

4.3 The Committee was grateful for the detailed papers provided by the British Shooting Sports Council (BSSC) and Dr Ian Oliver on this subject which provided the basis for our discussions.

A single certificate

4.4 Both the main papers before the Committee argued for a single firearm certificate. It was said that a single certificate would save time, money and resources. The Committee had little doubt that a single certificate would be a beneficial step but asked the Firearms Rules Working Group (which had been set up by the Home Office to consider what changes might be made to the various certificates and the application forms for them and whose report is discussed in Chapter 9 of this Report) for their views. The Firearms Rules Working Group were also unanimously in favour of a single certificate with the eventual aim of a credit card style licence.

4.5 We recognised that such a change would require primary legislation, but were of the view that a single certificate had overwhelming advantages for shooters and police alike. It would also be of great benefit if any new certificate could also double as a European Firearms Pass (EFP).

4.6 The BSSC had proposed that the actual licence should be small and easily portable and that a separate personal register should account for transactions. We could see the attractions of such a mechanism if sufficient information could be contained in the portable licence to allow the police to check quickly whether someone was in legal possession of a firearm. This is obviously a long term aim.

Licensing of weapons or the individual?

4.7 Following the discussion of licensing by categories in last year's Annual Report, we considered arguments presented to us that it was the individual who should be licensed to possess firearms rather than licensing individual weapons. A paper by the Shooting Sports Trust highlighted the position in New Zealand where a review had been undertaken of their firearms registration system which had resulted in

their abandoning their existing weapons registration system in favour of a system licensing the holders of firearms.

4.8 In principle, the Committee agreed that the essence of any new licensing system should be that it was the individual who was being licensed rather than individual weapons. In terms of public safety the most important consideration was whether an individual was suitable to possess firearms safely; determination of the exact types and numbers of weapons to be held should be secondary considerations.

4.9 In determining whether a system of licensing by categories was possible we examined the papers presented to us. The BSSC paper proposed six categories of firearm which broadly followed the categories in the EC Weapons Directive and which would be subject to different levels of licensing control.

4.10 The categories and weapons in each category that they suggested were, in summary, as follows:-

- i) "prohibited" firearms or ammunition subject to special restrictions and authorisation;
- ii) firearms subject to individual authorisation to acquire or keep, for which good reason must be shown and registration was maintained (pistols other than .22 single shot types, and currently prohibited self-loading rifles, short-barrelled magazine shot guns and revolver shot guns);
- iii) firearms subject to authorisation by category, which might be specific as to both type of firearm and use, in respect of which good reason would be required for possession of the type of weapon and registration of weapons would be maintained (sporting rifles, .22 single shot pistols and large capacity magazine shot guns);
- iv) firearms subject to declaration. In this category no good reason would be required, but notification would have to be given to the licensing authority of the acquisition or disposal of any such weapons (single shot rifles, small capacity magazine shot guns and modern reproductions of muzzle loading arms);
- v) firearms subject only to licence. No good reason would be required and there would be no requirement to notify transfers or maintain a register (single shot or multi-barrel shot guns, antique firearms for target or sporting use, non-exempted humane killers, and signalling equipment);
- vi) other firearms which would require no controls except those relating to possession by young people or use in crime (air and CO₂ weapons).

4.11 Dr Oliver's paper suggested three basic categories of firearm :-

- i) prohibited weapons and ammunition;

- ii) firearms and shot guns subject to further sub-division of categories based on present section 1 and 2 definitions but requiring good reason;
- iii) other firearms not subject to control (for example air weapons).

4.12 The Committee considered that the BSSC's categories contained proposals which would be seen by the non-shooting public as a slackening of controls, for example removing some weapons from the current prohibited category and removing shot guns from the transfer notification requirement. We considered that one particular proposal, which was that magazine fed shot guns of short overall length or possessing barrels less than 24 inches in length should be taken out of the prohibited category, was unacceptable as this type of firearm is used in crime. Nevertheless, the BSSC proposals offered some practical suggestions.

4.13 On the other hand, Dr Oliver's proposals which required a single common standard of good reason and other considerations for both firearms and shot guns seemed to us to be unacceptable. At this point we should say that detailed consideration of whether there should be a good reason for possession of a shot gun is discussed later in this chapter and we do not intend to complicate the issue of licensing by category by including it here.

Conclusion and Recommendations

4.14 It was clear to us that the potential was there to devise a workable category system which would simplify the administrative process and be of benefit to police and shooters alike. The problem lay in resolving the details of such a system. We do not propose to make detailed recommendations about which weapons should go in which category. *We recommend that* this level of detail would be more properly considered by a small working group set up by the Home Office, which should include members of this Committee and others with a particular interest in the subject. However, the broad categories of weapon which we *recommend* are prohibited weapons, hand guns, rifles, smooth bore guns and others. These broad categories may well need to be sub-divided further to ensure proper levels of control. Commensurate with our recommendation that it should be the individual who should be licensed *we recommend that* where it has been decided that an individual can possess weapons of a certain category he should be able to possess one or more weapons in that category up to an agreed limit which would be based primarily on security considerations. We considered that security was an important factor since the security required for handguns is not necessarily the same as that for shot guns. The location of the building in which the weapons are to be stored and the storage facilities themselves will also need to be taken into account when setting limits. Certificate holders would be required to notify police of any transfers of existing weapons and any acquisitions or disposals, but under our recommendations there would be no need to

continue the requirement for “one-for-one” variations and *we therefore recommend* that this should be abolished.

4.15 Also commensurate with our recommendation that it should be the individual who should be licensed *we further recommend* that 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. For example, if someone were authorised to possess rifles, extending the licence to include shot guns should, in the vast majority of cases, be a very simple process. However, obtaining authorisation for a higher category such as handguns would require demonstration for good reason to possess a handgun and of course, suitable security measures.

4.16 These recommendations clearly follow from our earlier conclusion that there should be a single certificate and *we so recommend*. *We also recommend* that consideration be given to such a certificate also being suitable to be used as an EFP.

Transfer

Background

4.17 Annex E(q) of our Fourth Annual Report asked whether both transferor and transferee of a firearm or ammunition should be required to notify the police of the transaction (as is already the case in respect of shot guns). Annex E(r) asked whether a certificate holder should be required to notify the police of the transfer of a weapon to a registered firearms dealer.

Statutory Provisions

4.18 The provisions relating to the transfer of firearms is set out in section 42 of the Firearms Act 1968 (as amended by the Firearms (Amendment) Act 1988) and the transfer of shot guns by section 4 of the Firearms (Amendment) Act 1988.

Consideration

4.19 The Committee heard that the effect of these provisions meant that in the case of firearms, only the person who sells, hires, gives or lends the weapon need notify the police, but for shot guns both the seller and the receiver must notify the police. Transfer of either a firearm or a shot gun to a dealer does not need to be notified. Similarly, disposal of a firearm or shot gun in any other way, for example destroying it or having it deactivated and then selling it, does not need to be notified to the police. Furthermore, someone who sells, etc a shot gun to a person who is entitled to possess it without holding a certificate (for example to a museum with a museum firearms licence) is not required to notify the police of the transaction, whereas someone who sells, etc a firearm in the same circumstances is required to notify the police. In addition, there are at present no requirements for the notification of shot gun ammunition.

4.20 The Committee received a paper from the Shooting Sports Trust, endorsed by the BSSC, which concluded that the existing system has all the appearances of being an uneconomical use of resources, and that there should be a full examination of the cost/benefit ratio of the existing system to establish whether proof exists of its real value in enhancing public safety.

4.21 It was clear to us that the present system with all its accompanying anomalies was at best confusing and at worst allowed opportunities for weapons to become “lost” within the system. However, we had serious doubts about whether the public safety benefits of requiring notification of all transfers in all circumstances would outweigh the negative effect of the increased administrative work for the police. We noted though that requiring notification of movements of weapons provided a good self-discipline for shooters, encouraging them to approach the safekeeping of their weapons responsibly. It is also obviously desirable for the police to be kept informed of current ownership of weapons.

4.22 *We therefore recommend* that the whole issue of notification of transfers is considered as part of the wider debate on the future of the firearms licensing system. The system that is finally arrived at will largely depend on the system of licensing by categories that is agreed and the degree of control that is considered necessary for each category. We are under no illusions that such a task will be easy.

Good Reason for Shot Guns

Background

4.23 Annex E(j) of our Fourth Annual Report asked whether there should be a single common standard for possession of firearms and shot guns.

Statutory provision

4.24 Section 28 of the Firearms Act 1968 (as amended) states that a shot gun certificate shall be granted or renewed if the chief officer of police is satisfied that the applicant can be permitted to possess a shot gun without danger to public safety or to the peace. It further states that a certificate shall **not** be granted if the chief officer of police is satisfied that the applicant does not have a good reason for possessing, purchasing or acquiring one. Section 28(1B) provides that good reasons for possession of a shot gun should include sporting or competition purposes or for shooting vermin and that an application may not be refused merely because the applicant intends neither to use the gun himself nor to lend it to anyone else to use.

Home Office Guidance

4.25 Guidance on how to interpret this section is contained in Chapter 7 of the Home Office *Guidance to the Police*. The guidance stresses the difference between the criteria for shot guns and those for section 1 weapons. It states “the Act does NOT require the applicant to make out a good case for being granted a certificate but rather

extends the chief officer's grounds for refusing one. A chief officer should therefore need to make enquiries only where it comes to his notice that there may be genuine doubts about an applicant's reasons for possessing a shot gun". The report of the Home Office Working Group on the Administration of the Firearms Licensing System, which was issued to all chief officers of police in 1991, recommended that investigations into an applicant's good reason for possessing a shot gun ought normally to occur in only a small percentage of cases.

- Consideration**
- 4.26** The subject of whether applicants should be required to demonstrate good reason for possession of a shot gun is an emotive one which raises strong feelings from supporters of both sides of the argument. The Committee received papers from both the Shooting Sports Trust and the BSSC which argued strongly for the *status quo* to be maintained. They were concerned that a number of forces, particularly Scottish ones, were already applying a good reason test to shot guns, and in some cases were asking applicants for details of land over which they shot or clubs to which they belonged. The police offered an opposing viewpoint. In their view, on the basis of the prime need to ensure public safety, it was unacceptable to grant a shot gun certificate without at least some knowledge or information about an applicant's reason for desiring a certificate. Where an applicant refuses to give any reason whatsoever, it is considered that that in itself raises doubt justifying investigation.
- 4.27** We will state at the outset that we were unable to reach a consensus view on this difficult subject. We are however, recording the main points brought out in debate for the benefit of those who will consider the issue at some future date.
- 4.28** It was evident from the papers supplied to us and from our own deliberations that the reverse burden of proof currently governing the possession of shot guns causes some friction between police and shooters. We also noted that during the passage of the 1988 Act the House of Commons had rejected the proposal that the good reason test be applied to shot guns.
- 4.29** The arguments for requiring a good reason for shot guns include those made by the police in their submissions to us. In terms of the non-shooting public, a shot gun is every bit as lethal as a rifle or a pistol and in terms of public perception there should be a justifiable reason for possession of any lethal weapon. The removal of the reverse burden of proof would also go a long way to reducing friction between shooters and the police and be less open to misinterpretation.
- 4.30** The opposing view was that introduction of a statutory good reason for possession of a shot gun would not do anything to improve public safety and may even drive some shot guns underground.

Concern was also expressed that once it had been established that a good reason was required for a shot gun, a ratchet effect would take place and tighter and tighter controls on shot guns would be introduced.

4.31 We therefore draw attention to the fact that this issue will require to be addressed again if it is decided to proceed with a single certificate and licensing by categories; until then the *status quo* should be maintained.

Danger to the Public Safety or the Peace

Background and Statutory provisions

4.32 As part of its broad review of the legislation the Committee considered whether there should be a statutory definition of the term 'danger to the public safety or the peace'. The main provisions concerning the grant, renewal and revocation of firearm and shot gun certificates are contained within sections 27, 28 and 30 of the Firearms Act 1968. These sections provide that a certificate may be refused or revoked if the individual concerned falls into one or other of a number of categories. These cover people who are prohibited by the Act, of intemperate habits, of unsound mind, unfit to be entrusted with a firearm or who are a danger to the public safety or the peace. It was suggested to us that the different definitions which applied both to firearms and shot guns, and to grant and revocation of certificates caused confusion and would therefore benefit from a single provision with a statutory definition.

Consideration and Conclusion

4.33 The Committee understands the confusion that may be caused by the differing categories since it is not always clear into which category an individual's conduct falls, especially since the categories themselves are very much inter-related. For example, several convictions for drink-driving could fall within the intemperate habits and/or the unfitness categories. Nevertheless, we were not convinced that the existing definitions caused sufficient difficulties to justify a change at present, although this is an area which should clearly be reviewed if our proposals for a single certificate are adopted.

Criminal Conviction under consideration at time of Refusal/Revocation

Background

4.34 It was brought to the Committee's attention that it has been argued in the Courts in Scotland that a chief officer was not entitled, when refusing or revoking a certificate, to have regard to alleged offences of which an individual had not been convicted. It was therefore suggested that there should be a criminal conviction or other proof to that standard of the facts under consideration at the time of refusal/revocation.

Consideration and Recommendation

4.35 It seemed to us that, in the interests of public safety, all relevant facts should be taken into consideration by a chief officer when considering whether to refuse or revoke a certificate. If an applicant is unhappy with the decision made by the chief officer he can appeal against the decision. We therefore conclude that the law is adequate as it stands and *we recommend no change*.

Statutory time limit for application after refusal/revocation

Background and statutory provision

4.36 At present, as the law stands, a person may at any time following the refusal/revocation of a certificate make a fresh application to the chief officer for a new certificate. It was suggested to us that there should be a statutory time limit of say 2 years after refusal/revocation before an applicant is allowed to re-apply.

Consideration and Recommendation

4.37 It seemed to us that there was a much stronger case for imposing a time limit for re-application after revocation of a certificate than after refusal. Certificates could be refused for a great variety of reasons, some of which would not, in our view, warrant a time limited bar before re-application.

4.38 The Committee heard that in practice, chief constables tended to operate a policy of not considering re-applications in cases where a certificate has been revoked until one or two years have passed, depending on the circumstances. This seemed a sensible policy as long as it was not applied inflexibly. Each case should be considered on its individual merits and we would be opposed to a statutory blanket ban which would achieve little in terms of public safety. *We therefore recommend no change in this area.*

Reasons to be given for refusal/revocation

Background

4.39 The Committee had been asked to consider whether police forces should be required to give reasons in writing for refusal or revocation of a firearm or shot gun certificate. This had been raised with us because different courts had given differing views on the subject.

Statutory Provision and Home Office Guidance

4.40 There is no statutory requirement for a chief officer to give his reasons for refusing or revoking a certificate. On revocation the chief officer of police must, under section 30(4) of the Firearms Act 1968, require the holder to surrender the certificate by notice in writing, but no mention is made of stating reasons in that notice. However, the Home Office *Guidance to Police* clearly states that forces will normally be expected to give reasons for their decision to refuse or revoke a firearm or shot gun certificate.

Consideration 4.41 In considering this issue we bore in mind the fact that if Parliament had intended for reasons to be stated in every case then the legislation would have been framed in this way. The fact that the legislation does not require reasons to be given gives the chief constable considerable power, notwithstanding that his decision may be challenged in court. It seems right to us therefore that *in most cases*, in the interests of natural justice, reasons should be given for refusal or revocation. We appreciate that there will be particular cases where the police consider that non-disclosure is necessary; these cases should be the exception rather than the rule. Accordingly we *recommend* that the current Home Office *Guidance* should stand.

4.42 The Committee also considered whether it was prudent to introduce a system whereby a certificate holder/applicant could have the opportunity to be heard prior to revocation or refusal. *We concluded that it would not.* We were persuaded that hearings of this nature would not be beneficial and may well reveal information to the certificate holder/applicant which the police would not want to disclose prior to revocation/refusal of a certificate.

Use of non-statutory forms by police during application process

Background 4.43 The shooting organisations had asked us to consider the use of non-statutory forms which are used by some police forces as part of the application process. A paper provided by the British Shooting Sports Council (BSSC) explained that the use of non-statutory forms had increased since the advent of postal renewal of certificates which had been recommended by the Report of the Home Office Working Group into the Administration of Firearms Licensing. Amongst the questions which the BSSC were opposed to were those asking for good reason for possession of shot guns, written evidence of permission to shoot over land and written verification of club membership. Despite their opposition, the BSSC appreciated that some additional information was helpful to the police, particularly with regard to postal renewals, and have offered to work with the police and the Home Office to draw up a single non-statutory form and a standard information pack for all applicants.

Consideration and Recommendation 4.44 The Committee understands the BSSC's concern about the proliferation of non-statutory forms, particularly where questions are being asked which are not required by law. We are grateful to the BSSC for their generous offer and *recommend* that the police and the Home Office work with the BSSC to produce a single non-statutory form and standard information pack.

CHAPTER 5

Exemptions

5.1 This was the second of the five headings under which we grouped the topics for discussion.

Borrowing of rifles and ammunition

Background

5.2 The shooting organisations had asked us to consider the issue of borrowing of weapons as part of our work programme this year. Annex E(t) of our Fourth Annual Report asked whether persons borrowing rifles on private premises should be able to acquire ammunition only from the “occupier” or his servant (At present the borrower may acquire or purchase rifle ammunition up to any maximum quantity specified on the occupier’s certificate from any legal source). It further asked whether the borrower should be required to surrender any unused ammunition to the occupier or his servant.

Statutory Provisions in context

5.3 Section 16(1) of the Firearms (Amendment) Act 1988 allows a non-certificated person over the age of 17, to borrow a rifle from the occupier of private premises and use it on those premises in the presence of the occupier or his servant, as long as the occupier or servant in whose presence it is used has a certificate for the rifle and the borrower complies with any conditions on that certificate. Section 16(2) of the same Act also allows the borrower of a rifle under 16(1) to purchase or acquire ammunition for the rifle in accordance with the terms and conditions of the lender’s certificate. Section 11(5) of the Firearms Act 1968 allows a person to borrow a *shot gun* from the occupier of private premises (this includes land) and use it on those premises in the occupier’s presence, without holding a certificate. Section 11(6) of the same Act permits a non-certificate holder to use a *shot gun* to shoot at artificial targets at a place approved for such a purpose by the chief officer of police.

Consideration and Recommendations

5.4 The British Shooting Sports Council (BSSC) submitted a paper to the Committee contending that the lack of a definition of the term “occupier” in the Firearms Acts caused problems in its interpretation, and that it favoured landowners over those who only had shooting rights over land. The Committee had already decided that the definition of “occupier” should not appear in our work programme as we had already noted the definition contained in the Wildlife and Countryside Act 1981. It seemed to us that the definition of “occupier” contained in section 27 of the Wildlife and Countryside Act (“occupier” includes any person having any right of hunting, shooting, fishing or taking game or fish) adequately met the needs of the firearms legislation. *We therefore recommend* that such a definition of “occupier” should be included in the Firearms Acts. Until such time as legislative change is possible *we recommend* that the Home Office *Guidance to Police* be amended to include the above definition of “occupier”.

5.5 The BSSC also highlighted in their paper the anomalies between the existing provisions for shot guns and rifles. They suggested that the system could be simplified, without loss of control, by introducing the system which is currently used in New Zealand. There, a person may borrow a firearm from a certificate holder and use it in his presence under the precise terms of the holder's certificate. The BSSC further suggested that an age limit of say, 17 years, was imposed on the lender.

5.6 We could see a lot of merit in this proposal. The Committee has already recommended in our Second Annual Report that section 16 of the Firearms (Amendment) Act 1988 be amended to clarify its scope. We continue to support that recommendation and *further recommend* that consideration be given to introducing a minimum age for the lender of a weapon. We *also recommend* that the differing provisions for rifles and shot guns be examined and clarified at a suitable legislative opportunity.

5.7 On borrowing of rifle ammunition, we noted that although to our knowledge no prosecutions had taken place, a number of foreign visitors had been cautioned after being found in possession of quantities of ammunition after having borrowed a rifle. We did not consider that there was an overwhelming problem here. It was clearly the responsibility of the person borrowing the ammunition to ensure that he disposed of it correctly at the end of the day and if it was not returned to the person from whom he had borrowed the rifle then it should be entered on his own certificate. The situation could be eased by those lending rifles and ammunition ensuring that those to whom they are lending them are aware of the relevant statutory provisions. *We therefore recommend* no change in this area.

Club Members

Background

5.8 The Shooters' Rights Association asked the Committee to consider the issue of how members of Home Office approved clubs, who are not themselves certificate holders, could prove lawful possession of a firearm if challenged by the police, particularly when travelling to or from a competition with club firearms.

Statutory Provisions

5.9 Section 15(1) of the Firearms (Amendment) Act 1988 states that a member of a rifle club, miniature rifle club or pistol club approved by the Secretary of State may, without holding a firearm certificate, have in his possession a firearm and ammunition when engaged as a member of the club in, or in connection with, target practice.

Consideration and Recommendation

5.10 The term 'in connection with' in section 15(1) is widely interpreted to mean that club members can lawfully possess club firearms or ammunition when travelling to or from legitimate club activities. There was no evidence presented to us to suggest that there

were any widespread problems with this interpretation, although we are sympathetic to those club members who have had problems proving lawful possession. We understand that it is common practice for club secretaries to give members authority in writing to carry club firearms or ammunition. This seems to us to be a sensible approach and *we recommend* that it continue.

Treatment of Prohibited Weapons as Antiques

Background 5.11 Annex E(x) of our Fourth Annual Report asked whether prohibited weapons should be specifically excluded from the exemption for antique firearms.

Consideration and Recommendation 5.12 We considered the whole issue of antique firearms at some length during our second year. The Committee's conclusions and that of the Working Group which we set up are contained in our Second Annual Report. The Home Office issued revised guidance to police on antiques in November 1992 as a result of our recommendations.

5.13 The Committee considered a paper presented by the BSSC on this subject which concluded that the present guidance represents a satisfactory compromise that gives no reasonable cause for concern. The BSSC say that there are a very small number of prohibited weapons which have been placed in the antique category and that collectors can never be licensed to shoot such formerly prohibited weapons. The opportunities for misuse are therefore rare. Finally, the BSSC say that to re-impose prohibition on antique firearms would seem to be inequitable, potentially expensive and would add nothing to public safety.

5.14 The Committee agrees with the conclusions drawn by the BSSC. There is no evidence that these weapons are being used in crime and it would seem to serve little purpose to specifically exclude prohibited weapons from the antique category. *We therefore recommend* no change.

CHAPTER 6

Security

6.1 The Committee considered three topics under the broad heading of security.

Secure Storage

Background

6.2 The shooting organisations had asked the Committee as part of this year's work programme to examine the issue of secure storage. The following standard condition appears on all firearm and shot gun certificates:

- “(a) the firearms and ammunition/shot guns to which the certificate relates must at all times (except in the circumstances set out in paragraph (b) below) be stored securely so as to prevent, so far as is reasonably practicable, access to the firearms or ammunition/shot guns by an unauthorised person;
- (b) where a firearm or ammunition/shot gun to which the certificate relates is in use or the holder of the certificate has the firearm/shot gun with him for the purpose of cleaning, repairing or testing it or for some other purpose connected with its use, transfer or sale, or the firearm or ammunition/shot gun is in transit to or from a place in connection with its use or any such purpose, reasonable precautions must be taken for the safe custody of the firearm or the ammunition/shot gun.”

6.3 The basis of a paper provided by the British Shooting Sports Council (BSSC) was that the definition and application of secure storage adds unnecessary time to the dealings between applicants and some police forces. The safekeeping condition does not come into effect until the applicant becomes a certificate holder and is in possession of a firearm/shot gun. Nevertheless, the chief officer of police is required to be satisfied that an applicant may possess his firearm and ammunition without danger to public safety or the peace. The police therefore normally inspect security arrangements before a certificate is issued.

6.4 The BSSC paper argues that the current “Firearm Security” leaflet issued by the Home Office in 1992 is misleading and implies that the police are empowered to question the applicant about his security. It concludes that the leaflet should be withdrawn and rewritten and that the Home Office *Guidance to Police* should be similarly redrafted. The BSSC paper also argued that consideration of security should be deferred until the Oxford University study into the sources of firearms used in armed robbery was complete.

Consideration and Recommendations

6.5 At the time of going to press, the Oxford University study had not been published, but the Committee was informed that it was limited to the source of weapons used in armed robbery in the Metropolitan Police area. In any case, the safekeeping condition on all firearm and shot gun certificates placed the onus on the certificate holder to store his weapons securely.

6.6 Annex E(v) of our Fourth Annual Report asked whether there should be a statutory right for police to inspect a certificate applicant's proposed storage arrangements. The Committee did not consider that this was necessary. However, the Committee considered that it was reasonable for police forces to inspect security before issuing a certificate, particularly on initial application. Accordingly, *our recommendation* is that there should be no *statutory* power to inspect security but that it is reasonable for the police to inspect an applicant's security.

6.7 The Committee noted the confusion caused by the wording of the "Firearm Security" leaflet and the Home Office *Guidance to Police*. A third publication *Firearms Security – A Beat Officer's Guide* contained slightly different guidance. We recommended in our Third Annual Report that, despite BSSC opposition, the "Firearm Security" leaflet should be published by the Home Office. Nevertheless, it appears to us that the information it contains could be misleading and we therefore *recommend* that the three publications – the Home Office *Guidance*, the "Firearm Security" leaflet and *A Beat Officer's Guide* – should be examined to ensure that the advice that they contain is both consistent and accurate.

Grant in principle pending enhanced security

Background

6.8 Annex E(u) of our Fourth Annual Report asked whether provision should be made for the grant in principle of a certificate to enable an applicant to install any security measures reasonably required by the police.

6.9 The BSSC had submitted a paper for the Committee's consideration which concluded that although the Report on the Administration of the Firearms Licensing System produced by the Home Office included a recommendation that in certain circumstances, applications should be approved in principle only, this had no basis in law. The paper argued strongly that the chief officer only had the right to grant or refuse a certificate, not to grant in principle, and that this was supported by the guidance given in the Home Office *Guidance to Police*. The paper recommended that the Committee should state that grants in principle had no basis in law. It further recommended that in those cases where a chief officer has doubts about some aspect of public safety connected with the issuing of a certificate then the reasons should be stated in detail, in writing to the applicant.

Consideration and Recommendation

6.10 The Committee were sympathetic to the BSSC's view. We were persuaded, however, that provision *should* be made for grants in principle for two main reasons. First, an applicant could spend considerable sums of money on security measures and then not be granted a certificate and second, an applicant may be granted a

certificate and then not upgrade his security, thus leaving himself liable for prosecution for breach of conditions of his certificate. We believe guidance should be issued to the police giving the limited circumstances in which grants in principle should be issued so that the power is not abused and to ensure consistency of approach. In the limited circumstances where it is thought necessary to issue a grant in principle the police should write to the applicant stating what measures are necessary to secure grant of the certificate. Accordingly, we so *recommend*.

Safekeeping by Exemption Beneficiaries

Background

6.11 Annex E(s) of our Fourth Annual Report asked whether those benefiting from the various exemptions to the certificate requirements should be subject to a secure storage requirement like certificate holders.

Consideration and Recommendation

6.12 We have already recommended in our Third Annual Report that miniature rifle ranges operating under the exemption provided by section 11(4) of the Firearms Act 1968 **should** be subject to a statutory safekeeping requirement. We do **not** consider, however, that this should be extended to other exemption beneficiaries. The Committee thought it was not reasonable to expect the same high standard of security from exemption beneficiaries as from certificate holders and *we do not recommend any change in the law in this area*.

CHAPTER 7

Dealers

Background 7.1 We announced that as part of our work programme this year we would consider the subject of dealers including the specific questions asked at Annex E(n) and E(w) of our Fourth Annual Report, that is, should there be a new power for police to seize a firearms dealer's register and should there be provision for the police to refuse to renew a registered firearms dealer's certificate on the ground of failure to meet the 'trading to a substantial extent test' (at present the power is limited to refusing an initial grant). We also said we would consider whether the definition of a 'servant' should be interpreted more widely than employees alone so that a trusted intermediary could transport weapons for a dealer without breaking the law.

Consideration 7.2 We were once again grateful for detailed submissions on this subject from the British Shooting Sports Council (BSSC), Mr Kevin Drummond and Dr Ian Oliver. We also received papers from the Home Office and the Association of Chief Police Officers which raised other issues within the scope of the heading 'dealers'. These papers included such questions as whether there should be a prescribed form for a registered firearms dealer's certificate and other issues connected with the records kept by dealers.

7.3 After initial discussion, we decided that the issues raised were too complex to be given the attention they merited at a full meeting of the Committee and we have therefore set up a small sub-Committee comprised of members of the Committee with relevant interests or experience, to consider the issues in more detail.

7.4 We would therefore be particularly grateful for any further representations on any topic connected with the subject of dealers which can be considered by the sub-Committee which has been set up. Papers or suggestions for topics for discussion should be sent to the Secretary at the address given at the front of this Report. A detailed report of our discussion on this issue will be included in next year's Annual Report.

CHAPTER 8

Enforcement

8.1 This is the last of the five strands under which we grouped the topics for discussion on our work programme this year.

Add drugs offences to schedule relating to section 17(2) offences

Background and statutory provisions

8.2 Section 17(2) of the Firearms Act 1968 provides that if a person at the time of his committing or being arrested for an offence specified in Schedule 1, has in his possession a firearm or imitation firearm, he shall be guilty of an offence under this subsection unless he shows that he had it in his possession for a lawful object. Schedule 1 currently specifies offences such as theft, burglary, rape and assault. The maximum penalty for an offence under section 17(2) is life imprisonment. The Committee considered whether offences under the Misuse of Drugs Act 1971 should be added to Schedule 1.

Consideration

8.3 It seemed to us that this would be a sensible updating of the law. There has been a worrying increase in the use of firearms in drug-related crime which has caused public concern. The Committee considered the addition of the more serious offences under the Misuse of Drugs Act 1971, such as supply and trafficking, to Schedule 1 of the Firearms Act 1968 would be a useful addition to the law.

Letter to the Home Secretary

8.4 As the Criminal Justice and Public Order Bill was under consideration by Parliament when this topic was raised our Chairman, Lord Kimball wrote to the Home Secretary setting out the Committee's views and asking if an amendment to the Bill could be made affecting the change proposed. The text of the letter is reproduced at Annex G.

Home Office response

8.5 At the time of going to press, the Home Secretary had not replied to Lord Kimball's letter. The Committee understands however, that the proposal is under consideration. We await the outcome with interest.

Persons who have had certificates revoked or cancelled to be prohibited from taking advantage of exemptions.

Background

8.6 Annex E(1) of our Fourth Annual Report asked whether persons whose certificates had been revoked or cancelled should be prohibited from benefiting from exemptions to the certification requirement for access to firearms eg miniature rifle ranges or clay shooting.

Consideration

8.7 It was suggested to us that persons who had had certificates revoked or refused should be automatically prohibited from taking advantage of the exemptions to the certificate requirements allowed by the Firearms Acts. Under the current legislation, regardless of the reasons for revocation, (unless classed as a prohibited person under section 21 of the Firearms Act 1968) a person was still able to be in

possession of or use a firearm. It was thought that this represented a potential danger to public safety.

8.8 We did not think an automatic prohibition on revocation of a certificate would be either equitable or necessary. There were a number of circumstances under which a person may lose his certificate but not necessarily be deemed to be unfit to possess firearms. For example, a person living abroad for a significant part of the year may have his certificate revoked because he cannot meet the safekeeping requirement in his absence. This clearly should not prevent him benefiting from the exemptions allowed under the Act, for example to shoot at a Home Office approved club. However, if a Home Office approved club was discovered to be condoning the irresponsible use of the exemptions the club was likely to lose its approved status. This is quite right and proper.

8.9 Nevertheless, we considered that it was important to have safeguards against unfit persons abusing the exemptions so that the exemptions themselves did not attract criticism. The Committee heard that the shooting organisations themselves tried to act responsibly in this respect. Individuals had been banned from attending shoots if it came to the shooting organisations attention that they had had their certificate revoked. However, the clubs or organisations were not always aware of an individual's history and it seemed to us that, subject to civil liberties considerations, there should be more liaison between the police and the shooting organisations to prevent unfit persons having access to firearms.

Conclusion and Recommendation

8.10 Although such a provision would be difficult to enforce, we consider that the police should have the power, at the time of revoking or cancelling a certificate, to also prohibit a person from benefiting from the exemptions. This would allow the chief officer to consider each case on its merits and would protect public safety by preventing those who the police consider to be unfit to possess firearms from having possession of them under any circumstances. *We therefore recommend.* To ensure justice to the individual such decisions should be subject to appeal.

Extension of statutory prohibition

Background

8.11 Annex E(m) of our Fourth Annual Report asked whether the statutory prohibition on the possession of firearms imposed after certain periods of imprisonment should be extended to include all those convicted of drugs offences and serious road traffic offences, including drink driving.

Consideration and Recommendation

8.12 It was suggested to us that the Firearms Acts were inadequate in this respect as it was possible for someone who had been convicted of a relatively serious drugs or road traffic offence, but received a

10.6 It was not known how many weapons of this type were in circulation, but it was clear that a number of them had been bought, and were held, in good faith. The Group's report recommended that any changes in the law or police practice should take due account of the position of people who possessed these weapons in good faith on a firearm certificate.

10.7 The Group's report noted that the Home Secretary can make an Order under section 1(4) of the Firearms (Amendment) Act 1988 which would add to the prohibited category any firearm, not lawfully on sale in Great Britain in substantial numbers prior to 1988, which he considered specially dangerous. A section 1(4) Order is subject to debate in both Houses of Parliament.

10.8 The Group's report concluded that if an Order under section 1(4) was made it would have to specify characteristics rather than particular models of firearm as model names and numbers could easily be changed. The Group considered that the Home Secretary might find it difficult to demonstrate to the satisfaction of Parliament that a particular type of weapon had not been 'lawfully on sale in Great Britain in substantial numbers' prior to 1988. Even if there had been few, or no, legitimate civilian sales there might have well have been a military market.

**Definitions and guidance
to the police**

10.9 The Group's report recommended that the Home Office should issue new guidance to the police about section 5(1)(ab). In considering new guidance to the police, the Group agreed new definitions of 'rifle', 'carbine', 'pistol', and 'hybrid firearm' for the purposes of section 5(1)(ab) which should be included in any new Guidance. The main point was to tell the police that the position of self-loading and pump-action centre-fire rifles, carbines, and pistols, as defined, was clear in law but that the status of 'hybrid firearms' was not. The new Guidance should advise police that they could continue to issue new section 1 certificates for hybrid firearms to applicants who demonstrate a good reason for possessing them. However, the Group's report recommended that the new Guidance should advise police to bear in mind that there were very few reasons for possessing these items which possession of a conventional pistol would not meet as well. This is consonant with the advice contained in our Fourth Annual Report.

10.10 The Group's report recommended that the Guidance should also advise the police about renewing existing certificates for hybrid firearms. It considered there were two options. The first was to advise police that they should not renew any certificates for weapons which fall into the hybrid firearm category. The Group did not recommend this option because it was likely to cause animosity amongst shooters who may have bought these weapons in good faith.

10.11 The Group's report therefore recommended instead that the guidance should advise police to allow certificate holders to keep these weapons on renewal as long as they were satisfied that the reason which they originally gave for having them continued to be valid. It also suggested that police point out to these certificate holders that the legal status of their weapon was in some doubt and that a court ruling might result in it being classified as a prohibited weapon.

10.12 The Group's report recommended that the action it proposed might be supplemented by shooting organisations (especially in the pistol sphere). They might usefully make it clear to their members that the status of 'hybrid firearms' (as defined by the Group) was subject to dispute, that the police would look for clear and specific reasons for issuing certificates for them as opposed to conventional pistols, and that there was a possibility that some of them might be classified as prohibited weapons by a court.

10.13 If the new Guidance to the police which the Group proposed does not clear up the problems which the ambiguity of section 5(1)(ab) was beginning to cause, the Home Office might need to consider legislation to expand the prohibited category.

10.14 Although the question was, strictly outside its remit, the Group also considered whether owners of weapons whose status was in dispute could be compensated if their weapons were prohibited. It did not reach a conclusion. It noted the Home Office view that – while there can be no guarantees – the Government would consider a compensation scheme if weapons were prohibited as a result of new legislation, but that there could be no question of compensation if weapons, or types of weapon, were found to be prohibited by a Court on the basis of existing legislation.

Conclusion and Recommendations

10.15 We were extremely grateful for the work done by the Group and the detailed and comprehensive report submitted to us. *We fully support* all the recommendations made by the Group and *recommend* that the draft guidance to the police drawn up by the Group and reproduced at Annex I should be issued by the Home Office as soon as possible. *We further recommend* that this should be supported by a leaflet produced by the Home Office explaining certain difficulties associated with the interpretation of section 5(1)(ab) and the new guidance issued to the police. This should be disseminated to the relevant shooting organisations, the trade and interested members of the public. We will continue to keep this matter under review to see if the guidance achieves its desired aim.

minimal or non-custodial sentence, to continue in the lawful possession of firearms. Whilst the Committee appreciated the intention behind the proposal we were not aware of any serious deficiencies in the law in this area. In addition, if such a person applied for a firearm or shot gun certificate the chief officer would have all the information about previous convictions before him on which to base his decision. We do not believe public safety is endangered by the lack of such a provision and we *therefore recommend no change*.

Should prohibition be for life in all cases

Background and statutory provision

8.13 Following on from the discussion above we also considered whether the present statutory prohibitions should be altered. Section 21 of the Firearms Act 1968 provides that where someone has been imprisoned for a term between three months and three years he is prohibited from possessing a firearm or ammunition for a period of five years after the date of release, and where someone has been imprisoned for longer than three years the prohibition is for life. The prohibition can only be lifted by application to the Crown Court in England and Wales or to the Sheriff in Scotland.

Consideration and Recommendation

8.14 The Committee considered several suggestions for alteration of the prohibitions. We considered whether a graded system of prohibitions should be introduced, whether removal of the prohibition should be allowed by application to the chief officer of police with a right of appeal to the courts if such an application was refused, whether individuals who committed second or subsequent offences within short periods should attract longer prohibition periods and whether those who had been disqualified from driving, should have a prohibition which matched their disqualification.

8.15 In all cases the Committee considered that there was nothing to indicate that the present law was inadequate in any way or that public safety would be enhanced by the introduction of more complex arrangements. *We therefore recommend that there should be no change.*

Extension of police powers of arrest

Background

8.16 Annex E(o) of our Fourth Annual Report asked whether the limited police powers of arrest without a warrant should be extended.

Consideration

8.17 The Committee heard that there were anomalies and significant omissions within the Firearms Acts between police powers of arrest for offences with and without a warrant. In England and Wales this did not cause insurmountable problems because of the wide ranging provisions of the Police and Criminal Evidence Act 1984. This Act is not applicable in Scotland. We considered therefore that this was

more a matter for law reform groups and the police associations than the Committee and we *therefore do not intend* to make any recommendations on the subject.

New offence of supplying

Background 8.18 Annex E(p) of our Fourth Annual Report asked whether there should be new offences created relating to the supply of a firearm or imitation firearm for a criminal purpose.

Consideration and Recommendation 8.19 The Committee were concerned about a relatively new breed of crime in which people were setting up quartermaster style operations and hiring out guns on a job by job basis. It seemed to us that the Firearms Acts did not specifically provide for this type of operation and clearly a heavy degree of responsibility should lie with those supplying a firearm for crime.

8.20 *We therefore recommend* that new offences of supply, 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. We urge that this recommendation be implemented at the earliest possible opportunity to combat this growing trend.

Order making power

Background 8.21 Annex E(y) of our Fourth Annual Report asked whether the Secretary of State should be empowered to make limited changes to update or otherwise modify the controls as necessary by Order (subject to the affirmative or negative resolution in Parliament) without the need for primary legislation. If so, what should be the extent of these powers?

Existing position 8.22 Under the Firearms Acts the Secretary of State is already empowered to make Orders to make Rules prescribing the form of the application forms and certificates, to alter fees, to vary the period of validity of certificates and to alter or add to the list of prohibited weapons under section 5.

Consideration and Recommendation 8.23 The Committee were asked to consider whether these powers should be extended to allow the Secretary of State to alter the various Schedules to the Act by Order.

8.24 We were not persuaded that this was either necessary or desirable. Orders are not always the most equitable way to amend legislation and we therefore consider that changes to the law are best achieved by full and proper scrutiny by Parliament. *We therefore recommend* no change.

Urgent revocation of certificates

8.25 The Committee was asked to consider whether the present police powers of revocation of a firearm or shot gun certificate were adequate. Of particular concern were cases where it was considered that the police might want to revoke a certificate immediately, for example where an individual had been involved in a violent incident. Section 12(1) of the Firearms Act 1988 allows a chief officer on revocation of a certificate, to require by notice in writing, the surrender of any certificate and any firearm and ammunition which are in the holder's possession by virtue of the certificate, forthwith. We considered this was adequate to meet the concerns that had been expressed to us and *we therefore propose no change*.

Central database of lost/stolen weapons

Background **8.26** It had been suggested that the Committee should consider the idea of a central database of lost or stolen weapons which could be accessed by the trade, the police and the public.

Consideration **8.27** We were only able to give brief consideration to this topic. The Committee considered that such a database would be an extremely useful tool to all those who are concerned with handling firearms responsibly. We heard that the police already had an index of lost and stolen guns and we intend to consider this in more detail as part of our work programme next year.

CHAPTER 9

Report of a Working Group set up to consider amendments to the Firearms Rules 1989

Background 9.1 We recommended in our Third Annual Report (paragraph 3.27) that the Home Office should set up a Working Group of those directly involved in the firearm certification process to consider changes to the firearm and shot gun certificates. The content and format of these documents is laid down by the Firearms Rules 1989 and the Firearms Rules (Scotland) 1989. This Chapter sets out the findings of the Working Group that was set up. Membership of the Group consisted of representatives of the police and shooting organisations (including one of the Committee members) and it was chaired by the Home Office.

9.2 The Group examined not only the firearm and shot gun certificates but also the application forms for them and other forms prescribed by the Firearms Rules. Its stated aim was to identify what changes could best be made to these forms to improve the administration of firearms licensing by reducing the burden on the police and shooters, without jeopardising public safety.

Consideration 9.3 A summary of the main conclusions and recommendations made by the Group is included at Annex H. We were grateful for the extensive consideration given by the Group to its task and for the detailed report submitted to us. We have been asked by the Group to note particularly the spirit of constructive co-operation in which its meetings were conducted and record the high degree of agreement between the police and shooting representatives alike.

9.4 We were pleased to note that the Group reached the same conclusions as the Committee on issues that are discussed elsewhere in this Report, for example, that the requirement for "one-for-one" variations should be abolished.

9.5 There was one issue on which the Group could not decide, and that was the number of photographs that should be submitted with an application for a single certificate. The representatives of the shooting organisations on the Group favoured a reduction in the number of photographs required to two (one for the certificate and one for the file), both on initial application for a certificate and when the holder applied for it to be renewed. The police view was that this change would cause extra and unnecessary work and administrative difficulty. Extra photographs would be required if a shooter lost his certificate or wanted one on his European Firearms Pass (EFP): they were therefore firmly of the view that four photographs should continue to be required.

9.6 Our view was that four photographs should continue to be required. Most photo booths produce four photographs anyway and having spare copies should save administrative time.

9.7 The Group also submitted to us for consideration new draft versions of the firearm and shot gun certificates and the application forms for them. We have not included them in the Report for the sake of brevity but copies are available from the Secretary. We were pleased to note that the application forms in particular were much clearer and had been rewritten in plain English where possible.

**Conclusions and
Recommendations**

9.8 We have no hesitation in fully endorsing the recommendations of the Working Group and *therefore recommend* that they be adopted. As noted above *we further recommend* that four photographs should continue to be provided with applications for a single certificate, but that only four are required with applications for coterminous certificates. With regard to the Working Group's recommendation that there should be a move towards credit card style certificates, *we recommend* that there should be a trial of this type of certificate in a small number of forces at the first practicable opportunity to explore the practicalities of such a scheme. We look forward to seeing the results of such a trial.

CHAPTER 10

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

Background 10.1 In our Fourth Annual Report we recommended that the Home Office set up a Working Group to discuss section 5(1)(ab) of the Firearms Act 1968 (as amended). This was as a result of difficulties which had been identified in interpretation of section 5(1)(ab). This Chapter sets out the findings of the Working Group that was set up. Membership of the Group consisted of members of the Committee, the police and the British Shooting Sports Council (BSSC) and it was chaired by the Home Office.

Statutory Provision and Home Office Guidance 10.2 Section 5(1)(ab) of the Firearms Act 1968 (as amended) classifies as a prohibited weapon “any self-loading or pump-action rifle other than one which is chambered for .22 rim fire cartridges”. This means that, whereas self-loading and pump-action rifles and carbines are prohibited weapons, self-loading and pump-action pistols are not. They can therefore legally be held on a firearm certificate.

10.3 There is no clear distinction in law between what constitutes a “pistol” on the one hand and a “rifle” or “carbine” on the other. These terms are not defined in the Firearms Acts so that there is a definitional ambiguity. The exact extent of section 5(1)(ab) is unclear. As we noted in last year’s Annual Report, since 1988, self-loading and pump-action weapons have appeared on the market which, though described and sold as pistols, have characteristics akin to those of carbines or rifles. The Home Office *Guidance to Police*, published in 1988, does not give adequate guidance about the status of these new weapons.

Consideration 10.4 The Group’s report noted that the types of firearm at issue varied widely. Some were little different from conventional pistols – others clearly resembled section 5 carbines. Sometimes, the only way in which they differed from carbines clearly prohibited under section 5(1)(ab) was that they lacked a screw to connect the buttstock and had the word ‘pistol’ inscribed on the side. In some cases, the status of these firearms with respect to section 5(1)(ab) may be clarified as a result of prosecution for unlawful possession, etc. The Group’s report concluded that these firearms pose clear problems of perception, both for the public and the police.

10.5 Some police forces have issued firearm certificates for weapons of this kind. Usually, this had happened without the police having seen the gun in question – the owner was typically somebody who held a firearm certificate before he bought the weapon, and had applied for a variation to his certificate to allow its possession, describing it, for example, as a ‘9mm target pistol’. Often the first time the police actually saw the gun was when the owner renewed his certificate.

CHAPTER 11

Other Issues

Approved Rifle and Pistol Clubs

11.1 We noted in our Fourth Annual Report that the Home Office study to review the effects on club recruitment of the revised approval criteria introduced in January 1990 had recently been completed. We considered its findings in detail during our meetings this year. The main findings of the Report are summarised in Annex J.

11.2 The Committee welcomed the publishing of the report. We were pleased to note that the research had been generally well received by club secretaries and had gone some way to dispel criticism previously directed at the revised criteria. The findings of the report showed no *conclusive* evidence that the new criteria had adversely affected membership of clubs. However, it was clear that administrative work had been increased. Those interviewed thought that the criteria for approval were largely irrelevant to improving public safety but despite their many objections to the criteria and the way they had been introduced, there had been general support from clubs for the principle of approval.

11.3 It was clear to us from the report that there were a number of the existing criteria which were capable of being misunderstood. When the Committee were asked to consider criteria for rifle and pistol clubs during our first year we did so under considerable pressure to produce recommendations quickly. In the light of the Home Office report and other representations made to us we *therefore recommend* that the Home Office set up a small working group, which should include members of this Committee with a close interest and others, to consider revising the criteria for approved rifle and pistol clubs.

11.4 We would particularly like the group to consider how clubs could vet prospective members. Access to criminal records and police intelligence is clearly an area fraught with difficulty. Some members had anecdotal evidence of police and clubs liaising on an informal basis in this regard, but there is a need to find some mechanism for ensuring unsuitable individuals are identified and excluded. Our comments at paragraph 8.9 in relation to prohibited persons is also relevant in this connection.

11.5 Other areas which appear to us to require further examination are whether it is necessary to specify a ratio of full to probationary members since safe supervision appears to be the overriding factor in terms of public safety, and whether it is necessary to limit the number of guest days, since it is not the number of guest days held by a club but the manner in which they are organised and run which will have the greatest impact on public safety.

**Her Majesty's
Inspectorate of
Constabulary Report: The
Administration of
Firearms Licensing.**

11.6 We noted with interest the publication of a thematic inspection by Her Majesty's Inspectorate of Constabulary (HMIC) into the Administration of Firearms Licensing. The issues it raises are important and we were pleased to note that on subjects such as countersignatories, forms and civilianisation of police licensing departments, HMIC reached similar conclusions to those we had reached ourselves in earlier years.

11.7 The Committee noted that not one force inspected by HMIC had fully adopted the best practice guidelines issued by the Home Office in 1991. We accept that chief officers of police are reluctant to invest in firearms licensing whilst there has been no decision on whether the work will be diverted to a civilian Firearms Control Board. Nevertheless, the HMIC Report highlights a number of steps which could be taken by the police, the Home Office and the Government which may improve the firearms administration system.

**Reactivation of
Deactivated Firearms**

11.8 It was drawn to our attention during the year that a number of weapons which had been deactivated and marked as such by the Proof Houses, had been reactivated and subsequently used in crime. Most of these weapons had appeared in the North West of England. The types of weapon involved were mainly restored deactivated sub-machine guns, assault rifles and examples of the newly identified hybrid arms converted to operate in the automatic mode of fire.

11.9 We were concerned to hear about this worrying trend. It appeared that section 5 weapons had been imported by authorised firearms dealers, deactivated and marked as such by the Proof Houses and then resold. As deactivated weapons are not controlled by the Firearms Acts they can be easily bought and sold. In some instances criminals were buying or acquiring deactivated weapons and restoring them to a working condition. We also heard that some weapons had been brought across from France where the deactivation standards are not as strict as our own; these weapons can be fairly easily restored. However, to date there was no evidence to support the existence of any reactivated firearms from this source in criminal hands.

11.10 The Forensic Science Service and the Proof Houses have been working on more comprehensive deactivation standards for some time which, at the time of going to press, are with the Home Office in draft form. We understand that much stricter deactivation standards are proposed for prohibited weapons. In view of the matters that have been drawn to our attention *we recommend* that the new deactivation standards are introduced as soon as possible. *We also recommend* that further attempts should be made to introduce common standards of deactivation throughout the European Community.

11.11 We also heard that the Ministry of Defence deactivated its own weapons but at present used their own standards rather than the Home Office ones. In order to ensure consistency of approach, *we recommend* that the Ministry of Defence should adopt the Home Office specifications for deactivation.

11.12 We intend to keep this very serious issue under review as part of our ongoing work programme.

CHAPTER 12

Summary of Recommendations

Chapter 4: Licensing *Licensing by Categories*

The Committee recommended that:

- 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);
- the Home Office set up a working group to formulate detailed proposals on licensing by categories (paragraph 4.14);
- 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);
- the requirement for “one-for-one” variations should be abolished but such transactions should continue to be notified to the police (paragraph 4.14);
- 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);
- 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).

Transfer

The Committee recommended that:

- 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);

Criminal Conviction under Consideration at time of Refusal/Revocation

The Committee recommended that:

- 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).

Statutory Time Limit for Application after Refusal/Revocation

The Committee recommended that:

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

Reasons to be given for refusal/revocation

The Committee recommended that:

- 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).

Use of Non-Statutory Forms by Police During Application Process

The Committee recommended that:

- 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).

Chapter 5: Exemptions

Borrowing of Rifles and Ammunition

The Committee recommended that:

- a definition of “occupier” based on that in the Wildlife and Countryside Act 1981 should be included in the Firearms Acts (paragraph 5.4);
- 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);
- 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);
- the differing exemption provisions for rifles and shot guns be examined and clarified (paragraph 5.6);
- that there should be no change in the law on borrowing of rifle ammunition (paragraph 5.7).

Club Members

The Committee recommended that:

- the existing widespread practice whereby club secretaries provide members with written authority to carry club firearms or ammunition should be endorsed (paragraph 5.10).

Treatment of Prohibited Weapons as Antiques

The Committee recommended that:

- prohibited weapons should not specifically be excluded from the antique category (paragraph 5.14).

Chapter 6: Security *Secure Storage*

The Committee recommended that:

- there should be no statutory power for the police to inspect an applicant’s or certificate holder’s security but it is reasonable for the police to inspect security before granting or renewing a certificate (paragraph 6.6);
- the three publications – the Home Office *Guidance to Police*, the Home Office “Firearm 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).

Grant in Principle Pending Enhanced Security

The Committee recommended that:

- provision should be made to allow grant in principle of a certificate pending enhanced security (paragraph 6.10);
- 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).

Safekeeping By Exemption Beneficiaries

The Committee recommended that:

- the recommendation made in our Third Annual Report that miniature rifle ranges **should** be subject to a safekeeping requirement should stand but this provision should **not** be extended to other exemption beneficiaries (paragraph 6.12).

Chapter 8: Enforcement *Add Drugs Offences to Schedule Relating to Section 17(2) Offences*

The Committee recommended that:

- 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).

Persons who have had Certificates Revoked or Cancelled to be Prohibited from Taking Advantage of Exemptions

The Committee recommended that:

- 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).

Extension of Statutory Prohibition

The Committee recommended that:

- the law in this area should not be changed (paragraph 8.12).

Should Prohibition be for Life in all Cases

The Committee recommended that:

- there should be no change to the law in this area (paragraph 8.15).

New Offence of Supplying

The Committee recommended that:

- 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).

Order Making Power

The Committee recommended that:

- the powers of the Secretary of State to amend legislation by Order should not be extended (paragraph 8.24).

Chapter 9: Report of a Working Group set up to consider amendments to the Firearms Rules 1989

The Committee recommended that:

- the recommendations of the Working Group should be adopted (paragraph 9.8);
- four photographs should continue to be supplied with applications for a single certificate (paragraph 9.8);
- there should be an early trial of credit card style certificates in a small number of forces (paragraph 9.8).

Chapter 10: Report of a Working Group set up to consider Section 5(1)(ab) of the Firearms Act 1968 (as amended)

The Committee recommended that:

- the recommendations made by the Group be adopted (paragraph 10.15);
- 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);
- 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).

Chapter 11: Other Issues

Approved Rifle and Pistol Clubs

The Committee recommended that:

- 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).

Reactivation of Deactivated Firearms

The Committee recommended that:

- 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);
- further attempts be made to introduce common deactivation standards throughout the European Community (paragraph 11.10);
- the Ministry of Defence should adopt the Home Office specifications for deactivation of weapons (paragraph 11.11).

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

News Release: Home Secretary announces changes to the Firearms Consultative Committee

A team of experts set up to review firearms issues has been given the go ahead to continue beyond its initial five year lifespan, Home Secretary Michael Howard announced today.

The move will extend the Firearms Consultative Committee's remit for a further three years until 31 January 1997.

A new Chairman, Lord Shrewsbury, will head the Committee and four new members have been appointed.

Lord Shrewsbury will take over as Chairman from Lord Kimball in July 1994 at the end of the Committee's next working year.

Mr Howard said:

"The Firearms Consultative Committee plays an important role as a forum for discussion of firearms matters.

"It has done valuable work both in keeping the firearms legislation under review and in fostering better relations between police, the shooting community and central government.

"In renewing the Committee's remit for a further three years I should particularly like to thank those former members who have made way for new appointees.

"It is important to allow new members with different expertise and experience the opportunity to contribute while maintaining an overall balance of interests on the Committee.

"I should also like to pay tribute to Lord Kimball for the skilful way he has guided the Committee as Chairman. Much of the credit for its success must be his and it is with real regret that I must respect his wish to stand down at the end of the Committee's next working year.

"I am delighted, however, that Lord Shrewsbury has accepted my offer to take over the Chairmanship. He is ideally suited by character and experience to lead the Committee in building upon the work it has done so far."

ANNEX C

Biographies of members relevant to their appointment to the Committee

- Lord Shrewsbury Chairman-elect of the Firearms Consultative Committee. Twenty-second Earl of Shrewsbury and Waterford. Working Peer. Extensive experience of field sports including hunting and shooting. Experienced small bore and clay target shooter.
- Mr B Carter Retiring Director of the Clay Pigeon Shooting Association. Director-elect 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 South East.
- Mr K Drummond QC. Formerly Advocate-Depute and presently member of the Criminal Injuries Compensation Board. Former council member of UK Practical Shooting Association (UKPSA). 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 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 Head of F8 Division, Home Office.
- Mr W Gray A Guardian of the Birmingham Proof House. Former cataloguer with Weller and Dufty. Member of the Society of Gun Collectors and collector of vintage percussion handguns. Firearm certificate holder for over 20 years. Shoots shot guns and both black powder and nitro. Labour councillor in Birmingham.
- Sir Malcolm Guthrie Long standing Birmingham gunmaker and dealer and Chairman of the Gun Trade Association 1991–92. Liveryman of the Worshipful Company of Gunmakers, life member of the National Rifle Association, the British Pistol Club and Safari Club International. Chairman of the Midlands Branch of the British Deer Society. Has represented Worcestershire County in small bore rifle and pistol shooting and full bore rifle shooting. Experienced in deer stalking in Great Britain and abroad and hunting in North America.
- Mrs M Matthews Farms 650 acres in Wiltshire. Game shooter and organiser of both private shoots and corporate entertainment clay pigeon shooting.

- Mr J Mellor Small Arms Instructor, Royal Marines 1946–49. Police firearms instructor 1956–84. Firearm certificate holder since 1951 and shot gun certificate holder. Competitor at national level small bore 1947–55. Conservative councillor in Wolverhampton.
- Mr P Misselbrook Solicitor. Chairman of the British Association for Shooting and Conservation.
- 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, National Pistol Association 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 P Russell Head of Police Division, Scottish Office.
- Mr J Sharples Chief Constable, Merseyside Police. Chairman of the Association of Chief Police Officers' Crime Committee Sub-Group on the Administration of firearms and member of Crime and Terrorism and Allied Matters Committees.
- 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 D

List of topics from which 1993 to 1994 work programme was drawn

Questions from Annex E of the Fourth Annual Report (all included in work programme)

- Should there be a single certificate for firearms and shot guns?
- Should there be a single common standard for possession of firearms and shot guns?
- Should “one-for-one” variations be abolished?
- Should persons whose certificate has been revoked or cancelled be prohibited from access to firearms by taking advantage of the exemptions from the certificate requirement, eg miniature rifle ranges or clay shooting?
- Should the statutory prohibition on the possession of firearms by people sentenced to imprisonment be extended to include all those convicted of drugs offences and serious road traffic offences, including drink driving?
- Should there be a new power for police to seize a firearms dealer’s register?
- Should the limited police powers of arrest without a warrant be extended?
- Should new offences be created relating to the supply of a firearm or imitation firearm for a criminal purpose?
- Should both the transferor and transferee of a firearm or ammunition be required to notify police of the transaction (as is already the case in respect of shot guns)?
- Should a certificate holder be required to notify the police of the transfer of a weapon to a registered firearms dealer?
- Should those benefiting from the various exemptions to the certificate requirement be subject to a secure storage requirement like certificate holders?
- Should persons borrowing weapons on private premises be able to acquire ammunition only from the “occupier” or his servant? (At present the borrower may acquire or purchase ammunition up to any maximum quantity specified on the occupier’s certificate from any legal source.) And should they be required to surrender any unused ammunition to the occupier or his servant?

- Should provision be made for the grant in principle of a certificate to enable an applicant to install any security measures reasonably required by the police?
- Should there be an explicit statutory right for police to inspect a certificate applicant's proposed storage arrangements?
- Should there be provision for the police to refuse to "renew" a registered firearms dealer's certificate on the ground of failure to meet the "trading to a substantial extent" test? (At present the power is limited to refusing an initial "grant".)
- Should prohibited weapons be specifically excluded from the exemption for "antique firearms"?
- Should the Secretary of State be empowered to make limited changes to update or otherwise modify the controls as necessary by order (subject to the affirmative or negative resolution procedure in Parliament) without the need for primary legislation? If so, what should be the extent of these powers?

Other topics

- * Firearms licensing
 - Alternative Appeals procedure
 - * Definition of a "servant"
 - * Urgent revocations
 - * "Good reason" for shot guns
 - * Central database of lost/stolen firearms
 - * Club firearm certificates
 - * Use of non-statutory forms with certificate applications
 - Decline in certificate numbers
 - EC shooters visiting the UK
 - Definition of an "occupier"
 - * Whether offences under the Misuse of Drugs Act should be added to those to which section 17(2) of the 1968 Act applies
- (* included in work programme)

ANNEX E

News Release: Firearms Consultative Committee: Programme of Work for 1993–94

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

The detailed review of five key areas of firearms law, including licensing, possession, supply and security of weapons will last until July 1994.

Announcing this year's schedule Lord Kimball, Chairman of the Firearms Consultative Committee, said:

“The Committee has set itself an ambitious agenda for its fifth year.

“Our aim is to build upon the work we have already done in reviewing the firearms legislation by undertaking a thorough examination of areas of the law which may need changing.

“We shall scrutinise all the issues before us rigorously with a view to formulating recommendations which will benefit the police service, the shooting community and the non-shooting public”.

The five key areas are:

Firearms licensing

The Committee will examine:

- whether it is feasible to licence categories of firearms rather than each individual weapon.
- whether there should be a single common standard for possession of both firearms and shot guns.
- whether the police should be required to give reasons to the applicant when refusing a certificate application and if there should be a time limit before an applicant could re-apply.
- the use of additional non-statutory forms by some police forces as part of the application process.
- whether improvements could be made to the system of notifying the police when firearms are transferred.

Firearms Dealers

The Committee will consider:

- the way in which dealers keep their records of transactions as well as the requirement that dealers must satisfy police that they will engage in trade “to a substantial extent” before they can be registered.

- whether the term “servant of a dealer” should go wider than employees alone so that a trusted intermediary could transport weapons for a dealer without breaking the law.
- whether the police should be given a new power in certain circumstances to seize a dealer’s register of transactions.

Exemptions from the licensing system

A number of issues have been identified. One which has attracted particular attention is the so-called “estate rifles” provision, which allows a person to borrow a rifle from the occupier of the land he is visiting for use under supervision on that land.

The Committee will consider:

- whether this should be more tightly controlled or whether the concept should be extended to accommodate others, such as tenants as well as occupiers.
- how members of approved rifle and pistol clubs can, not having a personal firearm certificate, show that they are within the law if challenged by police when travelling to shoot in competitions with club weapons.
- whether firearms falling within the prohibited categories of weapons should be specifically excluded from being treated as “antiques” and therefore as not requiring certification.

Enforcement

The Committee will:

- review the existing bans on possessing firearms which apply to people sentenced to imprisonment for three months or more to see whether these should be extended, for example to all those convicted of drug and alcohol related offences and/or to those whose certificates have been revoked. They will also consider whether the ban should be for life in every case.
- consider whether new offences should be created of supplying firearms for a criminal purpose and the need for the very limited police powers of arrest without a warrant to be extended.
- examine the feasibility of establishing a central database of lost and stolen firearms.

Security

The Committee will be reviewing the whole question of secure storage of firearms by certificate holders.

This will include:

- consideration of the need for an explicit statutory right for police to inspect storage arrangements as well as the possibility of provision being made for certificate applications to be

granted “in principle” pending any enhanced security measures which the police consider necessary.

- looking at whether non-certificate holders who benefit from the exemptions from the licensing system, such as people shooting at approved rifle and pistol clubs or clay shoots, should be subject to the same sort of secure storage requirement as certificate holders.

The Committee welcomes topics for discussion raised by shooting organisations and members of the public which involve issues 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 F

Summary of Recommendations 1989–1993 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 3.14). **Implemented. Included in Home Office approval criteria for rifle and pistol clubs.**
- 1.4** approved rifle and pistol clubs should be permitted to hold guest days on no more than four occasions a year (paragraph 3.15). **Implemented. Included in Home Office approval criteria for rifle and pistol clubs.**
- 1.5** 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.**
- 1.6** 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.**
- 1.7** 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.**
- 1.8** the correct terminology should be used when referring to rifle and pistol clubs (paragraph 3.22) and future issues 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.**

1.9 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.**

1.10 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.**

1.11 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:

1.12 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.**

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

1.14 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:

1.15 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.**

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

1.17 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:

1.18 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.**

1.19 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.**

1.20 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.**

1.21 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 forms under consideration by the Firearms Rules Working Group.**

1.22 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 deactivation 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.**

2.3 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.**

2.4 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:

2.5 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.**

2.6 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.**

2.7 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.**

2.8 the existing upper limit of 15kg of gunpowder should be retained (paragraph 4.9). **Implemented. Contained in Control of Explosives Regulations 1991.**

2.9 black and smokeless powders should be regulated separately (paragraph 4.11). **Implemented.**

2.10 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.**

2.11 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:

2.12 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.**

2.13 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:

2.14 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:

2.15 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.**

2.16 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:

2.17 the Home Secretary should take powers to vary the length of a certificate (paragraph 8.10). **Partially implemented. The Firearms (Amendment) Act 1992 came into force on 16 March 1992. At the time of going to press extension of certificate life was under consideration by the Home Secretary.**

2.18 the period of validity of certificates should be reviewed (paragraph 8.10). **Under consideration by the Home Secretary.**

2.19 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.**

2.20 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). **Being implemented. Clause currently in Police and Magistrates Court Bill going through Parliament at time of going to press.**

Air and Gas Powered Weapons

The Committee recommended that:

2.21 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.**

2.22 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:

2.23 firearms of historic value seized in battle should be made available to interested museums (paragraph 10.1). **Implemented.**

2.24 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:

2.25 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.**

2.26 the exemption in section 15 should only apply to weapons held on club certificate (paragraph 10.19). **Not yet implemented. Awaiting suitable legislative opportunity.**

2.27 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.**

2.28 club members should be required to abide by the conditions, including the safekeeping requirement, attached to the club firearm certificate (paragraph 10.19). **Not yet implemented. Will be considered when criteria for rifle and pistol clubs are reviewed.**

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). **Comprehensive feasibility study undertaken by the Home Office. At time of going to press results of the feasibility study under consideration by the Home Secretary.**

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.**

3.3 the Home Office set up a working group, including representatives from the shooting community, to consider changes to the format of firearm 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 this 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). **At time of going to press Mr Michael Shersby MP had introduced a Private Members' Bill which, if enacted, would widen the range of offences applicable to the misuse of imitation firearms. The Bill has Government support.**

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.**

3.6 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). **Under consideration by the Home Office.**

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. **Being implemented. Guidance to the police being prepared by the Home Office.**

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. **Being implemented. Guidance to the police being prepared by the Home Office.**

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. **Being implemented. Guidance to the police being prepared by the Home Office.**

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). **Being implemented. Guidance to the police being prepared by the Home Office.**

4.5 the “any lawful purpose” criterion should also be applied to sporting rifle certificates which are free of territorial restriction (paragraph 4.12). **Being implemented. Guidance to the police being prepared by the Home Office.**

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. Awaiting results of Working Group set up under recommendation 4.7.**

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 this 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.**

ANNEX G

Text of letter from Lord Kimball to the Home Secretary

The Firearms Act 1968 (as amended): Addition of Misuse of Drugs Act 1971 to Schedules 1 and 2

My Committee met last week and concern was expressed at the recent increased use of firearms in crime, particularly in drug-related offences.

It was the Committee's unanimous view that offences connected with supply and trafficking of drugs under the Misuse of Drugs Act 1971 should be added to Schedules 1 and 2 of the Firearms Act 1968 (as amended) which lists the offences to which section 17(2) applies. This would mean that anyone who had in his possession a firearm or imitation firearm whilst committing or being arrested for an offence under the relevant sections of the Misuse of Drugs Act 1971, would then also be guilty of an offence under section 17(2) of the Firearms Act 1968. The maximum penalty under section 17(2) is life imprisonment or an unlimited fine or both.

It was the Committee's view that extending the provisions of the Firearms Act in this way would go some way to allaying public concern about drug dealers carrying guns.

I am writing now rather than including this as a recommendation in the Committee's Annual Report in case there is a possibility that an amendment to this effect could be added to the Criminal Justice Bill currently going through the House. I realise that the Bill is already heavily loaded but I would be grateful if you could consider including this additional provision.

ANNEX H

Main Conclusions and Recommendations of the Firearms Rules Working Group

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.
2. The aim should be to introduce a credit card style certificate by the end of the century.
3. The number of photographs required for coterminous certificate applications should be reduced from eight to four.
4. Firearm and shot gun certificates should remain A4 sized.
5. The requirement for “one-for-one” variations should be abolished but such transactions should be notified to the police like shot gun transfers.
6. There should not be a separate application form for variations.
7. All forms used in the firearms administration process should, wherever possible, be written in ‘plain English’.
8. Parts 3 and 4 (Renewals and Variations) of the current Firearm Certificate should be removed.
9. On renewal, applicants should not have to repeat basic information which the police already have about them.
10. A combined application form for both firearm and shot gun certificate applications should not be introduced at this time.
11. Police forces should include their full postal address and telephone number in information packs sent out to applicants.
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.
13. The legislation should be amended to allow notification of transfers by fax.
14. Section 27(2) of the Firearms Act 1968 requiring sales of ammunition to be recorded should be abolished.
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.

ANNEX I

Draft Guidance to the Police on interpretation of Section 5(1)(ab) of the Firearms Act 1968

Note – this draft guidance is intended to **replace in full** the advice on section 5(1)(ab) of the Firearms Act 1968 (as amended) which is contained in paragraph 11.2 of the published Home Office *Guidance to the Police* (the second full paragraph on page 110, as printed). It also **adds to** the advice on firearm certificate applications at 6.8 of the published *Guidance* (page 71, as published).

6.8 In considering applications (for a firearm certificate) the following points should be borne in mind (k) if the application is for a pump-action or self-loading firearm which is not clearly a conventional pistol, the advice on prohibited weapons at paragraph 11.2 of this Guidance should be borne in mind.

11.2 Category (ii) includes carbines (section 57(4) of the Act, as amended, includes them in the definition of a rifle) but not pistols. A carbine has traditionally been regarded as a short cavalry rifle, but it is not unknown for some models of pistol also to be described as a carbine. When considering whether a particular self-loading or pump-action firearm is prohibited under section 5(1)(ab) of the 1968 Act (as amended), the following definitions should be borne in mind

- a) **Rifle** : A long barrelled firearm designed to be shoulder held in the firing position;
- b) **Carbine** : A rifled barrelled firearm principally designed to be fired from the shoulder but by reason of its shorter length being capable of being fired from other positions and having design features to provide additional support when not being fired from the shoulder;
- c) **Pistol** : A short barrelled rifled firearm principally designed to be held and fired in one hand but which may accommodate two handed firing;
- d) **Hybrid firearm** : A firearm with a rifled barrel, of a design whose manufacture commenced post-1945, and which has **at least one** of the following features:-
 - i) it is fitted with an easily detachable shoulder stock or is so adapted as to be capable of having such stock fitted; or
 - ii) it is fitted with a second hand grip or fore-end; or
 - iii) it is derived from the action of a firearm whose possession is regulated by the provisions of section 5(1)(ab) of the Firearms Act 1968 (as amended); or
 - iv) it weighs more than 64 oz unloaded (without accessories, including any optical sight).”

Self-loading or pump-action weapons which fall into categories (a) and (b) above are prohibited. Those which fall within category (c) are not, and may be held on a firearm certificate. It is not possible to give clear guidance on the status with regard to section 5(1)(ab) of self-loading and pump-action weapons which come into category (d), or which cannot be confidently assigned to any of the other three

categories. A court may, depending on the precise characteristics of the weapon, rule that it is prohibited.

If an application is received for a firearm certificate for the acquisition, purchase or possession of a self-loading or pump-action firearm which comes into category (d), it should be borne in mind that there are few reasons for possession of such a weapon which would not be met equally well by a conventional pistol which comes into category (c) above and is clearly not a prohibited weapon.

If an application is received for the renewal of a firearm certificate for a self-loading or pump-action firearm which comes into category (d), police should point out to the applicant that the status of their weapon with respect to section 5(1)(ab) could be in doubt and that a court might rule that it is prohibited. If the applicant nevertheless wishes to retain the weapon on certificate, the certificate should be renewed if the applicant's original reason for possessing the weapon is considered still to be valid. But where the gun is to be used on a shooting range it may be necessary to ensure that it is not chambered for a cartridge whose calibre or power is outside the limits specified by the range safety certificate.

ANNEX J

Summary of the main findings of a Report published by the Home Office Research and Planning Unit on the Effects of the New and Revised Criteria on Rifle and Pistol Clubs

- half the clubs surveyed had had to make amendments to their constitutions in order to meet the revised criteria;
- nearly one in three clubs had reported an increase in administration and related costs;
- although the average numbers of members had remained constant over the period 1989–92, three-quarters of clubs had reported a decrease in the recruitment of new members, the effects of the recession being given as the primary reason. Just under one in three clubs had blamed the revised criteria for their recruitment problems;
- effective club committees were seen as a major factor in ensuring the safety of both club members and the public at large;
- most club secretaries had said that the selection process employed by clubs and their ethos normally prevented the recruitment of people who might behave dangerously. The survey had showed, however, that one in five clubs had had to suspend or expel members or guests at some time because of breaches of club safety procedures. One in six of these cases had resulted in the police being called in;
- the criteria for approval were widely regarded by those interviewed as irrelevant to public safety; but
- despite their many objections to the criteria and the way they had been introduced, there had been general support from clubs for the principle of approval.

ANNEX K

Organisations and other interested parties which have submitted representations

1. Association of Chief Police Officers Crime Committee.
2. Association of Chief Police Officers in Scotland.
3. The British Shooting Sports Council.
4. The British Association for Shooting and Conservation.
5. The Shooters' Rights Association.
6. The Shooting Sports Trust Limited.

In addition the Committee has received a number of representations from individuals.

ANNEX L

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 (Dangerous Air Weapons) Rules 1969	HMSO ISBN 0 11 0900472
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
Firearm Security leaflet	Home Office Public Relations Branch
Approval of Rifle and Pistol Clubs leaflet	Home Office Public Relations Branch
Wildlife and Countryside Act 1981	HMSO ISBN 0 11 8043277
Police and Criminal Evidence Act 1984	HMSO ISBN 0 11 8046705
Report of Her Majesty's Inspectorate of Constabulary: The Administration of Firearms Licensing	Home Office ISBN 1 85893110
Research and Planning Unit Paper 79: Approval of Rifle and Pistol Target Shooting Clubs: the effects of the new and revised criteria	Home Office Research and Planning Unit
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

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