

**OFFENSIVE WEAPONS BILL 2017-19: SUBMISSION OF WRITTEN EVIDENCE
TO THE HOUSE OF COMMONS PUBLIC BILL COMMITTEE**

Written evidence submitted by Dr. PJR Whicker. (30 June 2018)

Dr Whicker has been freelance shooting sports journalist for over 20 years, writing about and taking part in the widest possible range of shooting sports during that time. The knowledge and experience gained compels him to alert the committee to inaccuracies and the Impact Assessment compiled by the Home Office, and to make them aware that the proposed prohibitions on specific types of firearms and accessories would confer no measurable benefit in terms of public safety whilst costing already-stretched taxpayer-funded budgets many millions of pounds and, most importantly, unjustly depriving law-abiding citizens of existing freedoms, private property, prestige and income.

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1. Introduction: non-evidence-based proposals

The action proposed by the bill is based on an Impact Assessment document that is founded not on evidence –as it properly should be- but on what is admitted therein to be a fantasy of what might happen “were” a .50-calibre or manually-actuated rifle to be used unlawfully.

Rifles of the types it is proposed in the bill to ban from civilian use have been in the possession of civilian shooters for several years and no evidence whatsoever has been presented that any

of them have been used by civilian shooters, or stolen from civilian shooters, for use in violent crimes.

2. A flawed and misleading Impact Assessment

a. Insufficient evidence of risk

The Impact Assessment produced by the Home Office was unable to quantify the increase in risk presented by the two types of rifles it proposes to ban, saying only that it is “likely” to be “a significant risk of more deaths or serious injuries than if other more conventional types of weapon were used”. It is clear from this that the actual risk of a crime being committed with one of these rifles is almost infinitesimally small. The proposal should be rejected on this basis alone. Prohibition is simply not proportionate

b. Legally-held firearms are not implicated in homicides

The Impact Assessment cites an annual average figure of 45 “firearm related homicides”. The implication is that all these homicides were committed with different rifles that belonged, or had been stolen from, holders of UK FACs. If the implication were different, the figure would be irrelevant.

No evidence is given either that the firearms used in “firearm related homicides” were all held, or stolen from, FAC holders. In the absence of evidence to the contrary, it again seems reasonable to conclude that most, perhaps all, were not. Only those cases where FAC holders’ rifles –and specifically *rifles*- were involved are relevant here, after all.

c. No evidence presented that rifles are used in homicides

No evidence is given either that all the firearms used, that were, or had been, legally held –i.e. the only ones relevant to the government’s case-, were actually rifles. Again, it seems probable that they were not, in this case because other categories of firearm, such as shotguns and airguns, are in use in numbers that are orders of magnitude greater than is the case with rifles. Only instances where a rifle, rather than a shotgun or air rifle was used –and none is cited- would be pertinent to the Home Office’s argument.

It seems likely therefore that the number of rifles of any sort belonging to FAC holders and used in homicides is very small –too small it seems for the government to measure-, even before we consider that the majority of the rifles used by FAC holders are of the rimfire rather than the centrefire type, i.e. they are not in the category that the government proposes to ban.

d. None of the firearm types under threat have been used in homicides

Even if the 45 homicides cited involved the use of 45 different rifles –which seems unlikely-, then statistically no MARS or 50 calibre rifles could have been used in these crimes. If they had been, no doubt notice of this would have been given. So it may safely be concluded that they were not.

e. An immeasurably low risk

The Home Office claims its aim is to “to reduce the risk of any involvement of one of these rifles in a criminal or terrorist incident”, but it can be seen from the analysis above that the risk is already immeasurably low. The government itself cannot measure it.

f. The Home Office has no evidence to support a ban

The evidence as provided does not in any meaningful way substantiate the government's claim that a ban on these classes of weapons is necessary. If any more substantial evidence exists it is hard to believe that this would not have been presented by the government.

The total absence of evidence of past harm from legally-held .50 calibre and manually-actuated rifles inevitably places claims of a future threat from them into the realm of empty speculation. In a just and democratic society this cannot be regarded as a sufficient basis on which to infringe the freedoms, harm the livelihoods, and confiscate the property of law-abiding UK citizens.

3. Civilian certificate holders are not a threat to public safety

It is evident to anyone that there are serious ongoing threats to our security, but it is also demonstrable that these do not come from civilian firearms certificate holders, who are once again being staked out as scapegoats for ends that have nothing to do with public safety.

The proposed ban is demonstrably unjustified and unfair and should therefore be scrapped, accompanied by an acknowledgement that such proposals constitute an unwonted diversion of effort from genuine policing and security issues.

4. Specific Rifle Types under threat

a. Rifles with a muzzle energy over 13,600 joules

“Rifles that can discharge a shot bullet or other missile with kinetic energy of more than 13,600 joules at the muzzle of the weapon”

i. Introduction

The facts presented below will show that the proposed prohibition is no way proportionate given the lack of evidence of the existence of a threat to public safety.

Prohibition of these rifles would also be unjust, unfairly and needlessly suppressing a sport in which the UK leads the world, and adversely affecting the livelihoods of the skilled UK workers who produce much of the key equipment.

ii. Already controlled by law

Those considering this bill should not forget that it proposes to remove the existing rights of individuals whose good character has been carefully vetted prior to the grant of permission to possess such rifles and who are already required by law to secure and transport them securely and to use them only on suitable firing ranges.

These constraints already work to ensure the correct use of these specialised firearms, which are properly categorised as sporting equipment and not as offensive weapons.

iii. Enabling participation in domestic and international sporting competition

This proposed prohibition is focussed on rifles chambered for cartridges used in long-range target shooting in internationally-recognised disciplines in which UK shooters have repeatedly distinguished themselves.

As in the case of the 1997 pistol ban, the bill proposes an action of banning and confiscation that will exclude UK citizens from sports –both domestically and internationally- in which they have gained an impressive reputation.

iv. Impractical as offensive weapons

Rifles chambered for the cartridges targeted in the bill are unquestionably powerful. Notwithstanding this, they would be a very poor choice for the ill-intentioned, being heavy and extremely cumbersome, and requiring no small amount of training and skill to use effectively.

It seems likely that those proposing prohibiting civilian ownership have no accurate understanding, let alone first-hand experience of the physical reality of what they propose to ban.

v. .50 BMG - Non-equivalence between military and civilian use

If it is argued that one cartridge, the .50 BMG, represents a particular risk, due to the military use of specialised ammunition types in this cartridge, it must be remembered that civilian ownership of such ammunition types is already prohibited by law.

It should also be noted that military ammunition types are insufficiently accurate for target shooting, and that cartridges constructed for target use are designed only to produce calibre-sized holes for accurate target scoring.

It should be noted too that the fully- and semi-automatic weapons in which this ammunition can be used most effectively, and which are therefore those chosen by military forces, are already prohibited.

In the light of these facts, it should be recognised that military and civilian use of what is nominally the same cartridge is a matter for contrast and not for comparison, and that it is wrong to equate one with the other.

5. Manually-actuated rifles

“Chambered weapons (other than rifles chambered for 0.22 rim-fire cartridges) from which cartridge cases are extracted using energy from propellant gas or from energy imparted to an energy storage device by propellant gas.”

a. Already controlled by law

As with the high-energy rifles the bill proposes to prohibit, manually-actuated rifles are owned and used by small numbers of closely-vetted civilian certificate holders who are required to provide secure storage for them as a condition for possession.

These factors already minimise any risk to the public to the point where it becomes unmeasurable –and the police and Home Office figures show demonstrate precisely this. In the light of this, the proposal to prohibit these rifles must certainly fail any reasonable test of regulatory proportionality.

b. Misleading Inaccuracies in the original Impact Assessment

i. Manually-actuated rifles are not self-loading weapons

It was wrong for the original Impact Assessment to follow the initial reference to these rifles with the phrase “other self-loading weapons”, as it has been accepted by the Home Office that under existing legislation they are categorically not “self-loading” weapons.

“Manually actuated” does not mean “self-loading” and it was misleading and wrong for the impact assessment to imply otherwise.

ii. Self-loading does not equal prohibited

The Impact report was also wrong to imply that all “self-loading” weapons are already banned (two classes of weapon: .22 rimfire rifles and semiautomatic shotguns are legal to own).

The claim that manually-actuated rifles should be banned on the basis that a sub-set of weapons belonging to a different category is already banned is therefore patently flawed on logical, terminological and factual grounds.

c. Leading language

i. “Conventional”

The appeal to what is “conventional” contained in the Impact Assessment is self-evidently spurious. There are no established criteria on which to decree that a .single-shot bolt-action 50 calibre or a manually-actuated .223 target rifle is any more or less “conventional” than a lever-action or revolving target rifle, or any other rifle type.

What can be said is that both the types of rifle the government proposes to ban are accommodated within the rules of national and international target shooting disciplines. If rules may be considered conventions, then these rifle types are by no means “unconventional” and should not be stigmatised as such.

ii. “Non-Civilian”

Similarly, the reference in the consultation document to “firearms such as handguns and automatic rifles” –where do semi-automatic rifles fit in here?- as “non-civilian” has no foundation.

It may be held that a particular make and model of forearm becomes “non-civilian” when it is designed, offered for sale, or adopted by a military or law-enforcement organisation, but this cannot rightly be applied to an entire category of weapons such as, in this case, handguns and automatic rifles.

If there is one thing that arguably makes a category of firearms “non-civilian” it is their prohibition under Section 5 –a distinctly circular argument! Yet even within the Section 5 rules, civilians are permitted to own certain types of prohibited firearms for specific purposes, humane despatch, for example.

6. “Bump stocks”

This item appears to have been added late in the process as a reaction to the mass shooting in Las Vegas, USA on 01-10-2017, which was committed by an individual using semi-automatic centrefire rifles.

The points that should be noted here are:

- a. Bump stocks only work with semi-automatic centrefire firearms. They do not work with any other type of firearm.
- b. In the UK, semi-automatic centrefire rifles are already prohibited.

In the light of this, it can be seen that the proposal to prohibit “bump stocks” represents a kind of window-dressing that also implies that headlines about gun violence in the USA are relevant within the context of UK firearms legislation. This ignores the stark difference between the strictly regulated environment of the UK and the far looser requirements that pertain in the USA. Such implications are therefore baseless, and the proposed prohibition is consequently without merit or benefit.

7. Civilian ownership of firearms does not equal criminal use

It should be remembered that handguns (i.e. centrefire cartridge pistols and revolvers) and semi-automatic rifles were in civilian use for a very long time, and that crime statistics show these bans to have had no statistically-significant impact on violent crime with firearms: facts that indicate that such firearms could be returned to civilian use without significant risk to public safety.

8. Previous prohibitions were not evidence based

Such firearms would still be in regular and regulated civilian use if the legislative process that resulted in their prohibition had been based on sound evidence rather than emotion, prejudice, political posturing and pressure from an ill-informed press.

9. Previous injustices should not be a pretext for new ones

The point here is that previous bans –unjust or not- do not in themselves provide justification for new ones, especially in the absence of any compelling evidence of their effectiveness.

10. Not a vote-winner

If, as it appears, in view of the absence of an evidence base, this proposal is motivated by political factors rather than concern for public safety, then the government should take note that unjust attacks on shooting sports are absolutely certain to lose them the votes, not just of owners of large-calibre target rifles and manually-actuated rifles, and of the firms that make and supply these rifles, their ammunition, and ancillary equipment, but also of every shooter who will now be alert to the government's readiness arbitrarily to take disproportionate, unjust, and oppressive measures against law-abiding shooters.

Is the government so confident of its ability to win the next election that it is prepared to alienate hundreds of thousands of shooters –most of them in the prime voting demographic- and their families, and to do so for no measurable gain as regards public safety?

11. A personal Perspective

I have been involved in shooting sports, in most of its many varieties, for most of my life. For more than two decades I have been closely engaged with them as a journalist, testing and evaluating products, meeting and working with professionals from across the shooting and shooting-related industries, and conversing with ordinary shooters from all walks of life across a wide range of shooting activities. I also served in the Territorial Army for 10 years, qualifying on a range of small arms and crew-served weapons, and as a range instructor.

Over the extent of my civilian involvement with shooting sports I have seen a series of disproportionate prohibitions and restrictions introduced. At no point, however, have I seen any evidence that these have made a measurable contribution to public safety. If this legislation had been justified then it is hard to believe that statistical evidence of its positive effects would not have been actively promulgated by government. They have not. Compare this to the widely publicised outcomes of seatbelt requirements and the point is made.

Aside from their costly futility, these restrictions and prohibitions have deprived me, and many other law-abiding UK citizens, of sports and pastimes that were a source of fun and friendships, of memorable experiences and fresh plans.

Those shooting sports that remain still provide some of the best moments of my life. To see them once more unjustly under threat evokes a painful and all-too-familiar sense of injustice.

12. The bottom line

The committee has a responsibility to ensure that the UK is not a country in which individual freedoms can be restricted by law when even the government is unable to present any

evidence that these freedoms pose a risk to others. Please accept this responsibility and reject this bill.