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FIREARMS CONSULTATIVE COMMITTEE

THIRD ANNUAL REPORT

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

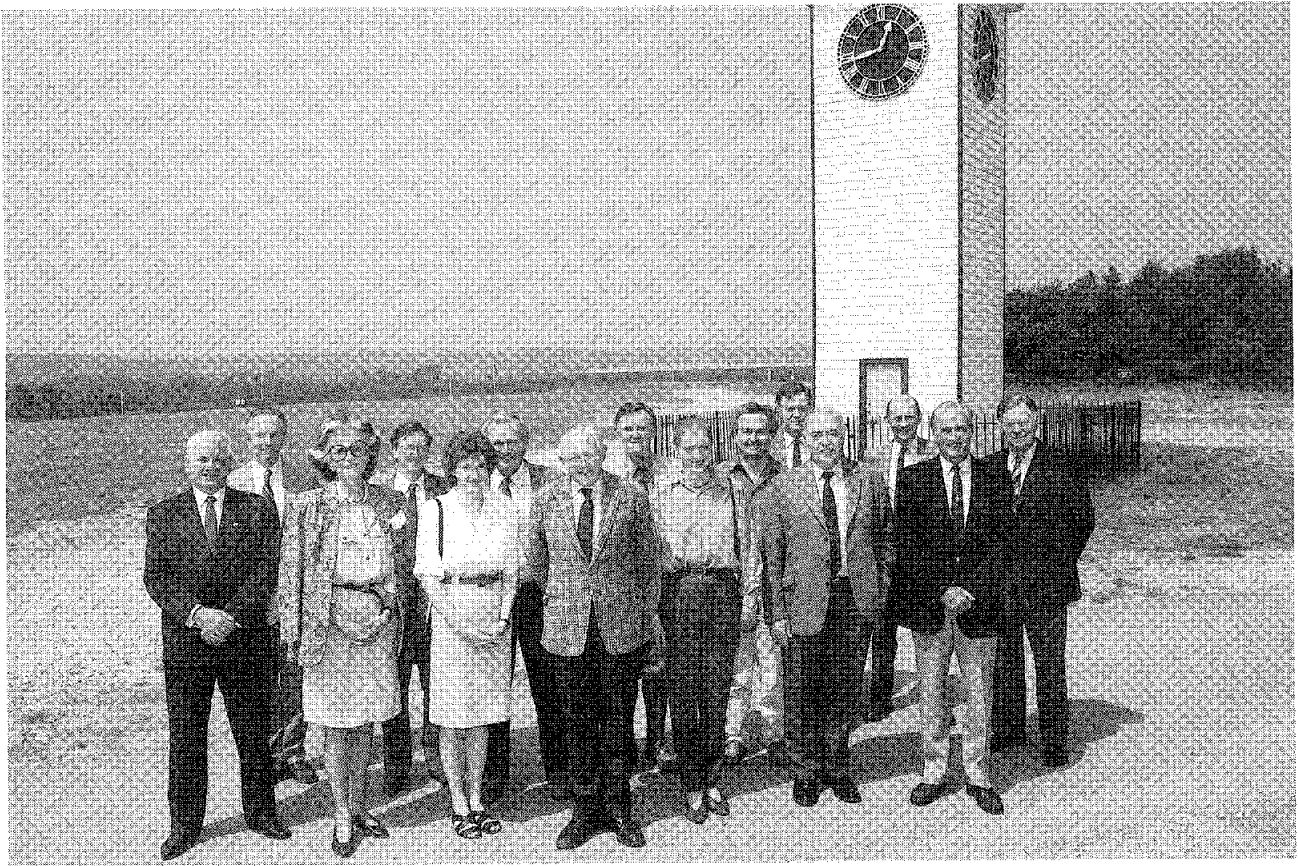
Report of the Firearms Consultative Committee for 1991–1992

Presented pursuant to Act Eliz II 1988 C.45

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

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The Chairman and Members of the Firearms Consultative Committee at Bisley Camp, Surrey

**Annual Report of the
Firearms Consultative Committee**

Sir

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

A handwritten signature in black ink, appearing to read "Kim Pall", with a long horizontal flourish extending to the right.

THE LORD KIMBALL
Chairman

The Rt Hon Kenneth Clarke QC MP
Secretary of State for the Home Department

CONTENTS

	<i>Pages</i>
1. INTRODUCTION	
The Committee	7
Aims and Activities	7
2. PROGRAMME OF WORK	
Publicity	8
Representations	8
3. THE FIREARMS LICENSING SYSTEM	
Background	10
Proposal for a National Firearms Control Board	10
Introduction	10
Firearms Control Board or Police?	11
Practical Difficulties	13
Status and Structure	14
Appeals System	15
Recommendations	16
Home Office Guidelines on Best Practice	17
Format of Firearm and Shot Gun Certificates	17
4. REPLICA AND DE-ACTIVATED FIREARMS	
Background	19
Types of Imitation Firearms	19
Statutory Provisions	19
Need for Action	20
Possible Solutions	20
Legislative Options	21
Non-Legislative Options	22
Conclusions and Recommendations	22
5. MINIMUM AGE FOR POSSESSION OF FIREARMS AND OTHER ISSUES ARISING FROM THE PARKHILL SHOOTINGS	
Background	24
Possession of Firearms by Young People	24
Limits on the Quantities of Firearms and Ammunition	25
Storage of Firearms and Ammunition	25
Recommendation	25
6. DEFINITION OF ANTIQUE WEAPONS AND THE COLLECTING OF FIREARMS AND AMMUNITION	
Definition of Antique Firearms	27
Consideration	28
Recommendations	29

	<i>Pages</i>
Collecting of Firearms and Ammunition	29
Consideration	30
Recommendations	31
7. MINIATURE RIFLE RANGES	
Background	32
Statutory Provisions	32
Key Issues	32
Weapons covered by the exemption	32
Shooters who rely on the exemption	33
Public safety concerns	33
Other difficulties arising from the exemption	34
Conclusions and recommendations	35
8. COMPONENT PARTS	
Background	36
Consideration	36
Conclusion and Recommendation	37
9. POSSESSION OF FIREARMS BY MENTALLY DISORDERED PERSONS	
Background	38
Consideration	38
Conclusion and Recommendation	39
10. OTHER ISSUES	
Approved Rifle and Pistol Clubs	40
Carriers of Prohibited Weapons	40
Dismantling of Ammunition	41
Firearms (Amendment) Act 1992	42
Leaflet on the Security of Firearms and Shot Guns	43
Local Firearms Consultative Groups	43
Non-Lead Shot	44
Paintball Weapons	45
Vetting of Dealers' Employees	46
Use of Large Magazine Smooth-bore Guns	46
11. SUMMARY OF RECOMMENDATIONS	48

ANNEXES

	<i>Pages</i>
A. Extract from Firearms (Amendment) Act 1988 (Section 22)	51
B. Biographies of members relevant to their appointment to the Committee	52
C. List of topics from which 1991 to 1992 work programme was drawn	54

	<i>Pages</i>
D. News Release: Firearms Consultative Committee programme of work for 1991 to 1992	55
E. Report of the Home Office Working Group on the Administration of the Firearms Licensing System: Summary of Recommendations	56
F. Report of the Home Office Working Group on the Administration of the Firearms Licensing System: Recommendations about which the Committee had reservations	58
G. Weapons which should not benefit from exemption as antiques	59
H. List of cartridges determining which breech-loading firearms should be regarded as benefiting from exemption as antiques	60
I. Paper on the dismantling or unmaking of small arms ammunition	68
J. Organisations and other interested parties which have submitted representations	72
K. List of publications referred to in the Report.	73

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 is to exist for a period of five years from 1 February 1989 and may continue thereafter at the discretion of the Home Secretary. Our Chairman, Lord Kimball, was appointed for five years and members have been appointed for periods of two years which may be renewed. There have been a number of changes to the complement of the Committee since its inception and a list of current members is at Annex B.

Aims and activities **1.3** The Committee's statutory function is to review the provisions of the Firearms Acts and to make recommendations for improving their working; to make proposals for amending the provisions of these Acts where necessary; and to advise the Home Secretary on other matters which he refers to us.

1.4 We have emphasised in previous annual reports the significant level of autonomy which these terms of reference give us. Again this year we have sought to use our autonomy to the full to make proposals for change which should benefit shooters, police and the non-shooting public, but all the deliberations of the Committee have as a prime consideration the need for public safety.

1.5 During our third year we met on six occasions. Our meeting in November 1991 was held at the Birmingham Gun Barrel Proof House by generous invitation of the Proof Master. In March 1992 we met at Jesus College, Oxford and in May 1992 we accepted a kind offer from the National Rifle Association to meet at Bisley.

1.6 The issues which we have considered at these meetings have in large measure been complex and some have previously proved intractable. We are under no illusions that our conclusions and recommendations will in every instance be greeted with unanimous approval. But we have tried in every case to arrive at proposals which are sensible and workable.

CHAPTER 2

Programme of Work

2.1 The Committee's programme of work for our third year was drawn from a list of topics which is reproduced at Annex C. Some of these topics had been carried over from last year, others were suggested afresh by members of the Committee or members of the public. At the start of the year we decided to give consideration to the following topics.

Detailed review of the firearms licensing system

Format of firearm and shot gun certificates

Dismantling of ammunition

Component parts

Definition of antique weapons

Collecting firearms and ammunition

Replica and de-activated firearms

Minimum age for possession of firearms

Miniature rifle ranges

Criteria for approved rifle and pistol clubs

Local firearms consultative groups

2.2 In addition to the work programme we considered a number of other subjects brought to our notice during the year. Most notably, we spent a good deal of time towards the end of the working year in discussing the Home Office proposal for a national Firearms Control Board which would take firearms licensing out of the hands of the police.

Publicity **2.3** On 7 October 1991 the Committee publicised its work programme by the issue of a news release. This is reproduced at Annex D. As in previous years the news release enabled us to bring the items on our work programme to the notice of those who had an interest in them and might want to make representations to the Committee.

Representations **2.4** We are pleased once again to have received representations on a wide range of subjects. Any person wishing to draw the Committee's attention to particular issues which can properly be put on an agenda for discussion should do so in writing to:

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

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

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

CHAPTER 3

The Firearms Licensing System

Background 3.1 The way in which the firearms licensing system is administered is a subject to which the Committee have returned time after time in our three years' existence. In our second annual report we concluded that – notwithstanding the excellent work already done by the Associations of Chief Police Officers (ACPO/S) and the British Association for Shooting and Conservation (BASC) – a more radical overhaul of the way in which firearms are licensed may be desirable. Our discussion of how to take this forward, however, was pre-empted by the publication in March this year by the then Home Secretary of a consultative document proposing the establishment of a civilian national Firearms Control Board to take over firearms licensing from the police. The responses to that consultative document were put before the Committee for discussion at the last meeting of our working year in June.

3.2 We also had the opportunity during the year to consider the guidelines of “best practice” produced by a Home Office Working Group on the Administration of the Firearms Licensing System. The Working Group consisted of Home Office officials and police representatives. The guidelines it produced, which were issued to Chief Constables in November 1991, took into account the work done by ACPO/S and the BASC and met our recommendation in last year's annual report that a best practice model should be formulated on which an assessment of appropriate fees levels could be based. As the third facet of this wide-ranging subject, we have also given some further consideration this year to the format of firearm and shot gun certificates.

Proposal for a national Firearms Control Board

Introduction 3.3 On 13 March 1992 the Home Secretary announced the issue of a consultation paper proposing the creation of an independent national Firearms Control Board which could assume responsibility for the operation of the firearms licensing system. It was suggested that the new body might be better placed than the police to operate a fast, efficient and cost-effective system with no added risk to public safety. Experts trained in firearms and crime prevention would administer the licensing system. The Committee were asked to consider the responses to the consultation document and to advise the Home Secretary on the way forward.

3.4 The Committee noted that the consultation exercise had generated considerable interest. Copies of the consultation document were circulated by the Home Office to all chief constables, local police authorities, local authority organisations as well as all the major shooting organisations and periodicals.

In addition many requests for copies were received from individuals and clubs. In all over 500 copies of the consultation document were issued. Some 180 responses were received, 46 of which were from organisations and associations and the remainder from clubs and individual shooters. Over 80% of respondents were in favour of the proposal. We were impressed by the quality of responses and the thought and effort which had clearly been given to considering the proposal.

Firearms Control Board or Police?

3.5 The Committee were impressed, as were many of the respondents to the consultation document, by the arguments in favour of a firearms board. We are conscious of the very considerable efforts being made by a number of police forces to improve their practices and of the high standards of administration which are already evident in some force areas. But much remains to be done and a centralised body might well be the most sensible way of achieving uniformly high standards across the country. As well as ensuring that the licensing system was operated consistently and uniformly by experts, however, the board would above all else free the police from a function which could be performed by a civilian body, thus enabling them to concentrate on one which could not, viz tackling crime. The board would also in our view represent an important first step towards decriminalising the sporting shooter. Shooters have long resented the fact that their sport is governed by an Act of Parliament whose purpose is to prevent crime. Of paramount importance to the consideration of this proposal, however, must be its possible effects on public safety. No change could be countenanced if it would be likely to result in a weaker protection for the public. This was the main objection to a board put forward by respondents to the consultation papers. Some commented that the strengths of the present system should not be overlooked. Although, for instance, the police may lack technical expertise, a reliable and professional assessment of an individual's suitability to possess firearms is more important from the point of view of public safety than detailed technical knowledge. In particular it was felt by some respondents that a centralised firearms board would lose the local knowledge and intelligence available to the police. Concern was expressed that exclusion of police intelligence from the licensing process might increase the risk of firearms finding their way into the hands of unsuitable persons.

3.6 The Committee noted these genuine concerns. *We felt strongly, however, that the fear some respondents have of the effect on public safety of a new arrangement is misplaced.* It is important to keep in mind that the function which it is proposed to take away from the police is an *administrative* one.

The police would retain all their existing powers of enforcing the firearms legislation, including the power to seize weapons without notice where public safety would otherwise be in jeopardy. Some respondents thought it imperative that the police should have a power of immediate revocation. In our view it is the power of immediate seizure which safeguards the public.

3.7 Clearly, however, it will be essential that the police continue to have an input into board decisions on applications for certificates. There should in our opinion be no question of the police having a power of veto. That would simply mean their having to duplicate many of the enquiries which the board's own staff would need to make before reaching a decision and would undermine the board's decision. But it must nonetheless be sensible for the board to take full account of whatever information is provided by the police on individual applications.

3.8 As to the ability of the board's employees to make the sort of assessments of an individual's suitability to possess firearms that police officers make, the Committee considered that this was something which would need to be borne in mind in the recruitment of the board's staff. While the board's employees would be expected to become firearms experts, they need not necessarily already hold this expertise on appointment. If they did, it would be a bonus. But it would be more important in our view to recruit those with an aptitude for assessing and dealing with people and indeed having the right general qualities for the job, and then give them whatever further training was necessary in specialist firearms matters.

3.9 It was argued too by some respondents that shortcomings in the existing system could be remedied without incurring the expense and upheaval inherent in such a radical change. Much of the additional administrative work resulting from the Firearms (Amendment) Act 1988 was now out of the way and forces are finding the space and time to concentrate on improving the present system and instituting common standards. Furthermore centralisation might result in creeping bureaucracy, which would add to the cost of certificates, and in rigidity from an over-emphasis on uniformity to the detriment of the sensible use of discretion and flexibility in handling individual applications.

3.10 Accordingly as the final factor in our consideration of whether the concept of a national firearms board was worth pursuing, *we looked at whether the benefits would justify the cost and upheaval. We are emphatically of the view that they would.* This sort of question can, of course, be posed about any

proposal for radical change and there must always be an element of risk. But the creation of a firearms board, which is properly planned and resourced, holds out the promise of a licensing system which would be free of the current inconsistencies, impartial, speedy and expert. It should restore confidence in the police among a significant minority of the population by removing a source of constant friction between police and shooters. There is an inevitable danger of any newly created centralised organisation becoming bureaucratic and inflexible but, notwithstanding the accountability which would need to be built into the board's operations by statute, the linkage of the system's costs with fees levels should of itself ensure a rigorous scrutiny by the shooting community. Accordingly *our recommendation to the Home Secretary is that he should press ahead with work to establish a firearms board.*

- Practical difficulties**
- 3.11** Having concluded that the firearms board concept should be pursued we examined what practical difficulties would need to be overcome. We have touched already on **continued police involvement in the licensing system**. Our conclusion is that, while the police should not have a power of veto, they must clearly be routinely given an opportunity to comment before a certificate is issued.
- 3.12** This led to another practical issue which concerned us; the **information links** between the board and police forces. It seemed to the Committee essential that the police should have round the clock availability of information on certificate holders. It would be worth the Home Office considering too whether, as a number of respondents had suggested, the board should update police records of certificate holders daily, rather than weekly as was envisaged in the consultation document.
- 3.13** We looked as well at several other practical issues. Many respondents, whether for or against the proposal, thought that the costs of setting up a firearms board had been seriously underestimated in the consultation papers. In particular many thought that proposed **staffing levels** would be inadequate. The Committee shared these concerns. We agree with those respondents who commented that the proposed number of firearms enquiry officers is unrealistic when viewed in the light of the number of police officers and police civilian staff carrying out firearms licensing duties at present. Any shortfall would immediately damage the prospects of the board operating the greatly improved licensing system of which it should be capable. Nonetheless we recognised that the feasibility study contained in the consultation papers was not intended to be a blueprint for the board and the Home Office has always recognised that further consideration would be

necessary. We recognised too that it might well be possible to identify administrative or legislative changes which would streamline the system and thereby reduce the necessary staff numbers.

3.14 The board's proposed **regional structure** had also attracted criticism from respondents. We found ourselves in agreement with those who considered the regional areas to be too large to effect adequate coverage and regional offices too remote. But again this is something which the Home Office will need to address in greater detail in taking the proposal forward.

3.15 Finally, we examined one practical issue which is of major concern to the shooting community; whether it would be reasonable for shooters to bear the **costs of setting up a new system**. Many respondents had commented in their responses to the consultation document that shooters should not be expected to bear the cost. The Committee agreed with this assessment. It seems to us that while a case can be made for shooters bearing the running costs of the licensing system – though even this is not clear cut – it would be quite wrong to expect shooters to finance the start-up costs of a new licensing system. The existing system has been found deficient and needs replacing but that is not the shooting community's fault.

Status and structure **3.16** We looked at what would be the most appropriate constitutional status for a board and at what its composition and structure should be. As to **constitutional status**, the options identified in the consultation document were privatisation, a Next Steps civil service agency or a non-departmental public body (NDPB). This third option was favoured by the overwhelming majority of respondents and the Committee share this conclusion. *NDPB status is widely seen as providing the best balance between control, managerial freedom, relative independence from Government Ministers yet accountability to Parliament.* Direct accountability to Parliament through the Select Committee system would provide a powerful safeguard against the possibility of the board growing into a rigid and unresponsive bureaucracy.

3.17 Turning to the **composition and structure** of the board, *we were not at all persuaded by the arguments put forward by a number of respondents that representatives of the shooting organisations should constitute a large part – some suggested as much as half – of the board's membership and that the major organisations should have a say in the appointment of the board's chief executive.* In our view too large a shooting representation among the board's membership and a sense that

shooters could effectively veto appointments would convey the wrong message to the public at large about the board's chief purpose, which is the protection of public safety rather than the rights of the legitimate shooter. The latter objective, while desirable, must take second place to the paramount demands of public safety. *We recognise, however, the desirability of some board members being experienced shooters* both to provide expertise and to inspire confidence in the board among the shooting community.

3.18 In the same vein *the Committee considered that there would still be a role for a Firearms Consultative Committee or similar body*. Opinion among respondents to the consultation document was divided on whether the Committee's role could be subsumed into the board. But there was widespread agreement that there is a continuing need for a forum in which the views of all interested parties can be heard. To our minds there will be important advantages in retaining a body which is – and is seen to be – independent and distinct from the board. It also needs to be borne in mind that the board would be concerned primarily with operating the licensing system, while a consultative committee would be able to advise Government on the whole of the firearms legislation. The exact relationship between the two bodies would be for discussion but it might well make sense for them to have one or two members in common and for the board to be placed under a statutory duty to consult the “consultative committee” at appropriate intervals.

3.19 *We considered too the staffing of the new board*. Many respondents thought it would be wrong and indeed counter-productive simply to transfer wholesale those working in police firearms licensing departments to the board. This would damage shooters' confidence and might lead to the perpetuation of current bad practices. A number of respondents thought it important too that staff should be drawn from the pool of civilian, rather than ex-military or police, firearms experts because of the quite different focus of civilian firearms use. It seemed to us, however, that *no class of person should be excluded from employment*. *The principle should be one of fair and open competition* in which account would clearly be taken of applicants' suitability as well as background.

Appeals system **3.20** Among respondents there was *widespread agreement that a new appellate system was desirable* and that it would need to observe a number of fundamental principles: any new system should clearly be independent from the board and should be quick, accessible and simpler than the current system. The Committee, however, were less sure that the board should

have no review function. One possibility, consistent with speed, accessibility and simplicity, would be for a disputed case first to be looked at afresh by members of the board itself – rather than the staff who had taken the initial refusal decision. This could take the form either of a review of the papers or a personal oral hearing but would not be an appeal as such. Clearly this type of arrangement would need to be backed up by a formal system of appeal and, in line with the views expressed by the overwhelming majority of respondents, the Committee would favour a specialist tribunal with experts among its members. It would be unsatisfactory in our opinion for appeals from an expert body, ie the board, to be to a body lacking firearms expertise, such as the magistrates or Crown courts (or the Sheriff in Scotland). We would envisage such a tribunal having a legally qualified chairman and two lay members. But whether the lay members should be a serving senior police officer and respected shooter, as suggested by a number of respondents, is debatable, as this could lead to an undesirable polarisation of views. It should, however, be peripatetic in order to maximise its accessibility to shooters. From the tribunal there might then be a further right of appeal into the judicial process. The Employment Appeals Tribunal, which is chaired by a High Court Judge but has expert members as well, was suggested to us as a possible model for this second level.

3.21 This one possible model for a new appellate system is not intended to be prescriptive. *The Committee recognise that the issues are complex and further detailed consideration will be necessary in order to formulate the system which best meets the criteria of speed, accessibility and simplicity.* Accordingly our recommendation to the Home Secretary is that in the Committee's view an appeals procedure could and should be established which is informal and inexpensive, and that the exact mechanism for achieving this should be investigated in depth.

Recommendations **3.22** In sum, therefore, the Committee recommend that, first and foremost, the Home Secretary should take forward the proposal to establish a firearms board and begin to make detailed plans. The board should be constituted as a non-departmental public body. Some members of the board should have shooting experience. A consultative forum should exist independent of the board. Additionally a new simple and inexpensive appeals system should accompany the board's creation. We consider that the police should continue to be consulted on certificate applications but they should not have a power of veto. To facilitate the working relationship between the board and police a speedy two-way channel of communication will be needed and the police should have

round the clock access to certificate holders' records, which should possibly be updated daily. The Home Office will need to give further thought to staffing levels and the possibility of changes to streamline the licensing system as well as to the proposed regional structure. Recruitment of staff should be on the principle of fair and open competition but aptitude will be more important than existing firearms expertise. Shooters should not be expected to finance start-up costs.

3.23 Because of the importance of this subject our Chairman wrote to the Home Secretary shortly after the June meeting reporting our findings.

Home Office Guidelines on Best Practice

3.24 Whether or not the proposal to establish a centralised civilian licensing body is adopted, the issues which need to be addressed are large and complex, and in the meantime the police will clearly still have the responsibility for firearms licensing. Accordingly efforts to encourage all forces to operate their licensing systems as efficiently and effectively as the best of them already do must continue. The Committee therefore welcomed the work done by the Home Office Working Group following on from our recommendation in last year's report that a best practice model should be drawn up.

3.25 We understand that the best practice guidelines are aimed at promoting a consistent and streamlined approach by police forces to the operation of the licensing system. It is intended too that they should provide a sounder basis on which to assess the costs of the licensing system. The Committee could not fault these principles but, noting that the guidelines were not intended to be prescriptive, we did have reservations about a number of the Working Group's detailed recommendations. Those recommendations are reproduced at Annex E. Our reservations are set out at Annex F.

Format of Firearm and Shot Gun Certificates

3.26 In our second year we had considered, in the context of the purchase of shot gun ammunition, the possibility of small credit-card style firearm and shot gun passes being introduced as an adjunct to certificates. After detailed examination our reluctant conclusion was that a pass can have no legal status as the law presently stands. But we nonetheless thought it worthwhile to look at this again as part of a wider consideration of the format of firearm and shot gun certificates.

3.27 When we came to consider the subject again this year, however, we were conscious that any changes to the format of certificates would now need to take into account the possible creation of a non-police licensing body. With this in mind it did

not seem to the Committee a sensible use of our time to give the subject further consideration at this stage. We felt too on reflection that the full Committee would not be the right forum to consider the detailed drafting of certificates. Such detailed work would be better and more appropriately done by a small working group of those directly involved in the certification process. Accordingly the best way forward in our view is for the Home Office to set up a further working group, to include representatives from the shooting community, which would consider what detailed changes should be made; and we *so recommend*. The Committee would, of course, want to be kept informed of the working group's progress.

CHAPTER 4

Replica and De-activated Firearms

Background 4.1 Concern has been growing for some time about the use of replica and de-activated firearms in crime. Calls for tighter controls had increased following a number of fatal shooting incidents where imitation weapons had been mistaken by police officers for the real thing. In 1991 the Police Federation Conference had passed a motion calling for statutory controls on such weapons.

4.2 In view of the growing levels of concern the Committee considered it essential to look closely as a matter of urgency at the adequacy of current controls on imitation firearms.

Types of Imitation Firearms 4.3 “Imitation firearm” is defined in section 57(4) of the Firearms Act 1968 as meaning “any thing which has the appearance of being a firearm . . . whether or not it is capable of discharging any shot, bullet or other missile”. We felt it important at the outset to recognise the distinction between the various types of imitation weapon. In our view it is unhelpful to speak of “imitation firearms” as if they are a single homogeneous group. Most imitations are **toys** and there are probably many millions in circulation. Replica weapons which are **not capable of firing live ammunition** are collected by individuals who are interested in firearms but do not wish to possess “genuine” weapons, which would make them subject to certification procedures. **Blank firing replicas**, which give the sound and impression of a shot being fired, are widely used in film, theatre and television productions and by battle re-enactment groups. Real firearms which have been **de-activated** are also widely held by collectors and there is a huge market for such weapons.

Statutory Provisions 4.4 Under section 1 of the Firearms Act 1982, an imitation firearm which has the appearance of being a firearm to which section 1 of the Firearms Act 1968 applies and which is so constructed or adapted as to be readily convertible into a firearm to which that section applies is subject to the same controls as a “genuine” firearm. A firearm certificate issued by the local chief officer of police is therefore required to acquire or possess imitation weapons of this sort. Imitation firearms which are not readily convertible to fire live ammunition are not subject to control and can be acquired or possessed freely without a certificate.

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

4.6 A firearm which has been de-activated so that it is not capable of firing any shot, bullet or other missile, is not a firearm within the meaning of the Firearms Acts and is not subject to certificate control.

4.7 Section 8 of the Firearms (Amendment) Act 1988 introduced an approved standard for de-activation. Weapons which have been de-activated in a manner and to a standard approved by the Secretary of State and which have been stamped and certified as such by one of the proof houses are presumed no longer to be firearms and do not require a certificate. The proof house certificate is an evidential requirement only and firearms which have been de-activated in some other manner may also have ceased to be firearms subject to certificate control.

Need for Action **4.8** The Committee shared police and public concern that all practicable steps should be taken to reduce the use of imitation firearms in crime. While we were aware that the Criminal Statistics published by the Home Office have shown that imitation firearms are used in only a very small proportion of criminal offences, we heard that actual use in crime is probably much higher. Only when the imitation weapon is recovered or when other conclusive evidence is found at the scene of the crime which points to its being an imitation do the statistics specifically record use of an imitation firearm. Otherwise the offence will be shown as having been committed with a real firearm.

4.9 We were conscious too that a person being threatened by a realistic imitation firearm would find the experience just as frightening as if a real weapon had been used. As an extreme example of this we heard of a case where the use of an imitation firearm in a petrol station robbery had led to the cashier's death from a heart attack. And, of course, as had already happened on a number of occasions, a criminal using an imitation weapon might well end up being shot by a police marksman, whose primary concern must be to protect the public as well as himself and fellow police officers and who under conditions of severe stress and in possibly poor light could be excused for mistaking even a poor imitation for the real thing.

Possible Solutions **4.10** The Committee looked at a range of options for tackling the use of imitation firearms in crime. These included a total or partial ban on imitation weapons, the introduction of a licensing system, increased penalties for criminal misuse and a number of non-legislative options.

Legislative Options 4.11 Banning all types of imitation weapons did not appear to us to be a practical option. The huge numbers of imitations already in circulation and the problem of what to do about them in the event of an outright ban, together with the likelihood of public resistance to any ban on toy guns, combine in our eyes to make this approach beset with difficulties. We also noted that the sale of blank firing weapons is at present unrestricted on mainland Europe and the move to a Single European Market would make it impracticable to limit their importation to the UK.

4.12 But even if these practical difficulties could be overcome we also saw serious objections of principle to a total ban. It seemed to us that such an approach might actually lead to *increased* levels of violent crime. Not only might the number of “genuine” firearms in circulation increase because collectors of firearms who had hitherto been satisfied with replica or de-activated weapons could turn to “genuine” firearms, but criminals too, once denied easy access to replicas, might resort to real firearms or to other dangerous weapons.

4.13 The Committee considered the possibility therefore of introducing a graded system of control for the different types of imitation firearm. Such a system might, for example, place licensing controls on replica and de-activated weapons but not on toy guns, while banning outright the use of blank firing weapons other than for approved purposes such as film work. We concluded, however, that any attempt to legislate in this way would be bedevilled by acute and insuperable problems of definition. It would in our view be well nigh impossible to draw sensible and workable distinctions between exact replica weapons, close imitations, de-activated firearms and toys. Even the distinction between blank firing weapons and those unable to fire at all would be fraught with difficulty. Furthermore, however carefully legislation was drafted, it would be for the courts to decide whether individual types of gun were caught by the new law. Case law would develop slowly and contradictory judgements from different courts would generate confusion and uncertainty among owners of imitation weapons and police alike.

4.14 The Committee found much more attractive the possibility of legislating to extend the range of offences contained in the Firearms Acts which relate to the criminal misuse of firearms so as to cover imitation weapons as well. While certain of these offences already extend to imitation firearms, others – such as carrying a firearm in a public place or trespassing with a firearm – do not. In broad terms we took the view that an adult should be guilty of an offence if he has with

him an imitation firearm without reasonable excuse, in circumstances where if it were a real firearm an offence would have been committed. This would shift the burden of proof squarely onto the person involved and in our view would increase the deterrent effect of penalties for criminal misuse, while also giving the courts more power to punish offenders.

Non-Legislative Options **4.15** We recognised, however, that changes in the law would inevitably take time. We therefore looked as well at what non-legislative measures might be adopted in the shorter term to combat the problem. It seemed to us that there is scope for increasing public awareness of the penalties and dangers of misusing imitation weapons. The idea of a general publicity campaign, perhaps including coverage of the topic in schools by Crime Prevention Officers, was considered but rejected. While superficially attractive, it seemed to us that this might prove counter-productive by drawing the attention of those who might not otherwise be particularly interested to the existence and possible misuse of imitation weapons.

4.16 But we were attracted to the idea that a voluntary warning should be included on the packaging of all imitation weapons (including toys and de-activated firearms). We noted in this regard that since January 1990 the British Toy and Hobby Manufacturers' Association has voluntarily promoted a code of practice concerning the marking of toy guns and replica firearms. The addition of a warning on the packaging of these items would make clear to the purchaser the range of offences and penalties which could be incurred by criminal misuse. Such a warning would be bound to reach the target audience and we thought would probably be acceptable to manufacturers since it could be implemented at little extra cost.

4.17 In the same vein the Committee noted with interest that the Home Office was already discussing with HM Customs and Excise, as part of the preparations leading to the Single European Market, the possibility of posting warning notices about misuse of firearms (rather like the rabies warning) at ports of entry. We welcome this initiative.

Conclusions and Recommendations **4.18** Ordinarily the Committee's advice on any issue would be submitted to the Home Secretary in our annual report. In view of the level of concern which had been expressed about the misuse of imitation firearms, however, our Chairman wrote to the Home Secretary on 28 November 1991, immediately after our discussion of the issue, to set out our views and recommendations.

4.19 In summary, the Committee shared the widespread concern that all practicable steps should be taken to reduce the use of imitation weapons in crime. We concluded that legislation to control imitation weapons, whether by a total or partial ban or by introducing a licensing system, would not be viable. But we felt strongly that the range of offences relating to criminal misuse of firearms should be extended to cover imitation weapons and we *recommended* therefore that the Home Secretary should give consideration to amending the legislation accordingly at the earliest suitable opportunity.

4.20 The Committee looked too at non-legislative measures. We concluded that there is scope for raising awareness about the penalties and dangers of criminally misusing replica weapons and in our view this would be best achieved by the introduction of voluntary labelling of packaging with a clear warning to the purchaser. Accordingly we *recommended* that the Home Office pursue this with the trade.

4.21 Finally, in the course of our consideration of this issue we felt very strongly that the criticism directed from some quarters at the police, following incidents where individuals subsequently found to be carrying imitation weapons had been shot by police marksmen, was misconceived. It seemed to us that if an individual is sufficiently reckless to put himself in a position necessitating police action, he cannot expect the police to give him the benefit of the doubt when assessing the risk to the public and to themselves. We recognised that immediate support from Ministers for police action following an incident would be inappropriate when the full facts had yet to be established. But we did consider that there would be value in the Home Secretary using a suitable opportunity to express in public support for the police in their courageous handling of potentially life-threatening situations; and we also *so recommended*.

CHAPTER 5

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

Background 5.1 In June 1991 at the request of the Secretary of State for Scotland the then Home Secretary referred to the Committee three issues relating to the workings of the Firearms Acts which had been raised by Sheriff Brian Lockhart in his Determination following the Fatal Accident Inquiry into a tragic incident in Glasgow in March 1990, when Mr Alan Parkhill shot and killed one man, wounded several other people and then took his own life. The three issues raised were the age at which a person should be permitted to hold a firearm certificate and whether this should be related to the calibre of weapons, the limits on the number of firearms and the amount of ammunition which a certificate holder should be entitled to possess, and the storage of firearms and ammunition.

5.2 We decided to consider these issues alongside our broad review of the statutory age limits foreshadowed in last year's annual report.

Possession of firearms by young people 5.3 The Committee 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 and whether or not this should relate to the calibre of the weapon. We noted in this regard that the age limits contained in sections 22–24 of the Firearms Act 1968 are already very detailed. It is, for instance, an offence for a person under the age of seventeen to purchase or hire any firearm or ammunition. It is an offence too except in very limited circumstances for a person under the age of fourteen to have in his possession any section 1 firearm or ammunition. And 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 the gun is so covered with a securely fastened gun cover that it cannot be fired.

5.4 In considering whether the age limits should be tightened still further, we were particularly conscious too of the value of allowing young people access to firearms so that they can learn at an early age under strict supervision the correct ways of handling them and the importance of safety guidelines. With this in mind 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.

5.5 In reaching this view we noted as well that the Home Office Working Group on the Administration of the Firearms Licensing System (see Chapter 3) had considered whether applications for a firearm certificate by young people should be

treated differently to those by adults. The Working Group's conclusion was that, save for the presence of the parents during interview, they should be treated no differently.

Limits on the quantities of firearms and ammunition

5.6 The Committee then considered whether a statutory upper limit should be introduced on the number of firearms and the amount of ammunition which a certificate holder should be entitled to possess. In this regard we were conscious that, under section 27 of the 1968 Act, chief officers of police must already be satisfied that shooters have good reason for the possession of each firearm they wish to hold. Chief officers may also limit the maximum amount of section 1 ammunition that can be possessed at any one time.

5.7 Bearing this in mind we considered that it would not be right to impose what would in effect be no more than arbitrary statutory restrictions on the quantity of firearms or ammunition which could be held by certificate holders at any one time. In our judgement the existing provisions already provide sufficient safeguards.

Storage of firearms and ammunition

5.8 The Firearms Rules 1989 impose a mandatory safekeeping condition on both firearm and shot gun certificates. Certificate holders must ensure that, when not in use, guns are stored so as to prevent, so far as is reasonably practicable, access by unauthorised persons. The Rules do not spell out exactly how this requirement is to be met, but advice is contained in the Home Office publication *Firearms Law: Guidance to the Police* that a locked gun cabinet or other similarly secure container should be used.

5.9 Again we were satisfied that this existing safekeeping condition provides an adequate safeguard and that there is no need for further regulatory provision. We were aware, however, that some confusion had arisen among shooters about what arrangements are necessary to fulfil the safekeeping condition. This is something which we discussed in some detail in our first annual report. Accordingly we welcomed the news that the Home Office was producing a leaflet to be made available nationally giving guidance on the security of firearms. That leaflet is discussed in more detail in Chapter 10.

Recommendation

5.10 In sum, we examined very carefully the three issues referred to us by the Home Secretary in the context of our more general review of age limits. Our conclusion, however, was that no changes to the existing controls are necessary and we *so recommend*.

5.11 The issues identified by Sheriff Lockhart and referred to the Committee arose out of an appalling tragedy and raised important public safety concerns. In these circumstances we felt it right to give early advice to the Home Secretary without waiting to report our findings in this annual report. Accordingly our Chairman wrote to the Home Secretary on 28 November 1991 with an account of our discussions.

CHAPTER 6

Definition of antique weapons and the collecting of firearms and ammunition

Definition of antique firearms

6.1 Section 58(2) of the Firearms Act 1968 exempts from the provisions of the Act – including from certificate control – antique firearms which are sold, transferred, purchased, acquired or possessed as curiosities or ornaments. Any antique firearm possessed with the intention of its being used is subject to the full rigours of certificate control. It was brought to our notice, however, that difficulties had arisen because the term “antique” is not defined in the Act. Home Office Guidance, contained in paragraph 2.7 of the publication *Firearms Law: Guidance to the Police*, provides some practical help. This says in essence that all muzzle-loading weapons and certain breech-loaders chambered for obsolete cartridge systems may be regarded as antiques. We heard, however, that, notwithstanding the Home Office Guidance, there is a lack of consistency between police forces. For example, some forces, so we learned, have accepted that certain block powder centre-fire breech-loaders for which cartridges are not readily available are antiques, which runs contrary to the Home Office Guidance. In at least one case this inconsistency has resulted in a prosecution being brought – albeit unsuccessfully – against a person who had purchased just such a breech-loader as an antique in one force area only to be charged by his own local force for possession of a firearm without a certificate. We were also told that HM Customs and Excise too were experiencing difficulties because of the lack of a statutory definition.

6.2 It seemed to the Committee that the problems arising out of the current uncertainty would become more acute with the advent of the Single European Market on 1 January 1993. EC Member States define antique firearms in diverse ways – some are much stricter, some more liberal than Great Britain. We noted in this regard that Member States had found it impossible to reach agreement on a universally acceptable definition during discussions on the EC Directive on the Control of the Acquisition and Possession of Weapons, which we discussed in last year’s report. Agreement may well still prove impossible when the Directive is reviewed in 1997.

6.3 We are not critical, however, of attempts to find a satisfactory definition which have proved unsuccessful. The subject is a particularly complex one and we found it sobering to note that during the passage through the House of Lords of the Bill which became the Firearms Act 1920 the Government spokesman admitted with reference to the term “antique” that “a precise definition of that word is beyond the powers of His Majesty’s Government. I can only say that the definition must be left to common sense”. But notwithstanding the difficulties, there is, over seventy years on, a clear need to find ways in

which the present uncertainty might be dispelled. To take matters forward, therefore, we decided to form a small working group of Committee members which we tasked with considering practical measures aimed at minimising the current uncertainty and promoting a consistent approach by police forces.

- Consideration 6.4** The Working Group started from the premise that those arms which are commonly used in crime should remain subject to certificate control irrespective of age. This precluded the otherwise superficially attractive option of adopting a cut-off date before which all weapons should be deemed antique. While a cut-off date would have the virtue of simplicity, it was noted that by the end of the Victorian era virtually all the design principles used in “modern” firearms and ammunition had already been established. The Working Group heard that the Forensic Science Service sees many shot guns used in crime which date from the 1860s-1890s as well as many .22 and centre-fire revolvers of late nineteenth century manufacture for which ammunition is still available. Public safety considerations must be uppermost and where there is a track record of criminal misuse it would be wrong to relax the controls on older weapons. A list of weapons which on public safety grounds the Working Group consider should not benefit from the section 58(2) exemption is contained at Annex G.
- 6.5** On the other hand it was noted that transitional breech-loading longarms (which are currently excluded from the Home Office *Guidance to the Police*) and including those chambered for the more obscure and obsolete calibres, are rarely used in crime and could at first sight be exempted from control without putting public safety at risk. Because of this the Working Group considered the best solution might well be to draw up a list of obsolete centre-fire cartridges. An old firearm originally chambered for one of these cartridges and held as a “curiosity or ornament” should be regarded as antique for the purpose of section 58(2). Such a list (Annex H) could not be prescriptive or exhaustive, and weapons falling outside it would still need to be looked at individually, but it ought to be relatively straightforward for police and officers of HM Customs and Excise to use. The list is not intended to be definitive but in our view provides a useful basis for further discussion.
- 6.6** The Working Group also noted that many shooters of muzzle-loading firearms and shot guns use antique specimens rather than modern reproduction muzzle-loaders. Since antique muzzle-loading arms may, under the provision contained in section 58(2) of the 1968 Act, be purchased, possessed and sold freely as “curiosities or ornaments”, and since the new Control of Explosives Regulations (which came into force on

1 November 1991) regulate both the acquisition and possession of black powder, the Working Group considered that there would be no significant reduction in public safety if the firearm or shot gun certificates of shooters of muzzle-loaders were to be varied to give a general authorisation for a particular class of antique muzzle-loading firearm or shot gun. This would obviate the need for variation of certificates in respect of a class of arm whose simple possession is uncontrolled and thus lighten the administrative burden on both shooters and police.

6.7 Finally, the Working Group reviewed the possession of "antique" ammunition. They considered, however, that there seems to be little or no demand for a relaxation of controls on the possession of self-contained cartridges and there is no strong case for any such relaxation. Section 1 and section 5 ammunition of any age should therefore continue to require authorisation for its acquisition and possession.

Recommendations

6.8 The Committee have endorsed the Working Group's recommendations. In summary, they are that the Home Office's *Guidance to the Police* should, subject to further discussion, be amended to include as antiques those breech-loading centre-fire arms originally chambered for cartridges which are now obsolete (on the lines of Annex H) but not certain other specified weapons (Annex G); that the Home Office should give consideration to firearm and shot gun certificates for those wishing to shoot antique muzzle-loading arms giving a general authorisation permitting use of any such weapon; and that there should be no concept of antique self-contained ammunition.

Collecting of firearms and ammunition

6.9 The Committee have been made aware of difficulties being faced by collectors of arms and ammunition, an area in which interest is growing. In essence the problem is that the current firearms legislation, based as it is on earlier legislation, takes no account of the needs of those who wish to collect certificatable weapons. In practice the collector of arms alone finds in most cases no particular difficulty. Collecting is accepted in the publication *Firearms Law: Guidance to the Police* as "good reason" for the grant of a firearm certificate, though we did hear that current certification procedures can be unnecessarily burdensome both on collectors and police forces. But transposition into UK law of the EC Directive will create problems for the collector of "disguised" arms, in particular walking-stick shot guns but also rarer curios such as pistols concealed in purses or cigar cases and belt-knuckle pistols, which it is proposed should all be raised to the prohibited category. Penetrating military ammunition and their projectiles are also destined for prohibition by the Directive. In addition,

pistol ammunition containing expanding bullets (eg soft-point and hollow-point) and their projectiles will also be prohibited except if used for sporting or target shooting applications. There are likely to be many of these items in circulation in the form of inert rounds, loose bullets, novelty key-rings and belts and such like. These matters will fall for interpretation once the final form of the legislation is known. It was also drawn to our attention that collectors of shot gun ammunition who neither possessed nor intended to acquire a shot gun could be refused grant of a shot gun certificate by virtue of section 3(1A)(b) of the Firearms (Amendment) Act 1988, on the ground that they did not have good reason for possessing, purchasing or acquiring (a shot gun)". While this is technically true for the collector of ammunition who has no wish to own a shot gun, by virtue of section 5 of the 1988 Act a firearms dealer cannot lawfully sell him ammunition unless the collector is able to produce a shot gun certificate. We recommend that this and any other like anomalies be addressed.

6.10 Because of the link with the issue of an adequate definition for antique firearms we decided that collecting should also be examined by the same working group of Committee members.

Consideration **6.11** The Working Group noted that a number of EC countries give separate recognition to the collecting of firearms and issue forms of licence which differ from those issued for shooting. There would be some administrative advantages to a licensing system for collectors which permitted the acquisition of arms without specific prior authorisation in respect of each weapon. Provided safeguards were in place to ensure security and proper record-keeping such a system should not jeopardise public safety. With regard to the collecting of section 1 ammunition, it would appear that few difficulties have been encountered, but the Working Group considered that a separate collectors' licence, like the one proposed for firearms, would be useful if it could be demonstrated as providing administrative benefits without loss of public safety.

6.12 The proposal in the EC Directive that "penetrating" military ammunition, pistol cartridges loaded with expanding bullets and the projectiles for such ammunition should be placed within the prohibited category caused the Working Group grave concern. Such projectiles are in widespread legal ownership at present in this country not only among holders of firearm certificates but also, in projectile-only or inert form, among the population at large. In view of the lack of evidence that simple possession of such projectiles has affected criminal activity the Working Group considered that the Home Office

should explore every legal avenue with a view to allowing continued simple possession without a certificate or, of live rounds, by means of a firearm certificate.

6.13 We note it is not possible to be issued with a shot gun certificate solely for the purpose of purchasing cartridges and we therefore recommend that section 3(1A)(b) of the 1988 Act should be amended to make clear that a shot gun certificate may be issued in appropriate circumstances for the express purpose of purchasing cartridges. This could be achieved by a simple amendment to make section 3(1A)(b) read – “(No such certificate shall be granted or renewed if the chief officer of police) . . . is satisfied that the applicant does not have a good reason for possessing, purchasing or acquiring a shot gun or purchasing cartridges”.

Recommendations **6.14** The Committee again felt able to endorse the Working Group’s conclusions. We note that the EC Directive will cause problems, but we recommend that an exemption should be included which would benefit, among others, genuine collectors. Our recommendations to the Home Secretary in sum are that the firearms legislation should be amended to introduce a separate collectors’ certificate which would allow collectors of firearms and/or ammunition to acquire weapons and/or ammunition within a defined category without specific prior authorisation; that all legal avenues should be explored with a view to allowing the continued private possession of ammunition or inert items containing projectiles from such loading which will become prohibited under the EC Directive; and that the legislation should be amended to permit the issue in appropriate circumstances of a shot gun certificate for the sole purpose of purchasing shot gun cartridges.

CHAPTER 7

Miniature Rifle Ranges

Background 7.1 In our second year the Committee's notice was drawn to a possible loophole in firearms controls in the form of the provision in section 11(4) of the Firearms Act 1968 exempting from certificate control operators and users of miniature rifle ranges and shooting galleries. As we recognised in last year's annual report, however, this exemption has existed since 1920 and change should not be recommended in haste. We were glad therefore to accept a Home Office offer to set up a small working group to consider the way forward.

Statutory provisions 7.2 Under section 11(4) of the 1968 Act a person conducting or carrying on a miniature rifle range or shooting gallery at which only miniature rifles not exceeding .23 inch calibre or air weapons not declared by the Secretary of State to be specially dangerous are used may, without holding a firearm certificate, have in his possession or purchase or acquire, such miniature rifles and ammunition. Users of miniature rifles at the range are similarly exempt from certificate control.

Key Issues 7.3 The Working Group, on which several Committee members served alongside police and Home Office representatives, identified several key issues which needed to be addressed. These were the weapons covered by the section 11(4) exemption, the shooters who rely on the exemption and what public safety concerns there might be.

Weapons covered by the exemption 7.4 The firearms legislation does not define the term "miniature rifle" but does specify that to benefit from the section 11(4) provision the calibre of the weapons must not exceed .23 inch. The Working Group noted, however, that the exemption was originally intended to cover only low-powered weapons, such as rifles using .22 rim-fire long rifle or short cartridges and a long obsolete .23 inch centre-fire cartridge used with sleeved or tubed service rifles.

7.5 That the provision could be interpreted as applying as well to much more powerful .22 centre-fire rifles with higher muzzle velocity and energy which had been developed since the passage of the original legislation gave the Working Group cause for some concern and in their view is contrary to the spirit of the provision. It would be incongruous and a threat to public safety not to apply the same stringent controls to these weapons as to other firearms. Accordingly the Group's conclusion was that an amendment to section 11(4) is necessary to specify .22 rim-fire rifles only. Ideally, the Home Secretary should also take power to alter the exemption by regulation in order to accommodate future changes in weapon technology.

7.6 While recognising that it could have no force in law, the Group also considered that in the absence of legislation guidance should be issued clarifying the desirable extent of the exemption. The following form of words was suggested:

“For the purpose of section 11(4) of the Firearms Act 1968, a ‘miniature rifle’ should be interpreted as a rifle chambered for .22 inch rim-fire cartridges not exceeding the .22 inch long rifle cartridge in size and power. The cartridges used with the rifle should be loaded with bullets of (purported) weight not in excess of 45 grains (3 grams approximately).

Any commercial .22 short, long or long rifle rim-fire ammunition may be expected to be within these criteria. The .22 Winchester Magnum rim-fire and .22 centre-fire cartridges may be expected to fall outside the criteria.”

Shooters who rely on the exemption

7.7 There are two main groups who currently benefit from the exemption: **those running fairground shooting galleries and miniature rifle clubs, including some schools and colleges.** The Working Group understood that weapons used at fairgrounds are almost invariably either air rifles or .22 rim-fire short rifles and in their view these weapons are not unduly dangerous in normal conditions of use. The .22 inch rim-fire rifles at fairgrounds are used with special gallery ammunition which reduces the danger of ricochet, and it is usual too for a chain to be attached to the barrel and the counter to restrict the arc of fire.

7.8 The Working Group heard that miniature rifle clubs generally use rifles chambered for the standard .22 inch long rifle cartridges. The Group learned too that there are some 200–300 clubs affiliated to the National Smallbore Rifle Association (NSRA) which operate under the exemption. There are as well an unknown number of unaffiliated clubs. Many of these would be unable to meet the criteria for Home Office approval because of their small membership numbers and would therefore be severely affected if the exemption were to be withdrawn altogether.

Public safety concerns

7.9 The Working Group were conscious that as the law stands there is no safekeeping requirement for those operating under the exemption. This seemed to them incongruous when viewed in the light of the security measures required of approved clubs and firearm certificate holders. The Group felt, however, that a distinction needs to be drawn here between the two groups affected. Miniature rifle clubs do not give cause for concern since they generally appear to keep weapons securely as a matter of course. Furthermore because the single shot rifles

they use normally are very heavy, up to about 16 lbs, they are not attractive to criminals. On the other hand security of firearms at fairgrounds is often poor.

7.10 To remedy the incongruity the Group concluded that a statutory safekeeping requirement should be imposed. This would not affect clubs and schools which already store weapons securely but should help ensure that gallery operators bring their security arrangements up to standard. The Working Group thought that a similar requirement to that contained in section 14(1) of the Firearms (Amendment) Act 1988 (relating to carriers) would be appropriate. Alternatively the Home Secretary could take an order making power, subject to Parliamentary resolution, which would enable any future changes to the safekeeping requirement to be made without further primary legislation.

7.11 In the absence of a change in the law the Group felt that the guidance on security contained in the Health and Safety Executive's (HSE) Code of Safe Practice at Fairs, which is issued by the Showmen's Guild to its members, should be expanded and strengthened.

7.12 As to range safety, the Working Group noted that clubs have a generally very good record and although the standard of construction of shooting galleries is not up to that of club ranges, the use of frangible ammunition loadings has minimised potential problems. In the case of both clubs and galleries the incidence of reported injuries has been extremely low.

Other difficulties arising from the exemption

7.13 The Working Group were concerned too about **possible misuse of section 11(4)**. Because individuals entitled to benefit from the exemption have no firearm certificate to prove that they may purchase weapons or ammunition legally dealers cannot be sure they are supplying them lawfully and, at least in theory, non-beneficiaries can obtain weapons and ammunition by claiming to be exempt.

7.14 The Group felt strongly that the burden of proof of exemption should be on the beneficiary. It was noted in this regard that the NSRA used to issue "exemption certificates" to its affiliated miniature rifle clubs and had suggested that this practice might be revived. The Group welcomed this suggestion and considered that the Showmen's Guild might be encouraged to do likewise.

7.15 The Working Group also considered the **use of the word "person" in section 11(4)**. They considered this should be interpreted widely to cover situations where a committee is involved. A wide interpretation in the case of clubs would

ensure that the exemption applied to any committee member depending on who was actually conducting the shooting at any one time.

7.16 In the case of shooting galleries, the Working Group considered that the **distinction made in section 11(4) between “conducting” and “carrying on”** the range is unclear and potentially dangerous. It is arguable that this allows a gallery owner to delegate the task of “carrying on” the range to someone else temporarily and the Group did not regard it as acceptable for owners to hand over their responsibility, for example, to someone simply asked to mind the stall over a lunch break. Accordingly the Group concluded that removing the words “or carrying on” from the statute would eliminate ambiguity.

Conclusions and recommendations

7.17 The Committee were impressed by the work done by the Working Group and have no hesitation in endorsing their findings. There is a sharp distinction between use of the exemption by clubs and its use by shooting galleries at fairgrounds. In the case of clubs there is no evidence of the exemption creating difficulties or public safety concerns and its withdrawal would badly affect many clubs and some schools. In the case of galleries there is anecdotal evidence to suggest cause for concern, in particular regarding the lack of security measures taken by gallery owners, but our recommendations are aimed at ensuring that the exemption is operated safely everywhere.

7.18 In sum our *recommendations* are that the section 11(4) exemption should be retained; but that the wording of the statute should be amended both to clarify that .22 rim-fire rifles only are intended and to remove the words “or carrying on”; that a statutory safekeeping condition should be introduced; in the absence of legislative change, however, that guidance should be issued to the police on the interpretation of “miniature rifles” and that HSE and the Showmen’s Guild should be urged to expand and strengthen their security advice/requirement to galleries; and, finally, that options should be explored with the NSRA and the Showmen’s Guild for their issuing some form of standard recognised documentary proof of exemption.

CHAPTER 8

Component Parts

Background 8.1 By virtue of section 57(1) of the Firearms Act 1968 component parts of section 1 or section 5 weapons are themselves also subject to certificate control. Section 57(1) includes within its definition of firearm “any component part of a lethal or prohibited weapon”. Component parts of firearms which are not subject to section 1 or section 5 control, such as most shot guns, are not subject to those controls.

8.2 The Committee heard that problems have arisen because the term “component part” is not defined in the legislation. Nor has there yet been any definitive court ruling which would resolve uncertainty by providing a binding legal precedent. In consequence the doubt as to what constitutes a “component” and what is merely an accessory has led to inconsistencies of interpretation between police forces.

8.3 We heard too that dealers are also frequently finding themselves in an invidious position. We noted that in theory at least no firearms dealer can sell any part of a firearm safe in the knowledge that he is acting within the law unless the prospective purchaser has an entry on his firearm certificate authorising acquisition of the particular part.

Consideration 8.4 In recognising that an adequate definition of “component part” is not easy to formulate, the Committee nonetheless felt strongly that the absence of a statutory definition had led to difficulties of interpretation. We considered it essential, therefore, that we should try to arrive at a suitable definition which could be incorporated into the statute, thus resolving the current uncertainty.

8.5 It seemed to us a matter of common sense that the objective of the legislation must be to do no more than restrict the availability of those parts of a firearm which can readily be used to produce functioning arms. Accordingly we started our deliberations from the basic premise that only such parts which meet this test should be subject to certification.

8.6 Adoption of the American and Canadian practice of certification of the frame of a weapon only did not attract us. Instead as a starting point for arriving at a satisfactory definition we looked at section 8 of the 1988 Firearms (Amendment) Act. This section effectively sets down in what circumstances a weapon ceases to be a firearm by virtue of having been de-activated. De-activation in accordance with the specifications set down in the Home Office publication *Specifications for adaptation of shotgun magazines and de-activation of firearms* has the effect of leaving some non-pressure bearing parts in full working order. We considered

therefore that a starting point for an adequate definition might be that anything which need not be interfered with for the purpose of de-activation should *not* be treated as a component.

8.7 We also considered the definition contained in the EC Directive on the Control of the Acquisition and Possession of Weapons. This classifies as “essential components” – which must be subject to the same level of control as the weapons of which they are intended to form part – the breech-closing mechanism, the barrel and the “chamber” (revolver cylinder). While better than no definition at all, this still seemed to us to be rather ambiguous. In particular we found the reference to “breech-closing mechanism” too vague. Nonetheless with regard to the problems we had learned of in Scotland, we did note with favour that a positive decision was taken during the EC discussions that magazines should *not* be included within the definition of “essential components”.

8.8 A limitation to “stress bearing” or “pressure bearing” parts is another possibility which attracted us more. By this we had in mind the barrel, receiver and bolt of a rifle, the frame, slide and barrel of a pistol and the frame, barrel and cylinder of a revolver. Without these essential components a weapon cannot be fired.

Conclusion and Recommendation

8.9 The absence of a definition in the legislation of a component part has been causing a good deal of confusion and is placing dealers and members of the public at risk of unwittingly breaking the law. We were very firmly of the view therefore that this unsatisfactory situation should be remedied by an amendment to clarify the law. Accordingly we *recommend* that the Home Secretary should give consideration to amending section 57 at a suitable early opportunity to include a definition of the term “component parts” which would clearly limit these to pressure bearing parts only.

CHAPTER 9

Possession of firearms by mentally disordered persons

Background 9.1 Section 21 of the Firearms Act 1968 prohibits the possession of firearms by certain individuals who have been convicted of crime. Broadly, those sentenced to imprisonment for a term of three years or more are banned from possession for life while those sentenced to a term of less than three years but more than three months are subject to a five year ban from the date of their release. This prohibition does not extend, however, to offenders detained in psychiatric hospitals by orders made under appropriate legislation. Nor is there anything in law to prevent non-offenders suffering from a mental disorder from having access to firearms.

9.2 The police service in particular has expressed concern to the Committee that the growing number of tragedies resulting from the misuse of firearms by mentally disturbed people makes it essential to look at whether the law in this area requires tightening up. Accordingly, and while recognising that the complex issues which arise have already been considered in other fora, we decided to consider the subject afresh to see whether the law should be changed.

Consideration 9.3 We recognised at the outset that a careful distinction has to be preserved between the categories of mentally disordered persons. Most of those diagnosed as suffering from a mental disorder are treated as hospital out-patients or as voluntary in-patients or through a combination of both. And of those detained compulsorily in hospital the majority are held under the civil powers of the mental health legislation rather than having been committed by the courts. While the complexities of the subject are largely common to all these categories, it is relatively straightforward to accept the concept that offenders dealt with under the mental health legislation rather than by a term of imprisonment should be subject to the same prohibition on the possession of firearms as those sent to prison. But it is clearly much harder to argue for extending any prohibition to non-offenders – even though their mental disorder might make them as unsafe to handle firearms as those who happen to have committed criminal offences.

9.4 We heard that in drafting the Firearms (Amendment) Act 1988 the Home Office had looked carefully at the possibility of including an amendment aimed at extending section 21 of the 1968 Act to cover mentally disordered offenders together with some other categories, including those mentally disordered persons who are not offenders. But the formidable legal, medical and enforcement difficulties which had to be overcome were considered incapable of being resolved within the legislative timetable, and possibly not at all.

9.5 The Committee too found the issues daunting. For instance, extending the prohibition on firearms possession to include mentally disordered persons not convicted of criminal offences – but still quite possibly unfitted to be entrusted with dangerous weapons because of their illness or incapacity – raises issues of confidentiality. Should an applicant for a firearm or shot gun certificate be asked to state whether he has been treated for a psychiatric disorder? If so, and the answer is positive, should he then be asked to produce a doctor's report giving an opinion on his mental fitness to possess a firearm? We learned that the Department of Health had expressed serious reservations about this possibility when they were consulted during the drafting of the 1988 Amendment Act. As we understand it, their view at that time – and we can well see its force – was that a requirement to provide a medical report would place a heavy burden on the doctor concerned, not simply in terms of workload but also in terms of the implications if something were to go wrong. It is notoriously difficult to diagnose with certainty an individual's mental health at any particular point in time, let alone to give the sort of long term prognosis which would be needed to consider an application to possess a firearm or shot gun.

9.6 We identified as well a number of other areas which would be extremely difficult to resolve satisfactorily. Many of those diagnosed as mentally ill make speedy and complete recoveries, and it would be fundamentally unjust to continue to deny them access to firearms in such circumstances. In the case of offenders would it be right to continue to penalise them in this way long after they had recovered from the illness which gave rise to their offending? It is arguable too whether, for example, attempted suicides should also be prohibited from access to firearms; or whether the medical condition of the relatives of a certificate holder or other residents of the same house should be taken into account by the police in considering applications.

Conclusion and Recommendation

9.7 The issues at stake when considering access to firearms by the mentally disordered are at best extremely difficult and at worst may be fundamentally insoluble. That said, there are clear public safety concerns which demand that every avenue should be explored in attempting to find a workable and morally justifiable legislative solution. Accordingly we *recommend* that the Home Secretary should look closely again at the whole issue in consultation with his Ministerial colleagues in other interested Departments to see whether a solution is possible.

CHAPTER 10

Other Issues

Approved Rifle and Pistol Clubs

10.1 The Committee first examined the criteria for clubs approved under section 15 of the Firearms (Amendment) Act 1988 during our first year, following the then Home Secretary's announcement in November 1989 that he was minded to revise the criteria. Since the new criteria have been in force, however, concern has been expressed to us on a number of occasions that some aspects are causing problems. Our attention has been drawn, for example, to the difficulties clubs are being caused by the limitation on guest days to four a year. While the Home Office has permitted a measure of flexibility in order to permit extra guest days for the training of youth groups for a badge or award, we have heard that the general limitation is proving damaging to the recruitment of new club members. The point was made to us as well that it made no sense for service men and women and police officers who were experienced in handling firearms to be required to serve the usual six months' probationary membership before they could obtain full membership of a civilian club.

10.2 On the position of service personnel and police officers, we welcomed the news, made public in March, that Home Office Ministers had decided to treat them in a more flexible and pragmatic way. In future clubs would be able to dispense with the six months' probationary period for any applicant for membership who is able to provide a written statement from their commanding officer, or in the case of a police officer from their Assistant Chief Constable, confirming that they are fully trained in handling the firearms for which the club is approved and are able to shoot unsupervised without danger to the public safety or the peace. This seemed to us eminently sensible. We were also pleased to hear that the Home Office has concluded that the time is now right for them to review the effects of the revised criteria on club recruitment. Clearly this review will inevitably take some time if it is to proceed on the basis of proper research rather than merely anecdotal evidence. But the Committee looks forward to being able to study the results in due course.

Carriers of Prohibited Weapons

10.3 Our attention has been drawn this year to the position of carriers of prohibited weapons under the firearms legislation. An apparent difficulty with the legislation came to light, so we understand, during an investigation by the Metropolitan Police after officers had discovered a number of prohibited weapons being stored insecurely at Heathrow Airport. The difficulty lies in the wording of the legislation. An exemption from the need to have a firearm *certificate* for carriers transporting firearms or ammunition in the ordinary course of their business is provided by section 9(1) of the Firearms Act 1968. But no mention is

made in section 9(1) of the Secretary of State's *authority* under section 5, and the effect of this appears to be that the exemption does not extend to prohibited weapons. Any carrier wanting to transport prohibited weapons is therefore required to hold a section 5 authority, subject to the exemptions contained in section 58(1) of the 1968 Act – though, as was made clear to us, few road transport companies, shipping companies, freight forwarders or airlines have held authorities or have even been aware of the need.

10.4 The Committee were concerned that the uncertainty to which this anomaly had given rise should be resolved as soon as possible but with full regard for the possible effect on legitimate export trade in prohibited weapons. Accordingly we welcomed the Home Office's decision to convene an urgent meeting of all interested parties, including the Ministry of Defence and Department of Trade and Industry as well as the police and Crown Prosecution Service (CPS). We welcomed too the decision taken in the light of that meeting to issue guidance to carriers on their legal obligations. That guidance was issued in April this year and we understand that the police and CPS have sensibly agreed to give companies a reasonable period to comply with the law, either by seeking a section 5 authority or deciding no longer to carry prohibited weapons.

10.5 We found it somewhat worrying, however, that the Home Office guidance made no mention of the exemption, in section 58(1) of the 1968 Act, from the provisions of the Act (including the firearm certificate and section 5 requirements) for persons "carrying firearms to or from any . . . proof house when being taken to such proof house for the purposes of proof or being removed therefrom after proof." In our view dealers and carriers may well assume the guidance to be definitive and not bother to refer to the statute. We *recommend*, therefore, that the Home Office issue an addendum to their guidance covering this point.

Dismantling of Ammunition **10.6** In the opinion of both the Home Office and the Health and Safety Executive (HSE) section 105 of the Explosives Act 1875 effectively prohibits the unmaking of any explosive other than in a licensed factory by deeming that for the purpose of the statute unmaking must be regarded as an act of manufacture of explosives. This means that persons unmaking ammunition are subject to the manufacture provisions of the Act, which require manufacture to be carried on only at a licensed factory. Ammunition cannot therefore be lawfully dismantled on domestic premises.

10.7 This struck the Committee as patently absurd. Many home loaders use kinetic bullet pullers, which are freely available, to unmake ammunition so that the component parts can be re-used. We are convinced of the importance as a matter of safety of being able to do this otherwise homeloader may be left with unusable or dangerous ammunition. In some cases too the most practicable way for firearms dealers to dispose of ammunition which has become too dangerous to use is to break it down. We are in no doubt that these activities go on every day throughout the length and breadth of the country with no risk to public safety and without shooters and dealers even realising they are acting unlawfully.

10.8 Although to our knowledge no dealer or home loader has been prosecuted for dismantling ammunition, it seemed to us desirable that the manifest absurdity of the present situation should be remedied with the minimum of delay. As things stand, a widespread and safe practice is deemed unlawful; yet to follow the letter of the law would in fact put public safety at risk.

10.9 We therefore welcomed an invitation for members of the Committee to meet with the HSE to discuss what steps might be taken to solve the problem. That meeting took place on 3 April. In the light of a very positive reception from the HSE the Committee members who attended the meeting produced a paper setting out the difficulties and making a number of recommendations. That paper has been forwarded to HSE and is reproduced at Annex I. The full Committee have endorsed the paper's *recommendations*, which are that the legislation should be amended to legalise the non-commercial unmaking of ammunition; that in the meantime the Home Office should issue guidance to the police to the effect that prosecution under the current law would not be in the public interest; and that after amendment HSE, in consultation with all interested parties, should issue an advisory leaflet on the unmaking of ammunition.

**Firearms (Amendment)
Act 1992**

10.10 In our second annual report we recommended, in the context of our consideration of the administration of the firearms licensing system, that the Home Secretary should take powers to vary the period of validity of firearm and shot gun certificates. We were particularly pleased therefore to be able to welcome the successful passage through Parliament of the new Amendment Act. This measure, which was introduced in the House of Commons by Mr Michael Lord MP and piloted through the Lords by our Chairman, empowers the Secretary of State to increase the length of firearm and shot gun certificates beyond the existing three years. The Act came into force on 16 March 1992.

Leaflet on the Security of Firearms and Shot Guns

10.11 During the year the Committee were shown a draft leaflet on firearm and shot gun security which the Home Office had produced in conjunction with their Crime Prevention Unit and the Association of Chief Police Officers (ACPO). The production of such a leaflet had been one of the recommendations of the ACPO Working Group on the Administration of Firearms, whose report we considered during our second year.

10.12 While we were considering the terms of the draft leaflet, we were made aware that the British Shooting Sports Council (BSSC), who had also been asked by the Home Office to comment on the draft, had indicated that they were opposed in principle to publishing such a leaflet. As we understand it, their view has been that fundamental questions about the scope of the powers contained in the legislation for the police to specify security arrangements first need to be resolved. In the light of the BSSC's fundamental objections the Home Office asked the Committee to advise on whether publication of the leaflet should go ahead.

10.13 Our conclusion was that – subject to a few small adjustments to the text to bring it more closely in line with the publication *Firearms Security – A Beat Officer's Guide*, which we looked at last year – the leaflet should be published, and we *so recommended* to the Home Office. Although the Committee recognised the BSSC's genuine objections, it seemed to us that the leaflet's target audience will be not so much existing shooters as the general public and in particular potential shooters, who should benefit from knowing the extent of the security requirements they would be expected to meet as owners of firearms. That said, the leaflet might also act as a useful reminder to existing shooters as well.

Local Firearms Consultative Groups

10.14 The Committee noted the establishment of a local consultative group of police and shooters in Leicestershire. With this in mind we thought it sensible to consider whether we should encourage wider adoption of the concept in other force areas.

10.15 We heard that the Leicestershire group is providing a useful forum for discussion of areas of disagreement and potential friction between police and the local shooting community. The group has also helped to establish points of contact on both sides, so that there is a more widespread recognition among police and shooters alike of their common interest in the licensing system being operated fairly and effectively. The creation of the group was commended in the 1991 annual report on Leicestershire Constabulary by Her Majesty's Inspectorate of Constabulary.

10.16 While the Committee recognised the benefits which the Leicestershire group had brought about locally, we felt on balance that it would be wrong to commend widespread adoption of the concept in other areas. In our view it should be left to individual chief officers of police and their local shooting communities to decide whether to set up groups in their areas. We are grateful to ACPO for subsequently drawing the attention of chief officers to the experiment in Leicestershire.

Non-Lead Shot 10.17 We were made aware this year of the work the Department of the Environment (DOE) is co-ordinating on the development of an alternative to lead shot. A working group has recently been established by DOE to develop proposals for a programme for the introduction of non-toxic shot and the phasing out of the use of lead shot in wetland areas. We understand that the working group's terms of reference include a requirement to take into account the concerns of the shooting community.

10.18 We do, of course, fully recognise the environmental concerns about the use of lead shot, but this is an issue which is of major concern to the shooting community. The consequences for shooting sportsmen of a ban on lead shot before a viable alternative has been identified are deeply worrying. Although we understand that cartridge manufacturers are in the process of developing other non-toxic alternatives to lead, such as tungsten and bismuth shot, the only viable alternative at present is steel. But the ballistic qualities of steel shot cartridges pose serious risks. We learned that tests carried out by the Proof Houses have indicated dangerously high breech pressure levels with steel shot loadings used in traditional English shot guns. Also the actions could be subject to breakage as a result of the very high initial pressure found in non-lead shot. The thin barrel walls of the traditional English sporting gun, and of those made abroad to a similar pattern, are particularly vulnerable to damage at their choked muzzles. It is by no means unusual for very old guns still to be in regular use and the cost of repairing a good quality English gun can be several thousand pounds. But more importantly there would be a high risk of serious injury to a shooter or bystander if a barrel were to burst or an action break.

10.19 It seemed to us that environmental concerns are such that shooters will in time almost certainly have to accept a total or at least partial ban on the use of lead shot. Measures short of a complete ban might include putting a premium on its price to discourage use, as we understand has been considered in Denmark, or allowing exemptions for certain individual guns. Account will also need to be taken of black powder

muzzle-loading shot guns which we believe to be completely unsuited to steel shot. But what is vitally important here is that sufficient time is given to allow manufacturers to develop steel shot loadings better suited to European firearms or other viable alternatives to lead and steel shot. At present we understand the DOE to be working to a timescale of between three and seven years. This seems to us a reasonable period which will give time for the industry and shooters to adapt.

10.20 We considered it essential that we should be kept informed of DOE's work. Accordingly our Chairman wrote to the then Secretary of State for the Environment in November 1991 alerting DOE to our interest and asking to be given the opportunity to comment on any proposals for change which the working group might make. We were pleased to receive a positive reply to our request soon afterwards indicating that we would be asked for our comments.

Paintball Weapons

10.21 Our attention has been drawn to the considerable confusion among paintball site operators, enthusiasts, and the police and government departments about the status of carbon dioxide (CO₂) powered paintball guns under the firearms legislation. The problem, as we recognised in considering the subject during our second year, is that weapons powered by gases other than air are not explicitly dealt with by the Firearms Acts. Our conclusion last year was that the legislation should be amended so that low powered CO₂ weapons are treated in the same way as low powered air weapons and exempted from certificate control.

10.22 We stand by that recommendation which, if put into effect, should end all uncertainty. But in the meantime we have learned this year of judgements in the lower courts which, though not forming binding legal precedents, have added to the confusion by suggesting that low powered CO₂ paintball guns can sometimes be prohibited weapons under section 1(2)(ac) of the 1988 Amendment Act. This legal uncertainty and the inconsistent enforcement policies which it has inevitably engendered cannot be good for any of those involved in paintball games, whether as site operators who are understandably concerned for their livelihoods, or simply as enthusiasts. Accordingly we welcomed the issue in March by the Home Office to chief constables in England and Wales and to the paintball trade of revised guidance on how they see the Firearms Acts as bearing upon paintball guns. The guidance – which adopts the kinetic energy test (in foot pounds) employed in the Firearms (Dangerous Air Weapons) Rules 1969 to differentiate between low and high powered air weapons – was drafted, so we understand, in consultation with other interested

government departments, including the Crown Prosecution Service. It should promote a consistent approach between the enforcement agencies and thus help alleviate the current difficulties until the law can be changed.

Vetting of dealers' employees

10.23 Concern has been expressed to us that firearms dealers have no reliable means of checking whether potential employees have a criminal record. We recognise that dealers are acutely conscious of their responsibilities to assist the police in safeguarding the public but we heard that they are at present hampered by the lack of any formal mechanism for checking a prospective employee's background.

10.24 While superficially attractive, we were conscious, however, that requests for access to criminal records cannot be considered in isolation. It was drawn to our notice that numerous other bodies are also anxious to be given access to criminal records for perfectly valid reasons. There are also resource considerations. And, of course, however legitimate the public safety concerns, disclosure of criminal records is never a clear cut issue since it carries with it difficult problems of confidentiality and the rehabilitation of offenders.

10.25 Accordingly it seemed to us that the question of vetting dealers' employees must form part of the wider debate on access to criminal records, and we could not usefully pursue the matter further.

Use of Large magazine Smooth Bore Guns

10.26 It has been made very clear to us in the course of this year that the recommendation in our second annual report that vermin control should no longer be considered good reason for possession of a large magazine smooth bore gun is unacceptable to many in the shooting community. While we had already given this subject the most detailed consideration, the Committee felt it would be wrong to ignore the force of the opposition. Accordingly we decided to review our previous recommendation.

10.27 Notwithstanding the strength of the criticism, it seems to us that the rationale for our recommendation was fundamentally right, namely to end the unfairness and uncertainty which shooters had, understandably, bemoaned in bringing the issue to our notice initially. We accept, however, that a case does exist in certain circumstances for the use of large magazine shot guns in vermin destruction.

10.28 Our paramount concern, however, must be for the safety of the public, and we are conscious that the use of smooth bore guns, in particular sawn-off pump-actions, in crime is on the increase. Our conclusion therefore is that we should not go as

far as withdrawing our recommendation in last year's report. Instead we *recommend* that the Home Office's *Guidance to Police* should remain unamended *for the time being* – in other words vermin control will still constitute good reason for possession of a large capacity gun. Furthermore, whilst it remains our view that clay shooting should not *of itself* be considered good reason for possession of the gun, we are also persuaded that where good reason has otherwise been established there should be no objection to shooters using these guns at clay targets. It will clearly be for individual shoot organisers to decide in each case whether large magazine guns may be used at their shoots.

10.29 In reaching these conclusions we believe that we have met the shooting community's objections to last year's recommendation while at the same time having regard to the demands of public safety. In holding our recommendation in reserve, however, it is our intention to keep the situation under close review and, if it becomes necessary for public safety reasons to do so, we shall not hesitate to recommend to the Home Secretary that he should implement our earlier advice.

CHAPTER 11

Summary of Recommendations

- Chapter 3: The Firearms Licensing System** The Committee recommended that:
- the Home Secretary should press ahead with the proposal to establish a national Firearms Control Board (paragraphs 3.5 – 3.10); and in doing so should have regard to the practical considerations which we examined (paragraphs 3.11 – 3.19)
 - the Home Secretary should also as part of this work investigate in depth the best mechanism for achieving a new appeals procedure which would be simple and inexpensive (paragraphs 3.20 – 3.21)
 - the Home Office set up a working group, including representatives from the shooting community, to consider changes to the format of firearm and shot gun certificates (paragraph 3.27).
- Chapter 4: Replica and De-activated Firearms** The Committee recommended that:
- the Home Secretary should consider amending the firearms legislation to extend the range of offences relating to criminal misuse of firearms to cover imitation weapons (paragraph 4.19)
 - the Home Office pursue with the trade the possibility of introducing voluntary labelling of packaging with a clear warning to the purchaser about the penalties and dangers of criminally misusing imitation firearms (paragraph 4.20)
 - the Home Secretary should use a suitable opportunity to express in public support for the police in their handling of incidents where they believe the public to be at risk notwithstanding that a weapon might subsequently be found to be an imitation (paragraph 4.21).
- Chapter 5: Minimum age for possession of firearms and other issues arising from the Parkhill shootings** The Committee recommended that:
- existing provisions to limit access to firearms by young people, to control the quantities of firearms and ammunition which may be held and to ensure safe storage are adequate and tighter restrictions are unnecessary (paragraph 5.10).
- Chapter 6: Definition of antique weapons and the collecting of firearms and ammunition** The Committee recommend that:
- subject to further discussion, the Home Office should amend its *Guidance to Police* to include certain breech-loading centre-fire arms but not certain other specified weapons (paragraphs 6.4 – 6.5)

- the Home Office should give consideration to firearm and shot gun certificates for shooters of antique muzzle-loaders giving a general authorisation permitting use of any such weapon (paragraph 6.6)
- there should be no concept of antique self-contained ammunition (paragraph 6.7)
- the legislation should be amended to introduce a separate collectors' certificate (paragraph 6.11)
- an exemption should be provided allowing the continued private possession of certain items which will be prohibited by virtue of the EC Directive (paragraph 6.12)
- the Home Secretary should amend section 3(1A)(b) of the Firearms (Amendment) Act 1988 to permit the grant of a shot gun certificate for the sole purpose of purchasing cartridges (paragraph 6.13).

Chapter 7: Miniature Rifle Ranges

The Committee recommend that:

- the Home Secretary should amend section 11(4) of the Firearms Act 1968 to clarify that .22 rim-fire rifles only are intended and to remove the words “or carrying on” (paragraphs 7.5 and 7.16)
- the legislation should be further amended to introduce a statutory safekeeping requirement (paragraph 7.10)
- in the absence of legislative change, the Home Secretary should issue guidance to the police on the interpretation of “miniature rifles” and should urge the HSE and Showmen’s Guild to expand and strengthen their security advice to shooting gallery owners (paragraphs 7.6 and 7.11)
- the Home Office should explore with the NSRA and Showmen’s Guild options for issuing a standard recognised documentary proof of exemption (paragraph 7.14).

Chapter 8: Component Parts

The Committee recommend that:

- the Home Secretary should consider amending section 57 of the Firearms Act 1968 at a suitable early opportunity to include a definition of the term “component parts” which would clearly limit these to pressure bearing parts only (paragraph 8.9).

Chapter 9: Possession of firearms by mentally disordered persons

The Committee recommend that:

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

Chapter 10: Other Issues

Carriers of Prohibited Weapons

The Committee recommend that:

- the Home Office should issue an addendum to their guidance covering the exemption under section 58(1) of the Firearms Act 1968 in respect of the carriage of weapons to and from the proof houses (paragraph 10.5).

Dismantling of Ammunition

The Committee recommend that:

- the legislation should be amended to legalise the non-commercial unmaking of ammunition
- in the meantime the Home Office should issue guidance to the police that prosecutions under the current law would not be in the public interest
- subject to the amendment of the law the HSE, in consultation with all interested parties, should issue an advisory leaflet on the unmaking of ammunition (all paragraph 10.9).

Leaflet on the Security of Firearms and Shot Guns

The Committee recommended that:

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

Use of Large magazine Smooth Bore Guns

The Committee recommend that:

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

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 twelve 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.

ANNEX B

Biographies of members relevant to their appointment to the Committee

- Mr R D F Bream Many years experience of shot gun shooting. Founder Chairman of Leicestershire Wildfowlers Association. Long serving member of British Association for Shooting and Conservation Executive.
- Mr A E Clarke Served in Regular Army as apprentice and Armourer 1937–62. Civil Service Instructional Officer (Weapons) 1962–73. Chief Inspector Small Arms Kenya Police 1968–73. Retail gunsmith 1973 to date. Represented Regular Army in Inter-Services Matches. Represented Great Britain at Target Rifle Shooting as shooter, coach and Captain. Represented Scotland in three Commonwealth Games. Gold Medallist in 1982. Member of National Rifle Association Council and Executive Committee 1987–90.
- Mr P Clarke Barrister, Fellow and Tutor in Law and formerly Estates Bursar, Jesus College, Oxford. Co-author of *“The Law Relating to Firearms”*.
- Mrs S Cooper Member of the Great Britain shooting team from 1975 to 1989 in the UIT disciplines of 10 metre crossbow, 10 metre air rifle, 50 metre prone and 3-position rifle, 300 metre prone and 3-position rifle. Competed in European, World and Olympic events, with medals at all levels except Olympic. Current holder of four British records.
- Mr D E J Dracup Solicitor. Chief Crown Prosecutor for South London and Surrey.
- Mr K Drummond QC. Formerly Advocate-Deputy and presently member of the Criminal Injuries Compensation Board. Former Council member UK Practical Shooting Association (UKPSA). Competed in pistol competitions in UK and abroad. Participates in sporting shooting. Member of British Association for Shooting and Conservation and British Field Sports Society.
- Mr J L Goddard Head of F8 Division, Home Office.
- Mr W Gray A Guardian of the Birmingham Proof House. Former cataloguer with Weller and Dufty. Member of the Society of Gun Collectors and collector of vintage percussion handguns. Firearm certificate holder for over twenty years. Shoots shot guns and both black powder and nitro. Labour councillor in Birmingham.
- Sir Malcolm Guthrie Long standing Birmingham gunmaker and dealer and Chairman of the Gun Trade Association 1991–92. Liveryman of the Worshipful Company of Gunmakers, life member of the National Rifle Association, the British Pistol Club and Safari Club International. Has represented Worcestershire County in

- smallbore rifle and pistol shooting and full bore rifle shooting. Experienced in deer stalking in Britain and abroad and hunting in North America.
- Mr J Mellor Small Arms Instructor, Royal Marines 1946–49. Police firearms instructor 1956–84. Firearm certificate holder since 1951 and shot gun certificate holder. Competitor at national level small bore 1947–55. Conservative councillor in Wolverhampton.
- Dr I Oliver Chief Constable, Grampian Police.
- Mr D J Penn Keeper, Exhibits and Firearms, Imperial War Museum. Fellow of the Society of Antiquaries. Liveryman of the Worshipful Company of Gunmakers. Office holder in Muzzle Loaders Association of Great Britain and Historical Breechloading Smallarms Association. Member, British Shooting Sports Council, Arms and Armour Society, National Pistol Association and National Rifle Association. Has represented Oxford University and County of London in pistol shooting. Also shoots rifle and shot gun.
- Mr R J Pitcher Special Investigation Branch, Royal Military Police to 1984. Branch Proof Master, The Worshipful Company of Gunmakers, Royal Small Arms Factory, Enfield to 1986. Proof Master, The Worshipful Company of Gunmakers, London, and head of British delegation to the Commission of International Proof. Pistol shot and rough shooter.
- Mr P Russell Head of Police Division, Scottish Office.
- Mrs P Schroder Shot gun and sporting rifle shot in Great Britain and abroad. Match Rifle competitor. Has represented Great Britain in Match Rifle events in the United States. Represents Ireland in the annual Elcho Match, Bisley. Vice-President of the Oxford University Rifle Club. Elected member of the Cambridge Long Range Rifle Club. Life member of the National Rifle Association.
- Mr J Sharples Chief Constable, Merseyside Police. Chairman of the Association of Chief Police Officers' Crime Committee Sub-Group on the Administration of Firearms and member of Crime and Terrorism and Allied Matters Committees.
- Mr T Warlow Head of 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, wild fowling and clay pigeon shooting.

ANNEX C

List of topics from which 1991 to 1992 work programme was drawn

- * Detailed review of the firearms licensing system
- * Minimum age for possession of firearms
- * Miniature rifle ranges
- * Format of firearm and shot gun certificates
- * Dismantling of ammunition
 - Proof house markings: common European standard
 - Exemption under section 11(6)
 - Grant of more than one certificate for one shot gun
- * Definition of antique weapons and collecting
 - Definition of a prohibited person under the Firearms Acts
 - Paintball guns
- * Purchase of shot gun cartridges by collectors
- * Approval of rifle and pistol clubs: variation of the criteria to allow civilian clubs to grant immediate full membership to serving police officers and army personnel
- * Adequacy of the law in respect of imitation firearms
- * Component parts
- * Local firearms consultative groups
 - 1988 Act buy-in scheme
- * included in work programme

ANNEX D

News Release: Firearms Consultative Committee programme of work for 1991 to 1992

Lord Kimball, Chairman of the Firearms Consultative Committee, today announced the Committee's third annual programme of work, to run from October 1991 to July 1992.

In addition to any matters referred to it by the Secretary of State for advice, the Committee will be giving detailed consideration to a number of issues, in particular those listed below. The Committee also welcomes topics raised by shooting organisations and members of the public which involve issues of national importance to the shooting community.

Programme of Work

- Detailed review of the firearms licensing system
- Format of firearm and shot gun certificates
- Dismantling of ammunition
- Component parts
- Definition of antique weapons
- Collecting firearms and ammunition
- Replica and de-activated firearms
- Minimum age for possession of firearms
- Miniature rifle ranges
- Criteria for approved rifle and pistol clubs
- Local firearms consultative groups

Anyone wishing to make representations to the Committee should write to the Secretary to the Firearms Consultative Committee, 50 Queen Anne's Gate, London SW1.

In announcing the programme of work Lord Kimball said:

“The Committee is looking forward to another stimulating year. We will again tackle a wide range of topics which directly affect shooters throughout the country. We are keen to take account in our discussions of as many views as possible and particularly welcome comments from members of the public”.

ANNEX E

Report of the Home Office Working Group on the Administration of the Firearms Licensing System: Summary of Recommendations

Recommendations on Administration

1. that the best practice procedures detailed in the report be adopted;
2. that those listed administrative recommendations arising from the ACPO and BASC reports be adopted;
3. that application forms be supplied with comprehensive information packs;
4. that thorough investigations be made into applications for initial grant allowing renewals to be handled on a postal basis where circumstances remained unchanged;
5. that procedures for juveniles should be essentially the same as for adults;
6. that a visit carried out for initial grant should be the final part of the process;
7. that full details of security arrangements be recorded;
8. that the *scope* for the police to make additional enquiries into an applicant's reason for possessing a shot gun in cases where there were doubts as to whether the applicant has a good reason to possess a shot gun should be included as best practice: but these investigations ought normally to occur in only a very small proportion of cases;
9. that discussions should be held with BASC to establish what help they could provide with land checks;
10. that land inspections, where carried out, be done by a suitably experienced person;
11. that local land registers be used to reduce the number of inspections required;
12. that countersignatories should only be consulted in borderline cases;
13. that certificates should be amended on change of address and that consideration be given to altering the layout of the firearm and shot gun certificate to facilitate non-lamination of the address section or some other method which would allow this part to be routinely altered when necessary;
14. that reminder letters be sent out at least six weeks in advance of renewal and that section 7 permits (or other temporary authority) be issued to those applicants whose applications are delayed by problems with administrative systems, but not to those who submit their applications late;
15. that police information systems be developed to ensure that certificate holders and reports of incidents are routinely and quickly matched (eg marking certificate holders and new applicants on PNC);

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16. that coterminous certificates should be encouraged and that the Home Office should clarify the facility in an explanatory circular to be sent to Chief Constables;
 17. that consideration be given to reimbursing the cost of police enquiries in relation to club approvals;

**Recommendations on
Costings**

1. that, at a suitable opportunity, consideration be given to amending legislation to enable a fee to be charged in all circumstances where administrative costs are incurred;
2. that fees should be set at a uniform national level;
3. that the accountants consider whether an element should be included in the fee to cover central services;
4. that the accountants consider the possibility of discounting from their calculations (on a crime prevention basis) visits made solely to view security arrangements;
5. that the accountants pay close attention to the costing implications of the general recommendations in the report;
6. that two costings should be produced; an ideal figure based on full implementation of best practice; and a realistic assessment taking account of the time required to change systems;
7. that forces should consider the overall cost effectiveness of employing civilians to administer the firearms licensing system;
8. that the accountants provide advice to F8 Division, for circulation to police forces, on accounting and management information systems;

ANNEX F

Report of the Home Office Working Group on the Administration of the Firearms Licensing System: Recommendations about which the Committee had reservations

Recommendation for approval in principle pending the installation of adequate security by the applicant (paragraph 13 of the report).

The Committee had doubts about the legality of an “in principle” approval. It seemed to us that either an application has been granted or it has not, and a refusal to grant after an approval “in principle” has been given is unlikely to be sustainable in law. That said, so long as any system of “in principle” approvals is operated only informally there should be no difficulties.

Recommendation for discussions to be held with BASC about land inspections, recommendation that land inspections should be carried out by suitably experienced persons and that local land registers should be compiled to reduce the number of inspections (paragraphs 18–20 of report).

The Committee considered the guidelines on land inspections and local land registers to be misconceived. As well as being of dubious value in our view, such checks pose practical difficulties in that they must be limited by the restriction on the jurisdiction of chief officers of police to their own force areas. We recognised, however, that the contents of the Working Group’s report must inevitably have represented a compromise and more radical recommendations might not have been acceptable to all police forces.

Recommendation for legislative change to enable addresses to be changed on certificates (paragraph 23 of the report).

The Committee disagreed with the Working Group’s view that as the law stands the practice of issuing new certificates on change of address appeared to be *ultra vires*. We see no reason why legislative change should be necessary.

Recommendation that late applications should be treated in the same way as initial grant cases (paragraph 25 of the report)

The Committee thought that the recommendation that late applications should be treated in the same way as initial applications was unjustifiably harsh. There might be good reason in some cases for the application being made late. An element of flexibility is therefore required.

ANNEX G

Weapons which should *not* benefit from exemption as antiques under section 58(2) of the Firearms Act 1968

1. Shot guns and smooth-bored guns including shot pistols, chambered for standard shot gun cartridges, .22 inch and 9mm rim-fire cartridges;
2. rifles and hand guns chambered for .22 inch or 9mm rim-fire ammunition;
3. revolvers, single-shot pistols and self-loading pistols which are chambered for, or will accept, popular centre-fire cartridges of the type .25, .32, .320, .380, .44, .45, .450, .455 and .476 inch, or their metric equivalents including 6.35, 7.62, 7.63, 7.65, 8 and 9 mm;
4. pump-action and self-loading centre-fire rifles which constitute "prohibited weapons" by virtue of section 1(2)(ab) of the Firearms (Amendment) Act 1988. This classification would continue except for those weapons chambered for cartridges contained in Annex H;
5. modern reproduction firearms or old firearms which have been modified to allow the use of shot gun cartridges or cartridges not listed in Annex H;
6. extensively modified weapons (eg sawn-off guns);
7. Verrey signalling pistols chambered for 1 and 1½ inch cartridges or 26.5/27mm cartridges.

ANNEX H

Breech-loading firearms originally chambered for the following ammunition should be regarded as benefiting from exemption as antiques under section 58(2) of the Firearms Act 1968

The list that follows is made up of cartridges that meet the following criteria:

- a. Not in recent commercial manufacture.
- b. Not likely to be found in retail firearms dealers not specialising in antique or “classic” firearms or in “collector” cartridges.
- c. Insufficiently similar in dimensions to readily available cartridges for any such to be likely to be substituted.

These criteria therefore exclude all “shot gun” bore sizes and most “straight case” cartridges in common calibres such as .38 or .45 inch.

The list is mainly composed of cartridges of the black powder era, and intended for longarms. A few early and short-lived smokeless cartridges are also included.

Many of the cartridges listed are so obscure that the chances of the survival of more than a tiny quantity of either the arms themselves or ammunition to fit them is very low indeed. On the other hand, arms for other cartridges, particularly military rounds that received large-scale issue, may survive in some quantity. These calibres more likely to survive in numbers appear in **bold**.

Because of the lack of standardised descriptions for many cartridges, or lack of agreement on dimensions such as bullet diameter or cartridge case length, each cartridge is followed by initials giving a published source whose description may be accepted as the “norm” for the round.

The sources used to compile this list are:

“Cartridges for Collectors” by Datig (three volumes): cited as “D”.

“Cartridges of the World” by Barnes: cited as “B”.

“The History and Development of Small Arms Ammunition” by Hoyem (volumes two and three): cited as “H”.

“Manual of Pistol and Revolver Cartridges” by Erlmeier & Brandt: cited as “E&B”.

“Military Rifle and Machine Gun Cartridges” by Huon; cited as “Hu”.

“Pistol and Revolver Cartridges” by White & Munhall, single volume edition by Bearnse: cited as “W&M”.

All cartridges are centre-fire.

There will doubtless be suggestions that particular cartridges have been omitted from the list. If the suggested omission falls within the black powder period, and does not readily interchange with an available cartridge, there should exist a relatively straightforward procedure for inclusion within the "Guidance" list which could perhaps be updated once every year or two. The inclusion of early smokeless period cartridges in the schedule, other than the very few "novelty" or extremely rare examples already given below, is unlikely to require review for several years.

.22 Extra Long Maynard (B)
.22-15-60 Stevens (B)
.22CF (E&B)
.230CF (E&B)
.25/20 Single Shot (B)
.25/21 Stevens (B)
.25/25 Stevens (B)
.255 Jeffrey Rook (H)
.275 Jeffrey (H)
.28/30/120 Stevens (B)
.297/.230 Sporting (H)
.297/.230 Morris (H)
.298 Minex (H)
.300 (.295) Rook (H)
.300 Sherwood (H)
.300/.250 Rook (H)
.30/30 Wesson (D)
.30/40 Wesson (D)
.310 Cadet (H)
.310/.300 Rook (H)
.320/.230 Rook (H)
.32/35 Stevens (D)
.32/40 Remington-Hepburn (D)
.32/40 Bullard (B)
.360 Westley Richards No. 3 Express (H)
.360 No. 3 Gibbs (H)
.360/.300 Fraser (H)
.38/35 Stevens Everlasting (D)
.38/40 Ballard Everlasting (D)
.38/40 Remington Hepburn (D)
.38/45 Bullard (D)
.38/70 Winchester (D)
.38/56 Winchester (D)
.38/90 Winchester (B)
.40/.50-70 Caliber Reduction Exptl. (H)
.400-2.5 inch Kynoch (H)

.400-3.25 inch Boxer (H)
.400-3 inch Purdey (H)
.40/60 Marlin (D)
.40/60 Winchester (D)
.40/70 Ballard (D)
.40/70 Sharps Necked (D)
.40/70 Sharps Straight (D)
.40/72 Winchester (D)
.40/75 Bullard (D)
.40/82 Winchester (D)
.40/90 Bullard (D)
.40/90 What Cheer (D)
.40/50 Sharps Straight (D)
.40/65 Sharps Straight (D)
.40/65 WCF (D)
.40/90 Sharps Necked (D)
.40/40 Maynard (B)
.40/60 Maynard (B)
.40/63 Ballard (B)
.40/65 Ballard Everlasting (B)
.40/70 Maynard (B)
.40/70 Peabody What Cheer (B)
.40/85 Ballard (B)
.40/110 Winchester Express (B)
.402 Enfield-Martini Exptl. (H)
.42/.50-70 Caliber Reduction Exptl. (H)
.425 Webley (H)
.44 Morse necked (H)
.44-50 Meigs (H)
.44 Dupee rimless (H)
.44/60 Creedmore (D)
.44/77 Remington (D)
.44/90 Sharps 2 7/16 inch (D)
.44/90 Sharps 2 5/8 inch (D)
.44/90 Remington Special (B)
.44/95 Peabody What Cheer (B)
.45-85 Ward Burton Exptl. (H)
.45/.50-70 Caliber Reduction Exptl. (H)
.45 US Exptl, 1869 (H)
.45-200-500 Winchester Exptl. (H)
.45 Boxer-Henry. Long Chamber 1869 (H)
.45 New South Wales Police Carbine (H)
.45 Gardner & Gatling (H)
.450 Soper 2.5 inch (H)
.450 Needham (H)
.450 No. 1 Musket (H)
.450/.360 Purdey (H)
.450/.350-2 3/8 inch (H)
.45/75 WCF (Hu)

.45 Brown Standard Military Target Rifle (D)
.45/50 Sporting (D)
.45/125 Winchester (B)
.46 Winchester (H)
.461 Gibbs No.1 (H)
.461 Gibbs No.2 (H)
.476 Indian Police (H)
.48 Morse (H)
.490 BSA (H)
.50/.58 Morse sleeved (H)
.50 Morse (H)
.50 Meigs (H)
.50-.48 Meigs (H)
.50 Peabody (?) (H)
.50 Spencer Carbine (H)
.50 Springfield Cadet (H)
.50-70 Springfield (H)
.50 Daw's Patent 1867 (H)
.50 Boxer 1867 (H)
.500/.450 Westley Richards No.2 Musket (H)
.500-1.5 inch (H)
.500-2.25 inch (H)
.500-2.5 inch (H)
.500-3 inch (H)
.500-3.25 inch (H)
.500/.450 No.1 Carbine (H)
.500/.450 Webley Carbine (H)
.500/.450-2.5 inch (H)
.500/.450 No.1 Express (H)
.500/.450-3 3/8 inch (H)
.500/.450-3.5 inch (H)
.50 Remington Army Pistol, M1871 (W&M)
.50 Remington Navy Pistol, M1867 (W&M)
.50 Springfield Pistol, M1869 (W&M)
.500 Revolver (W&M)
.50/95 Winchester (D)
.50-100 Winchester Express (D)
.50-110 Winchester Express (D)
.50/115 Bullard (B)
.50/140 Sharps (B)
.52-70 Sharps (H)
.54 Morse (H)
.55 Morse (H)
.55 Gatling (H)
.55/100 Maynard (B)
.56-56 US Exptl. (H)
.577 Selwyn 1865 (H)
.577 Daw's Patent 1867 (H)
.577 Snider (H)

.577/.450 Martini-Henry (H)
.577-2.25 inch (H)
.577 2.5 inch (H)
.577-2.75 inch (H)
.577/.500 No. 2 Express (H)
.577/.500 Magnum Express (H)
.577 Pistol (W&M)
.58 Morse (H)
.58 US Converted Musket, 1865 (H)
.58 Remington Carbine (H)
.58 US Berdan System Conversion (H)
.58 Tibbals/Roberts 1869 (H)
.58 Roberts (H)
.60 Chinese Jingal (H)
.65 Gatling (H)
.69 Morse (H)
.75 Gatling (H)
.75 Chinese Jingal (H)
.80 Gatling (H)
1 inch Nordenfolt-Palmeranz (H)
2.7 mm Kolibri (W&M)
3 mm Kolibri (W&M)
4.25 mm Liliput (W&M)
5 mm Bergmann No. 2 Pistol (W&M)
5 mm Charola-Anitua (W&M)
5 mm Clement (W&M)
5 mm Brun (E&B)
5 mm French (E&B)
5 mm Pickert (E&B)
5.2 mm Pickert revolver (W&M)
5.2 mm Mondragon (Hu)
5.2 x 34R Kronprinz (D)
5.43 x 26.8R revolver (W&M)
5.5 mm Velo-Dog revolver (W&M)
5.6 x 34R Francotte Carbine (D)
5.6 x 33 Rook (B)
6 mm Beaumont revolver (W&M)
6 mm Merveilleux (W&M)
6 mm Protector (W&M)
6 mm Lee Navy (Hu)
6 x 29.5 Stahl (D)
6.3 x 21 rimless (W&M)
6.5 mm Bergmann No. 3 Pistol (W&M)
6.5 mm Mannlicher Pistol M. 1894 (W&M)
6.5 mm Mondragon (Hu)
6.5 x 27R (D)
6.5 x 40R (B)
6.5 x 48R Sauer (B)
6.5 mm Ronezewsky (E&B)

6.6 x 70R (D)
6.8 x 19.6 Revolver (W&M)
6.8 mm Schulhof pistol (W&M)
7 mm Bar (W&M)
7 mm Charola y Anitua (W&M)
7 mm French thick rim (W&M)
7 mm Galand (W&M)
7 mm Revolver (W&M)
7 mm CF Walking Stick
7 mm Devisme (E&B)
7.25 mm Adler (W&M)
7.5 x 53.5R Rubin (H)
7.5 x 53.5 Rimless Rubin (H)
7.53 x 60R Hebler (H)
7.7 mm Bittner pistol (W&M)
7.7 x 60R (D)
7.8 mm Bergmann No. 5 (E&B)
8 x 55R Petit Gras (H)
8 x 58R Petit Gras (H)
8 x 57R Petit Gras (H)
8 x 75R Pieri (H)
8 x 61R Rubin (H)
8 x 57.5R Rubin (H)
8 x 57R Spanish Exptl. (H)
8 x 60R Guedes and Portuguese Kropatschek (H)
8 mm Gaulois pistol (W&M)
8 mm Bergmann No. 1 pistol (D)
8 x 48R (D)
8 x 72R (D)
8 x 48R Sauer (B)
8 x 58R Sauer (B)
8 mm Bergmann No. 4 (E&B)
8 mm Bergmann No. 7 (E&B)
8 mm Bergmann-Schmeisser (E&B)
8 mm Protector (E&B)
8 mm Raphael (E&B)
8 mm Schulof (E&B)
8.15 x 46R (Hu)
8.3 x 53.5R Rubin (H)
8.5 mm Mars (E&B)
9 x 51.5R Rubin (H)
9 x 57R Rubin (H)
9 mm Devisme (E&B)
9 mm Moutier rimless-grooveless (E&B)
9 mm French Thick Rim (E&B)
9 mm Mars (E&B)
9.1 x 40 Walking Stick
9.3 x 58R Koeffler (H)
9.3 x 63.5R Koeffler (H)

9.3 x 70R (D)
9.3 x 75R Nimrod (D)
9.3 x 82R Nimrod (D)
9.3 x 65R Collath (B)
9.5 x 59R Gras Exptl. (H)
9.5 x 60R Turkish Mauser (H)
9.5 x 42R (D)
10 x 47R (D)
10 mm Gaupillat (E&B)
10 mm Bergmann (E&B)
10.15 x 61R (H)
10.15 x 63R Serbian Mauser (H)
10.15 x 61R Jarmann (H)
10.16 x 57R Berdan Exptl. (H)
10.25 x 69R Hunting-Express (B)
10.3 x 41R (H)
10.3 x 65R Baenziger (D)
10.35 x 47R Italian Vetterli (H)
10.4 x 56R Swiss (H)
10.4 x 42R Swiss Vetterli (H)
10.4 x 38R Martini-Galland (D)
10.5 x 47R Stahl (D)
10.66 x 57R Russian Berdan (H)
10.66 x 48R Russian Berdan Carbine (H)
10.7 x 57R Krag Petersson (H)
10.75 x 55R (H)
10.8 x 47 Martini (B)
11 x 42R (H)
11 x 45R (H)
11 x 53 Gevelot (H)
11 mm Manceux (H)
11 x 59R Gras (H)
11 x 48.5R Gras "Battalion Ecole" (H)
11 x 50.5R Comblain (H)
11 x 43R Comblain Carbine (H)
11 x 70R Mitrailieuse (H)
11 x 46R (H)
11 x 50R Egyptian Remington (H)
11 x 57R Spanish Remington (H)
11 mm Devisme (E&B)
11.15 x 42R Austrian Werndl (H)
11.15 x 36R Austrian Werndl Carbine (H)
11.15 x 58R Austrian Werndl and Mannlicher (H)
11.15 x 36R Fruhwirth (H)
11.15 x 60R Mauser (H)
11.15 x 37R (H)
11.15 x 60R Japanese Murata (H)
11.15 x 50R (D)
11.15 x 65R (D)

11.15 x 71R (D)
11.15 x 52 Walking Stick
11.2 x 51R Kropatschek-Hessig (D)
11.2 x 39.6R (D)
11.25 x 44.5R (H)
11.3 x 51R Dutch Beaumont (H)
11.4 x 53R Brazilian Comblain (H)
11.4 x 44.5R Dutch Gendarmerie Carbine (H)
11.4 x 57R Spanish Remington (H)
11.43 x 49R Romanian Peabody (H)
11.43 x 59R Turkish Peabody-Martini (H)
11.43 x 41R Peabody Carbine (H)
11.5 x 50R Austrian Werder (H)
11.5 x 35R Werder Carbine (H)
11.5 x 60R (D)
11.53 mm Albin-Braendlin (H)
11.6 x 50R Chilean Comblain (H)
11.7 x 57R Berdan Exptl. (H)
11.7 x 41.5R Danish Remington (H)
11.7 x 45.5R Danish Remington (H)
11.7 x 51.6R Danish Remington (H)
12 mm Perrin Thick Rim (E&B)
12 mm Raphael (E&B)
12 mm Moutier (E&B)
12 mm Pidault & Cordier (E&B)
12.2 70R Mitrailleur (H)
12.5 x 60R (D)
12.7 x 48R (H)
12.7 x 70R Mitrailleur (H)
12.8 x 45R Papal Remington (H)
13 x 87R Mitrailleur (H)
13 mm Rochaz-Lindner (H)
13.2 x 32R (H)
14.5 x 33R Austrian Wanzl (H)
14.5 x 41R Spanish Berdan (H)
14.66 x 35R Serbian Peabody (H)
14.7 x 58R Schneider (H)
15 mm revolver (W&M)
15.2 x 110R Mitrailleur (H)
15.2 x 28R (H)
15.24 x 40R Krnka (H)
16.5 x 18R Beringer (E&B)
17 mm Danish Snider (Hu)
17.5 x 29R Dutch Snider (Hu)
18 x 35R Tabatiere (H)
18.84 x 38R Tabatiere (H)
18.84 x 57R Wanzl-Albin (H)
20 bore/.577 Alex. Henry (H)

ANNEX I

A paper on the dismantling or unmaking of small arms ammunition

INTRODUCTION This paper is written for the Health and Safety Executive (HSE) in order to help them when considering a change in the law as it affects private individuals who are holders of shot gun and/or firearm certificates or persons registered as firearms dealers. It does not seek to advise on any ammunition that would be classified as prohibited and/or available to only those who are holders of section 5 authorities.

COMPILERS Four members of the current Firearms Consultative Committee (FCC) have been involved with this paper and they are Mrs Piffa Schroder, a match rifle shooter and deer stalker and user of home loaded ammunition; David Penn who is Keeper of the Imperial War Museum; David Dracup, Chief Crown Prosecutor for the South London and Surrey Area Office of the Crown Prosecution Service and Sir Malcolm Guthrie Bt, Gunmaker, Deer Stalker, competitive pistol shooter and user and maker of hand loaded ammunition.

Additionally, Brian Hughes, a previous member of the FCC and of the Firearms Committee of the British Association for Shooting and Conservation (BASC) and now a professional deer stalker, has advised.

Further information has been sought from Tom Warlow of the Forensic Science Service (FSS), Robert Pitcher, Proof Master of the Worshipful Company of Gunmakers, London and Major Roland Greenwood, adviser to the National Rifle Association (NRA).

Other than commercial manufacturers of smallarms ammunition in licensed factory premises, there are a number of groups who may need to “un-make” ammunition on a non-commercial and occasional basis and who do not have access to licensed premises for manufacture.

The largest group is made up of private “home loaders” of ammunition. These people have been specifically permitted to carry out this activity by the existing explosives legislation. Because shot gun cartridges are relatively cheap, little reloading of them is done in the UK, but the majority of centre-fire pistol shooters do reload.

Other than for the purposes of economy, metallic cartridges are reloaded both to tailor the load to a specific firearm for maximum accuracy, and to suit the firearm for a particular purpose. Centre-

fire metallic cartridges are no longer loaded commercially in the United Kingdom, and those imported are not always suited to British hunting/stalking and target shooting conditions, being loaded to maximum power for use on game not encountered here, with attendant high levels of noise and recoil. For some high-precision target shooting, particularly “match rifle” and “bench rest”, generic factory ammunition is quite uncompetitive and reloading is a “sine qua non”. Different loads may also permit the use of one firearm for more than one sort of game or target discipline.

Careful development of safe and accurate handloads requires the production and testing of a series of cartridges, made up in small batches of five or so, each batch with an incrementally increased charge. This continues until the desired performance is attained.

This process, a mandatory one to enhance safety, often results in small numbers of unsuitable “test” rounds being left unused. Clearly, it is undesirable to fire cartridges with even a marginal “overload” but there is a risk, albeit a very slight one, from “underloading” which, in certain circumstances, *may* produce detonation, rather than progressive burning. There are obvious outward pressure signs when using overloaded cartridges, usually in the form of a primer that has been set back, but this is not the case with underloaded rounds. With these it makes sense to “un-make” any such rounds to obviate the risk of accidental use. It is also helpful to be able to dismantle ammunition which, while not unsafe, is in some way “below par” in performance.

Even minor changes in one or more of the component parts of any cartridge can affect performance, so “load development” remains an oft-repeated and very necessary aspect of safe and responsible homeloading. Here we are thinking of when batch or lot numbers of powders or primers change as different lots will produce different results, and this has been made all the more necessary by the limiting of quantities that are allowed to be held by homeloaders in the 1991 Control of Explosives Regulations (COER).

Other groups with a need to “un-make” ammunition include the gun trade, museums and companies producing decorative novelties. Gunsmiths may on occasion come into possession of old ammunition, of uncertain ancestry and condition, that should be made safe. They may also need to produce “capped cases” to check the mechanical functioning of firearms in their workshops, a circumstance in which the use of live ammunition is hardly safe.

Some companies de-activate ammunition before selling it for decorative or collector purposes. Here again, the number of rounds involved, and thus the quantity of explosive, is very small. Indeed, from the point of view of public safety, this activity can be seen as a service, in that live ammunition is being taken out of service.

Some museums hold specimen collections of small arms ammunition, and may on occasion wish to dismantle rounds, either for research or to prepare inert examples for display in their galleries. Such dismantling is likely to be infrequent, and these bodies should be treated in the same way as the private reloader or small business. Museums normally are not licensed as registered firearms dealers, but hold ammunition by virtue of either a museum firearms licence or a firearm and/or shot gun certificate.

The usual method of “un-making” is to use a “kinetic” bullet puller, a device that looks like a hollow hammer and operates by inertia. The defective round is placed in the top and held tightly by a screw cap. A sharp blow on a hard surface suddenly stops the cartridge case, but the bullet keeps moving, removing itself from the case. The case can then be re-used, as can the bullet if required. Because the powder is held within the hollow hammer, this can be disposed of safely, as can a defective primer. The alternative method of achieving this result is to use a “collet” puller. The cartridge and collet are fitted into a reloading press and the collet tightened around the bullet which is then removed by use of the actuating lever on the press. Both of these systems have been used for many years and are considered very safe with all forms of sporting ammunition as well as “ball” type military rounds containing inert bullets.

This illustrates the safe ways of disposing of ammunition of dubious quality by responsible private citizens. It is not the only way though: it can be done by burning but this process is not easily accessible to all, except possibly commercial manufacturers. Another way is to take the defective rounds to the local office of the HSE and get them to do it but this would probably create an unwarranted level of administrative difficulties for the number of rounds involved.

The FCC is very much of the opinion that public safety would be enhanced by removing the existing legal bar on non-commercial “un-making” of ammunition, and we hope that, after considering the processes involved in this operation, the HSE will formally confirm its intention so to do to the Home Office.

That said, the FCC appreciates that time is required to amend the legislation but will consider recommending to the Home Secretary that the Home Office issues “guidelines” to the police suggesting that prosecution for the simple offence of “un-making” ammunition without the required licence by the groups defined above would not be in the public interest, given the declared intention to change the law.

When the law has been amended, or before if thought desirable by the HSE, we recommend that interested parties are consulted with a view to producing an advisory leaflet on “un-making” of ammunition.

CAUTION While all reasonable precautions have been taken in the production of this paper, some data on handloading of particular ammunition reflects individual experience with particular equipment and/or components under specific circumstances. It may be that any tests done by the HSE will not duplicate the same results accurately.

ANNEX J

Organisations and other interested parties which have submitted representations

1. Association of Chief Police Officers Crime Committee.
2. Association of County Councils.
3. The Banking Insurance and Finance Union.
4. The British Association for Shooting and Conservation.
5. The British Field Sports Society.
6. The British Shooting Sports Council.
7. The Clay Pigeon Shooting Association.
8. The Country Landowners Association.
9. Dince Hill (Holdings) Limited.
10. The Dundas Veterinary Group.
11. Edison Toys (UK) Limited.
12. The Great Britain Target Shooting Federation.
13. The Gun Trade Association Limited.
14. Jason Abbot (Gunmakers) Ltd.
15. John Rigby & Co (Gunmakers) Limited.
16. Saladin Trading Limited.
17. United Kingdom Cartridge Club.
18. World Wide Arms Limited.

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

ANNEX K

List of Publications referred to in the Report

Firearms Act 1968	HMSO ISBN 0 11 802339
Firearms Act 1982	HMSO ISBN 0 10 5431826
Firearms (Amendment) Act 1988	HMSO ISBN 0 10 5445886
Firearms (Amendment) Act 1992	HMSO ISBN 0 10 5431923
Firearms (Dangerous Air Weapons) Rules 1969	HMSO ISBN 0 11 0900472
Firearms Rules 1989	HMSO ISBN 0 11 0968549
Firearms Law: Guidance to the Police	HMSO ISBN 0 11 3409035
Firearms Law: Specifications for the Adaptation of Shot Gun Magazines and the De-activation of Firearms	HMSO ISBN 0 11 3409095
Firearms Consultative Committee: First Annual Report	HMSO ISBN 0 10 2543909
Firearms Consultative Committee: Second Annual Report	HMSO ISBN 0 10 257491X

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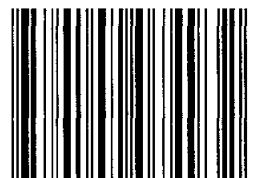
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