

**Offensive Weapons Bill.
Comments and evidence to the House of Commons
Committee.
August 2018.**

The Muzzle Loaders' Association of Great Britain (MLAGB) is the governing body for muzzle loading within the UK. Its objectives are to encourage an interest in muzzle loading arms; to promote, regulate and safeguard their use; and to preserve their freedom of collection.

We are making this response having seen the evidence offered to the House of Commons Committee (HCC) considering the Offensive Weapons Bill (OWB). Much of that evidence is incorrect and there is much with which we disagree. Our comments are from the standpoint of a disinterested party, since we are not concerned or involved with shooting .50 Calibre rifles under consideration nor the MARS rifle, nor trading in knives or edged weapons.

Shooting is a major sporting activity in the UK with some 2.25 million rifles and shotguns legally held on certificate. Certificate holders are rigorously assessed by the police and are subjected to medical assessments, references, background checks and ongoing continuous monitoring. Persons holding Firearms Certificates (FAC) or Shotgun Certificates (SGC) are subject to Police interview and vetting. Registered Firearms Dealers (RFD) are subject to regular police checks of stocks of firearms and ammunition.

The Bill seeks to prohibit two specific groups (high muzzle energy and "rapid firing") of rifles; this affects some 1,000 or so firearms out of the 2.25 million held on certificate. It also seeks to limit the access to knives and the HCC has enquired about the use of antique firearms in crime.

Dating back to the original Home Office (HO) consultation in late 2017. We suggest that these prohibitions are a breach of natural justice as the Home Office has:

- failed to provide any evidence that these rifles pose any risk to public safety
- undertaken a suspect and inept consultation

The HO have referred to vague concerns raised by the police and the National Crime Agency (NCA) but have never published details.

To link civilian target shooters to gun crime is grossly misleading; pistols, illegal in the UK since 1997, remain the weapons of choice for the criminal fraternity.

Firearms crime is concentrated in particular metropolitan areas: London, Tameside, Liverpool, West Midlands (details in HC Briefing paper 2018) but the OWB is a crude attempt of one size fits all approach and arguments, thus penalising those who are, if FAC or SGC holders, perforce to be the most law-abiding members of society.

RFDs are subject to similar tests of proof of fitness and suitability to carry out such a business, the security requirements are of a higher level and regular police checks and audits of stock, records, registers and the like are conducted.

No transgression may be committed without risk to FAC or SGC.

Why target .50 Cal and MARS rifles:

42% of firearms crime is undertaken with pistols and those were made illegal two decades ago. The vast bulk of firearms used in illegal crime is the stock that has been there for many years and illegal weapons brought in from overseas. This means that border controls are failing as evidenced by the recent cases involving Ray Mills and Paul Edmunds.

There are four key points to our objections: -

- No legally owned rifle of the types to be prohibited has ever been used in criminal activity despite being used by target shooters for many decades.
- The Home Office have provided misleading references by linking the rifles to be prohibited to shooting events in the USA; they quote the Las Vegas shooting despite the fact that the semi-automatic firearms used there were prohibited in the UK in 1988.
- Current legislation (Section 27 Firearms Act 1968 as amended) requires Chief Officers of police who grant firearms certificates to ensure “the applicant can be

- permitted to have the firearm or ammunition in his possession without danger to the public safety ...”
- As drafted, the proposed controls on knives both give police much too wide a power speculatively to enter and search people’s homes and will severely inhibit lawful and legitimate collectors of swords, bayonets, knives, and the specialist dealer in knives etc.

Our concerns are expressed under the following five Headings:

1. Evidence previously to HC Committee;
2. Antiques;
3. Knives;
4. .50 Cal,
5. MARS
6. Conclusions

Executive Summary

- 1. Evidence previously to HC Committee:**
 - Misleading evidence has been presented to HCC concerning the locations and use of .50 calibre rifles, their range, and the sanctions applied to FAC holders who break conditions of their Certificates.
 - Despite implications to the contrary in evidence presented, no UK or legally owned .50 calibre rifle has been used in crime.
- 2. Antiques;**
 - We have some doubts as to the statistics of misuse of antique arms in crime, which do not match with what we have been previously advised to us by NaBIS, nor has any valid or proofed evidence been forthcoming, despite repeated requests.
 - The means of ignition of a cartridge, the primer, is already subject to controls.
 - Considerable care and expertise is required to reload any ammunition safely. For firearms that are classed as antique significantly more caution must be exercised because the materials from which they were made are certainly not as strong as, for example, modern steels. Further, the metal itself may have degraded through stress or age or corrosion or abuse.
 - There have been one or two isolated incidents of the misuse of antique revolvers in recent times, it is

significant that the person who seems to have supplied the bulk of these, and who manufactured suitable ammunition for them, was a RFD by the name of Paul Edmunds. Edmunds used his considerable knowledge and expertise to manufacture small batches of cartridges which he then sold to an accomplice. Manufacture was itself no easy task, and without the specialist ammunition the revolvers were useless to the criminals. Edmunds is now serving an exemplary prison sentence, as is his accomplice.

- No doubt the Chief Constable of the force concerned will be wondering what happened exactly as to the checks that Edmunds, as an RFD, was subject.
- The law relating to the possession of antique firearms is already quite clear, and is contained in Section 58(2) of the principal Act. The firearm concerned must be sold, transferred, purchased, acquired or possessed as a curiosity or ornament. If that crucial second test is not passed then the antique firearm loses its antique status and is, no matter how old, a firearm within the meaning of the Act and liability to prosecution will follow.

3. Knives

- Many classes of knives are already subject to controls or bans in some form, yet the criminally inclined continue to use them
- No provision has been made for the remote trading of collector arms, including swords, knives, bayonets, pole arms, daggers.
- Most knife crime is committed with implements available in any kitchen drawer or workshop.
- We are concerned at the possible extension of Police powers to enter private premises speculatively and without credible evidence of wrong doing.
- It would be more efficacious to address the carrying of knives in a public place without good reason or lawful excuse

4. .50 Cal,

- The .50 calibre rifle is large, unwieldy, bulky and heavy.

- No evidence has been advanced of its misuse
- There was a previous HO proposal for a ban which was denied; this idea has been sitting in a HO drawer for nearly over 20 years awaiting another opportunity to resurrect it. The arguments were specious then and remain specious now.
- It establishes a principle which will, based upon past experience of police actions, be used to extend bans in future.
- No account is made of the collector market for such as the old and now obsolete (in service) anti-tank rifles.
- The use of the range as a valid criterion for assessing danger to public safety is misleading and pointless since rifles have been able to shoot at these distances for well over 100 years; in fact, long range shooting, something at which the UK excels, was developed in the mid-19th century with muzzle-loading rifles.
- The ammunition which appears to cause so much concern is not available to civilians
- The claim that the .50 calibre is especially dangerous to Police is undermined by the fact that almost any current calibre shot will defeat a Police stab vest and most military flak vests.
- As a fallback, enhanced security might be considered for owners of .50 cal rifles

5. **MARS**

- No evidence has been produced of a threat to public safety
- Straight pull rifles have been available for many years without any evidence of misuse.
- The MARS rifle in particular was developed with the full cognisance of the Home Office.
- Straight-pull mechanisms are particularly suitable for disable shooters
- All FAC/SGC holders must undergo rigorous check by the Police upon grant of FAC/SGC and upon renewal or variation of FAC
- The MARS and other straight-pull rifles were developed to enable shooters to participate in their legitimate, lawful and safe sports, without risk to

public safety, but within the limits imposed by Parliament.

- Existing owners should be allowed to keep their firearms held to date without any problem or evidence of misuse
- Future acquisitions may require demonstrating a track record of shooting experience, such as two years shooting experience.

6. Conclusions

- Legitimate firearms collectors, students, researchers and shooters are not undermining the law; with the MARS rifles they are pursuing a legitimate pastime, without any evidence misuse, within the law.
- The Government has conflated bump stocks and self-loading rifles (already banned in UK for over 30 years) with MARS rifles – dishonest confabulation.
- It has attempted to conflate antiques used in crime and re-activated de-activated firearms and blank firing firearms, again attempting to mislead.
- There is no provision for remote sales of antiques knives, swords, daggers etc. which by nature of the item and market cannot easily be viewed face to face.
- Legislation on remote sale of knives etc will criminalise shop assistants and carriers.
- Evidence of the misuse of antique arms in crime is confused and lacks credibility.
- No evidence has been presented of the misuse of .50 cal “powerful” rifles.
- No evidence has been presented of the misuse of MARS rifles.
- The law only serves to control those who are prepared to abide by it.
- Firearms remain available to the criminal despite volumes of legislation controlling the law abiding and a vast and expensive hierarchy of police administration. Yet, the police’s own evidence is that for the criminal : “... it is very easy to obtain firearms and ammunition...”
- We suggest that the prohibitions are a token attempt to distract attention away from the serious matters of illegal firearms, acid and knife crime. To ban certain firearms on the basis of unsubstantiated

claims of threats to public safety is unconstitutional and an abuse of process.

The redundancy of the OWB may be amply demonstrated by NaBIS' own evidence when a former gang member, gave a presentation to their national annual criminal use of firearms conference. "...**His view was that it is very easy to obtain firearms and ammunition. He thought he could go and obtain them, no problem at all.** From a street perspective - for a criminal, or someone who is aware of that world - the perspective was that it is very easy..."

Clearly the law only effects the law abiding.

1. Evidence previously to HC Committee

1.1 In response to a question as to where .50 Cal weapons be fired, the HCC were given a response:

"They tend to be fired on Ministry of Defence ranges because they are the only ranges that are large enough to incorporate this very long-distance target shooting."

1.1.1 This is quite misleading since probably 99% of target full bore firearms are shot on MoD ranges, including .223", 303", 7.62mm etc. 100 – 600 yards commonly, up to 1000, 1200 sometimes.

1.2 In response to a question on .50 Cal rifles being used in crime, the HCC was given the response: "...Certainly, there is no example of their being used in crime recently. We have to go back to the troubles in Northern Ireland, when there was a suggestion that the .50 was being used to snipe members of the armed forces. So, we are going back to the '80s. *Other than that, (our italics)* there is no suggestion that legally held .50 rifles have been used in crime..."

1.2.1 Again misleading since the rifles used in N.Ireland were illegally imported from the USA. There are *no* examples of the .50 calibre rifle being used in crime in the UK.

1.3 In response to a question on the implications of breaching terms of an FAC/SGC, the HCC was given the response: "It is a summary offence contrary to the Firearms Act, so you could be prosecuted... Non-compliance with the conditions on an FAC results in only a fine"

1.3.1 This is misleading since the HCC should have been advised that the sentence is six months imprisonment and/or a fine.

1.4 The HCC were told that the effective range of a .50

cal rifle was 6,800 metres. 1.4.1 Misleading: if fired at high angle, this is possibly the furthest, most extreme distance bullet could possibly reach, but that is certainly not its effective range. Its effective range (the distance at which a competent shot can hit a target) is more like 1,500 to 2,000 metres, a great deal less than a third of that.

1.4.2 Ballistic tables will show the .50 calibre, at 1,300 yards (which is less than a mile often touted by other official evidence), the bullet drop can be 24 feet, regardless of what the effects of wind will be on the flight of the bullet.

2. ANTIQUES

2.1 The HCC enquired into the use of antique firearms by criminals, the point of concern being that some calibres are not subject to FAC/SGC. The danger of antique arms to public safety lies in access to ammunition, which is already controlled and subject to FAC/SGC.

2.2 The means of ignition of a cartridge, the primer, is already controlled and may not be freely bought.

2.3 Considerable expertise is required to re-load any ammunition safely let alone for a firearm that is over 100 years of age and will not be made of the most modern and strongest metals, and which may have suffered over its life; metal is subject to degradation over its life and is more likely to fail under pressure than a newly made example of the same material. A good example is the use of modern 9mm ammunition in an antique Dutch revolver used in the assault and murder of Lee Rigby: the revolver exploded in the hands of the perpetrators who then resorted to a machete, an item which would not be effected by the OWB since it is freely available in hardware shops, garden centres.

2.4 There have been one or two isolated incidents of antique revolvers being misused, but these have derived from the misdeeds of one or two persons. The most notable is Paul Edmunds. Edmunds used his considerable knowledge and expertise to manufacture small batches of cartridges which he then sold to an accomplice. Manufacture was itself no easy task, and without the specialist ammunition the revolvers were useless to the criminals. Edmunds is now serving an exemplary prison sentence, as is his accomplice. No doubt the Chief Constable of the force concerned will be wondering exactly what failed in their statutory checks on Edmunds as an RFD.

2.5 As an RFD he, his stock of firearms and ammunition, should have been subject to checks by his local police. These clearly failed to take place. Not only is the main perpetrator behind bars after imposition of severe sentence, it is a clear warning to all others who may be inclined to break the law, and it has removed the main source of illicit ammunition. Hence there is no reason to attempt licensing such antique arms.

2.6 Currently, the Policing and Crime Act 2017 is being implemented, which considers which calibres of “antique” arms may be held free of licence. We suggest that the way to tackle illicit supply and use is not to prosecute based on whether or not something is an antique; antique is going to be defined in law. The firearm concerned must be sold, transferred, purchased, acquired or possessed as a curiosity or ornament. If that crucial second test is not passed then the antique firearm loses its antique status and is, no matter how old, a firearm within the meaning of the Act and liability to prosecution will follow. In most cases of criminality that would be as a prohibited weapon, subject a mandatory five years sentence.

2.7 Since antiques in crime are being dealt with within a Statutory Instrument (Police & Crime Act), are being dealt with by the HO with an expert advisory group working together, and it is currently at the Impact Assessment stage, we suggest addressing antique arms in crime is a wholly disproportionate reaction.

2.8 In response to the question: “... that 30% of the guns used last year in crimes were of obsolete calibre. Is there anything we can do to restrict the availability of decommissioned weapons, and is it of concern to you how available decommissioned weapons are and the ease with which they can be recommissioned?”

2.8.1 The response was misleading and tried to conflate antiques with de-activated firearms and blank firing firearms. This is misleading.

2.8.2 It is not clear whence the 30% statistic came, nor is the 20% cited in the response. NaBIS have repeatedly quoted 5% (including inferred, i.e. believed but no physical evidence) or 1.5% of firearms used in crime are antiques. Despite repeated requests no clear, evidenced statistics have been

forthcoming.

2.9 Given the aberrations of Paul Edmunds, now no longer supplying arms or ammunition illicitly, one could reasonably expect the misuse to decline further. Given NaBIS statistics of 500 discharges, then antiques will represent between 15 and 24 incidents. Whilst this calls for an appropriate response, bans and licensing are neither appropriate nor proportionate.

3. KNIVES

3.1 Currently, a number of bans, limitations or prohibitions are in place: samurai swords, zombie knives, locked blade knives, flick knives; which, curiously, seems to have little effect upon knife crime.

3.2 As drafted, the legislation will inhibit the delivery of knives, since carriers will, to avoid prosecution, simply decline their carriage. An unintended consequence of the above appears to be that Section 15 will constrain the legitimate delivery by the post office and courier services of antique swords, polearms and daggers (already exempted by legislation) to residential addresses of private citizens who legally collect and acquire these items for their historical interest and for their preservation for the benefit of future generations.

3.3 In addition, the legitimate business of auction houses and antique dealers throughout the UK and the detrimental effect this will have on their human rights to carry out their business and livelihood.

3.4 As drafted, shop workers may be liable to prosecution for an otherwise apparently legitimate transaction.

3.5 As the defences under Section 16 do not seem to offer any protection for antiques there is a need for an exemption to be made to safeguard any antique weapons effected by this bill.

3.6 The great majority of distance sales are likely to be to adults for legitimate purposes.

3.7 Kitchen knives, Stanley knives, axes and other sharp or pointed objects are readily available in the home for misuse at no cost. The proposed procedure would be clumsy, time

consuming and add expense to the transaction

3.8 The original – and flawed – consultation proposed making it an offence to possess certain weapons in private. The proposal also gives the police much too wide a power speculatively to enter and search people’s homes.

3.9 We are anxious to ensure that there must be recognition of genuine collectors, researchers, and museums who collect and study historic knives and bayonets, and to ensure that there are no unintended consequences in any new legislation. The same will apply to broad use of “working” knives across society for legitimate purposes e.g. kitchens, gardening, countryside, many industries, etc. and including training.

3.10 It should be borne in mind that historic artefacts such as swords, bayonets, trench knives may fall foul of the “Zombie” definition (saw-back bayonets, “vendetta” knives, and trench knives, which may be collected or retained as mementos and may well be engraved with gory, death or glory inscriptions)

3.11 In the examples presented, we find it difficult to see what benefit the new proposed prohibitions will have. For the Home Office example, used in the consultation as justification of the ban, the youth buying online and then killing themselves would have ample resources in the kitchen drawer or workshop.

3.12 Whilst knife crime is very real, the proposals are an over-reaction to a problem which will not be solved by the OWB but by addressing the problem of carrying in a public place without good reason or lawful excuse.

4. .50 Cal rifles

4.1 The .50 calibre rifle is a large, heavy and cumbersome item: 30 lbs typically 1.5 to 2 metres long. A more unlikely candidate for a criminal is difficult to imagine. The one example of a stolen .50 calibre rifles resulted in it being found, dumped, shortly after theft, unused.

4.2 We are concerned with the potential for “mission creep” with the extension of .50 cal to now ‘other similar high power, long range rifles’ and the introduction of a 10,000 foot pounds muzzle energy limit.

4.3 No account is taken of the collectors of anti-tank rifles, such as the 1937 Stanchion gun (.55" Boys rifle), the pre-WW2 Russian PTRD (blows back the bolt and allows a new round to be manually chambered and the mechanism closed). These are seldom seen and form a fruitful, if expensive and cumbersome, area for collectors.

4.4 We are reminded of a previous Home Office attempt to limit the ownership of .50 calibre rifles, in the time of the Firearms Consultative Committee. This was at a time of concern over the IRA and Provisional IRA, who illegally obtained and illegally held Barrett rifles and ammunition. Terrorists do not abide by the law.

4.5 Much HO and official concern has been expressed over the power and range of these rifles. Much of it is mythical and presented in a misleading fashion.

4.6 The longest-ranged sniper shot in Afghanistan by a British soldier was about 1.5 to 2 miles was accomplished with a .338 Lapua. This would not be affected by the Bill. The British army sniper missed nine times before he hit. Firing at those extreme ranges is extremely rare and requires an extraordinarily high degree of training to accomplish. This just does not happen under civilian circumstances.

4.7 The range at which a civilian target shooter would shoot is 1,000 yards, with world championship in .50 calibre being held at this distance.

4.8 Many rifles dating from the late 19th century will be sighted for 1000 plus yards: Mauser Model 1871, Martini-Henry of the Zulu War, SMLE of the Old Contemptable of 1914, Mosin-Nagant Model 1891. Range alone is not a valid criterion.

4.9 Commonly calibre in civilian use started life as a military calibre, they are developed by sporting and target shooters and used in hunting or target shooting: the most common being .308, (also known as 7.62 NATO). This will range to over 1000 yards and would not be affected by OWB

4.10 Much is made of the the destructive powers of

the .50 calibre rifle (in military hands). This is down to the use of hardened, anti-materiel ammunition that is illegal in this country for civilian use. The Home Secretary's letter to MPs claims that their penetrative powers mean that with the right ammunition, they can penetrate body armour worn by soldiers. In this example, the right ammunition is armour piercing and is designed to penetrate such targets; however, this is not available to civilians who use an appropriate and available target ammunition.

4.11 The standard calibres in use by civilian shooters will penetrate the stab vests worn by police – it does not need a .50 calibre bullet. The hype associated with the power and by implication effectiveness and hence danger to public safety, is much exaggerated and misleading.

4.12 Any ban as proposed establishes a principle in law, via muzzle energy, which could be used to threaten even more commonly used calibres. That could seriously damage shooting in the future. Shooting in the UK is a legitimate, lawful and safely conducted sport, at which we excel in world terms.

4.13 As a face saver, we suggest that a more proportionate measure would be to require enhanced security.

5. MARS rifles

5.1 As previously suggested, the proposals have been presented without any credible supporting evidence of threat to public safety. Following a quite biased and prejudiced consultation process, we further conclude that this is a direct consequence of launching such proposals without prior engagement with shooting and collecting organisations;

5.2 Self-loading rifles were banned many years ago; when Parliament sets a limit, shooters and the shooting industry then seek to comply with that limit whilst maintaining their legitimate and lawful sport. This exactly what has happened with the MARS and other "straight-pull" rifles.

5.3 Development of the MARS trigger release system was with the full awareness and information of the Home Office which found them to be lawful and of

no threat. One has to ask, what has changed over the past two years?

5.4 Again no evidence of their misuse has been presented and the prejudice seems to be based upon some ill-defined probability.

5.5 The trigger release system is eminently suitable for anyone physically disabled.

5.6 A number of different systems to as closely as is legally possible, assimilate a self-loading rifle, but one which is actuated manually, have been developed since the self-loading rifle ban; none of which have occurred in crime.

5.7 Anyone who possesses one legally in this country has been determined by a chief constable to be safe to possess it, have good reason to possess it and has adequate security. All presenting quite a hurdle for the law abiding to clear.

5.8 Much is made of the rapid firing nature of the MARS and similar rifles yet no allowance has been made for the simple fact that speed is but one part of the equation; skill, framing and aiming the shot with judgement of distance and windage, are far more critical factors.

5.9 The MARS type mechanism has been made in .22 calibre as a youth rifle, most certainly before WW2 and likely before the Great War.

5.10 As a face saver, we suggest that:

- those who currently possess these firearms continue in their ownership
- new applicants for a FAC would be required to provide evidence of at least two years shooting experience as an enhanced 'good reason'.

6. CONCLUSION

6.1 Legitimate firearms collectors, students, researchers and shooters are not undermining the law; with the MARS rifles they are pursuing a legitimate pastime, without any evidence misuse, within the law. The Government has conflated bump stocks and self-loading rifles (already banned

in UK for over 30 years) with MARS rifles – dishonest confabulation

6.2 Likewise, no evidence has been presented of the misuse of .50 cal “powerful” rifles.

6.3 The law only serves to control those who are prepared to abide by it.

6.4 Currently a number of bans, limitations and prohibitions on knives are in place, none of which have proved effective, nor will they ever be as long as every kitchen, shed and workshop contain bladed articles that are legitimately owned and used for legitimate purposes. The proposals contained within this Bill will fare no better and will have significant detrimental impact upon the law-abiding in many disparate sections of the community whilst deterring criminals not one jot. Further, there is unintended impact upon historic artefacts such as trench knives and the like, which form part of our Nation's heritage.

6.5 A far more practical approach and one likely to be of value would be to address the problem at source which is not possession per se, but the carrying in a public place without good reason or lawful excuse.

6.6 The redundancy of the OWB may be amply demonstrated by NaBIS’ own evidence when a former gang member, gave a presentation to their national annual criminal use of firearms conference. “...**His view was that it is very easy to obtain firearms and ammunition. He thought he could go and obtain them, no problem at all.** From a street perspective - for a criminal, or someone who is aware of that world - the perspective was that it is very easy...”.

6.7 We suggest that the prohibitions are a token attempt to distract attention away from the serious matters of illegal firearms, acid and knife crime. To ban certain firearms on the basis of unsubstantiated claims of threats to public safety is unconstitutional and an abuse of process.

Jon Harper-Smith
Chairman
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14th August 2018

