

FCC

FIREARMS CONSULTATIVE COMMITTEE

EIGHTH 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 1996–1997**

Presented pursuant to Act Eliz II 1988 c.45

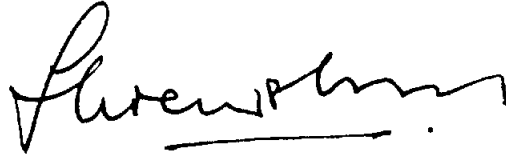
Section 22(6) (Firearms (Amendment) Act 1988)

*Ordered by the House of Commons to be printed
29 July 1997*

**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 eighth Annual Report of the Firearms Consultative Committee.

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

THE EARL OF SHREWSBURY AND WATERFORD
Chairman

The Rt Hon Jack Straw 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. The life of the Committee was extended by Order for a further three years until 31 January 1997. We are pleased that a further Order was made in 1996 extending the Committee's life by a further three years, the maximum possible, until 31 January 2000. Paragraph 2 of the Firearms (Amendment) Act 1988 (Firearms Consultative Committee) Order 1996, which extended the Committee's life, is included in Annex A. Lord Shrewsbury is the current Chairman of the Committee.

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

Aims and Activities

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

1.5 During our eighth year we met on 9 occasions. We have held a larger number of meetings this year than at any time since the Committee's inception. Our work has been almost entirely devoted to consideration of Lord Cullen's Report and the Government response to it, the drafting of the subsequent Firearms (Amendment) Bill and issues concerning its implementation after it received Royal Assent on 27 February 1997 and passed into law as the Firearms (Amendment) Act 1997. As always, the prime consideration in our deliberations has been the need for public safety.

1.6 The Committee has devoted considerable effort throughout the last year in responding to issues arising from the passage of the Firearms (Amendment) Act 1997. However, the introduction of the Firearms (Amendment) (No.2) Bill means that much of the Committee's work this year, in particular in relation to the arrangements for new licensed pistol clubs, has been wasted.

1.7 We noted again in our Seventh Annual Report our concern that Parliamentary time had not been found for appropriate legislation where we had indicated need for reform. Whilst we recognise

the need for the political response to the tragic events of Dunblane and also recognise that the 1997 Act does implement a number of our recommendations, we consider that the Bill which became the 1997 Act was introduced with undue haste. This not only inhibited proper consideration of the issues but also prevented the inclusion of a number of other reforms.

Representations

1.8 Anyone wishing to draw to the attention of the Committee any issue which is properly within our remit should write to:

The Secretary
Firearms Consultative Committee
Room 538
50, Queen Anne's Gate
London SW1H 9AT

1.9 We would repeat our annual reminder 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, nor to act as an appellate authority where individuals are aggrieved by the decisions of individual 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.

1.10 This report records our deliberations this year and the advice that we have provided to the Secretary of State during the passage of the Firearms (Amendment) Act 1997.

CHAPTER 2

Lord Cullen's Report and the Firearms (Amendment) Bill

Lord Cullen's Report

2.1 We received copies of Lord Cullen's report of the Public Inquiry into the Shootings at Dunblane Primary School (Cmnd 3386) following its publication on 14 October.

The Government Response

2.2 The Government's response to the Inquiry (Cmnd 3392) was published on 16 October. The Committee was not invited to advise or comment on Lord Cullen's report before the Government determined its response. The Committee has a statutory function under section 22(5) of the 1988 Act to keep under review the working of the current legislation and *we were disappointed that it was not thought appropriate to consult us before the Government decided on its course of action.*

The Firearms (Amendment) Bill

2.3 At a meeting shortly after publication of Lord Cullen's Report and the Government response, we discussed the Government's proposals in detail and made a number of suggestions for incorporation in the Bill. In addition to a number of detailed points on the Government's proposals we also suggested that a number of the recommendations that we have made in the past should be incorporated into the Bill. To this end, the Chairman wrote to the Home Secretary on 27 October with a number of suggestions for items to be included. The text of the Chairman's letter is reproduced at Annex C.

2.4 Whilst we understand that the Government felt the need to respond swiftly to the recommendations in Lord Cullen's report, we regret that the Firearms (Amendment) Bill was introduced so quickly and confined itself too narrowly to Lord Cullen's recommendations when there are so many areas of the firearms legislation clearly in need of reform. **We consider that the time has come firstly for a complete consolidation of the numerous Firearms Acts at present in force and secondly for a measured but more fundamental review of the firearms legislation with a view to a new Act and we so recommend.**

2.5 Despite the fact that the Bill did not take the form which we would have wished, we nevertheless considered it was our function to make recommendations to try to make it as workable as possible in the time available. We therefore met regularly during its passage through both Houses and made a large number of detailed recommendations to the Home Office, most of which were accepted and tabled as amendments to the Bill. For the sake of brevity, we do not intend to report all of these detailed recommendations and suggestions. However some issues are highlighted below and the areas of historic handguns, young people and air weapons, appeals and clubs on which we spent more time or provided more detailed advice are dealt with in separate chapters which follow.

**FCC Recommendations
which have been
implemented by the
Firearms (Amendment)
Act 1997**

2.6 Although the matters raised in the Chairman's letter of 27 October were not included in the Firearms (Amendment) Bill on introduction a number of them were subsequently included during its passage. The Firearms (Amendment) Act 1997 ("the Act"):

- a) makes it clear that registered firearms dealers can keep their registers on computers if they wish. This has been a long standing recommendation of the Committee and we are pleased to see that it has finally been implemented;
- b) ensures that carbon dioxide weapons will be treated in the same way as air weapons, that is, low powered ones will not require a certificate but higher powered ones will require a section 1 certificate or be prohibited under the Act depending on their muzzle energy, dimensions and design;
- c) provides various exemptions from the prohibitions for those who need to use higher calibre handguns for the humane destruction of animals or in slaughterhouses; and
- d) we are pleased to note that there is also an exemption from the need to have the Secretary of State's authority for weapons used for tranquillising or treating animals so that in future it will not be necessary for veterinary surgeons and deer farmers to obtain authority from the Secretary of State for their tranquillising equipment. They will instead be able to hold the weapons that they need on specially conditioned firearm certificates issued by their local police.

2.7 Although a separate collector's certificate was not introduced by the Act, special consideration has been given to the position of historic handguns under the Act and this is dealt with in Chapter 3.

2.8 In addition to the points in the Chairman's letter the following Committee recommendations have also been implemented by the Act:

- the term 'target practice' has been replaced with 'target shooting' throughout the Firearms Acts (paragraph 10.19 of our Second Annual Report);
- section 46 of the Firearms Act 1968 has been amended by section 43 of the Act so that anything on a premises can be seized so allowing dealer's registers to be seized (Annex F of our Sixth Annual Report);
- civilians working in police firearms licensing departments have been given equivalent powers to their police counterparts to inspect dealer's registers (Annex F of our Sixth Annual Report); and
- the transfer requirement has been changed so that anyone who parts with a gun, whether to a firearms dealer or not, or otherwise disposes of it or destroys it must notify the chief

officer of police for the area in which his certificate was granted (Annex F of our Sixth Annual Report).

Compensation

2.9 Although the Committee's statutory remit may not extend to discussing issues of compensation, we are pleased that during the passage of the Bill the Government extended the compensation payable for high calibre handguns to firearms dealers and for ancillary equipment associated with high calibre handguns and agreed to make ex-gratia payments to those who wish to surrender small-calibre pistols. However, we are concerned that since no compensation will be payable for loss of business many specialist manufacturers of and dealers in handguns may face bankruptcy as a result of the legislation. This is a regrettable situation and we fully understand the anxieties they must be experiencing.

Expanding ammunition

2.10 We do not consider that a ban on expanding ammunition was necessary. Lord Cullen made no recommendations on the control of expanding ammunition and the ban on high calibre handguns introduced by the Act means expanding ammunition for the bulk of those handguns would not in any case have been allowed under the Act. The Chairman reported our views to the Home Secretary in a letter dated 14 January. The text of that letter is reproduced at Annex D.

2.11 We were also concerned that the wording of the Bill on introduction allowed for too limited exemptions from the prohibition and would not have allowed people to 'zero' their rifles with expanding ammunition. We are pleased to note that the range of exemptions was extended during the passage of the Act and we have been assured that the use of the phrase 'in connection with' in section 10 of the Act will allow zeroing to take place legally. We are also pleased to note that there is a general exemption from the need to have the Secretary of State's authority for dealers to possess and sell expanding ammunition in the ordinary course of their business.

Commencement

2.12 The Firearms (Amendment) Act 1997 received Royal Assent on 27 February but its provisions must be brought into effect by Commencement Orders. The timing of the General Election inevitably delayed the implementation of the Act. Prior to 1 May only section 18 (and sections 16 and 17 as they relate to 18) of the Act were brought into force which allowed the compensation scheme to be laid before Parliament and debated in both Houses but the scheme itself was not laid until 22 May. The General Election also caused a blight on the various consultation exercises which were needed to implement the Act. We were concerned that this is likely to cause considerable difficulty for the police, shooters and others who must implement or administer the Act. We were not consulted about the form of the documentation for the compensation scheme.

2.13 Since the General Election the Compensation Scheme for high calibre handguns and their ancillary equipment was debated and

agreed by both Houses on 9 June. The main provisions of the 1997 Act were brought into effect on 1 July and owners and dealers have until 30 September to hand-in high calibre handguns and ancillary equipment for compensation. The Government has said that small-calibre pistols can also be handed in during this period and an ex gratia payment will be made in anticipation of the Firearms (Amendment) (No. 2) Bill.

**The Firearms (Amendment)
(No. 2) Bill**

2.14 The Government introduced the Firearms (Amendment) (No. 2) Bill on 22 May. This Bill gives effect to their manifesto commitment to allow Parliament a free vote on the banning of all handguns. The Bill is short and removes the exemption for small-calibre pistols from the Firearms (Amendment) Act 1997. If the Bill is passed compensation will be paid for small-calibre pistols on the same basis as for high calibre handguns. The Bill does not address wider firearms issues. At the time of going to press the Bill had completed its Commons stages and was under consideration in the House of Lords.

CHAPTER 3

Firearms of Historic Interest

Background

3.1 Following the Government's announcement of its proposals on 16 October 1996, and the subsequent introduction of the Firearms (Amendment) Bill on 31 October, many firearms enthusiasts were concerned that pistols, revolvers and other handguns of historic interest in private hands and in museums which were not publicly funded and therefore not eligible for a Museum Firearms Licence under the 1988 Act, would be destroyed, since no provision was made for them in the Bill. An ad hoc group of interested parties in this field consisting of the Historical Breechloading Smallarms Association, the main museums and the main auction houses involved with historic firearms, formed originally in 1973, and now called Historic Arms Rescue (HAR), made representations to the Government for the preservation of historic weapons at an early stage of the Bill's passage. We were involved in discussions on historic firearms throughout the passage of the Bill and continue to be involved. This Chapter records our discussions on this subject.

Historic Arms Rescue Proposals and the Firearms (Amendment) Bill

3.2 The initial proposals put forward by Historic Arms Rescue were that pistols, revolvers and other handguns of historic interest (other than exempt antiques and muzzle-loading guns) should be defined as those manufactured before 1919, not including those chambered for 9mm Parabellum ammunition. Special exemptions might be made for guns of particular interest and rarity manufactured before 1939. Historic guns might either be kept at home without ammunition, or kept and fired at a 'living museum' at Bisley Camp in Surrey.

3.3 We too were totally against the Government's initial proposals which would have meant that firearms of historic importance would be lost to the nation. We supported the HAR in trying to obtain an exemption from the prohibition for historic handguns although we were conscious that the police were concerned about any exemption which might allow a proliferation of working high calibre handguns to remain in circulation.

3.4 Following discussion by the Committee in November and December 1996 and continued lobbying on both sides of the debate by the HAR and the police, the Government included a new clause in the Firearms (Amendment) Bill at Committee stage in the House of Lords, providing that handguns manufactured before 1919 of a specified kind, and for which ammunition is not readily available, could be kept as part of a collection at home on a firearm certificate. The clause also provided for the preservation of firearms of historic interest provided that they were of particular rarity, aesthetic quality or technical or historic interest. Although they will remain in the ownership of the individual concerned on a firearm certificate, and may be fired, they must be kept and used at a site designated by the Secretary of State. There would be no cut-off date for a firearm to be included in this second category. However, the expectation was that the more recent a gun's manufacture the less likely it would be to qualify as 'historic'. The new clause introduced by the

Government has become section 7 of the 1997 Act and came into effect on 1 July. From this date the National Rifle Association's headquarters at Bisley Camp in Surrey was the first site to be designated as suitable for the purposes of keeping and using historic weapons.

**Consideration of the
implementation of
the exemption**

3.5 We note that the exemption which the Government eventually included in the Bill was much more limited in scope than the HAR's original proposal and sought to meet police concerns in that the definition of handguns which could be held at home was limited to those manufactured before 1919 and for which ammunition was not readily available. These firearms would still need to be held on a firearm certificate.

3.6 We were concerned that there was obvious scope for different interpretations of the terms in which the exemption was cast. The existing exemption for 'antique' firearms has proved a source of considerable debate over the years, and the concept of 'historic' firearms might present similar problems.

3.7 We considered that problems would arise in deciding whether ammunition for a particular firearm was readily available. On the one hand, ammunition for old guns was manufactured commercially abroad on an irregular basis, making it difficult to rule out virtually any chambering as commercially unavailable in recent years. On the other hand, the general prohibition on higher-calibre handguns would mean that most forms of pistol ammunition would not be available legally to owners of historic pistols.

3.8 We thought that it would be helpful both for the police and for owners if the boundaries of the exemption could, as far as possible, be clearly defined. Clear rules and guidance would lessen the burden on all parties concerned to prove the legal status of particular guns. To this end we were pleased to note that the 1997 Act allows for firearms manufactured before 1919 which will be eligible to be kept at home as part of a collection to be designated by Order by the Secretary of State. The Order designating ammunition chamberings which will not be eligible for the exemption under section 7(1) came into effect on 1 July.

3.9 On the wider issue of deciding if a particular example of firearm was of historic or other interest and eligible to be kept and used at a designated site, the Committee supported the establishment of a Reference Panel of Experts, including representatives of this Committee, the police and of the historic arms interests, to draw up general guidance and to offer advice to the police in individual cases. Such a panel could also advise the Secretary of State on which firearms or ammunition types might be included in the Order referred to in paragraph 3.8 above. Mr Penn, Mr Pitcher and Mr Warlow from this Committee have agreed to serve on the Panel.

3.10 While it was accepted that the initial proposals for establishing the designated site where historic firearms may be kept and used centred around Bisley Camp, we were conscious that such a site would not be easily accessible for gun owners outside southern and eastern England. The Committee considered that further sites should be established in other parts of the UK to allow collectors to avail themselves of the exemption. The Committee was conscious of the fact that this would be disadvantageous to holders of historic arms outwith the southeast of England and expressed the profound hope that more northerly facilities could be found.

Trophies of War

3.11 In the context of historic firearms the Committee was pleased to note that the 1997 Act included provisions that owners of pistols acquired as trophies of war before 1946 would be able to retain these on a firearm certificate.

**Museum Firearm
Licences**

3.12 As mentioned in paragraph 3.1 above, we and others were concerned that museums which were not eligible for a Museum Firearms Licence under the 1988 Act would not be able to keep their collections of historic handguns after the introduction of the 1997 Act. Following comments and representations made by members of this Committee and others the Government introduced a new clause to the Bill at Committee stage in the Lords which allows the Secretary of State by Order to designate other classes of museums as eligible to apply for a Museum Firearms Licence. These must appear to the Secretary of State to be preserving a collection which comprises or includes firearms for the public benefit. We understand that the museums additionally eligible to apply for a licence are likely to be those who are registered with the Museums and Galleries Commission.

Conclusions

3.13 The Committee welcomes the inclusion of an exemption in the 1997 Act for historic handguns and for trophies of war, and the extension of museums eligible for a Museum Firearms Licence. We also welcome and fully support the establishment of a Reference Panel to assist with the implementation and continuing operation of the exemptions for historic handguns. We acknowledge that there is considerable work to be done to implement these provisions in a way which preserves historic handguns without prejudicing public safety, and we stand ready to offer further support or advice if needed.

CHAPTER 4

Young shots and air weapons

Background

4.1 At Standing Committee stage in the House of Commons of the Firearms (Amendment) Bill the then Opposition proposed increasing the age limits for various provisions under the Firearms Acts including raising the age limit at which a young person can possess a firearm or ammunition from 14 to 18, raising the age at which a young person can have with him an assembled and uncovered shot gun from 14 to 17 and raising the age at which a young person may generally possess an air weapon in a public place from 14 to 17. They were very concerned in particular about the abuse of air weapons by young people and the fact that they thought that the present law was unenforceable.

4.2 During the debate, the Standing Committee were reminded of our recent consideration of these issues. Our deliberations, most recently in 1994-95, were recorded in our Sixth Annual Report, when we did not recommend any major changes to the law but recommended that, when an opportunity arose for major firearms legislation, the provisions on young people should be examined to ensure that unnecessary complexity or restrictions were removed. Nevertheless, in the light of the Standing Committee's concern, the Minister of State then at the Home Office, the Rt Hon Ann Widdecombe, agreed to refer the subject of young shots and air weapons to the Committee (Hansard, Standing Committee E 21 November 1996, Col 87).

Statutory provisions - possession of firearms by young people

4.3 There are extensive restrictions on the possession of firearms by young people. The legislation controlling the possession of firearms and shot guns by young people is contained in sections 22 - 24 of the Firearms Act 1968 and section 16 of the Firearms (Amendment) Act 1988. These sections, amongst other things, make it an offence, except in very limited circumstances, for a person under fourteen to have in his possession any section 1 firearm or ammunition. A person under the age of fifteen may not have with him an assembled shot gun unless supervised by someone of twenty-one or over, or unless the gun is so covered with a securely fastened gun cover that it cannot be fired. It is also an offence for a person under seventeen to purchase or hire any firearm.

Statutory provisions - air weapons

4.4 Section 1(3)(b) of the Firearms Act 1968 provides that low powered air weapons, that is those not of a type declared specially dangerous by the Secretary of State, are excluded from certificate control. However, such weapons still constitute firearms within the meaning of the Firearms Acts. Under the Firearms (Dangerous Air Weapons) Rules 1969 air pistols capable of discharging a missile possessing a kinetic energy in excess of six foot pounds and air weapons other than air pistols, with a kinetic energy in excess of twelve foot pounds have been declared as specially dangerous and are subject to the certification requirements of the Firearms Acts. These Rules have been further amended in respect of low-powered disguised air weapons by the Firearms (Dangerous Air Weapons) (Amendment) Rules 1993.

**Consideration and
recommendations**

4.5 Although air weapons are exempt in many cases from certificate control, their use for criminal purposes is penalised in the same way as the misuse of any other firearm. There are restrictions on the possession and use of air weapons by young people under the age of seventeen.

4.6 We read very carefully the Standing Committee's debates and share the concerns expressed there about the misuse of air weapons. We also reconsidered the papers put before the Committee in 1994-95 and looked afresh at the provisions on young people and air weapons.

4.7 The Minister had asked that the Committee should give its response on these issues before the Firearms (Amendment) Bill had completed its passage through both Houses if possible. The Chairman therefore wrote on 14 January with our response which is reproduced as Annex E in this report.

4.8 With regard to air weapons, the Committee observed that the number of offences committed with an air weapon in England and Wales had increased from 4,800 in 1988 to 7,500 in 1995. But most of these offences (5,700 in 1995) were of criminal damage and it is likely that these offences are increasing because of the effect of inflation on the definition of criminal damage which records all damage to the value of £25 or greater.

4.9 We noted that personal injury offences committed with an air weapon have fallen from 1,762 in 1989 to 1,401 in 1995 and the overall proportion of firearms offences in which an airgun was used fell in the same period from 35% to 18%. Against that background we do not think that there is a case for the considerable step of extending full firearms licensing to air weapons as had been suggested.

4.10 We also considered whether the muzzle energy limits above which air weapons need to be certificated should be reduced. We concluded that there was no evidence to suggest that the existing muzzle energy limits were inappropriate.

4.11 On the issues of air weapons and young people therefore we *recommend* no departure from our earlier recommendations.

4.12 In respect of young people, we remain of the view that the law should be reviewed, because it is unduly complex and restrictive. However, we could not undertake such a review in the time available to us, which was dictated by the Bill's rapid progress and concluded that this should be carried out as soon as possible, preferably as part of a root and branch review of firearms legislation generally.

CHAPTER 5

Appeals

Background 5.1 In his report of his inquiry into the shooting at Dunblane Primary School on 13 March 1996, Lord Cullen, at recommendation 22, proposed:

“Consideration should be given to the reform of the scope for appeal against a decision of the chief officer of police by restricting it to enumerated grounds which do not trench on the exercise of his discretion (para 8.119).”

5.2 In its response published on 16 October the Government said:
“The Government accepts this recommendation and, subject as Lord Cullen suggests to further study and consultation with interested bodies on the exact terms of the change, will bring forward the necessary legislation.”

The Present Right of Appeal 5.3 Section 44 of the Firearms Act 1968, as amended, provides a right of appeal to the Crown Court in England and Wales and to the Sheriff in Scotland against decisions of chief officers of police in relation to the exercise of their discretion on various matters set out in the Firearms Act 1968, including refusal to grant firearm and shot gun certificates, refusals to vary certificates and revocation of certificates.

Lord Cullen’s Report 5.4 In paragraphs 8.112 - 8.119 of his report Lord Cullen explains the development of the case law on the right of appeal both in England and Wales and in Scotland. It is now clearly established in England and Wales (although, as Lord Cullen remarked, there is uncertainty about the position in Scotland) that the appellate court hears the case *de novo* and, if the appeal is successful, it substitutes its own decision for that of the Chief Constable. Lord Cullen considered that the more appropriate approach was to recognise the discretion of the chief officer of police and limit the scope of appeal to enumerated grounds which between them should cover the areas in which there should be room left for appeal. By way of illustration, he referred to the appeals provisions in the Licensing (Scotland) Act 1982 - under which the opportunity for appeal against certain decisions is limited in cases in which the decision makers have either (i) erred in law; (ii) based their decision on an incorrect material fact; (iii) acted in a manner contrary to the requirements of natural justice; or (iv) exercised their discretion in an unreasonable manner. He considered that similar principles could apply to firearms appeals.

Consultation and consideration 5.5 The Committee along with the judiciary, the police and shooting organisations were consulted on the way forward for appeals. The Government circulated a consultation paper which is reproduced at Annex F to this report.

5.6 As that paper notes we have previously recommended that there be a form of independent appeals tribunal which might be quicker and cheaper than the cumbersome and expensive system of appeal to the Crown or Sheriff Courts. However, we reconsidered

the issue of appeals carefully and were grateful for a paper on the subject from the Shooting Sports Trust as well as the consultation document.

5.7 Lord Cullen's report made it clear that the present appeals system should be reconsidered. Given that there was a divergence of case law between England and Wales and Scotland we were concerned that if the present system were left unmodified by the Firearms (Amendment) Bill this would imply Parliamentary approval for the differing arrangements north and south of the border.

5.8 We considered that if the discretion of the chief officer was to be meaningful and the responsibility for firearms administration rest with him then the courts should not be able simply to replace the chief officer's decision with their own.

5.9 We thought that it was important that a chief officer should be able to take into account additional material which would normally be inadmissible in court. This might cause particular problems if the chief officer's decision rested on 'intelligence information', for example from an informant. While the principles of natural justice would seem to require that the appellant should be able to answer the case against him, this could involve placing confidential police sources at risk. In these circumstances, the police might decide not to contest an appeal against the risk of having to reveal sources.

5.10 We considered that these problems might best be dealt with by using a tribunal or independent arbiter as an avenue of appeal instead of the Crown or Sheriff Court. This might provide a cost effective and simple means of testing a chief officer's decision. The problem of revealing confidential information to the appellant would remain.

5.11 Alternatively, we considered that a tribunal, or a sub-committee of an existing statutory body, such as the FCC which has chief constables amongst its members, might be able to consider a chief officer's initial concerns about a case before a final decision was reached. This would allow the chief officer to make a decision with the added benefit of independent advice.

5.12 We recognised that the issue of appeals was complex and its gravity was amply demonstrated by

- a) the events at Dunblane; and
- b) the views expressed by Lord Cullen.

5.13 This is a particular area in which the haste with which the legislative programme progressed allowed inadequate time for proper consideration of the issues. We accept that the immediate establishment of an appeals tribunal without time for full and proper consultation would have been premature. Nevertheless we believe that in

the Firearms (Amendment) Bill the Secretary of State should have been given a power to establish a tribunal allowing time to determine the precise role and function of such a body.

Changes to appeals under the Firearms Acts

5.14 The comments above were provided to the Government as part of the consultation process. *We are disappointed that the section which was inserted into the Bill (section 41 of the Act) did not allow for the setting up of an appeals tribunal.*

5.15 Section 41 makes it clear that an appeal is to be determined on its merits, that is, as a full rehearing rather than as a judicial review. It also makes it clear that the appellate court can consider any evidence or other matter which the chief officer of police could have considered in reaching his decision, whether or not it was available to him when he made his decision. This is in direct contrast to what we suggested in paragraph 5.8 above.

5.16 These changes are designed to clarify the position for appeals in both Scotland and in England and Wales, to bring it into line with the conclusions of *Kavanagh v the Chief Constable of Devon and Cornwall* [1974, QB624]. This essentially confirms the arrangements under which appeals have been made in England and Wales, and removes the uncertainty which has affected cases in Scotland. We will be interested to see what material differences this change makes in practice.

CHAPTER 6

Target Shooting Clubs

The effect of the Firearms (Amendment) Act 1997 on target shooting clubs

6.1 The 1997 Act is having a devastating effect on target shooting clubs. With the prohibition of high calibre handguns full-bore pistol shooting will cease, and, given the Firearms (Amendment) (No.2) Bill now before Parliament, small-calibre pistols look set to be banned too. Under the 1997 Act small-calibre pistols (those firing .22 rim-fire calibre ammunition or less) would have been required to be kept in licensed pistol clubs under stringent security. They would not have been able to be removed from clubs unless the individual obtained a section 13 permit from the police and got another person authorised by the police to carry it for him outside the club. In addition, everyone who shot at a licensed pistol club (with the very limited exception of 'starter shooters') would have been required to have a firearm certificate.

6.2 Rifle and muzzle-loading pistol clubs will continue to be able to be approved. Everyone who has a firearm certificate for target shooting only will in future be required to be a member of at least one approved club. Lord Cullen made a number of other recommendations about approved clubs which the Government intends to introduce administratively through changes to the club criteria and which are discussed below.

Starter shooters and section 13 permits

Consideration

6.3 A considerable amount of our work during the year was devoted to issues surrounding starter shooters at the proposed licensed pistol clubs and the section 13 permits that would have been required to remove small calibre pistols from those clubs. This work was in vain given the introduction of the Firearms (Amendment) (No. 2) Bill and we therefore do not intend to report in detail our discussions on these subjects.

Draft consultation papers on approved clubs and licensed pistol clubs

6.4 The Committee was asked to consider draft consultation papers on the new criteria and conditions for approved target shooting clubs and for licensed pistol clubs. We decided that this would best be done by a sub-Committee. The sub-Committee consisted of members of the Committee with particular knowledge about clubs, police representatives and a representative of the Muzzle-Loaders Association. It was chaired by the Home Office. This section of the report sets out the findings of the sub-Committee.

Background

6.5 The Firearms (Amendment) Act 1997 makes significant changes to the approval arrangements for target shooting clubs. The Government is also making changes, not contained in the Act, which are needed to implement Lord Cullen's specific recommendations about these clubs which were included in his Report. The background to the existing criteria for rifle and pistol clubs was contained in our Sixth Annual Report.

The sub-Committee's Report

6.6 The sub-Committee considered the draft proposals for approved and licensed clubs and suggested a number of changes which were accepted by the Home Office. It recommended that the Home Office and Scottish Office issue the consultation papers in this amended form as soon as possible.

6.7 Since the sub-Committee's meeting, the Government has introduced the Firearms (Amendment) (No. 2) Bill which would prohibit all handguns, including small-calibre pistols. We understand that the Government will not therefore be issuing the consultation paper about small-calibre pistol clubs unless Parliament decides against a prohibition of this type of firearm. But the Government will shortly issue the paper about approved rifle and muzzle-loading pistol clubs.

Approved rifle and muzzle-loading pistol clubs

Section 7 permits

6.8 The sub-Committee noted that while Section 7 permits had usually been granted by the police to allow temporary possession only, it was in theory open to the police to grant permits allowing the use of the guns. Many shooters have been holding their handguns on Section 7 permits in order to keep them without renewing their firearm certificates until the 1997 Act has been implemented. In the absence of case law on this point, the sub-Committee suggested that the Home Office should issue guidance to the police that shooting under a Section 7 permit was permissible.

Small-bore rifles

6.9 Club members (and anybody else who is not prohibited from possessing a firearm) can shoot small-bore rifles without a firearm certificate, under section 11(4) of the Firearms Act 1968 (conduct of miniature rifle ranges). Use of this exemption was by no means confined to showmen. The sub-Committee suggested that the consultation paper should confirm that this exemption continues to apply, and also set out the use which club members could make, without a firearm certificate, of shot guns and non-certificated air and CO₂ powered weapons.

Notifying membership applications

6.10 Lord Cullen recommended that clubs should notify the police of applications for membership. But in practice there is some uncertainty as to whether the police can tell the club anything significant or adverse about an applicant's background without breaching data protection legislation. Furthermore, club officials who acted on police information could be vulnerable in law if they had refused a person membership or expelled them.

6.11 The sub-Committee concluded that this could be dealt with by including a disclaimer on the membership application form, requiring the applicant to agree that the club can make reasonable inquiries as to his or her background and that the police may release information covered by the Data Protection Act. Some shooters might see this as a loss of their right to privacy. When the full Committee considered this point we thought it was sufficiently

important to be included in the consultation paper, together with a suggestion that the potential club member should obtain his own print out from the police before applying for membership.

6.12 The sub-Committee noted that clubs would need to know when they should inform the police during the application procedure. It can sometimes be hard to tell the difference between vague expressions of interest in joining a club and a formal application, and there are some applications which are rejected out of hand and in which police involvement would be pointless. The sub-Committee thought that the formal consideration of an application by the club committee would be an appropriate point for referral to the police. It would help if the club criteria reflected that.

Muzzle-loading pistol clubs

6.13 The sub-Committee considered whether existing pistol clubs which held approval under section 15 of the Firearms (Amendment) Act 1988 would be automatically approved under the new legislation as muzzle-loading pistol clubs. If they were not, it would mean that approved pistol clubs which wished to allow members to continue shooting muzzle-loading pistols without a firearm certificate specifically allowing them to do that would need to apply to the Home Office or Scottish Office for new approval as muzzle-loading pistol clubs. The sub-Committee noted that the MOD had generally treated club ranges approved for full-bore pistol as suitable for muzzle-loading pistol. The full Committee considered that it would be better if no distinction were made between muzzle-loading pistol clubs and other muzzle-loading clubs and that they should all be referred to as muzzle-loading clubs.

Role of national organisations

6.14 The sub-Committee considered that the draft criteria should require that the club is a genuine target shooting club (as opposed to one carrying out bodyguard training or other unsuitable activities). The sub-Committee discussed whether clubs might be required to be affiliated to national shooting organisations, for example those affiliated to the Great Britain Target Shooting Federation. This would make it easier for them to regulate the clubs. On the other hand, clubs which did not wish to do so would object to having to join a particular organisation. The sub-Committee concluded that Home Office guidance to the police might suggest that clubs should generally be affiliated, and those that are not should have a good reason for their position.

Attendance records

6.15 The sub-Committee discussed Lord Cullen's recommendation that clubs should keep an attendance record. The proposed new criterion was that 'the club will maintain a register of the attendance of all members, together with details, for each visit, of the firearms they used and the competitions, if any, in which they took part'.

6.16 The sub-Committee agreed that the police needed to confirm the extent to which an individual shooter was using the firearms on his certificate and thus whether his 'good reason' for possessing

them was valid. Clubs would generally keep a record of attendance for safety and security reasons quite apart from any official need to do so. But many shooters belonged to several clubs, and it would be inefficient for the police to ask several clubs to check records over several years for references to a particular shooter. If several clubs met for a competition organised by a host club, there could be confusion over who was responsible for keeping the records on individual shooters.

6.17 The sub-Committee accepted that the Government had already said that it would implement this Lord Cullen recommendation. It nevertheless thought it would be more practical for each shooter to keep a log-book of his shooting, in which details could be entered by club officials. The police would then have the information in one place, and could easily check individual entries with clubs for veracity. A similar system was already in use in the Netherlands.

6.18 Such information might also be of use to shooting bodies to confirm handicaps and attendance. Shooters would wish to provide such information to the police to speed the renewal of their certificate. We considered that the idea of a log book had considerable merit and could perhaps be introduced on a voluntary basis as an initial step.

Day membership

6.19 The sub-Committee discussed day membership of approved clubs. The criteria and approval conditions prohibited this. But it was not clear whether that prohibition extended to day membership for people who only used non-certificatable weapons such as air guns. That might conceivably compromise security at the club but the sub-Committee thought that clubs should be able to grant day membership for the use of such weapons.

Standard approval conditions

6.20 The sub-Committee queried why it was necessary for approved clubs to be subject to approval conditions. The current arrangement was that clubs were told that their approval would be at risk if they did not continue to meet the criteria, and it was not clear what advantage there was in changing this. It was explained to the full Committee that the reason for the change was so that it was clear what a constable or civilian officer could inspect in respect of a club and because some doubt had been cast on the enforceability of the criteria (Lord Cullen had recommended that they be put on a statutory basis).

School clubs

6.21 The sub-Committee thought that the reference to shooting being part of the curriculum of a school implied that it had to be a compulsory part of the teaching programme. The reality in many cases was that it was an approved sporting activity like any other. The Home Office agreed to change the reference in the consultation paper accordingly.

- 6.22** The sub-Committee agreed that school clubs did not need to record the details of all pupils shooting. But they should do so for any firearm certificate holders who shot at the club. The police liaison officer and the 'responsible person' could be different people, for example a sports teacher and the school's Sergeant Major.
- Licensed small-calibre pistol clubs - consultation paper**
- 6.23** The sub-Committee also recorded a number of detailed points on the criteria and conditions for licensed small-calibre pistol clubs. In view of the Firearms (Amendment) (No. 2) Bill. We do not intend to record those here.
- Consideration and Recommendations**
- 6.24** The Committee were extremely grateful for the detailed consideration given to this issue by the sub-Committee. With the qualifications noted above *we support the sub-Committee's conclusions and recommendations in full and we recommend that the consultation paper be issued as soon as possible to allow proper consultation to take place.*
- 6.25** In discussion the Committee agreed some minor drafting amendments to the criteria and conditions recommended by the sub-Committee. The new criteria and conditions for rifle and muzzle-loading clubs and for clubs in schools which *we recommend* are at Annex G.

CHAPTER 7

Other issues

Police administration of the Firearms Acts

7.1 Whilst 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, we are nevertheless concerned about the actions of some police forces that have been reported to us during this working year. Since the publication of Lord Cullen's report police forces have understandably been much more cautious and diligent in their administration of the firearms licensing system. However, information was brought to the attention of the Committee that some forces have taken this to extremes and have been advocating that certificate holders should reduce the number of firearms and/or shot guns that they hold and have been applying the same tests to shot gun certificate applications as apply to firearm certificates, particularly in respect of good reason.

Standard police enquiry form

7.2 Of relevance in this context is the fact that we were asked to comment on a draft enquiry form which the police intend to use for making enquiries into applications for the grant or renewal of firearm or shot gun certificates. The form had been designed by the Association of Chief Police Officers (ACPO) and the Association of Chief Police Officers in Scotland (ACPO(S)) following Lord Cullen's endorsement of the use of checklists by enquiry officers.

7.3 We welcomed in principle the use of a single form by enquiry officers rather than different forms being used by different forces as at present and we were pleased that the police had consulted us on what was primarily an internal police form. However, we were concerned by a number of questions on the form which seemed peripheral to the application such as trying to obtain details of all shooters who had access to a piece of land. The form also seemed to require the enquiry officer to obtain details of where and at what club a shot gun certificate applicant was going to shoot contrary to the current negative good reason test for shot guns. One suggestion was that the enquiry form should be divided into questions to be answered in all cases and further questions which should be pursued if the answers to the original questions are not satisfactory. We have passed on our concerns to ACPO and ACPO(S).

Game Licences

7.4 We are dismayed to note that, despite the then Home Secretary's assurances in July 1994 that the Game Licence for taking game was to be abolished, to date no progress has been made and a game licence is still required. We hope that this is an issue which can be dealt with early in a new Parliament.

Obtaining firearm by deception

7.5 It was drawn to the Committee's attention that the maximum penalty for the offence of making a false statement to obtain a firearm certificate contrary to section 26(5) of the Firearms Act 1968 was triable on summary conviction only, with a maximum penalty of six months imprisonment.

7.6 One of our members was aware of a case recently where a serious offence was involved but because the offence of obtaining a

firearm by deception was summary only a higher penalty was not available. *We therefore recommend* that the offence under section 26(5) of the Firearms Act 1968 should be triable either way.

**Legal status of
magazine**

7.7 A magistrates court case was brought to our attention where a man had been prosecuted for possession of magazines for automatic weapons on the basis that these were 'component parts'. We noted in our Third Annual Report that magazines were generally accepted as accessories rather than component parts. This is the position which the Home Office and the Forensic Science Service have taken.

7.8 Whilst we accept that this decision was taken in a magistrates court and is therefore not binding in terms of case law, we are concerned that the recommendation in our Third Annual Report that a definition of 'component part' should be included in the Firearms Acts has not been implemented. It should also be noted that this was one of the issues which the Chairman had invited the Home Secretary to include in the Firearms (Amendment) Bill. In the light of this case and continuing uncertainty about what constitutes a 'component part' *we reiterate our earlier recommendation*. In the meantime *we recommend* that the Home Office should give advice to the police that magazines are not component parts.

CHAPTER 8

Summary of Recommendations

Chapter 2: Lord Cullen's Report and the Firearms (Amendment) Bill

The Committee recommended that:

- there should be a complete consolidation of the numerous Firearms Acts at present in force (paragraph 2.4);
- there should be a measured but more fundamental review of the firearms legislation with a view to a new Act (paragraph 2.4).

Chapter 4: Young shots and air weapons

The Committee recommended that:

- there should be no departure from the recommendations in our Sixth Annual Report (paragraph 4.11).

Chapter 6: Target Shooting Clubs

The Committee recommended that:

- the sub-Committee's recommendations should be accepted with the qualifications noted in the chapter (paragraph 6.25);
- the consultation paper on approved clubs be issued as soon as possible to allow proper consultation to take place (paragraph 6.25); and
- the new criteria and conditions as recommended in Annex G be adopted for approved rifle and muzzle-loading pistol clubs and clubs in schools (paragraph 6.26).

Chapter 7: Other Issues

Obtaining firearm certificate by deception

The Committee recommended that:

- the offence under section 26(5) of the Firearms Act 1968 should be triable either way (paragraph 7.4).

Legal status of magazines

The Committee recommended that:

- the recommendation in our Third Annual Report that there should be a definition of a component part should be adopted (paragraph 7.8); and
- in the absence of legislation the Home Office should give advice to the police that magazines are not component parts (paragraph 7.8).

ANNEX A

Firearms (Amendment) Act 1988 (as amended)

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 Firearms Acts 1968 to 1997.

(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 1996**

2. The Firearms Consultative Committee shall, following the expiry of the period of its existence specified in article 2 of the Firearms (Amendment) Act 1988 (Firearms Consultative Committee) Order 1993 (b), continue to exist for a period of three years beginning on 1st February 1997.

ANNEX B

Biographies of members relevant to their appointment to the Committee and record of attendance at meetings 1996/97 [in brackets] (including sub-Committee meetings)

- Mr A T Burden** [1/8] Chief Constable, South Wales Constabulary. Chairman of the Association of Chief Police Officers Crime Committee Sub-Group on the Administration of Firearms.
- Mr B Carter** [8/8] Director of the Gun Trade Association. Secretary of the Shooting Sports Trust. Member of the British Shooting Sports Council. Several times Great Britain Team Manager at various shooting Grand Prix, European and World Championships.
- Mr D E J Dracup** [5/6] Solicitor. Retired Chief Crown Prosecutor for the South East Area of the Crown Prosecution Service. Member to 31 January 1997.
- Mr K Drummond** [9/9] QC. Former Home Advocate-Depute for Scotland. Former council member of UK Practical Shooting Association (UKPSA). Council member of Scottish Association for Country Sports. Competed in pistol and rifle competitions in UK and abroad. Participates in sporting shooting. Member of British Association for Shooting and Conservation, British Field Sports Society, and National Rifle Association.
- Mr C A Ewing** [9/9] Former Chief Executive of National Rifle Association. Member of British Shooting Sports Council and of the Management Committee of the Great Britain Target Shooting Sports Federation. Formerly Regular Soldier (Colonel).
- Mr J D Hoare** [5/5] Member from December 1996. Secretary of the National Small-bore Rifle Association. Chairman of the Great Britain Target Shooting Federation, Treasurer British Shooting Sports Council, Former Regular Soldier (Lieutenant Colonel).
- Mr B Hughes** [2/2] Barrister. Assistant Chief Crown Prosecutor for London. Member from 1 February 1997.
- Mr N Sanderson** [4/4] Head of Operational Policing Policy Unit, Home Office to 31 December 1996.
- Mr V Clayton** [4/5] Head of Firearms Section, Operational Policing Policy Unit, Home Office from 1 January 1997.
- Mr M Jones** [4/8] Labour MP for Clwyd South West since 1987, experienced target shooter.
- Mr D Macniven** [8/8] Head of Police Division, Scottish Office.
- Mr P Misselbrook** [2/5] Solicitor. Member of Federation of Field Sports Associations of the EEC (FACE). Member to 31 January 1997.
- Dr I Oliver** [9/9] Chief Constable, Grampian Police

- Mr D J Penn** [10/10] Keeper, Exhibits and Firearms, Imperial War Museum. Fellow of the Society of Antiquaries. Liveryman of the Worshipful Company of Gunmakers. Office holder in Muzzle Loaders Association of Great Britain and Historical Breechloading Smallarms Association. Member of British Shooting Sports Council, Arms and Armour Society and National Rifle Association. Has represented Oxford University and County of London in pistol shooting. Also shoots rifle and shot gun.
- Mr R J Pitcher** [7/8] 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** [8/8] International shot, current member of Great Britain rifle team. First woman to win Grand Aggregate at Bisley. Also enthusiastic deer stalker and rough shooter.
- Lord Tollemache** [4/8] Farmer and landowner. Over 40 years experience of game shooting, clay pigeon shooting, deer stalking and target shooting, both civilian and military.
- Mr T Warlow** [9/9] 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 C

Text of letter from the Chairman to the Home Secretary 27 October 1996

As you will be aware, the Firearms Consultative Committee of which I am Chairman has a statutory remit to advise you on matters dealing with firearms legislation generally and how it might be improved.

The Committee met on 23rd October to discuss at length Lord Cullen's report and the Government's response. A further meeting has been arranged to discuss the Bill. The meeting was, as is customary, attended by a number of Home Office officials, some of whom have ex-officio membership. I thought it only appropriate in view of the political delicacy of some of the issues to formally record that the comments which follow as to the Committee's deliberations are the views of the Committee exclusive of those officials some of whom are at this time carrying out roles of some sensitivity.

The Committee recognises the political realities of the present situation but urges upon you the view that, as in 1988, legislation is being embarked upon in haste in a programme which does not allow for proper scrutiny. You will of course recall that a great many of the recommendations contained in our seven Annual Reports to date have been recognised as making a significant, and in some cases much needed, contribution to the existing legislative structure and have been earmarked as "awaiting suitable legislative opportunity". My Committee has been given to understand that those recommendations which require primary legislation would be dealt with "at the earliest opportunity which the legislative programme allows".

I believe that that time is now and that many of the recommendations are non-contentious matters which will make a contribution to the improvement of our firearms legislation. You will not need me to tell you that that legislation is becoming more and more complex and is in need of radical review.

I recognise of course that the forthcoming Bill is likely to restrict itself to the response to the narrow issues arising from Cullen but I urge upon you that you take advantage of this opportunity to incorporate provisions covering other areas on which the Firearms Consultative Committee has reported the need for improvement. In particular, I recommend to you the following areas and would welcome the opportunity of discussing the advantages of some aspects of them viz:-

- * Computerisation of Dealers Registers. This is non-contentious: it has been agreed by the FCC and the Home Office, and in theory at least should be "waiting in the wings." It represents much needed improvement in control.
- * Low powered CO₂ weapons to be removed from Section 1 control and treated in the same way as air weapons. There is international competition for these weapons: their present position is an anomaly and it can be said that this proposal is

an encouragement to depart from firearms and concentrate on air weaponry.

- * A separate Collector's Certificate should be introduced with suitable safeguards which have been explored: this too is consistent with a retreat from active weaponry and has also been described as "awaiting suitable legislative opportunity."
- * Component parts: you will be aware that the definition of a component causes it to be a "firearm". This is a situation which may have implications for the Compensation Scheme and our proposed change would be consistent with the direction of current policy. On one view it could have significant implications for the cost to HMG of the proposed compensation.
- * The establishment of an Independent Firearms Appeals Tribunal
- * The Exemption of such handgun users i.e. Veterinary Surgeons, Hunt Servants, Game Keepers, pest control officers and Zoos and Knacker men, to name a few.

It would be a great pity if this legislative opportunity were missed to correct many if not all of the anomalies of the 1988 Act.

The Firearms Consultative Committee considers that it is imperative that the legislation now being enacted must be carefully scrutinised to ensure that it does not carry the seeds of future problems and it must be kept under review by an independent body such as my Committee. I mention this latter point by reason of the fact that the FCC is due to come to an end on January 31 1997. I would also welcome the opportunity of discussing with you the future of the Committee.

Finally, and although the FCC's statutory remit may not extend to matters such as compensation, I have to inform you that profound concern was expressed at our last meeting that many specialist manufacturers of and dealers in handguns were facing bankruptcy through no fault on their part. Personally, I believe that the present situation will have very serious and far reaching consequences for the owners of such business, their employees and their families. I will support the Government in its plans for the course proposed but I will be urging sympathetic treatment for those whose businesses have been blighted.

ANNEX D

Text of letter from the Chairman to the Home Secretary 14 January 1997 about expanding ammunition

The Firearms Consultative Committee met yesterday to discuss a number of issues pertinent to the Bill currently before the House of Lords. One of the issues addressed was that of expanding ammunition, where the Government has accepted that such ammunition can be used for further purposes including the shooting of deer and the humane destruction of vermin and, I assume therefore, ground game (as defined in The Ground Game Act). I understand that the 'zeroing' of rifles using such ammunition has also been accepted, which is sensible as it ensures a clean and efficient despatch of the quarry. However, I must report to you the further view of the FCC on this matter, and I hope that you will find it possible to expand the definition accordingly.

The FCC expressed profound concern over the administration of future legislation concerning expanding ammunition. Lord Cullen's intention appeared to be to deal with this subject in the context of large calibre handguns. The danger addressed by Lord Cullen will cease to exist under this Bill with regard to large calibre handguns.

Expanding ammunition is widely available for use in rifles. Although intended for the humane despatch of quarry species, it has also been used without problem or incident for target shooting with rifles, because of its common availability worldwide.

It should be stressed that the heavy-calibre rifle is capable of inflicting massive injury, whatever the nature of the projectile used. There are some arguments for saying that common types of expanding sporting bullets are in some circumstances safer than military style non-expanding bullets only in respect of their reduced propensity for ricochet.

The FCC accept that there has been a Government commitment to control of such types of expanding ammunition.

This is an avenue which the FCC would not have recommended had it been given prior consultation, for the primary reason that it is not capable of being policed.

I trust that the comments and recommendations listed above will be of assistance to you, and I urge you strongly to take note of them.

The Committee stands ready to provide further advice should such advice be required.

ANNEX E

Paper submitted by the Committee on Air Weapons and Age Limits to the Home Office on 14 January 1997

1. Background

1.1 In its Second Report in 1991 the Firearms Consultative Committee reported that it was aware

“.. that a number of incidents involving the misuse of air weapons has given rise to considerable and understandable public concern in recent years.”

It further reported that it had come to the view that

“consideration should be given to whether there is justifiable and demonstrable need for more stringent controls.”

Having examined the controls at that time the Committee concluded that it was not convinced that tightening of the present controls would reduce airgun misuse to any substantial extent. **(9.6)**

1.2 The Firearms Consultative Committee addressed the specific question of age limits when the subject was referred to it by the Home Secretary and the Secretary of State for Scotland following the matter being raised by Sheriff Lockhart in his Determination following a Fatal Accident Inquiry into an incident in Glasgow in March 1990. The Committee decided to “... consider these issues alongside our broad review of the statutory age limits ...” **(Third Annual Report 5.2.)**

The Committee reported at 5.3 that it “... *examined all aspects of the Firearms Acts as they relate to juveniles including the age at which a person should be permitted to hold a firearm certificate ...*”

This comprehensive examination included within its consideration the position in relation to air weapons. The Committee took note of the fact that a Home Office Working Group on the Administration of the Firearms Licensing System had considered the question of applications for firearms certificates by young people.

The Firearms Consultative Committee reported that

“... we did not feel that the evidence of misuse by young people was sufficiently pronounced to warrant changes to the very detailed restrictions which already exist on the acquisition and possession of firearms by minors.”

(It will be borne in mind that air weapons are firearms although exempted from the licensing process unless subject to the Firearms (Dangerous Air Weapons) Rules 1969).

The Committee’s formal recommendation was that no change was necessary to the existing controls.

1.3 The subject was revisited by the Firearms Consultative Committee in its Sixth Annual Report in 1995 and it was observed that

“... it was obvious that considerable care had gone into drawing up the existing detailed provisions and we would not want to recommend wholesale change without being sure that such change was appropriate.”

Accordingly it cannot be said that this is an area which has not been the subject of regular and careful scrutiny over recent years: indeed it has arguably been given more consideration than any other specific subject during the lifetime of the Firearms Consultative Committee.

2. The Present Regulatory framework:

2.1 (i) It will be noted that the existing provisions distinguish carefully between three different situations viz.

- (a) purchase or hire;
- (b) possession; and
- (c) “having with him” and that age limits of 14, 15, 17 operate in tightly defined separate circumstances. “Supervision” where required by the Act is set at age 21.

The amendment Tabled by the Opposition seeks to establish a blanket lower age limit of 17 for possession and 18 for purchase or acquisition. It does so simply on the assertion that

...“the present age limits, where they exist are wrong...”

- (ii) The structure with which it seeks to replace it is one which
...“seeks to permit young people to use an airgun or shotgun under supervision between the ages of 14 and 17: to use such weapons unsupervised at 17 and to purchase such weapons at 18.”

Whilst that may be a superficially attractive objective it is one which disregards the three different categories of “possession” referred to above which would simply be superfluous under the proposed structure and which adds nothing to the supervision provision, which is presumably to be regarded as satisfactory in its present form.

There is no logical reason in 1996 why the supervisory age of 21 (section 22(3)) should not be reduced to 18 as 21 was presumably selected as being the then age of attainment of majority.

- (iii) The proposed Amendment permits an 18 year old to
“purchase” a firearm but not to supervise its use for reasons which are not immediately obvious. It also ignores the effect

of section 22(5) which prohibits a person under 17 "... to have an air weapon with him in a public place except an "air gun ...which is so covered with a securely fastened gun over that it cannot be fired"... the effect of which is to enable a 17 year old to transport a securely covered air weapon to private premises (which includes land) where he is entitled to use it. The net result of the present provisions is not radically different in practice from the proposed amendment.

2.2 Section 22(1) creates the offence of purchasing a firearm under the age of seventeen. The Amendment simply seeks to increase that to eighteen without any explanation of why eighteen rather than seventeen would make any contribution to public safety: Cullen was specifically asked to deal with the subject of age limits and air weapons and carefully declined to make any recommendation on them (9.119): it is disingenuous to pray in aid the Cullen Report as a foundation for such an amendment.

In addition, the issues of age, firearms, and air weapons are addressed contemporaneously as if they represented a common problem with common solutions. They do not:

(Hansard 21/11/96. Col 74 [1/4] (Mr Doug Henderson) ...) " I wonder how many members of the Committee have fourteen year old sons and daughters. Those children are able to obtain a firearm certificate. Fourteen to seventeen year olds can be given an airgun as a gift ..."

The suggestion appears to be that a fourteen year old can simply drop in to his nearest Chief Constable and pick up a firearm certificate which is plainly absurd.

Nor does it help the debate when there is failure to recognise the distinction between "possession" and "having with him." viz.

Hansard Col 74: (Mr Doug Henderson) " ... section 22 of the Firearms Act allows a fifteen year old to possess an assembled shot gun..."

It does not: section 22(3) creates the offence of a person under the age of fifteen "... to have with him an assembled shot gun except while under the supervision of a person ... over the age of twenty one or while the shot gun is so covered with a securely fastened gun cover that it cannot be fired."

It will be remembered that it is an offence under section 2 to possess a shot gun without a certificate.

2.3 By failing to appreciate and apply these distinctions which are carefully drawn in section 22, and by confusing, in the proper sense of that word, the issues of age and air weapons, the amendment also

risks blundering through such carefully drafted provisions as section 11(1) viz.

“A person carrying a firearm or ammunition belonging to another person holding a certificate under this Act may, without himself holding such a certificate, have in his possession that firearm or ammunition under instruction from and for the use of that other person for sporting purposes only” ie the carefully crafted provision for the loader (section 11(1) is one of the exceptions to section 22(2).)

2.4 It should be appreciated that a person can possess a weapon without even being in the same county as the weapon: a person may have a weapon in his custody without being in possession of it and, of course a person can have a weapon with him. These are all concepts well known to the courts and are distinctions which can be of considerable importance.

“Scarman LJ emphasised that there was a substantial, not a semantic distinction between a person who ‘possessed’ a firearm and who ‘had one with him.’ Obviously the latter involves a close physical link and immediate control whereas the former did not.” (The law relating to Firearms p.6 [Clarke & Ellis] quoting *R v Kelt* [1977] 1 WLR1365 CA.)

Great care should be taken before there is any statutory interference with any of these concepts in the context of the Firearms Acts.

2.5 The existing regime has the benefit of being one which can be demonstrated to have been the subject of careful analysis and drafting: it is known; it is one which since its introduction has had significant effort expended in explaining it to parents, employers and young people; it is one which has been the subject of further scrutiny on a number of occasions since its introduction. The Committee observed that whilst the number of offences committed with an air weapon in England and Wales had increased from 4,800 in 1988 to 7,500 in 1995, most of these offences (5,700 in 1995) were of criminal damage and it is likely that these offences have increased due to the effect of inflation on the definition of “criminal damage”. The Committee also observed that the number of offences involving injuries caused by air weapons had fallen from 1,762 in 1989 to 1,401 in 1995 and the proportion of firearms offences in which an airgun was used fell in same period from 35% to 18%.

It is respectfully suggested that the arbitrary replacement of one set of age limits with another in the absence of an identified problem is not an appropriate step to take in the context of this legislation which is intended to be a response to the Cullen Inquiry.

2.6 In the context of the current Bill the Committee has also given further consideration to the question of the validity of the existing power levels approved for air weapons set by the Dangerous Air

Weapons Rules 1969. It reviewed the historical basis upon which the current levels were arrived at and the effects of any change. The subject is not a straightforward one and the Committee would be happy to prepare a fully argued paper dealing with the subject were that thought necessary. Suffice it to say at this stage that the Committee recommends that there should be no change in the existing power level regulations.

ANNEX F

Text of Government consultation paper on Appeals under the Firearms Acts issued in December 1996

1. This paper discusses, in the light of recommendations made by Lord Cullen in his report on the Dunblane tragedy, possible changes in the procedures for appeals against refusal or revocation of firearm certificates and other related decisions of a Chief Constable on firearms matters. It invites comments, particularly on **emboldened** questions.

Right of Appeal

2. The right of appeal from police decisions on firearms matters is set out in section 44 of the Firearms Act 1968, as amended. There is a right of appeal against the following decisions:-

- 2.1 Refusal to grant or renew a firearm or shot gun certificate (section 26);
- 2.2 Refusal to vary a firearm certificate - for example over where a gun may be fired or the amount of ammunition or number of guns which may be held (section 29);
- 2.3 Revocation of a firearm certificate, for example where it comes to notice that the certificate holder is no longer fit to be entrusted with a firearm (section 30);
- 2.4 Refusal to register someone as a firearms dealer (section 34);
- 2.5 Imposition, variation or refusal to vary conditions on a firearms dealer - for example a list of the number of guns he may hold in his stocks (section 36);
- 2.6 Refusal to register a new place of business by a firearms dealer, for example on the grounds of safety (section 37);
- 2.7 Removal from the register of a dealer's name or place of business (section 38).

Procedures for Appeal

3. Appeals in Scotland are made to the Sheriff, under the general summary application rules. In England and Wales, appeals are made to the Crown Court.

Lord Cullen's Report

4. Lord Cullen recommended (paragraph 8.119 of his report) a change in the basis on which an appeal should be heard. Recommendation 23 of his report was that:-

“Consideration should be given to the reform of the scope for appeal against a decision of the chief officer of police by restricting it to enumerated grounds which do not trench on the exercise of his discretion.”

5. In paragraphs 8.112 to 8.119 of his report, Lord Cullen examined case law on the right of appeal both in England and Wales and in Scotland, which has developed over the years. It is now clearly established in England and Wales (although, as Lord Cullen remarked, there is uncertainty about the position in Scotland) that the appellate court hears the case de novo and, if the appeal is successful, it substitutes its own decision for that of the Chief Constable. Lord Cullen considered that the more appropriate

approach was to recognise the discretion of the chief officer of police and limit the scope of appeal to enumerated grounds which between them should cover the areas in which there should be room left for appeal. By way of illustration, he referred to the appeals provisions in the Licensing (Scotland) Act 1976 and the Civic Government (Scotland) Act 1982 - under which the opportunity for appeal against certain decisions is limited to cases in which the decision makers have (i) erred in law; (ii) based their decision on an incorrect material fact; (iii) acted in a manner contrary to the requirements of natural justice; or (iv) exercised their discretion in an unreasonable manner. He considered that similar principles could apply to firearms appeals. In practice, that would make the grounds of firearms appeals very similar to those on which a citizen may seek judicial review of decisions of the executive.

6. The Government responded by accepting Lord Cullen's recommendation and, subject to further consultation and study with interested bodies, undertook to bring forward the necessary legislation. The intention would be to include a provision in the Firearms (Amendment) Bill which is before Parliament at present.

Grounds of appeal

7. Lord Cullen's recommendation emphasised the importance of avoiding the court trenching on the Chief Constable's discretion. **Should the Firearms Act 1968 be amended to make the grounds of appeal more certain and, if so, that they should be limited grounds recommended by Lord Cullen?**

Information which the Chief Constable can take into account

8. The clear intention underlying Lord Cullen's recommendation was that the Chief Constable should take into account all relevant information and in particular should be able to take into account information which would not be admissible as evidence in a court. Lord Cullen illustrates (paragraph 6.63 of his report) information which in his view should have been taken into account by the police in reaching a decision on whether or not to revoke Thomas Hamilton's firearms certificate. These include a much wider range of facts than whether Hamilton had a criminal conviction. The Government agrees with this line of reasoning and wishes to be certain that it is lawful for the Chief Constable and the appellate court to take account of all relevant information.

9. It appears as a matter of law, both in England and Wales and in Scotland, that the Chief Constable in making his decision can take account of all information available to him and in particular is not constrained by any rules of evidence. This was accepted, for example, in *Kavanagh v The Chief Constable of Devon and Cornwall* [1974 QB624].

10. **It is accepted that the Chief Constable, and the appellate court, should be able to take into account all relevant information, including information which would not normally be admissible in a court of law?**

Is any change in the law required to make it clear that the Chief Constable, and the appellate court, can do so?

Right to make representations

11. Lord Cullen considered (paragraph 8.109) whether the Chief Constable should be obliged to give the applicant an opportunity to make representations before the Chief Constable took a decision. He concluded that there should be no formal obligation to do so in every circumstance, although he noted that there may be circumstances where the requirements of natural justice indicate that an applicant should be given the opportunity to respond. This might apply particularly in cases of revocation or when an applicant's livelihood might be affected by refusal.

12. One way in which that might be done is for the Chief Constable, unless the circumstances of the case suggest otherwise, to issue a letter to those whose applications he is minded to refuse, setting out the reasons for refusal and providing an opportunity for the applicant to make representations (not necessarily orally) before the decision is finalised.

13. In what circumstances would it be necessary to give the right to make representations? Would any statutory provision be required? Would these procedures cause special difficulties for the police?

Giving of reasons

14. Lord Cullen considered (paragraph 8.110) whether the Chief Constable should be obliged to give reasons for his decision. He concluded that no such duty should be imposed. **Is this agreed?**

Use of confidential information

15. There may be occasions where the Chief Constable wishes to take into account information which is sensitive or confidential - for example, information from criminal intelligence sources about the involvement of an applicant in crime, or information provided by referees or others as to the character of an applicant. In line with paragraphs 8-10 and 11-14 above, a Chief Constable would be able to take into account confidential information. However, he might have to disclose that information in two circumstances: first, if there is a right to make representations (paragraphs 11-13 above); and, second, if there is an appeal.

16. To preserve the confidentiality of the information, the Chief Constable might reply solely on his right to withhold confidential information on the grounds of public interest. However, that might well call into question whether he could fairly use the information in making his decision and how it is to be dealt with on appeal. In certain cases, the Chief Constable might be placed in the difficult position of deciding to risk disclosing or prejudicing some confidential information or deciding not to make use of it or not to defend an appeal, with the result that a firearm certificate is granted to someone to whom it would otherwise not be granted. It may therefore be preferable to provide the Chief Constable with an express statutory right to make use of such information without being obliged to dis-

close it - and, where he has exercised his right and his decision is appealed, to provide him with a power to issue a certificate which would prevent the appellate court from considering the matter, even at the risk of denying an appeal.

17. Should the Chief Constable be given statutory protection of that kind?

Disposal of Appeal

18. The Government proposes that disposal by the appellate court should involve sending a case back to the Chief Constable with a direction to reconsider his position, depending on the outcome of the appeal. That would reinforce the point that the court is not substituting its judgement for that of the Chief Constable and would allow the Chief Constable, in reconsidering his decision, to take account of what the court has said. That procedure seems preferable to the alternative of giving the court the power to reverse or modify the Chief Constable's decision. **Does that seem a sensible change?**

19. Recent decisions (for instance, *Rodenhurst v Chief Constable of Grampian Police* [1992 SLT104]) have concluded that the appeal to the court is in its judicial rather than administrative capacity and that an appeal to a higher court is competent. In the Government's view, this would continue to be the case, even if the appeal arrangements were altered in the way recommended by Lord Cullen. **Is this satisfactory, or would further appeal be necessary or desirable (and, if so, should the grounds be limited to points of law only)?**

Other approaches

20. The Firearms Consultative Committee (Seventh Report for 1995-96) and others have advocated a tribunal-based appeals process to resolve disputes. The Deregulation (Model Appeals Provisions) Order 1996 has been suggested as a basis for such a tribunal. It contains model provisions for appeals against enforcement action, involving a tribunal under a chairman appointed by the Lord Chancellor in England and Wales and the Lord Advocate in Scotland, together with two other members who are respectively knowledgeable about the subject of the appeal and representative of the interests of people who are likely to appeal. Such a tribunal could be established for this purpose but it would of course have to be resourced separately from the courts.

21. It appears to the Government that the creation of such a tribunal would not address the most important concern raised by Lord Cullen: the need to avoid the appeals process trenching on the discretion of the Chief Constable. And it may not be possible to give the tribunal the last word: its decisions would be subject to judicial review. It is the case that a tribunal may have merit in resolving some disputes without recourse to the courts - though it would not necessarily give a quicker or cheaper solution than the present appeal arrangements. And it would be difficult to set up local tribunals equivalent to the present local appeal arrangements.

22. Would review by a tribunal be a substitute for appeal to the courts, or judicial review by the courts? If not, would it still be helpful in resolving disputes or by giving pointers to the questions at issue in an appeal? Would that justify the extra costs which are likely to be involved?

Conclusion

23. Are the appeal arrangements proposed in this paper preferable to the current arrangements? Is there a further option which is better yet?

ANNEX G

Draft criteria and conditions for approved clubs and clubs in schools

Proposed new criteria for rifle and muzzle-loading pistol clubs approved under section 15 of the Firearms (Amendment) Act 1988

- 1.** The club is a genuine target shooting club with a written constitution;
- 2.** the principal officers of the club are responsible persons who can be entrusted with the proper administration of the club;
- 3.** the club has at least 10 members at the time of application for approval and at all times whilst approved unless, exceptionally, the Secretary of State determines that there are special circumstances which justify a lesser number;
- 4.** members are of good character;
- 5.** the club must appoint a member to act as a liaison officer with the police;
- 6.** the club will maintain a register of the attendance of all shooting members, together with details, for each visit, of the firearms which they used and the competitions, if any, in which they took part;
- 7.** the club will inform the police of any holder of a firearm certificate who has ceased to be a member for whatever reason;
- 8.** the club will inform the police if any member who holds a firearm certificate has not shot with the club for a period of 12 months;
- 9.** the club will inform the police of any application for membership, giving the applicant's name and address, and of the outcome of any application;
- 10.** no application for full or probationary membership will be granted unless the applicant has informed the club of whether he or she has ever had an application for a firearm or shot gun certificate refused by the police, or had a certificate revoked;
- 11.** members not holding firearm certificates, prospective members and guests must sign a declaration that they are not prohibited from possessing a firearm or ammunition by virtue of section 21 of the Firearms Act 1968 (which applies to persons who have served a term of imprisonment);
- 12.** the club has regular use of ranges with safety certificates for the categories of firearm in respect of which approval is sought or given, as the case may be;
- 13.** the security arrangements for the storage of club firearms and/or ammunition are satisfactory;

14. the club does not run a day or temporary membership scheme;
15. the club does not have more than 12 **guest days** a year. Guest members must be either members of a recognised outside organisation or people who are known personally to at least one full member of the club;
16. guests must be supervised on a one-to-one basis at all times when handling firearms and ammunition, by either a full club member or someone who is a coach with a qualification recognised by the UK or national Sports Council. The club secretary must notify each guest day to the police firearms licensing department of the area in which the guest day is to take place, at least 48 hours in advance;
17. anyone who applies for **probationary membership** must be sponsored by at least one full club member;
18. before becoming a full member, individuals must have a probationary period of at least **3 months** during which time they must attend and shoot regularly. The probationary member must be given a course in the safe handling and use of firearms on a one-to-one basis by someone who is either a full member of the club or who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and governing bodies;
19. until a probationary member has satisfactorily completed a course in the safe handling and use of firearms, he/she must be supervised at all times when in possession of firearms or ammunition by either the range officer, or a full member of the club, or someone who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and/or governing bodies;
20. the probationary period may be waived, **at the club's discretion**, for someone who
 - a) is already a full member of another club which has been approved by the Secretary of State in respect of the same type or types of firearm; or
 - b) holds a firearm certificate; or
 - c) has handled firearms in the course of his/her duty in the police or the armed services, and has a statement made during the past 12 months from his/her existing or former senior/commanding officer saying that he/she is fully trained in handling the type of firearms in respect of which the club has obtained approval and is able to use them safely without supervision;
21. the club never has more probationary members than full members unless the Secretary of State determines that there are special

circumstances which justify a greater number of probationary members; and

22. there is nothing else that would make the club unsuitable for approval.

Proposed standard conditions to be attached to an approval for rifle and muzzle-loading pistol clubs approved under section 15 of the Firearms (Amendment) Act 1988

1. The club is a genuine target shooting club with a written constitution.
2. The principal officers of the club are responsible persons who can be entrusted with the proper administration of the club.
3. The club has at least 10 members.
4. All members are of good character.
5. The club has a member who is nominated as liaison officer with the police.
6. The club maintains a register of the attendance of all members, together with details, for each visit, of the firearms which they used and the competitions, if any, in which they took part.
7. The club will inform the police of any holder of a firearm certificate who has ceased to be a member for any reason.
8. The club will inform the police if any member who holds a firearm certificate has not shot at the club for a period of 12 months.
9. The club will inform the police of any application for membership, giving the applicant's name and address, and of the outcome of any application.
10. The club will not grant any application for membership unless the applicant has informed the club of whether he or she has ever had an application for a firearm or shot gun certificate refused by the police, or had a certificate revoked.
11. Members not holding firearm certificates, prospective members and guests must sign a declaration that they are not prohibited from possessing a firearm or ammunition by virtue of section 21 of the Firearms Act 1968.
12. The club has regular use of ranges with safety certificates for the categories of firearm in respect of which approval is given.

13. The security arrangements for the storage of club firearms and/or ammunition are to the satisfaction of the chief officer of police for the area or areas in which the firearms and/or ammunition are stored.
14. The club must not run a day or temporary membership scheme.
15. The club does not have more than 12 guest days a year. Guest members must be either members of a recognised outside organisation with target shooting connections, or people who are known personally to at least one full member of the club.
16. Guests must be supervised on a one-to-one basis at all times when handling firearms and ammunition, by either a full club member or someone who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and governing bodies.
17. The club secretary or liaison officer must notify each guest day to the police firearms licensing department of the area in which the guest day is to take place, at least 48 hours in advance.
18. Anyone who applies for **probationary membership** must be sponsored by at least one full club member.
19. Before becoming a full member, individuals must have a probationary period of at least **3 months** during which time they must attend and shoot regularly and be given a course in the safe handling and use of firearms on a one-to-one basis by someone who is either a full member of the club or who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and governing bodies.
20. Until a probationary member has satisfactorily completed a course in the safe handling and use of firearms, he/she must be supervised at all times when in possession of firearms or ammunition by either the range officer, or a full member of the club, or someone who is a coach with a qualification recognised by the Great Britain Target Shooting Federation and/or governing bodies.
21. The probationary period may be waived, **at the club's discretion**, for someone who
 - is already a full member of another club which has been approved by the Secretary of State in respect of the same type or types of firearm; or
 - holds a firearm certificate; or
 - has handled firearms in the course of his/her duty in the police or the armed services, and has a statement made during the past 12 months from his/her existing or former senior/com-

manding officer saying that he/she is fully trained in handling the type of firearms in respect of which the club has obtained approval and is able to use them safely without supervision).

22. The club never has more probationary members than full members (unless the Secretary of State has agreed that there are special circumstances which justify a greater number of probationary members).

Breach of the conditions of an approval is not in itself a criminal offence, but is liable to lead to withdrawal of the approval.

Proposed approval criteria for school target shooting clubs using full or small-bore rifles

1. Target shooting with full or small-bore rifles should be an authorised school activity.
2. All aspects of shooting at the school must be under the control of one experienced adult who is nominated by and responsible to the Head Teacher. This person must have personal experience of shooting with the weapons used at the club and at least one year's experience of exercising control of the age groups of pupils concerned.
3. The school must have regular use of ranges which are suitable for the categories of firearm to be used.
4. The security arrangements for storing the school firearms and ammunition must be satisfactory.
5. All shooting activities, including the handling of firearms and ammunition, must be supervised at all times either by the responsible adult at the school, or by at least one other equally experienced person nominated by the Head Teacher, or by someone who is a coach with a qualification recognised by the Great Britain target shooting federation and governing bodies.
6. Shooting on school premises is available only to
 - pupils, staff and parents of pupils of the school;
 - visiting teams from schools which have also been approved by the Home Secretary under section 15 of the Firearms (Amendment) Act 1988;
 - full members of rifle clubs approved under that section;
 - members of Cadet Corps approved under section 11(3) of the Firearms Act 1968; and
 - people who hold a personal firearm certificate and shoot in accordance with the terms of that certificate.

7. The school does not allow shooting by guests on more than eight days each year. On such occasions, only parents, guardians and other relatives of pupils of the school or other adults known to the person responsible for shooting, may handle firearms and ammunition. Guest members must be under constant one-to-one supervision when handling firearms and ammunition either by the responsible adult at the school or another equally experienced person nominated by the Head Teacher or someone who is a coach with a qualification recognised by the Great Britain target shooting federation and governing bodies. The Head Teacher or the responsible adult at the school must tell the local police about guest days at least 48 hours in advance.
8. The Head Teacher must appoint a person to act as a liaison officer with the police.
9. The school will maintain a register of the attendance of all members, together with details, for each session, of the firearms which they used and the competitions, if any, in which they took part.
10. The school will inform the police of any holder of a firearm certificate who has ceased to be a member of the club.
11. The school will inform the police if any member who holds a firearm certificate has not attended a meeting for a year.
12. There is nothing else that would make the school or club unsuitable for approval.

Proposed Standard Conditions to be attached to an approval for school clubs

1. Target shooting with full or small-bore rifles must be an authorised school activity.
2. All aspects of shooting at the school will be under the control of one experienced adult nominated by and responsible to the Head Teacher. This person must have personal experience of shooting with the weapons used at the club and at least one year's experience of exercising control of the age groups of pupils concerned.
3. The school has regular use of ranges which are suitable for the categories of firearm to be used.
4. The security arrangements for storing the school firearms and ammunition are satisfactory.
5. All shooting activities, including the handling of firearms and ammunition, must be supervised at all times either by the responsible adult at the school, or by at least one other equally experienced person nominated by the Head Teacher, or by someone who is a

coach with a qualification recognised by the Great Britain target shooting federation and governing bodies.

6. Shooting on school premises is available only to
 - pupils and staff of the school;
 - visiting teams from schools which have also been approved by the Home Secretary under section 15 of the Firearms (Amendment) Act 1988;
 - full members of rifle clubs approved under that section;
 - members of Cadet Corps approved under section 11(3) of the Firearms Act 1968; and
 - people who hold a personal firearm certificate and shoot in accordance with the terms of that certificate.

7. The school does not allow shooting by guests on more than eight days each year. On such occasions, only parents, guardians and other relatives of pupils of the school or other adults known to the person responsible for shooting, may handle firearms and ammunition. Guest members must be under constant one-to-one supervision when handling firearms and ammunition either by the responsible adult at the school or another equally experienced person nominated by the Head Teacher or someone who is a coach with a qualification recognised by the Great Britain target shooting federation and governing bodies. The Head Teacher or the responsible adult at the school must tell the local police about guest days at least 48 hours in advance.

8. There is a person appointed by the Head Teacher to act as a liaison officer with the police.

9. The school maintains a register of the attendance of all members, together with details, for each session, of the firearms which they used and the competitions, if any, in which they took part.

10. The school informs the police of any holder of a firearm certificate who has ceased to be a member of the club.

11. The school informs the police if any member who holds a firearm certificate has not attended a meeting for a year.

ANNEX H

Organisations and other interested parties which have submitted representations

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

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

ANNEX I

List of publications relevant to the Report

Firearms Act 1920	The Stationery Office ISBN 0 10 8504107
Firearms Act 1968	The Stationery Office ISBN 0 11 802339
Firearms (Dangerous Air Weapons) Rules 1969	The Stationery Office ISBN 0 11 090047 2
Firearms Act 1982	The Stationery Office ISBN 0 10 5431826
Firearms (Amendment) Act 1988	The Stationery Office ISBN 0 10 5445886
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Firearms Rules 1989	The Stationery Office ISBN 0 11 0968549
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Firearms (Amendment) Act 1988 (Firearms Consultative Committee) Order 1993	The Stationery Office ISBN 0 11 033390X
Firearms (Amendment) Act 1988 (Firearms Consultative Committee) Order 1996	The Stationery Office ISBN 0 11 063514 0
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Firearms (Amendment) Act 1997 (Firearms of Historic Interest) Order 1997	The Stationery Office ISBN 0 11 064571 5
Firearms (Amendment) Act 1997 (Transitional Provisions and Savings) Regulations 1997	The Stationery Office ISBN 0 11 064570 7
Firearms Law: Guidance to the Police	The Stationery Office ISBN 0 11 3409036
Home Affairs Committee Fifth Report Possession of Handguns	The Stationery Office ISBN 0 10 550526 9
The Public Inquiry into the Shootings at Dunblane Primary School on 13 March 1996	The Stationery Office ISBN 0 10 133862 7
The Public Inquiry into the Shootings at Dunblane Primary School on 13 March 1996 - The Government Response	The Stationery Office ISBN 0 10 133922 4
Firearms Consultative Committee First Annual Report	The Stationery Office ISBN 0 10 2543909
Firearms Consultative Committee Second Annual Report	The Stationery Office ISBN 0 10 257491X
Firearms Consultative Committee Third Annual Report	The Stationery Office ISBN 0 10 2074933
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Firearms Consultative Committee Fifth Annual Report	The Stationery Office ISBN 0 10 248894 0
Firearms Consultative Committee Sixth Annual Report	The Stationery Office ISBN 0 10 258895-3
Firearms Consultative Committee Seventh Annual Report	The Stationery Office ISBN 0 10 277196-0

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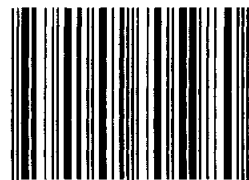
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