

FCC

FIREARMS CONSULTATIVE COMMITTEE

NINTH 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 1997-1998

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
23 July 1998*

**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 ninth Annual Report of the Firearms Consultative Committee.

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

THE EARL OF SHREWSBURY AND WATERFORD
Chairman

The Rt Hon Jack Straw MP
Secretary of State for the Home Department

CONTENTS

	<i>Pages</i>
1. INTRODUCTION	8
The Committee	8
Aims and Activities	8
Representations	8
The Future Role and Composition of the Committee	9
2. SURRENDER OF HANDGUNS AND COMPENSATION	11
Surrender of higher-calibre and small calibre firearms	11
Compensation payments by the Home Office	11
3. CRITERIA FOR APPROVAL BY THE HOME DEPARTMENTS OF RIFLE AND MUZZLE - LOADING PISTOL CLUBS	13
4. COMPONENT PARTS	14
5. MUZZLE-LOADING REVOLVERS	15
6. GALLERY RIFLES	17
7. SLAUGHTER AND HUMANE KILLING OF ANIMALS	19
8. FIREARMS FORMS	21
Reference Form	21
Dealers acting as referees	21
Variation Form	22
9. EXPANDING AMMUNITION	24
10. THE REFORM OF FIREARMS CONTROLS AND THE ROLE OF THE HOME OFFICE	26

	<i>Pages</i>
11. OTHER ISSUES	28
Firearms of Historical Importance	28
Notification by Dealers of remote sales	29
Inspection of Dealer's premises	29
British Western Shooting Society (BWSS) and 'End of Trail' shooting	29
Miniature Rifle Ranges	29
United Nations Work on Firearms Controls	30
Northern Ireland Review of Firearms Controls	30
'Good Reason' for large-magazine shotguns	31
Starting cannons for yacht races	31
White signal flares	31
Sound moderators for rifle shooting	32
Rifled air weapons - not to be classed as Section 5(1)(aba) Prohibited Weapons	32
12. SUMMARY OF RECOMMENDATIONS	34

ANNEXES

		<i>Pages</i>
Annex A	Section 22 of the Firearms (Amendment) Act 1988	36
Annex B	Membership of the Committee with details of their attendance	38
Annex C	Recommendations of the FCC Sub-Group on Component Parts	40
Annex D	Organisations and other interested parties which have submitted representations	44
Annex E	List of publications relevant to the Report	45

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 sporting or competition) or keeping of, or transactions in firearms; or weapons 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, and then again by a further three years 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 at Annex A. Lord Shrewsbury is the current chairman of the Committee.

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

Aims and Activities

1.4 Following the passage of the 1997 Acts, the work of the Committee this year has been mainly concerned with matters arising from the implementation of the new legislation. We appreciate the importance of ensuring that many of these measures were implemented promptly, but we remain concerned that in some areas the Government has proceeded with undue haste and without proper consultation. There is a risk that many of the difficulties and anomalies in firearms law and administration have not been properly dealt with and that this has caused unnecessary confusion and uncertainty and may even have jeopardised public safety.

1.5 This year we would note that discussions have been limited by difficulties in assembling and dispatching relevant papers to Committee members in good time for meetings, often stemming from difficulties in co-ordinating the work of the Committee with that of the Home Office and the police. The Committee is willing to co-operate fully in facilitating discussions but we must make clear that as a Statutory body we would wish to take a key role in discussions on firearms issues and that this role should not be vitiated by administrative convenience.

Representations

1.6 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

The Future Role and Composition of the Committee

1.7 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 shotgun certificates, or 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.

1.8 The Committee is conscious that there has been some criticism of its role and composition in recent years and that the Government has expressed a commitment to consider these issues in due course. The appointments of members to the Committee are due for consideration before they expire on 31 August 1998. Within the remit of the Committee to advise the Secretary of State on the working of the Firearms Acts, we would wish to offer our advice on the future role of the Committee.

1.9 We are concerned that many of the concerns about the Committee have sought to equate the Committee's independence from the Government with independence from all external influence, and its broad membership across those involved in firearms matters with a broad membership across the wider community. We should make clear that the Committee cannot be all things to all people. It has always included many members who, whether from their own background or as representatives of organisations, have strongly-held views on firearms matters. One of the great strengths of the Committee has been its experience of the practical aspects of firearms issues, whether from the shooting community or those involved in drawing up and enforcing the law. The Committee does not claim to represent the spread of opinion across the wider community. That is the proper role of the Secretary of State and ultimately of Parliament who are answerable to the electorate.

1.10 We are not complacent about the work of the Committee. We believe that the proper role of the Committee is to provide a forum for discussion between the main interested parties to improve the operation of the controls on firearms. In these discussions the preservation of public safety must be paramount, but any measures adopted must be practical and enforceable. In this respect the Committee has perhaps been most successful in dealing with problems of administration, interpretation and detail within the broad framework of the controls decided by Parliament.

1.11 We therefore believe that the current composition of the Committee in terms of interests should be broadly maintained although some changes will be necessary to meet criticisms that the shooting community are overly represented. That said, the Committee is not a voting body and in our reports we have sought to set out the concerns of all members before the Secretary of State. We would not wish to sacrifice the breadth of knowledge and experience on the Committee in

favour of appointments intended to achieve some form of equality of numbers between different points of view.

1.12 Within this framework, it would be helpful to expand the membership of the Committee beyond the shooting community. We have benefited from the broad spread of law enforcement experience on the Committee to date and we would be keen to maintain and develop this. Ideas which have been put forward for possible members have included a member of the Police Federation, an experienced firearms licensing officer, and an officer of HM Customs & Excise.

1.13 Following the Dunblane tragedy, a number of organisations were set up to campaign for stricter gun controls. The main group presently involved in this area is the Gun Control Network (GCN). Within the statutory constraints on membership, the Committee believes that there is a case for proper representation of this point of view on the Committee and we would welcome any steps by the Secretary of State to broaden the membership of the Committee to this effect.

1.14 In deciding the composition of the Committee, we would wish to advise the Secretary of State against two extremes. On the one hand, there is a risk that a Committee dominated by a consensus will become cosy and uncontroversial within itself, and strongly partisan in its dealings with the outside world. On the other hand, a Committee with irreconcilable differences of opinion risks never reaching a firm conclusion or recommendation, and throws into doubt the benefit of meeting at all. The consensus of the longer serving members of the Committee is that it has achieved over the years a good standard of constructive debate and avoided destructive polarisation on what we agree are often very controversial issues.

1.15 While the recommendations of the Committee have not always found favour with successive Secretaries of State, we believe that the Firearms Consultative Committee remains the best means of bringing together interested parties to discuss issues of public safety and the proper administration of the law. We believe that subject to a review of its composition to include more non-shooting interests the Firearms Consultative Committee should retain broadly its current membership and role, *and we so recommend.*

CHAPTER 2

Surrender of Handguns and Compensation

Surrender of higher-calibre and small-calibre firearms

2.1 The Committee would like to offer its appreciation of the actions and attitudes both of the police and of shooters in arranging the surrender of higher-calibre handguns and ancillary equipment between 1 July 1997 and 30 September 1997, and the surrender of small calibre pistols and ancillary equipment between 1 February and 28 February 1998. This underlines the law-abiding nature of legitimate firearms ownership in Britain and the responsible attitude of pistol owners in their compliance with, for them, so unwelcome a law is to be commended. In view of the great scope for confusion and frustration for all parties, we must compliment the police both for their successful administration of the hand-in and for the professionalism shown by the police staff involved.

Compensation payments by the Home Office

2.2 The Committee have followed with interest the progress in making payments under the compensation schemes agreed by Parliament for the surrender of handguns and ancillary equipment. We welcome the openness of the Home Office in providing figures and statistics for the ongoing work in this area. We are grateful to Mr Roy Henderson of the Home Office for attending meetings of the Committee to update members on the work in hand, and to the Home Office Firearms Compensation Section (FCS) as a whole for their hard work and professionalism in tackling a complex and difficult task, including dealing with instances of apparent fraud which the Committee wholly condemns.

2.3 We remain concerned at the delay in making payments over the past eleven months, and over the organisation of the schemes themselves. They contained a number of ambiguities and omissions which could have been removed had more time been made available to discuss them. We understand that there have been a number of problems relating to the ability of the FCS database to cope with the range and volume of the information to be held on it.

2.4 Administrative measures might have alleviated some of the problems. For example, there is no mechanism, even by means of a stamped addressed envelope or tear-off slip, by which the Home Office can notify a claimant that the claim has been received. The list of small-calibre handguns put forward under Option 'B' in the *ex gratia* payment scheme was too narrow to allow many claimants to enter common types of pistol under this option, obliging them to use Option 'C' to obtain proper compensation for their guns. The view of HM Customs & Excise that payments to dealers are subject to Value Added Tax (VAT) has added to the burdens on recipients and to the impression that the detail of the arrangements was not fully decided before the commencement of the scheme. We are aware of the interest of the National Audit Office in the administration of the scheme and we await the report to the Public Accounts Committee on this subject.

2.5 The prohibition on handguns was strongly opposed by most gun owners but, the decision having been taken by Parliament, we

understand that the vast majority of gun owners complied with the law. This underlined the law-abiding nature of legitimate firearms ownership in Britain, and the responsible attitude of pistol owners in their compliance with, for them, so unwelcome a law is to be commended. This prompt obedience to the law was matched by an expectation that prompt payment of compensation would be made according to the scheme agreed by Parliament and most gun owners have been sadly disappointed in this respect. It appears that the Home Office was to some extent taken by surprise by the sheer volume of ancillary equipment lawfully surrendered, which might have been identified had further time been given to the setting up of the arrangements.

2.6 The Secretary of State will be aware of the ongoing legal case of 'Steed' in which the Court of Appeal has found against the Home Office. In this case the appellant is seeking prompt payment of his claim for compensation with interest to cover the financial losses caused by the delay. There is also a pending Judicial Review on behalf of firearms dealers about the valuation of components in the compensation scheme. Moreover, at least two petitions are lodged with the European Courts.

2.7 It would not be proper for the Committee to offer comment on the merits of these cases, other than to say that it cannot be in the interests of any of the parties if claimants have to resort to litigation to resolve these issues. On a less public level, we understand that the Firearms Compensation Section devotes considerable resources to dealing with correspondence and enquiries about delays in processing claims which might have been avoided had the processing not become so protracted.

2.8 The Committee understands that in the interests of sound management the Government cannot seek to resolve these problems through the diversion of scarce resources. We believe that the arrangements for the payment of compensation might have been made more efficient, and perhaps even less costly to administer, if more time had been spent on preparation. We are surprised that little notice has been taken of the Australian model for the payment of compensation on surrendered firearms. In the event of the Government embarking on any similar project we believe that more time should be spent on setting adequate administrative arrangements in place *and we so recommend.*

CHAPTER 3

Criteria for Approval by the Home Departments of Rifle and Muzzle - Loading Pistol Clubs

3.1 The new Home Department criteria for rifle and muzzle-loading pistol clubs were issued on 29 August 1997 and approval for small-bore pistol clubs was withdrawn on 1 October 1997.

3.2 The new criteria for clubs reflect a number of Lord Cullen's recommendations, the intentions of which are to be welcomed. The criteria are difficult and complex to understand, however, and contain a number of anomalies and ambiguities. There is an obvious risk of a breach of the criteria occurring because none of the parties involved understand what is required of them. Points of drafting such as the interchangeable use of the terms 'shooting at a club' and 'shooting with a club' might have usefully been amended before the criteria were issued. Above all, the system should have taken due account of the fact that target shooters frequently belonged to several clubs.

3.3 One of the main issues which has caused difficulties is the requirement that the clubs should maintain records of who has shot with the club and what firearms were used. It is accepted that this serves a sound purpose, that the club can help the police in identifying whether certificate holders are involved in legitimate shooting sports and making proper use of the firearms which they possess. Problems have arisen with the level and detail of information required by police forces, which has varied widely between police areas. It would be helpful for the Home Departments to offer clear guidance to the police on what information is required of clubs in this respect *and we so recommend.*

3.4 The criteria do not make clear what action is to be taken by the police if an applicant to join a target shooting club is prohibited from possessing firearms by virtue of his criminal convictions under the terms of Section 21 of the Firearms Act 1968 or would otherwise be considered by the police to be unfit to possess firearms. We are concerned that there appears to be no legal mechanism by which criminal convictions or police intelligence can be disclosed to club officials and believe that this issue should be further considered by the Home Office in consultation with all interested parties *and we so recommend.*

CHAPTER 4

Component parts

4.1 Section 57(1) of the Firearms Act 1968 defines a 'firearm' as including any 'component part' of a firearm. The main purpose of this provision was to stop criminals from splitting up firearms into their main components and thus claiming that they did not possess a whole 'firearm' for legal purposes.

4.2 The term 'component part' of a firearm is not defined in statute. In practice, there is a clear consensus that the frame and other major components of a gun, such as the barrel, slide or revolver cylinder, are clearly 'components', whereas a common screw, used in a variety of machines, is not a 'component'.

4.3 Earlier this year the Committee received representations from the defence manufacturer GKN Westland that they were having difficulty in establishing which elements of their helicopter-mounted chain gun counted as 'component parts' for legal purposes. While this was an extreme case, the chain gun being a complex weapon system, the Committee was concerned that the law should not make it impractical for legitimate defence contractors based in the United Kingdom to manufacture weapons for our armed forces and for legitimate export.

4.4 The Committee therefore established a small sub-group to discuss this issue further and to draw up a set of proposals. Their conclusions, which we have endorsed, are attached at Annex C.

4.5 As set out in the paper, our aim is to draw a clear divide between those components which should be subject to strict controls and those to which a *de minimis* approach, albeit with a suitable degree of control, might be applied. We *recommend* that the proposals should be made statutory when a suitable opportunity arises, and until that point should be adopted by the Home Departments and the police as a matter of best practice.

CHAPTER 5

Muzzle-loading revolvers

5.1 Following the ban on handguns, many shooters have taken an interest in other types of firearm and there has been a consequent rise in popularity of muzzle-loading pistols. The definition of ‘muzzle-loading weapon’ adopted by Parliament in the 1997 Act is a weapon which is ‘designed to be loaded at the muzzle or muzzle end of each chamber with a loose charge and ball or other missile’.

5.2 This definition embraces the percussion or ‘cap and ball’ revolvers which were popular in the mid-Nineteenth Century, as well as modern reproductions of these arms. Some observers have been surprised by the ‘modern’ appearance of these weapons and their capacity to fire six shots, and have suggested that Parliament did not intend firearms of this kind to be exempt from the ban on handguns.

5.3 The Committee must remain sceptical of any suggestion that Parliament did not understand the meaning of this exemption when approving it. It is clear that Parliament has placed muzzle-loading revolvers in the same legal category as multi-shot modern hunting rifles and shotguns, which appears logical and a proper reflection of their potential danger to public safety. The Committee notes that these weapons have very seldom been used in crime in recent years, despite their free availability on the Continent. The Committee notes the strong concerns of the police service about the potential for misuse of muzzle-loading revolvers and believes that the Government should continue to monitor this situation closely. Within this context, the Committee would therefore *recommend that on current evidence no change be made to the legislation in this area.*

5.4 The Committee understands the concern that the growth in popularity of this hitherto sedate area of shooting may lead to new shooting disciplines and new variations on weapons of this kind. It is important that shooting disciplines should be properly regulated, and that any risks associated with new developments be identified.

5.5 While it is possible that new technology may be developed to improve the effectiveness of muzzle-loading revolvers, we believe that in practice such developments are unlikely to take place to any significant extent. New designs of muzzle-loading guns are orientated towards the large American market, and there would be little viability in developing a more efficient muzzle-loader purely to accommodate the legal situation in Great Britain. Muzzle-loading guns were superseded in the 1870s by guns with breech-loading designs, principally because the latter were more convenient, efficient and reliable.

5.6 There has been particular concern over the past year about the provision of spare cylinders for percussion revolvers. Much of the time and skill needed to reload a percussion revolver is in loading each chamber of the revolving cylinder with the correct measures of black powder and a greased ball or conical bullet, and placing a percussion

cap at the nipple at the rear of each of the chambers. As cylinders may be removed from the revolver for cleaning or reloading, it is possible to use pre-loaded cylinders to achieve a higher rate of fire by exchanging a discharged cylinder for a pre-loaded one, although this is more easily accomplished with some designs than with others.

5.7 Spare cylinders constitute major pressure-bearing components of firearms and are thus subject to certificate control, including the requirement that the applicant should demonstrate to the police that he has a 'good reason' to possess a spare cylinder. The Committee understands that the long-established governing bodies of muzzle-loading shooting sports intend to maintain the spirit of the original target shooting disciplines in this field, and do not, other than in one long-range discipline, conduct shooting disciplines which require the use of a second cylinder. The Committee is content with this approach and welcomes the responsible attitude of the governing bodies to the expansion of their sport. The Committee also welcomes the prompt assistance of the Ministry of Defence in issuing guidelines about safety issues on indoor shooting ranges for those clubs taking up shooting with black powder firearms.

5.8 The Committee recommends that no blanket policy should be adopted on spare cylinders, but that each case might be looked at on its own merits. For example, a spare cylinder might be included amongst the accessories cased up with an original Nineteenth Century revolver which the owner wishes to fire. It would be anomalous to remove the spare cylinder, given the scarcity of and historical interest in such sets, which may be possessed as 'curiosities or ornaments' without being licensed.

5.9 The Committee therefore *recommends that the Home Office issue guidance to the effect that there should be a rebuttable presumption that only one cylinder is needed for a muzzle-loading revolver.* Any individual cases can therefore be considered by the police on the merits of the case.

5.10 The Committee has noted with interest the recent media attention about muzzle-loading revolvers. We understand that the police are conducting inquiries into matters relating to the media coverage of these issues, and it would not be proper for the Committee to comment further.

CHAPTER 6

Gallery Rifles

6.1 Following the ban on modern handguns, a number of shooters wished to take up rifle shooting but did not have access to the larger shooting ranges suitable for such weapons. This has led to a rise in popularity of repeating rifles, generally possessing short barrels and which are chambered for less powerful cartridges of the kind commonly used in handguns. These weapons have been referred to variously as 'pistol-calibre carbines', 'lever-action rifles' (though some guns of this kind are bolt-action) and 'gallery guns'; we refer to them here by the designation adopted by the National Rifle Association: i.e. 'Gallery Rifles'.

6.2 Firearms of this kind are subject to Section 1 of the Firearms Act 1968, and are treated in law as similar to other rifles. The Committee believes that this should continue. Gallery rifles are not particularly small or easy to conceal compared with other firearms. Nor do they have the range and power of conventional centre-fire sporting or military rifles.

6.3 The Committee welcomes the decision by the National Rifle Association (NRA) to organise shooting disciplines which use these firearms. The Committee believes that target shooting sports should be properly regulated and organised for the assistance of the *bona fide* competitive target shooter while identifying and excluding those who, like Thomas Hamilton, may have had an ulterior motive for possessing firearms.

6.4 The requirements of the NRA on gallery rifles suitable for their competitions include that these guns must have at least a 16 inch (40 cm) barrel and an overall length of 32 inches (80 cm: 20 cm longer than the statutory minimum) and competitions do not require more than ten rounds to be loaded in the magazine at any one time. These requirements would ensure that the guns fall well outside the legal minimum size for Section 1 firearms and discourage any attempt to make any such guns more concealable by shortening them. However, not all clubs will wish to conduct all their shooting disciplines according to NRA rules and this is a factor which chief officers may wish to take account of when granting certificates.

6.5 As a wider point, the Committee is concerned at the suggestion put forward in the media and elsewhere that any diversion of shooters from handguns to other shooting sports is an attempt to 'get round' the ban on handguns by exploiting 'loopholes' in the law. Some of these suggestions may have been fuelled by attempts by elements in the shooting community to promote certain shooting disciplines as attractive to former handgun shooters. The Committee believes that such suggestions are unwarranted and owe more to ignorance of shooting sports than to the discovery of any new issues of which the Government and the police are not fully aware.

6.6 The Committee was interested to learn that the incidence of certain items appearing in the criminal casework of the Forensic Science Service, for example sporting crossbows, has often risen shortly after media attention has been focused on the alleged power and easy availability of such items. Without prejudice to the proper reporting of matters of public interest, the Committee remains concerned that needlessly over-dramatising the legal possession of firearms and other weapons, as with irresponsible advertising of a product or service, can possibly encourage their misuse.

6.7 The Committee appreciates that this is a developing field, and therefore on balance *recommends* that no changes be made to the law governing gallery rifles and other rifles and carbines which are presently subject to Section 1 of the Firearms Act 1968, though the Committee notes the concerns of the police service about this issue and will continue to monitor closely any developments in this area.

CHAPTER 7

Slaughter and Humane Killing of Animals

7.1 The Committee welcomed the swift and reasonable decision by the Home Office that 'captive bolt' slaughtering instruments should no longer be considered 'firearms' for legal purposes. As with a wide variety of other industrial tooling, it was proper that these should be treated as such and not as firearms. Any abuse of these can be dealt with in the same way as with the possession of other offensive weapons.

7.2 Sections 2 and 3 of the Firearms (Amendment) Act 1997 provide an exemption for slaughtering instruments if held for the purpose of the slaughter of animals, and for small firearms held for the purpose of the humane killing of animals. There has been considerable debate over the past year about the scope and application of these exemptions.

7.3 Prior to the 1997 Act, humane killing was often carried out with a range of small pistols, some specially built or adapted for this purpose and others unmodified revolvers in a wide range of calibres. Following the handgun ban the police properly considered whether all those who held pistols for humane killing had 'good reason' to continue to do so and whether the firearms concerned were suitable and not excessive for the purpose. In our Fourth Annual Report we argued against extending the categories of firearms users who commonly carry handguns for the dispatch of injured animals, and we appreciate the caution of the police in this respect.

7.4 The Committee is concerned that the police were dependent largely on their own judgement without guidance from the Home Office about the kind of weapons considered appropriate for this purpose. In particular, the calibre of firearms used for this purpose must be large enough to ensure a clean, humane kill. The Committee would have welcomed timely guidance from the Home Office on suitable calibres and thus headed off the various disputes between the police and farmers, veterinary surgeons and others about the most appropriate firearms for the purpose.

7.5 Some police forces have advocated .22 rimfire pistols as the standard humane killer: such pistols are wholly inadequate in dispatching large animals, and it is doubtful if even .32 calibre pistols are wholly suitable in all circumstances. Likewise, there are cases where a single-shot pistol is wholly adequate in dealing with most animals, but from time to time other circumstances might prevail. For example, where an animal which cannot be safely restrained or be calmed must be destroyed, two or more shots may be essential both to ensure a humane kill and to protect the shooter against injury by the animal.

7.6 The Home Office guidance in the circular which describes the purposes of the 1997 Act took a view of those entitled to benefit from the exemption under Section 3 of the 1997 Act which may have been unduly narrow. This sought to confine the use of small firearms for

humane killing principally to those who have a professional reason to use such firearms.

7.7 The view of the Committee is that while it is proper for the police to seek to guard against both the proliferation of otherwise prohibited weapons and the exploitation of this exemption by those wishing simply to retain a handgun, the Home Office guidance on this point was unduly narrow and may have encouraged some police forces to adopt an unduly restrictive approach to those with an established need for such firearms.

7.8 The Committee was interested in the decision in the recent firearms appeal case of 'Newton & Goodman v the Chief Constable of Derbyshire', where two deer stalkers appealed against the police decision to partially revoke their certificates in relation to pistols held for the humane dispatch of injured deer. Apart from remarks by the judge in the appeal to the effect that neither the advice of the Home Office nor the recommendations of the Firearms Consultative Committee carried any statutory weight, which we entirely accept, we are concerned that a case of this kind should have to be resolved through litigation rather than through clear and timely guidance based on proper consultation.

7.9 The Committee believe that there is considerable work to be done in this area in discussing the suitable calibres and types of weapon for humane dispatch of different kinds of animal in different circumstances. There is obviously much scope for disagreement on this issue, and the Committee believe that further discussion should take place over the next year over what recommendations might be made on the practical administration of Sections 2 and 3 of the 1997 Act, *and we so recommend.*

CHAPTER 8

Firearms Forms

8.1 The Firearms Act 1968 provides that the Secretary of State can make rules as to the form and detail of a number of aspects of firearms licensing. The main elements of these are the application forms for a firearm or shotgun certificate and the form of the certificates themselves. Following the passage of the 1997 Acts, the Home Office has sought to revise the existing Firearms Rules 1989 to accommodate both the changes to the law and any improvements which might be made in the interests of clarity and best practice. A number of issues arose from the consultation process on the proposed new forms in which the Committee was involved, principally through its representatives on the Home Office working group established to take matters forward. The Committee would like to bring the following issues to the attention of the Secretary of State.

Reference Form

8.2 The main new feature of the proposed Firearms Rules is the provision for the single countersignatory required to endorse an application for a firearm certificate to be replaced by two referees. Each referee will be asked to complete in confidence a form providing information about the applicant which is returned direct to the police.

8.3 The decision by the police to allow an individual to keep and use firearms is perhaps the most fundamental aspect of the firearms licensing system. As such, the Committee is in favour of the proper provision of information to the police to inform their decisions.

8.4 The Committee has considered the draft Reference Form and has advised the Home Office on the detailed drafting of the instructions and questions which it contains. We believe that the questions should be as clear as possible and allow full scope for the referee to set out a proper pen picture of the applicant.

8.5 The Committee have not had the opportunity to explore in full the legal situation but some concerns have been expressed that in the event of an appeal the Reference Form may be required by the appellant in court as relevant evidence and the referee might then be subject to libel proceedings. The main purpose of the form was to ensure that the police obtained more information than at present about the applicant and it cannot be in the interests of public safety that referees should be intimidated by the risk of legal action. If necessary there should be a statutory defence against libel proceedings for any comments made by a referee on the Reference Form *and we so recommend.*

Dealers acting as referees

8.6 The draft Reference Form put forward by the Home Office provides that referees may be of any profession or background, providing that they are of good character, with the exception of serving police officers, police employees and registered firearms dealers. In the case of police personnel, we understand that acting as referees would conflict with the police Code of Discipline though we note that this may present problems when members of police shooting clubs require a club official to act as referee.

8.7 The majority of the Committee object strongly to the exclusion of registered firearms dealers from acting as referees. The reason put forward by the Home Office for this decision is that a firearms dealer, having a general interest in expanding the market for his sales of firearms and ammunition, may face a conflict of interest between commercial imperatives and the requirement to give an impartial reference.

8.8 The majority of the Committee reject the suggestion as a matter both of principle and practice. Registered firearms dealers are persons entrusted by the police to handle often large quantities of firearms and ammunition. As such they must be considered not only persons of good character but also persons considered fit to run a business dealing with firearms. To suggest that dealers would be swayed by financial motives to endorse unsuitable applicants is a grave slur on the good character of the vast majority of firearms dealers and by extension on the judgement of the police forces who register them. The Committee itself includes two registered firearms dealers amongst its members, who the Secretary of State presumably believes are trustworthy enough to advise him on firearms matters.

8.9 In practice, it is naive and misleading to suggest that the potential for referees to be improperly motivated is confined to firearms dealers alone. A dealer whose livelihood depends on his propriety in dealing with firearms matters has every reason to oppose applications from unsuitable characters. As the dealer will be well known to the police, the latter have better grounds for trusting his judgement than they would that of an unknown referee. The Committee therefore *recommends* that registered firearms dealers should be permitted by law to act as referees.

8.10 The Committee is also conscious that there may be circumstances where a referee, though of generally good character, might be subject to improper influence in endorsing an application. The Committee *recommends* that the Home Office should issue guidance to the police on judging the suitability of referees.

Variation Form

8.11 Following the meeting of the Home Office Working Group on Firearms Rules and Forms on 19 February, the British Association for Shooting and Conservation (BASC) put forward a proposal for a new form to deal with variations to Firearm Certificates. At present a single form is used both to apply for the grant or renewal of a Firearm Certificate, which is a substantial process, and to vary the firearms held on certificate, which is a comparatively minor change. The applicant for a variation is thus needlessly required to provide substantial amounts of information which the police already possess and there is no need of such repetition. BASC therefore proposed a simple, one-page form which would contain all the information which the police needed to deal with the application for the variation without requiring either the applicant to complete further pages of unnecessary information or the police to wade through it.

8.12 Those members of the Committee involved with the Working Group were generally in favour of the proposed Variation Form and the Committee in general supported the adoption of the new form. We were disappointed, therefore, that the Home Office chose to reject the proposed form after consultation with the police service. The reasons put forward for the rejection were mainly matters of drafting, which might have been amended, the likely size of the final form once explanatory notes had been added, the likely need to use both forms when a certificate was varied on renewal, and the time available to make the changes. The Committee believe that a separate Variation Form is a sound idea in principle and, with minor amendments, the proposed form should be included in the Firearms Rules, *and we so recommend.*

8.13 The Committee would also wish to make clear its concerns about the haste to introduce the new forms. While we appreciate that the police must have adequate time to adapt their licensing and computer arrangements to the new forms, we remain concerned that the Home Office has sought to set an arbitrary date for the new forms to come into legal force. There was and remains great scope for the adoption of simpler, clearer forms and we are gravely disappointed that the opportunity to explore this issue further has been lost on this occasion.

8.14 We understand that, in view of the commitments of the Home Office to provide a Welsh or bilingual version of the Rules and forms, the opportunity to revise the forms will present itself over the next few years. The Home Office will have an excellent opportunity to consult widely and develop a much improved set of forms and we trust that the Committee will be able to assist in this process. We believe that the next revision of the forms should be carried out in good time and with full consultation and discussion *and we so recommend.*

CHAPTER 9

Expanding Ammunition

9.1 The Committee has continued to encounter difficulties with the implementation of the ban on expanding ammunition. The practical impact of the law in this area is unclear to many in the shooting community and a source of needless confusion and bureaucracy.

9.2 The wide range of necessary exemptions for deer stalkers, vets and others needing this type of ammunition means that many people can lawfully own this ammunition. However, although it may be transported by dealers or by customers in person, it can only be transported between dealers by carriers authorised by the Secretary of State. In many parts of the country such carriers are few and prices are high due to the security arrangements needed. This places an unnecessary burden on those engaged in deer stalking and other country sports, vermin control and those who need this ammunition to ensure the humane destruction of injured animals. It is essential for the avoidance of cruelty that those who shoot animals have practised sufficiently with the ammunition to ensure an instant kill. Such practice usually requires access to a range and to an adequate supply of expanding ammunition.

9.3 The situation is further complicated by the fact that the expanding bullet itself is subject to control under Section 5(1A) (g) of the Firearms Act 1968. Placing an inert expanding bullet on the same legal footing as a machine gun is clearly anomalous, and contributes little to public safety, since a similar bullet not designed or adapted to expand would be subject to no controls at all. In this respect the Committee welcomes the steps taken by the Home Office to introduce more realistic levels of security for carriers authorised by the Secretary of State to transport expanding ammunition but we remain concerned that the supply of expanding ammunition to many parts of the country is still not adequate.

9.4 The ban on expanding ammunition has produced a number of minor anomalies in addition to the major concerns of the Committee. Some rifles used for target shooting were designed to use ammunition where commercial supply is wholly of the expanding form of the bullets. In addition, it is doubtful if the exemptions provided in the 1997 Act extend to the possession of expanding ammunition for the lawful hunting abroad of game animals other than deer.

9.5 In practice, the police have tended to adopt a pragmatic approach to these issues. The Committee welcome the position of the police and the Crown Prosecution Service in exercising proper discretion in prosecuting cases where expanding bullets form part of inert 'dummy' rounds possessed as curios. However, the Committee remains concerned that administrative pragmatism may simply serve to deflect justifiable criticism of poor legislation.

9.6 In his Report Lord Cullen recommended that expanding ammunition be controlled because of its misuse in handguns; he did not

address the wider need for expanding rifle ammunition. In the light of the general ban on handguns, the Government should consider whether the ban on expanding ammunition serves any useful purpose and, if not, its repeal *and we so recommend*.

CHAPTER 10

The Reform of Firearms Controls and the Role of the Home Office

10.1 Since its establishment nine years ago the Committee has worked closely with the Home Office Firearms and Explosives Section, which has provided both members and Secretariat to the Committee. In view of the crucial role of the Section in advising Ministers and the police, we feel it proper to comment on its work in recent years.

10.2 As with all those bodies involved in the aftermath of the Dunblane tragedy, the Home Office has taken on a substantial burden of work and handled this with energy and professionalism. However, we remain concerned that the Section as constituted has had difficulty in maintaining its proper role in this respect.

10.3 Over the past year, as a consequence of their desire to implement the new legislation quickly, the Home Office has failed to issue timely guidance on a range of firearms issues. Broad policy issues which are properly a matter for the Secretary of State and his officials were thus passed on by default to the Association of Chief Police Officers and were sometimes left to individual police forces to resolve, notwithstanding that they were also struggling with the impact of the new legislation.

10.4 An example of this is the criteria for shooting clubs approved by the Home Department which came into force on 1 October 1997. We accept that these were set out in a letter to all clubs but there was a need for a fuller leaflet and more detailed guidance. The Home Office guidance leaflet was only issued in March 1998, leaving police and shooters to struggle for nearly six months without proper guidance. Inevitably this approach has led to confusion, inconsistency and a declining expectation as to the role of the Home Office in policy making. The principal policy document, 'Home Office Guidance to the Police', is long overdue for amendment, and several officials involved in the revision have been posted during 1997. One outcome of the lack of clear guidance is that shooters are more likely to resort to the courts to challenge a Chief Officer's interpretation. These cases are not generally decided in courts of record, which can often compound the confusion.

10.5 Linked to this has been a dramatic rise in applications for the authority of the Secretary of State to possess prohibited weapons. For many years the need to possess prohibited weapons was limited to a small number of military contractors and museums. The gradual extension over the years of the classes of weapons prohibited in Great Britain has meant that far more people with a legitimate need to possess and handle firearms of these types have needed to obtain the Secretary of State's authority. The Government's commitment to consider hosting Olympic and Commonwealth pistol shooting is likely to add to this burden. This in turn has meant that the Firearms Section has had to take on a greatly expanded caseworking role and we are concerned that this should not be at the expense either of its proper role in making policy or the efficient dispatch of its casework.

10.6 The Committee were concerned to learn of the departure of Mr Vic Clayton, Head of the Firearms and Explosives Section, to act as Secretary to the 'Arms to Sierra Leone' Inquiry. Leaving aside Mr Clayton's personal abilities and contributions to the Committee, this appears to the Committee to be a reduction both in the numbers and seniority of staff involved in firearms matters at a time when the Home Office is likely to be involved in further work on firearms matters. The Committee believes that the staffing of the Home Office Firearms and Explosives Section should reflect the importance given to this area by Ministers *and we so recommend.*

10.7 Allied to these problems has been the expansion of the Firearms Acts themselves. The Committee must make clear that they are not opposed to strict controls on firearms as set by Parliament. Nor are we in favour of a simplistic approach to complex issues. We remain concerned that the sheer volume and Byzantine complexity of firearms legislation, resting on a thirty-year-old Act bringing together measures from 1920 onwards and divided between three principal Acts with over a hundred Sections between them and a number of smaller Acts and subsidiary legislative instruments, is too great for any of those involved to understand easily. There remains a grave risk that policy makers, police officers and gun owners will simply not understand all that the law provides for and requires. At best this will lead to confusion and injustice. It will continue to divert both the authorities and shooting organisations into working to overcome the inadequacies of the law rather than in protecting public safety. At worst, we would remind the Secretary of State of the genuine confusion over the scope of the law which hampered Central Scotland Police in their dealings with Thomas Hamilton.

10.8 The Committee has made clear in its earlier reports that, while it accepts the Government's desire to make prompt and decisive changes to the law, it favours a full revision of the Firearms Act resulting in a new Bill, rather than a consolidation, which will bring together the best elements of the existing legislation into a coherent whole. It is beyond the scope of this present Report to say what measures the Government should adopt within a new Act. We believe it is more important at this stage that the Government makes a genuine commitment to a root-and-branch review of Firearms legislation *and we so recommend.*

CHAPTER 11

Other Issues

Firearms of Historical Importance

11.1 The Committee welcomed the publication of guidance by the Home Departments on the types of historic pistol subject to Sections 7(1) and 7(3) of the Firearms (Amendment) Act 1997. The Committee also welcomed the news that Bisley Camp was designated by the Secretary of State for the use of historic firearms on 30 June and that a small number of other sites across the country were being seriously considered for designation.

11.2 During the implementation of the provisions for firearms of historic importance, the issue of appropriate security for these weapons was raised. The Committee are concerned that while appropriate security measures are properly a matter for the police, it was anomalous to apply the high level of security designed for assault rifles and other particularly dangerous firearms to collections of old and obsolete pistols without ammunition and of a kind for which the Secretary of State had declared that ammunition was not readily available. The Committee noted that the Home Office are proposing to review their guidance on all aspects of security and hope that this will result in a more consistent approach by forces. In this respect we approve of the principle of proportionality put forward by the Home Office and adopted in setting security standards for carriers of expanding ammunition.

11.3 The Home Office has yet to present a clear national picture as to how many firearms are held under the terms of Sections 7(1) and 7(3) of the 1997 Act. Several members of the Committee served during 1997 on the Home Office Reference Panel and while the Panel were able to offer guidance on a large number of difficult cases, there appeared to be considerable variation between police forces as to the interpretation of Sections 7(1) and 7(3).

11.4 The Committee remains concerned that the 1997 Acts have created scope for a sharper legal divide between 'antique' pistols kept as a curiosity or ornament, which are not subject to any controls, and handguns which are now prohibited. Collectors of old guns who wish these to be preserved as historical relics risk far graver penalties over a legal dispute which would generally rest on obscure technical points.

11.5 The Committee offered clear guidance in its Third Annual Report as to which firearms should be considered 'antique' for these purposes and the Home Office issued this as guidance to the police. In general, we are satisfied that this has drawn a satisfactory distinction between long-obsolete 'museum pieces' and those firearms of more modern design which are still used in crime.

11.6 The main source of disagreement in recent years has not been due to any lack of clarity over the position of the police and the Home Departments, but rather that the Home Office's guidance has been challenged by owners of firearms which might be considered on the

legal borders of the 'antique' category. The Committee considers that this is unsatisfactory. We believe that after revision to reflect the passage of time, the Home Office guidance should be re-issued and at the earliest legislative opportunity should be given statutory status; *we so recommend.*

**Notification by dealers
of remote sales**

11.7 Section 32 of the Firearms (Amendment) Act 1997 provides that transfers of firearms and ammunition to certificate holders should be in person, though transfer by post or courier is still legal between dealers. Section 33 of the 1997 Act provides that a person selling, giving, lending, or hiring a gun to a certificate holder should notify the police of the transaction.

11.8 If a person wishes to buy a gun other than directly from his local dealer, it has become standard practice for the buyer to purchase and pay for the gun by post, have it sent to a local dealer, and then collect it in person. This practice is both lawful and fulfils the intent of the prohibition on postal sales: viz. that the dealer handing over the gun should meet the certificate holder in person to confirm his identity.

11.9 However, it is not clear in these circumstances whether the first, second or both dealers need to notify the police of the transaction. The Home Office have taken the view that only the first dealer need notify, as a transfer of a gun to a person who had already purchased was not subject to Section 33. The Committee believes that this is a sensible interpretation and should be generally circulated to dealers and to the police.

**Inspection of
Dealers premises**

11.10 As part of their role in the licensing system the police may carry out regular inspections of the premises used by firearms dealers to ensure that suitable security is in place. Dealers are also required by law to retain a register of transactions in firearms which the police may inspect to ensure that the appropriate controls are being complied with.

11.11 The Association of Chief Police Officers is seeking to review their Guidance on Best Practice for the Inspection of Dealers Premises and Registers. The Committee welcomes this decision and hopes to consider this issue further in its next working year.

**British Western Shooting
Society and 'End of
Trail' shooting**

11.12 The British Western Shooting Society (BWSS) is a shooting organisation which endeavours to re-create the style and shooting disciplines of the American 'Old West' with suitable costumes and activities. While in some ways resembling a costumed historical re-enactment society, the BWSS is principally a target shooting body and serves as the governing body for 'End of Trail' shooting, a series of colourful shooting practices based on those shooting activities which might have been carried out for entertainment by cattle-drovers and others of the 'Old West'.

11.13 The Committee has considered some aspects of the philosophy embodied in the BWSS but we are keen to look further at the practical aspects of the BWSS's activities. We intend to consider these further in our next working year and we do not think it proper to put forward a partial view of this issue without full consideration. We hope to be able to address this issue more fully and to make firm recommendations to the Secretary of State as part of our next Annual Report.

Miniature Rifle Ranges

11.14 Section 11(4) of the Firearms Act 1968 provides that a person conducting a miniature rifle range (whether for a rifle club or otherwise) or shooting gallery at which no firearms are used other than air weapons or miniature rifles not exceeding .23 inch calibre may, without holding a certificate, have in his possession, or purchase or acquire, such miniature rifles and ammunition suitable therefor; and any person may, without holding a certificate, use any such rifle at such a gallery or range.

11.15 This is an exemption of long standing and to the knowledge of the Committee has not given strong cause for concerns about public safety. The Committee recommended in its Third Annual Report that the scope of this exemption should be clarified at the next legislative opportunity, in particular to make it clear that the term 'miniature rifle' should include only those rifles chambered for .22 Rimfire ammunition, and to introduce a statutory requirement for those responsible for running such ranges or galleries to keep the firearms and ammunition securely.

11.16 The police have expressed concerns that some firearm certificate holders and Home Office-approved small-bore rifle clubs have been taking advantage of this exemption in order to evade the current licensing requirements. In practice, access to a suitable range or gallery and the benefits of Home Office approval have always limited the use of this exemption. The police intend to investigate this issue further to determine the extent of any problem and the Committee have therefore agreed to defer further discussion until its next meeting.

**United Nations Work on
Firearms Controls**

11.17 The Committee welcomes the initiatives taken by the United Kingdom in its involvement with the United Nations in seeking to tackle trafficking in illegal firearms. We remain concerned that the overwhelming majority of firearms used in serious crime in the United Kingdom appear to be illegally owned, and that these are supplemented by illegal imports originating in former Member States of the Communist Bloc and other countries. The Government will wish to consider that measures aimed at regulating the lawful possession of firearms in the United Kingdom may address only a small part of the risk posed to public safety by the misuse of firearms.

**Northern Ireland Review
of Firearms Controls**

11.18 The Committee has no remit to consider firearms controls in Northern Ireland, and will not therefore be replying to the Consultation

	<p>Paper on Firearms Controls issued by the Northern Ireland Office, though individual members of the Committee may wish to do so. The Committee recommends, however, that the approach to consultation adopted by the Northern Ireland Office is a good one, combining firm and well-developed proposals with scope for full discussion, and might usefully be adopted by the Home Departments in any further consultation on firearms law.</p>
'Good Reason' for large-magazine shotguns	<p>11.19 The Committee welcomes the decision by the Home Office and the police to accept membership of a relevant organisation (in practice, the UK Practical Shooting Association) as 'good reason' to possess a large magazine shotgun. The Committee believes that further discussion between the police, the Home Departments and the UKPSA would be helpful in establishing the scope of suitable shooting disciplines and to ensure that proper regulation of practical shooting continues to develop.</p>
Starting cannons for yacht races	<p>11.20 During 1997 there was some confusion over whether small cannon used for starting yacht races should be classed as prohibited 'small firearms' or as exempted signalling apparatus. The Committee agreed that these clearly should be classed as signalling apparatus, both for legal and for practical reasons, and we commend the Home Office for issuing guidance to this effect.</p>
White signal flares	<p>11.21 At present, the Home Office guidance on the Firearms Act 1968 distinguishes between two types of signal flare launcher: those which have a barrel and are classed as 'firearms' and those which do not and are exempt. While the Committee appreciates that some signalling guns are capable of firing ammunition other than blank cartridges and should be classed as firearms, in many cases the distinction between different types of flares is purely legal rather than practical.</p> <p>11.22 This issue has led to a division in commercial supply between red distress flares used by walkers and mariners, where a commercial need exists for unlicensed flares, and white flares used to signal that help is on the way, used by Government agencies such as the Royal Navy and HM Coastguard who use firearms under Crown exemption. The division resulted in difficulties for the Exmoor Search and Rescue Team, who are a large pool of civilian volunteers, in obtaining white flares of a kind they can possess without each holding a firearm certificate. The Committee are concerned that the law at present may reduce the effectiveness of the rescue services on the basis of enforcing an arbitrary division between similar types of flare launcher.</p> <p>11.23 The Home Office and the police are at present investigating this issue with a view to establishing whether a commercial supply of non-certificatable white flares is available. The Committee will consider the outcome of these discussions but we <i>recommend</i> that this area be considered further as part of any wider look at firearms controls.</p>

**Sound moderators for
rifle shooting**

11.24 The Committee received representations from the Fife Centrefire Rifle Club about the possibility of using sound moderators to reduce the possible noise nuisance caused by their shooting activities. The Committee notes that silencers used by the military are generally more complex and effective than the sound moderators used on basic sporting arms such as air rifles, .22 inch rim-fire rifles and small-gauge garden shotguns. The sale of military pattern silencers is not, however, forbidden. Although not used for general deerstalking applications, a case could be made out for rifles to be so fitted in specialised instances such as the culling of deer in urban parks to avoid noise nuisance. As they are subject to certificate control the police would require an applicant to demonstrate a 'good reason' for possessing such an item.

11.25 The Committee agreed that the use of sound moderators could be a viable alternative to employing extensive sound-attenuating materials at the firing point of a range for dealing with problems of the kind encountered by the Fife Centrefire Rifle Club, although for this to be effective all of the members' rifles would require similar adaptation. The fitting of a sound moderator to a rifle often causes a change in the point of impact of the bullet at a given range, and in instances where the alignment of the moderator is not perfect, poor accuracy would often result. In addition, any significant availability of silencers fitted to high-powered rifles would tend to lead to their use in illegal activities such as deer poaching.

**Rifled air weapons - not to
be classed as Section
5(1)(aba) Prohibited
Weapons**

11.26 The Firearms (Amendment) Act 1988 placed within Section 5 of the Firearms Act 1968 any 'self-loading or pump-action rifle other than one which is chambered for .22 rimfire cartridges'. Following uncertainty about the legal definition of the term 'rifle', the Government amended this Section through the Firearms (Amendment) Act 1997 to refer to any 'self-loading or pump-action rifled gun'.

11.27 Low-powered air weapons, while treated in law as firearms, are not subject to certificate control. Many of these have rifled barrels and some are of a self-loading or pump-action design. Concerns were expressed that the new definition might place low-powered self-loading or pump-action rifled air guns into the prohibited category by accident, even though they were not rifles within the generally understood meaning of the term, they might be considered 'rifled guns'.

11.28 The Home Office discussed this issue with the police service and the Crown Prosecution Service and reached the conclusion that low-powered self-loading or pump-action rifled air guns should *not* be treated as prohibited weapons for legal purposes. As a matter of law it was doubtful if the prohibition on rifled guns extended to air weapons and, in practice, it was clearly not the intention of the Government or Parliament for low-powered air weapons to 'leapfrog' from unlicensed

to prohibited status. The Home Office has issued guidance to the police to this effect.

11.29 The Committee welcomes this sensible approach to this issue. It would be helpful if this view could be given statutory force at the next opportunity *and we so recommend.*

CHAPTER 12

Summary of Recommendations

12.1 Subject to a review of its composition to include more non-shooting interests, the Firearms Consultative Committee should retain broadly its current membership and role (paragraph 1.15).

12.2 In the event of the Government embarking on any further work on the payment of compensation in firearms matters we believe that more time should be spent on setting adequate administrative arrangements in place before any compensation scheme is implemented (paragraph 2.8).

12.3 The Home Departments should offer clear guidance to the police on what information is required of clubs in respect of keeping records of the shooting activities of members (paragraph 3.3).

12.4 That the issue of police notification to club officials if an applicant for club membership is unsuitable should be discussed further by the Home Office, the police, and the main shooting bodies (paragraph 3.4).

12.5 The proposals of the Committee for defining those component parts of firearms which should be subject to legal controls should be adopted by the Home Departments and the police as a matter of best practice and be made statutory when a suitable opportunity arises (paragraph 4.5).

12.6 On current evidence, no changes should be made to the legislation at present controlling the use of muzzle-loading guns, including muzzle-loading percussion revolvers, though the Government should continue to monitor this area (paragraph 5.3).

12.7 The Home Departments should issue guidance to the police that there should be a rebuttable presumption that only one cylinder is needed for use with a muzzle-loading revolver, and applications to possess further cylinders should be considered carefully on their individual merits (Paragraph 5.9).

12.8 No changes should be made to the law governing gallery rifles and other rifles and carbines which are presently subject to Section 1 of the Firearms Act 1968, though developments in this area should be monitored (paragraph 6.7).

12.9 That further discussions should take place over the next year on suitable firearms for the humane killing of animals (paragraph 7.9).

12.10 If necessary there should be a statutory defence against libel proceedings for any comments made by a referee on the Reference Form (paragraph 8.5).

12.11 Registered firearms dealers should be permitted by law to act as referees in applications for a Firearm Certificate (paragraph 8.10).

12.12 A separate form for applications to vary the firearms held on a Firearm Certificate should be included in the Firearms Rules (paragraph 8.12).

12.13 Any further revisions of the Firearms Rules and Forms should be carried out in good time and with proper opportunity for consultation and discussion (paragraph 8.14).

12.14 The Government should consider whether the ban on expanding ammunition and projectiles serves any useful purpose and, if it does not, its repeal (paragraph 9.6).

12.15 The staffing of the Home Office Firearms and Explosives Section should properly reflect the importance given to this area by Ministers (paragraph 10.6).

12.16 The Government should make a genuine commitment to start a root and branch review of firearms legislation at the earliest practical opportunity (paragraph 10.8).

12.17 After revision to reflect the passage of time, the Home Office guidance on the classification of antique and historic firearms should be re-issued and at the earliest legislative opportunity the guidance should be given statutory status (paragraph 11.6).

12.18 The Home Office should consider further the present law governing signal flares as part of a wider look at firearms controls (paragraph 11.23).

12.19 The Home Office view that low-powered self-loading rifled air guns are not subject to Section 5(1)(b) of the Firearms Act 1968 should be confirmed at the first legislative opportunity (paragraph 11.26).

ANNEX A

Firearms (Amendment) Act 1988

Firearms Consultative Committee

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

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

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

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

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

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

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

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

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

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

**The Firearms (Amendment) Act 1988
(Firearms Consultative Committee) Order 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 1997/98 [in brackets] (including sub-Committee meetings)

- Mr G Bennet** [1/1] Deputy Chief Constable, Fife Constabulary. Chairman of the Association of Chief Police Officers of Scotland General Purposes Committee Firearms Sub-Group.
- Mr A T Burden** [3/4] Chief Constable, South Wales Constabulary. Chairman of the Association of Chief Police Officers Crime Committee Sub-Group on the Administration of Firearms and Explosives Licensing.
- Mr B Carter** [5/5] Director of the Gun Trade Association. Secretary of the Shooting Sports Trust. Member of the British Shooting Sports Council. Several times Great Britain Team Manager at various shooting Grand Prix, European and World Championships.
- Mr V Clayton** [3/3] Head of Firearms Section, Operational Policing Policy Unit, Home Office. Member to 4 June 1998.
- Mr K Drummond** [1/1] 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. Member to 10 November 1997 on his appointment as Sheriff.
- Mr C A Ewing** [4/4] 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** [4/4] 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** [3/4] Barrister. Assistant Chief Crown Prosecutor for London.
- Mr M Jones** [3/4] Labour MP for Clwyd South West since 1987, experienced target shooter.
- Dr I Oliver** [1/2] Chief Constable, Grampian Police. Member to 4 June 1998.
- Mr D J Penn** [5/5] Keeper, Exhibits and Firearms, Imperial War Museum. Fellow of the Society of Antiquaries. Liveryman of the Worshipful Company of Gunmakers. Office holder in Muzzle Loaders Association of Great Britain and Historical Breechloading Smallarms Association. Member of British Shooting Sports Council, Arms and Armour Society and National Rifle Association. Has represented Oxford University and County of London in pistol shooting. Also shoots rifle and shot gun.

- Mr R J Pitcher [5/5]** Special Investigation Branch, Royal Military Police to 1984. Branch Proof Master, Worshipful Company of Gunmakers, Royal Small Arms Factory, Enfield to 1986. Proof Master, Worshipful Company of Gunmakers, London and head of British delegation to the Commission of International Proof. Pistol shot and rough shooter.
- Dr M J Pugsley [5/5]** International full-bore rifle shot, currently representing Devon in full-bore and small-bore rifle shooting, and has represented Devon in pistol shooting. First woman to win Grand Aggregate at Bisley. Also enthusiastic deer stalker and rough shooter.
- Mr I Snedden [4/4]** Head of Police Division, Scottish Home Department.
- Lord Tollemache [2/4]** 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 [5/5]** Home Office National Firearms Forensic Service, Forensic Science Services Laboratory, Huntingdon and now the Firearms Section of the London Forensic Science Laboratory. 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.
- Mr G Widdecombe [1/1]** Head of Firearms Section, Operational Policing Policy Unit, Home Office. Member from 4 June 1998.

ANNEX C

FCC Sub-Group Meeting on Component Parts: Meeting on 21 May 1998 at the Proof House, London: Recommendations

1. The main aims of the Sub-Group were to draw up a general definition of 'component parts' of firearms which might be incorporated into future legislation, and to draw up practical guidelines as to what items might be considered 'components' and what were not. In considering this issue, the Sub-Group had regard to the following general principles:

- * Any definition of 'component parts' must fall within the lawful and reasonable interpretation of Section 57 of the Firearms Act 1968, and be legally and logically defensible;
- * The definition must protect public safety by ensuring that component parts which would significantly assist criminals in constructing firearms or in restoring de-activated firearms to working order were subject to control;
- * Subject to the above, the definition should be clear, straightforward, and reduce the need for unnecessary record-keeping and bureaucracy. The classification of component parts as 'prohibited', and therefore subject to strict security and control, should not be adopted lightly.

2. The Home Office had long accepted that there were certain component parts, such as small screws, which were commonly used other than in firearms and should not be considered to be items which should be subject to certificate procedure. The Sub-Group considered that any part of a firearm for which a common item such as a nail or piece of scrap metal could easily be substituted should not be subject to certificate controls. An example would be a firing pin which could be easily made from scrap metal, or the slide latch of a 9mm Browning self-loading pistol for which a slightly adapted ordinary nail could be substituted.

3. In this respect, the Sub-Group felt that the term 'sub-components' usefully described those small items which went to form part of the major components of the firearm. The frame, barrel and cylinder of a revolver, for example, all included smaller sub-components.

4. On the other hand, those components which would be subject to destruction as part of the officially recognised deactivation process, and treated as such because of their risk of re-use, should be subject to control. Given that those involved in illegal re-activation had access to end-millers and other more sophisticated tools, it was possible to remove welded components from the frame of a de-activated gun and therefore it should be made difficult to obtain major parts to replace these. A significant percentage of 9mm firearm cases (the most popular calibre for criminal use) handled by the Forensic Science Service had been previously deactivated.

5. Barrel blanks, not cut with a chamber to allow the insertion of a cartridge; and not cut with a male thread at the breech end to allow

fitting to a revolver frame, nor fitted with a breech plug, touch hole or other fixture for muzzle-loading use etc, were not registered as 'component parts' of firearms as such before being proofed. For example, 9mm rifled tubing, which had no purpose other than to be sawn into barrel lengths, was not considered to be a 'component part' of any firearm. On the other hand, many reactivated MAC 10 sub-machine guns and 9mm pistols used suitable lengths of 9mm unrifled industrial steel tubing, which provided an effective barrel at the short confrontational ranges commonly used in criminal shootings.

Section 1 Firearms and Section 5 Portable Firearms

6. The Sub-Group agreed that the following definition of component parts of firearms would cover most of the parts at issue:

'The term 'component part' shall apply to (i) any barrel, chamber or cylinder: (ii) any frame, action, body or receiver: (iii) any breech, block, bolt, or other mechanism for containing the pressure of discharge at the rear of the chamber: (iv) any other part of the firearm upon which the pressure caused by firing the weapon impinges directly. In addition, it would also apply to those items which are more or less unique to firearms, which are not readily replaced by items found in general use (such as coil springs, screws, washers and the like), and without which a person of reasonable skill could not create a firearm or repair a scrap or deactivated firearm.'

In particular, the term 'component part' should include the following:

- (1) *Sears;*
- (2) *Automatic Sears;*
- (3) *Hammers;*
- (4) *Trigger Groupings;*
- (5) *Locks;*
- (6) *Firing pins or strikers;*
- (7) *Ejectors;*
- (8) *Extractors;*
- (9) *Disconnectors and tripping lever;*
- (10) *Safety catches (which often separate or connect the working elements of the gun);*
- (11) *Any fire-selector switch*
- (12) *Any gas piston or roller-bearing locking unit;*

The Secretary of State should be given an order-making power to add to the list of component parts as necessary, to deal with new or unusual designs which might arise over the years.

7. The police had generally drawn the line in the past between components which should appear on certificate, for example barrels and cylinders, and those smaller items which could reasonably be held as spares for a legally held firearm. The sub-group agreed that this

should be regularised, but that there should be some controls to prevent the current risk of these smaller components being acquired in quantity for use in illegal re-activation.

8. As a matter of good practice, dealers should only supply the latter on production of a firearm certificate for the type of weapon concerned, and that this principle might be adopted in legislation in due course. This would avoid any requirement for dealers to keep records of minor parts, or for shooters to request variations for small replacement parts, while preventing dubious characters from obtaining minor components freely and allowing the police to prosecute those who did so. A similar system applied at present to the purchase of shotgun cartridges, and appeared to have worked successfully since 1988.

9. The Sub-Group considered that it was not practical to draw a distinction between identical components used for both Section 1 and Section 5 weapons. The prime need in these cases was to ensure that they were subject to legal controls at some level.

10. It was also considered that the anomalous lack of any control in respect of any control in respect of shotguns should be resolved at some stage, in that major parts, such as a barrel, should also be entered upon the shotgun certificate, and the purchase of minor components be made subject to the sight of a shotgun certificate.

Section 5 heavy weapons

11. The Sub-Group agreed that large support weapons intended to be fired from tripods or vehicles were potentially very dangerous, and might indeed be mounted on legally owned tanks and armoured vehicles, but the scope for misusing many of the more peripheral parts of these items were limited. In this respect, it was reasonable to draw a line between light machine guns such as the Bren gun, which could be carried and fired by one person, and heavier weapons which were subject at present to a less rigorous deactivation standard.

12. In the case of a chain gun, only three parts would be pressure-bearing and subject to deactivation if the gun was submitted, the bolt, the barrel, and the barrel extension (American 'breech'). The housing was not strictly analogous to the frame on a smaller gun and might therefore be disregarded. On the other hand, the chain, motor and 24 volt battery or other power source and the sighting system in the helicopter pilot's helmet were not items usable without the main components or in other firearms, and the individual elements within them were complex and often generic to other machines.

13. In this respect, the authority of the Secretary of State might reasonably be granted to a company to possess firearms of this kind and the component parts thereof, but without the need to record each sub-component of the motor mechanism.

14. Likewise, many rocket and missile launcher systems used fairly simple launching mechanisms, but as military weapons were provided with electronic target acquisition systems and guidance mechanisms which were not essential component parts of the weapon.

15. It was agreed that, for the purposes of defining component parts in heavy weapons, the following should not be considered controlled component parts for these purposes.

Electric motors for chain guns, revolver cannon, Vulcan guns,
Mini guns and other automatic arms;
Gear boxes for chain guns and other automatic arms;
Electronic parts, targeting systems and guidance systems
capable of alternative applications.

16. In dealing with heavy weapons, the sub-group considered that the principle of 'certificatable parts' might be applied. The main parts would be subject to strict controls as being the vital components to anyone seeking to assemble such a weapon. Other components would not be recorded as such, but as a matter of good practice should not be sold to those without lawful authority to possess that class of weapon.

17. The sub-group were conscious that the most likely misuse of prohibited heavy weapons was through unlawful export abroad. However, in this respect the more peripheral component parts might be considered in the same way as helicopters and other military equipment, and subject to controls as such rather than as 'firearm components'.

ANNEX D

Organisations and other interested parties which have submitted representations

1. The British Shooting Sports Council
2. The British Association for Shooting and Conservation
3. Fife Centrefire Rifle Club
4. GKN Westland Ltd
5. The Paignton (Torbay) Rifle and Pistol Club
6. The Shooting Sports Trust Limited

ANNEX E

List of publications relevant to the Report

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