

The British Shooting Sports Council



QUARTERLY REPORT, JANUARY TO MARCH 2011

Cumbria:

Since the considerable flurry of activity leading up to the publication of the Home Affairs Select Committee's report on firearms control and the House of Commons debate, both of which occurred on the 20th December, there has been little visible political activity, in part because of the Coroner's Inquest into the shootings, which did not report until the 25th March, but meetings were held with James Brokenshire, the Home Office Minister responsible for firearms legislation, to discuss issues highlighted in the report. The Countryside Alliance attended a meeting with the Minister on the 14th February, while BSSC, BASC, GTA and the NRA met him on the 22nd February. Concern was expressed about the resurrection of a number of long-standing ACPO proposals which were irrelevant to the circumstances of the Cumbria shootings and about the impact of financial cuts on firearms licensing. The main points to come out of the discussion were:

Grants and renewals of firearm and shot gun certificates: On 'postal' or 'telephone' renewals, despite the NRA's advocacy of a more selective approach to target applicants about whom concern had arisen, James Brokenshire stuck to his recently expressed stance that all renewals should involve a home visit and interview.

Section 1 controls on shotguns: The Minister made it clear that no decision had been reached on this and he was looking carefully at issues of commonality. We questioned whether the police could deliver, given the number of shotguns involved, but did indicate that there was room for an improvement in efficiency through the introduction of a single form of certificate which would however preserve the present differentiation between firearms and shotguns. We also pressed the case for treating Section 1 firearms more like shotguns.

GP involvement: We expressed our continuing concern over proportionality and especially over confidentiality. James Brokenshire indicated that ACPO and the BMA had agreed to a system which amounted to a prompt to GPs to respond if they felt it necessary. The Minister also made it clear that any future move to put an 'enduring marker' on the medical record would be the subject of further discussion.

Fees: We indicated in some detail our concerns at the inefficiency of the present system, the lack of national standards, the lack of any proper scrutiny since 1991, our view that the shooter should pay only for the core licensing costs, not that part of the process concerned with public safety, and the need to make use when necessary of Temporary Permits at renewal to avoid putting the certificate holder outside the law. Our unhappiness with the recent initial ACPO fees paper was made clear. James

Brokenshire stated that the NPIA (National Policing Improvement Agency) was looking at the efficiency of a number of police forces, that it was still relatively early days in the fees discussion, that he would look at the final report from ACPO and that he would have full regard to Treasury Guidelines. He also made it clear that he would be seeking full cost recovery.

Deactivation and blank firers: On deactivation, our strong concern was expressed that the evidence on which NABIS (National Ballistics Intelligence Service) had based its claim regarding reactivation was not available to us and the Minister indicated that he appreciated the point and was working with NABIS to make information more widely available. He did accept the heritage and collector aspects. We pressed the point that upgrading to 2011 standards was not a practicable option and alternatives would have to be considered *if* the evidence justified action. With regard to blank firers the existing national and European legislative safeguards were explained, but the Minister indicated that he was still looking to introduce manufacturing specifications and subsequent Type Approval mechanisms.

Ages: We pressed the point that there was no evidence of any problem with young shooters and supervised shooting and explained the need to involve shooters at a very early age if the United Kingdom was to be successful at World and Olympic levels, a point the Minister took. We stressed that the person supervising was the best judge of the suitability of young children to handle firearms. The Minister indicated that he was still considering the matter and favoured greater clarity with regard to ages.

Approved clubs: The desirability of approving clubs for all Section 1 firearms to enable proper safe handling instruction was emphasised, as was ACPO's support for such a change.

Section 11(4) miniature ranges: The need to maintain the widely-used 11(4) exemption was explained. The change of definition of a miniature rifle included in the proposed RRO was raised and the opportunity taken to press for progress on the RRO proposed by ACPO, which had BSSC's support. The Minister stated that he would give 11(4) further consideration.

Following the meeting, the BSSC sent a further letter to the Minister on the specific issues raised when a police force had not renewed a firearm certificate or shot gun certificate before the current certificate expired.

BSSC and BASC have continued to contribute to the consideration by ACPO and the British Medical Association of further involvement of General Practitioners in the firearms licensing process and BSSC has appointed a medical adviser to represent its interests.

The Government's response to the Home Affairs Committee's Report is now expected in the 'early summer'. The Coroner's report focused on the significant procedural and communications problems between the police and the ambulance service rather than firearms issues and passed no judgements on firearms controls.

ACPO Criminal Use of Firearms Themed National Independent Advisory Group (TNIAG):

A meeting was held on the 7th March and addressed items on its work programme. Rising in importance are issues relating to border controls (arising not from Scottish devolution issues but rather from the recent high profile trial concerning 80 Glock and other polymer-framed pistols smuggled into the UK in hold baggage by Steven Greenoe, a US citizen resident in Shropshire). Also discussed were legislative proposals, including the problem of how best to deal with under-18s convicted of firearms offences, who were not subject to mandatory sentences, and an ACPO-sponsored proposal to create an offence of possession with intent to supply to tackle the problem of criminal armourers. Also on the agenda were the impact of financial and staff cuts and increasing regionalisation on the administration of the firearms licensing system, the Home Affairs Select Committee Report (particularly GP involvement), statistical problems relating to the way in which aspects of firearms misuse (such as the reporting of firearms discharges) are recorded and the Ashley Cole air rifle incident and the message it conveyed to young people. NABIS has secured a further 12 months' funding, albeit reduced.

Annual General Meeting and Annual Luncheon:

At the Annual General Meeting The Earl of Shrewsbury & Talbot was re-elected as President, The Lord Glentoran as Chairman, Tobias Ellwood MP and Martyn Jones as Vice-Chairmen and Graham Downing as Treasurer. Jim McAllister was co-opted onto the Council.

Guests of the Council at its Annual Luncheon at the Army & Navy Club were Baroness Buscombe (Chair of the Press Complaints Commission), Dr Therese Coffey (MP for Suffolk Coastal who had given a stout defence of the shooting sports in the Commons debate), Grahame Widdecombe (Head of the Firearms Unit at the Home Office), David Taylor (the Shooting Campaign Manager at the Countryside Alliance), Mark Scoggins (the Council's Hon. Legal Adviser), Mark Mastaglio (Forensic Science Service) and Mick Fidgeon (retiring Head of Essex Police Firearms Office Manager and former Chairman of the Practitioners Group).

Arms Trade Treaty and other United Nations issues:

See 'World Forum' below.

Department for Environment, Food and Rural Affairs Lead Ammunition Group:

During the reporting period this group held no meeting and has continued to gather evidence. It is expected to report during 2011.

EU legislation:

There has been no news regarding various strands of EU activity on deactivated firearms, implementation of Article 10 of the UN Firearms Protocol and the placing on the market of replica firearms.

Firearms in Scotland:

The Scotland Bill passed through its Committee Stage in the House of Commons on the 22nd March. There were a number of amendments tabled, all of which failed, so Clause 11 covering devolved legislation to cover air guns remains unaltered so far. The SNP had tried to extend devolved powers to cover 'specially dangerous' air weapons (this would have been a toe-hold into firearms subjected to Section 1 certificated controls). Interestingly Edward Milliband (Leader of the Opposition), Anne McKeekin (Shadow Secretary of State for Scotland) and Tom Greatrex (Shadow Minister for Scotland) had proposed two Amendments:

After 'The regulation of air weapons' insert 'except those intended to be utilised in recognised international sporting competitions' and 'Add (1A) The Secretary of State shall have the power to issue regulations to deal with any cross-border issues arising from the operation of this section including but not limited to issues arising from the transport of air weapons from, or their use in, Scotland and England and Wales.'

So far as is known, no shooting Association had been consulted about the above amendments. Neither was perceived as harmful and indeed they were potentially beneficial in that they opened up debate on the whole proposal to devolve air gun legislation and signalled Labour's unhappiness with this issue. Shooting Associations had briefed friendly MPs and Geoffrey Clifton-Brown, Conservative MP for the Cotswolds and chairman of the all-party group on shooting and conservation, spoke during the debate and summarised the problems that any devolution of air weapons legislation would cause. It is anticipated that there will be further debate in the Lords on Clause 11 and a clear marker has been laid indicating the potential disadvantages of devolution. The other potential influence on the progress of devolved air weapons legislation will be the outcome of the Scottish elections in May, in which there may be a swing away from the SNP and this proposal may lose impetus. The passage of the Scotland Bill is likely to take the remainder of the year to complete its Parliamentary process. A consultative group would be formed by the Edinburgh government to look at the fine detail of the Scottish firearms legislation.

Health & Safety Executive:

As reported in January, after months of silence, the HSE announced on the 16th November an Explosives Legislative Review. One of the intentions is to reduce bureaucracy. This review involves several working groups. Colin Greenwood representing the Gun Trade Association has now been placed on the COER (Control of Explosives Regulations) 2 working group along with Dr Sandy Robertson of the Muzzle Loaders Association of Great Britain. During the quarter, members of working groups have been submitting initial comments on specific matters allocated to their groups. Among the wide range of issues raised in the Review, the following are pertinent to shooters and the gun trade: safety fuse (relevant to the MLAGB for cannon shooting), storage containers for shooters' powders, transport of shooters' powders, a definition of small arms for explosives legislation purposes, blank cartridges and, of considerable concern, the proposed use of a shot gun certificate as authority to acquire black powder. While the HSE has declined to re-establish a Shooters Liaison Group to ensure that matters of concern to recreational shooters and the gun trade did not get lost between the existing Working Groups, it has agreed to a one-off meeting with the BSSC and interested Associations in April. Although the legislation is complex, with several Ministries involved,

the HSE's intentions are positive, so shooters may see some improvement. The review is very wide-ranging, so any changes may not be implemented until 2013.

Home Affairs Select Committee:

The BSSC's two submissions to the HASC are now available on the Council's website.

Home Office Crime & Security Act:

Section 46, concerning the security of air weapons in circumstances where under-18s might have access to them, came into force on the 10th February 2011. The Home Office has published an information leaflet, on the draft of which the BSSC and the relevant Associations had been consulted. The Gun Trade Association has been distributing this within the trade, so it is available from gun dealers, and the text is appended as an annex to this report.

Home Office deactivated firearms:

Further discussion on this issue with the Home Office is anticipated, following the recovery of reactivated firearms in criminal hands in the North-West of England.

Home Office draft Firearms (Electronic Communications) Order:

This draft Order (which has the objective of permitting in law the use of electronic communication such as a fax or email in serving various notices prescribed within the Firearms Act, a practice already widely if not universally used for notifying the police of firearms transactions) was laid on the 11th March and is currently going through a consultation process, which will end in May.

Home Office Firearms Rules:

No further meetings of the Working Group on the revision of the Firearms Rules have been held, but that work continues via email on a draft single application form for a firearm and/or shot gun certificate. Mike Eveleigh of BASC circulated in February an analysis of the comments of respondents to a survey undertaken by BASC, based on the draft form. This indicated that there is still some fine tuning to do.

Home Office Violent Crime Reduction Act:

As reported in the last quarter, the specifications for blank firers remains with the Home Office which has been considering this issue as part of the wider implications of the adoption of Regulations to implement amendments to the EU Directive on Weapons Control.

National Shooting Week 2011:

The fifth National Shooting Week will take place from Saturday 28th May to Sunday 5th June 2011, once again coinciding with the summer half-term.

Office of Rail Regulation:

There is no news on the proposed review during 2011 by Passenger Focus on the carriage of unloaded firearms by rail.

Olympics:

Work started on the site at Woolwich on the 7th March. Dates for the events had been published and the ticketing process is now under way.

Practitioners' Group:

A meeting of the Group, involving the Home Office, police and Forensic Science Service, was held on the 20th January at the Birmingham Proof House. Issues under discussion included the shutting down of the Forensic Science Service by March 2012; the successful resolution of a technical problem affecting the numbering of Registered Firearms Dealers' certificates on the National Firearms Licensing Management System; the long-delayed drafting of the specification for blank firers required by Section 39 of the Violent Crime Reduction Act; the on-going review of Guidance; issues relating to Section 5 ammunition and British Visitors' Permits; Section 11(6) and the merit in extended approvals for coaches from organisations such as APSI, BASC and CPSA; certificate renewal peaks and troughs; the level of shotgun thefts; inconsistencies in the variation of firearm certificates for section 7(1) and 7(3) pistols; testing of air weapons suspected of being in the 'specially dangerous' category; and Greater Manchester's pilot scheme to encourage shotgun certificate holders to retain two fired cartridge cases against the eventuality of the theft of their gun.

The substantial budget cuts being suffered by police forces will impact on the number of Practitioners Group meetings, which are timed around meetings of ACPO's Firearms and Explosives Licensing Working Group. The latter are to be reduced to two a year. They will affect also the number of police representatives attending, and four very knowledgeable and experienced police licensing officers have recently retired: Richard Dennison of Norfolk, as reported last quarter, Gary Smith of the Metropolitan Police, Roger Weedon of Surrey and Mick Fidgeon of Essex. Adrian Whiting, the Chair of ACPO FELWG, will hand over this role to Andy Marsh of Hampshire Police in May. Further discussions therefore do need to be had with regard to future Practitioners Meetings.

Scottish Government proposed Wildlife & Natural Environment Bill:

The Bill completed Stage 3 on 2nd March. The Bill seeks to: modernise game law; abolish the designation 'areas of special protection'; improve snaring practice; regulate invasive non-

native species; change the licensing system for protected species; and amend current arrangements for deer management and deer stalking. Snaring remains a major issue.

UN CASA ISACS project:

Phase 1 of the drafting of the CASA (Coordinating Action on Small Arms) ISACS (International Small Arms Control Standards) project has been completed, with the Secretary working on four modules during the Quarter. Phase 2 of the review process is scheduled to begin in mid-April.

World Forum on the Future of Sports Shooting Activities (WFSA):

The Secretary was unable to attend the World Forum Executive Committee and Plenary Session in Nuremberg in March and John Batley, Director of the Gun Trade Association, very kindly represented the BSSC. There was continuing concern within World Forum over the balance of the Expert Reference Group on the UN CASA ISACS small arms standards project. World Forum was continuing to lobby the UN on the Arms Trade Treaty with the intention of excluding civilian arms and ammunition, on which no decision had yet been made. Lead continues to be a major concern and there was considerable interest in the work of the Lead Ammunition Group. World Forum is to focus on the EC Water Framework Directive, recognising its potential for wider impact beyond Europe in the debate on lead in ammunition, and ensure sound information is available. World Forum is continuing to work on lead-related issues with CIC (The International Council for Game and Wildlife Conservation) and FACE (Federation of Associations for Hunting and Conservation of the European Union), in particular relating to lead in game meat. World Forum will be represented at the UN Programme of Action Meeting of Government Experts in New York the week of the 9th May 2011.

Appendix:

To: Chief Officers of Police (England & Wales)
Chief Officers of Police (Scotland)
Chief Crown Prosecutors

CC: Clerks to Crown Courts, Clerks to Magistrates Court Committee, Circuit Administrators, Sheriffs' Courts, Scottish Government

27 January 2011

CRIME & SECURITY ACT 2010 (COMMENCEMENT) ORDER 2010: AIR WEAPONS

This circular advises recipients of the commencement on 10 February 2011 of Section 46 of the Crime & Security Act 2010, which relates to the safe-keeping of air weapons.

2. Section 46 inserts a new section 24ZA into the Firearms Act 1968, which makes it an offence for a person in possession of an air weapon to fail to take reasonable precautions to prevent someone under the age of 18 from gaining unauthorised access to it. A defence is provided where a person can show he had reasonable grounds for believing the other person to be aged 18 or over. The maximum penalty for someone convicted of the new offence is a level 3 fine (currently £1,000).

3. New subsection 24ZA(2) makes it clear that the new offence does not apply where a young person is permitted to have an air weapon with them under one of the exceptions set out in section 23 of the 1968 Act. These are:

- where they are under the supervision of a person aged 21 or over (section 23(1));
- where they are a member of a Home Office approved club and are engaged as such in, or in connection with, target shooting (section 23(2)(a));
- where they are using an air weapon at a shooting gallery (section 23(2)(b)); and
- where they are aged 14 or over and are on private premises with the consent of the occupier (section 23(3)).

4. Young people aged under 18 can therefore continue to be given controlled access to air weapons in the same circumstances as previously.

5. The provisions of section 58(2) of the 1968 Act mean that the new offence does not apply to an antique air weapon held as a curiosity or ornament. It would nevertheless be advisable for owners of such items to follow the safety advice which follows in order to reduce the risk of accidents.

Reasonable precautions

6. The new offence requires people to take ‘reasonable precautions’ to prevent unauthorised access to an air weapon by young persons aged under 18. What will constitute ‘reasonable precautions’ will depend on the particular circumstances in each individual case and it is therefore not possible to be prescriptive. However, the simple steps set out below are a useful starting point. The guidance which follows has been drawn up in consultation with ACPO, the main shooting organisations and others to help everyone make informed and consistent decisions about the safe-keeping of air weapons.

7. Different considerations will apply depending on whether an air weapon is in use or not, and it is helpful to look at these scenarios separately.

Storage at home etc when not in use

8. A key issue is the presence, or likely presence, of young people under the age of 18. Many people either have young children themselves or are visited by friends and relatives with young children. In order to comply with the new provisions they will therefore need to take reasonable precautions to prevent those children gaining unauthorised access to any air weapons stored in their home.

9. In many cases, this can be achieved by using an existing, suitably robust, lockable cupboard and by keeping the keys separate and secure. Alternatively, they could use a lock or locking device by which an air weapon can be attached to the fabric of a building, or to a fixed feature, or a security cord, lockable chain or similar device attached to a point of anchorage within the building.

10. Where children are very young, it might be sufficient simply to store any air weapons up high and out of their reach, but some form of security cord or similar device would be preferable to guard against a climbing child or older children. This also applies where someone lives alone and they are not normally visited by children.

11. If someone keeps a number of air weapons, perhaps as tools of their job, it might be useful to look at some of the security measures set out in the Home Office's Firearms Security Handbook 2005 (Home Office Firearm's Security Handbook 2005). Although that publication is aimed at the security of licensed firearms, they might find some of the Level One security measures suggested for certificate holders equally relevant to the safe storage of air weapons.

12. Anyone who already holds other firearms could use their existing gun cabinet for their air weapon, provided this did not compromise security of those other firearms.

13. Air weapons should be stored within the occupied part of a building and not in an outbuilding, such as a garage or shed, where there is no regular presence to check that the weapons remain secure.

14. Air weapons should always be unloaded when stored. However, this would not be sufficient in itself since the new offence relates to unauthorised access to the weapon. Neither could it be relied on to be safe since air weapon pellets can be accessible to young people and they could be in possession of some at the time they gain unauthorised access to an air weapon.

Safekeeping when in use

15. As above, a key issue is the presence, or likely presence, of young people under the age of 18. They might be accompanying an adult or someone else who is authorised to use an air weapon, but are not authorised to use it themselves, or they might be in the vicinity when one is being used. The most basic precaution would be to keep the air weapon under close supervision and never to leave it unattended.

16. Where a person using an air weapon has no option but to put it down for short periods, they should unload it and gather up all ammunition. Steps should then be taken to prevent someone under the age of 18 from gaining unauthorised access to the air weapon. Where practicable, this could include attaching it to a fixed object using a security cord or similar device, or locking it out of sight in a car.

General air weapon safety

17. There are some simple steps which people can take to ensure their air weapon is kept secure and used safely. For example:

- always treat an air weapon as though it were loaded;
- always point an air weapon in a safe direction, preferably at the ground, and never at another person;
- never load an air weapon until you are ready to fire it;
- never fire an air weapon unless you are certain the shot will be safe. This means checking there is nothing and no-one nearby who might be endangered by the shot and ensuring there is a suitable backstop or pellet catcher to catch pellets and prevent ricochets;
- never rely on a safety catch to make an air weapon safe. Such devices can fail;
- never put a loaded air weapon down. Always safely discharge or unload and decock it first;
- never store a cocked or loaded air weapon;
- air weapons should be stored out of sight and separately from pellets;
- air weapons must not be stored where unauthorised people, particularly young persons under the age of 18, might gain access to them. For example, use a lockable cupboard and keep the keys secure. Air weapons should be stored inside a house rather than in an out building, such as a garden shed; and
- consider ways of rendering a stored air weapon incapable of being fired.

18. The shooting organisations have published further advice on air weapon safety and the Home Office will shortly republish its own leaflet on the subject.

DJP 24/04/2011