

Introduction:

I am Secretary to a medium-sized well-respected Rifle Club and have held the post for some 25 years. I had a corporate career in BT and O2 and now run my own consultancy business. I was an elected Local Councillor for twelve years dealing with residents and scrutinising Council policies ensuring that policies are properly considered and properly evidenced. I was a member of my School CCF and was a member of the Territorial Army, while a member of these organisations I become very familiar with GPMG's, L1A1's, Browning Hi Power pistols and Sterling sub machine guns; which I used on military ranges.

In my capacity as a civilian I own a variety of guns, including a MARS rifle.

As the Hon Secretary of my Rifle Club it is my responsibility to verify (or not) Members applying for Firearms Certificates with the Police. I am acquainted with the variety of different licencing procedures from a number of different Police forces.

1) Executive Summary:

This document is in response to the offensive weapons (firearm section) legislation which was introduced into Parliament in June 2018.

This document demonstrates:

- The Home Office had predetermined their proposals, contrary to Gov't guidelines.
- There is no validated evidence to support the proposed confiscation.
- The "rate of fire" argument is unsupported, un-evidenced and mistaken.
- The UK has 4 million illegal unregulated military grade firearms.
- The illegal importation of firearms continues at a significant rate.
- UK Border controls lack effectiveness.
- The Police and the Military lose significant quantities of firearms.
- The risk, such as it is, rests with individuals and not ownership of a specific firearm.
- There is no sustainable proportionate justification for these proposed prohibitions.
- The levels of proposed compensation are woefully inadequate.

The critical question that needs to be answered is; will these proposals really enhance public safety? There is ready illegal availability of firearms through military losses and illegal imports. Criminals and Terrorists do not bother themselves with licencing systems. These proposals target firearms have **never** been used in a crime and many have been lawfully owned, in some cases, for decades.

1) The Home Office “Consultation”:

1.a Cabinet office guidelines: I quote from the guidelines: *“We consult only on issues that are genuinely undecided.”*

The language used in the Home Office “consultation” paper does not feel “undecided”.

An example of this in the documentation highlights the “pre-determined” nature of the consultation. As an example:

“The Government need to intervene to ensure the purchase, ownership or possession is illegal.”

1.b Consultations should be informative:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492132/20160111_Consultation_principles_final.pdf

*“Give enough information to ensure that those consulted understand the issues and can give informed responses. Include **validated assessments of the costs and benefits** of the options being considered”*

I attach the “informative” part of the HO consultation:

“There is concern about the availability of .50 calibre and rapid-fire Manually Actuated Release System (MARS) rifles being available to some civilian firearms licence holders. The range and penetrative power of 0.50 calibre rifles makes them more dangerous than other common firearms and were they to be used in criminal or terrorist activities would present a serious threat to the public and would be uniquely difficult for the police to control. Due to the rate of discharge MARS rifles pose a comparable risk to the public and police as other self-loading weapons already banned in the UK. The Government need to intervene to ensure the purchase, ownership or possession is illegal.”

This paragraph is neither objective nor informative and does not meet the Government’s own criteria required for consultations; such as providing “validated factual assessments” – where are they?

2.0) The MARS and HME Calibre rifles

They are fundamentally no different from all the other rifles that are legally available in the UK. There is focus on the “rate of fire” asserting they are comparable to section 5 self-loading rifles, anyone with minimal technical expertise knows that is nonsense.

The concerns raised by the HO lack evidence, validated assessments or hard information. This rate of fire argument misses the key element which is the certificated shooter. Further; it ignores the vast pool of illegal firearms, the loss of machine guns by the Police and the Army and the significant illegal imports.

Focussing on a particular firearm type is flawed, illogical and is debunked by the fact self-loading pistols are still legally available in most other British territories including Northern

Ireland. For example the Glock 17 self-loading pistol has a theoretical rate of fire of 800 rounds per minute with magazines of up to 200 rounds. If the Home Office rate of fire argument is valid, which I suggest it is not, why are self-loading pistols available in almost every other British territory apart from the mainland of the UK? That fact suggests the argument is fallacious.

Additionally, the method of operation of the MARS rifle allows the disabled to participate and be included in a sport that would otherwise be denied to them. Many bolt action rifles are by their nature stiff in operation and those for example those with missing limbs or arthritis would be forced out of this sport.

3.0) The real risk.

The focus must be on individuals who are granted either Firearm or shotgun certificates. The contention that these rifles are a particularly higher risk is misplaced.

Confiscation would leave the current owners with other very similar firearms. The person would not change and any (minimal) risk from the individual would remain.

As the Secretary of a Home Office approved Club I am exposed to the wide variability in the processing of certificate applications.

I am extremely diligent when accepting guests and new members, especially so when a member wishes to apply for their own certificate. I will not be on a range with an individual, with a loaded firearm, who I am not comfortable in terms of both safety and temperament. I have on two occasions advised Police that I am not happy for them to grant licences. One individual left the Club after refusal and was not seen again.

Sometimes I am not contacted to confirm the individual is a member of the Club and that I am happy for the renewal of the certificate. That does concern me, how many other Club Secretaries experience this? How many certificates have been granted when the applicant is not even a member of a Club or the Club is not content for a certificate to be renewed?

This is a real and very serious matter.

If the Home office or Police have intelligence that indicates that some of these certificate holders are an immediate risk, or that there is a risk that firearms are being targeted for theft; action should be immediately taken. This lack of urgency undermines the whole Home office confiscation proposals. The reason for lack of urgency is because the risk is so low it does not register on any measurable scale. If it is a measurable risk where are the statistics, validated assessments from the Home Office?

It should be noted that The Borough market and similar attacks were made with vehicles and knives, not MARS or HME rifles. This indicates that the system of licencing controls is working.

The Home Office and Gov't Ministers agree that the focus should be on the individual. If this was not the case why is there such a hiatus around ISIS members returning from Syria?

The number of Britons who have gone to Syria to fight for ISIS is estimated to be over 850, with about 110 killed and about half of those left have returned to the UK.

<https://www.theguardian.com/world/2016/aug/11/britons-joining-isis-grown-to-850-100-killed-syria-khadiza-sultana>

These individuals are most likely to have received military training. They are not likely to support the democratic British way of life. It is highly likely that given the opportunity some will cause death and injury to innocent civilians by whatever means.

Gov't Ministers and the Home Office recognise this threat from individuals who have returned to the UK. Gov't Minister, Rory Stewart, considers that the threat from these individuals is so high that they should be killed, that is not a view that you would normally expect from a Government Minister. See reference below.

<http://www.telegraph.co.uk/news/2017/10/22/way-dealing-british-islamic-state-fighters-kill-almost-every/>

The risk, as agreed by the Gov't Minister and the Home Office, sits with the individual. This is further reinforced by the Governments' own "Prevent strategy" of 2011 which focuses on the risk coming from the individual. See link below:

<https://www.gov.uk/government/publications/prevent-strategy-2011>

If the risk does not rest with the individual why operate a firearms licencing system and why does the Government place so much emphasis on reducing the risk an individual poses?

There is no evidence that the increase in firearms offences to March 2017 is attributable to target / sporting rifles legally owned by FAC holders. There does not appear to have been a validated assessment of the risk of legally held firearms making their way into the hands of criminals or terrorists. The fact that there are only a small number of HME and MARS firearms legally held means that the risk is far lower – in other words, the firearms in question are highly controlled and traceable.

In comparison to the numbers of illegal firearms in circulation the risk is much smaller; there is One MARS/HME rifle to every 8000 illegal firearms.

4) General availability of firearms:

The Police are not unknown to lose their own firearms which are now almost undoubtedly in criminal or terrorist hands. One example is the loss of five handguns by Nottinghamshire Police; these guns have not been recovered.

<http://www.independent.co.uk/news/hunt-for-guns-lost-by-police-sharpshooters-1594640.html>

The Army has admitted to losing at least 300 guns in ten years of which only 39 have ever been recovered and one army pistol was used to shoot WPC Rachael Bown in 2006.

<http://www.dailymail.co.uk/news/article-2074455/300-guns-lost-stolen-Army-bases-just-years-39-found.html>

Please note of the 300 firearms lost, 80 were machine guns.

In the year 2016/2017 10 more firearms have gone missing. How many other instances have there been that have not made the news? See attached reference.

<http://uk.businessinsider.com/mod-admits-it-lost-submachine-gun-dropped-boat-2017-7>

5) UK Border controls

There is a significant amount of evidence that the UK borders are porous and insecure. In some instances smuggling of firearms and drugs are reported to have been aided by UK Gov't staff. See reference below.

<http://uk.businessinsider.com/uk-border-force-officer-arrested-for-allegedly-helping-drug-smugglers-2017-10>

The now Commissioner of the Metropolitan Police has previously admitted that the **4 million illegal guns** on the streets are out of Police or licencing control and are of military grade.

Cressida Dick said: *“Some of the guns brought into the UK are weapons beloved of gun fanatics: machine pistols such as Uzis, and semi-automatics including the ubiquitous AK-47”*

<http://www.independent.co.uk/news/uk/crime/up-to-4m-guns-in-uk-and-police-are-losing-the-battle-310182.html>

Border controls are not what they need to be. A well intentioned Austrian man made his way through our borders and was only apprehended when he showed his firearms (lawfully held in Austria and most of the EU) to his fellow “protection course” attendees, they then reported him.

<http://www.telegraph.co.uk/news/uknews/crime/11243523/Border-security-failure-exposed-by-passengers-gun-arsenal.html>

More recently; “Gordon Ramsay on Cocaine” met Tony Sagars of the NCA and Tony said *“Gun crime in the UK is very closely associated with the drugs trade”* ITV 19 Oct 2017

Detective Chief Superintendent Kevin Southworth (Operation Trident) from the same series dated 26 Oct 2017 stated *“Over 700 lethal barrellled weapons have been seized each year for the last two years (in the UK)”* he further stated *“Gun supply in this city (London) and gun usage in this city sits with the supply of Cocaine”*

Drugs seizure rates can be used as a proxy to give an approximation into illegal firearm importation. The NCA estimated 23 tonnes of heroin is imported each year and the NCA intercept 4.5 tonnes, **a seizure rate of 20%**. See reference article below.

<http://www.nationalcrimeagency.gov.uk/crime-threats/drugs>

Looking at the skorpion machine gun smuggling operation where the criminals were caught with 31 illegal semi-automatic or fully automatic firearms helps highlight the real risk of leaky borders. This example below is one of many examples gained from a simple internet search.

<http://www.express.co.uk/news/uk/676699/Gun-smugglers-jailed-weapons-seized-link-Charlie-Hebdo-arms-dealers>

So if you assume this the one and only shipment seized in that year (which it won't be) and it is the seized 20%, where is the other 80% (155 illegal military grade firearms) that have walked over our border into the UK and are currently unregulated and possessed illegally?

2016 saw 110 real guns seized at the UK Border; so given the same ratio 20% seized, 80% or 550 were not, where are they and who has them?

<http://www.dailymail.co.uk/news/article-5112727/Gun-hauls-seized-border-guards-trebles-just-year.html>

6) Independent Enquiries.

Lord Cullen held an enquiry after the Dunblane massacre and found the licencing system at serious fault and despite the Firearms enquiry officer recommending revocation of Thomas Hamilton's license, that FEO was overruled by his Inspector.

Lord Cullen also recommended alternatives to prohibition, those recommendations were ignored.

Why was the independent Cullen enquiry sealed for 100 years? This enquiry should be opened to full public scrutiny so that we can all be sure that the learnings are implemented. One of the conclusions was for a National Firearm Licensing body to be introduced – we are still waiting for that, why?

7) The need to prove necessity and proportionality.

Any legislative changes need to be wholly proportionate. Given the demonstrable evidenced threat posed by the pool of untraceable illegal firearms and imports numbering in the millions, it cannot be proportionate or fair to prohibit lawfully owned guns targeted by the Home Office. Given the right to peaceful enjoyment of possessions protected by article 8 of the ECHR, it is impossible to justify infringing those rights when the real pressing threats exist elsewhere.

These current proposals do not pass first muster as proportionate or justifiable given the complete lack of validated evidence of the misuse of these firearms.

It would be informative and look at how the prohibition on pistols in 1997 has prevented their illegal use since that date.

When considering forcing this kind of legislation through in the complete absence of validated evidence, proper compensation should be paid and not just for the hardware and accessories confiscated. It should also compensate for the **loss of utility** that is removed from the owner. If the aim is really, as stated, for public protection then proper comprehensive compensation must be part of that "cost" to ensure public safety.

That should not be difficult to calculate as it is intimated that each death is worth £2m. So where is the calculation that gives the actual number of deaths the Home Office predicts? That deaths estimated is omitted, why? It is because there is such a minimal risk that it cannot be calculated in financial terms and is not cost effective and any admission of that destroys any arguments put forward for a prohibition.

If you are generous and assume four lives are saved it would not be unreasonable to properly compensate for loss of both hardware and utility. Four deaths; £8m on 450 rifles equates to £18,000 per rifle confiscated.

The proposals have expanded and now also include Lever release rifles. These rifles were not included in the proposed compensation costs, so these costs are going to be significantly higher. LR rifles have been available for about a decade – never used in crime – I would estimate another 2000 rifles are hit by these proposals. It should give cause for concern that the Home Office cannot even accurately estimate the number of rifles affected by their own proposals. We should all be concerned that basic information provided by the Home Office is so flawed; if this is wrong how can anyone have trust in the rest of the proposals?

8) Recent Terrorist attack(s) in London:

The Borough Market attack killed eight people and left forty eight injured, the objects employed were knives, vans and the terrorists wore stab proof vests.

There is hard evidence to support the control of knives and motorised vehicles to the general public. Compare this one terrorist incident; 8 dead, 48 injured. HME and MARS rifles; nil injuries, nil deaths. The above terrorist attack can be easily replicated.

9) Overall Conclusion:

No economic, death or injury risks have been advanced by the Home Office to support their un-evidenced proposals.

There are more effective and pressing actions that would be far more effective for public safety, such as:

- Stemming the seepage of military firearms from the Police/Army into the illegal pool.
- There should be an effective search for the 4 million uncontrolled /illegal firearms.
- Improving Border controls which are weak and ineffective to stop the illegal imports of military grade firearms.
- Controlling the threat from terrorists and ISIS fighters returning from Syria who are a clear and present danger to us all.

Are these just too difficult to do and certificated shooters are simply easy scapegoats? Alun Michael announced he had “taken handguns off the streets” in 1997/98 – how hollow that sounds now.

These current proposals will be ineffective. They are aimed at the most law abiding and highly scrutinised section of society, license holders. These proposals won't have any positive effect on public safety and is a highly questionable use of taxpayers' money. The threat is posed by the vast illegal pool of military grade firearms on our streets which are possessed by unknown persons.

Therefore I do not and cannot support these ineffective proposals which will only impact the law abiding.