

## **Written evidence submitted by Jeff Clarke (OWB177)**

Dear Members of the OWB committee,

First off, I should point out that this is an email being sent in a personal capacity only.

I have been keenly following the progress of the Offensive Weapons Bill since its inception – particularly the sections relating to firearms, and more particularly, the so called “MARS” rifles, intended to be caught under originally proposed OWB s.28(2)(ah).

I contributed to the Consultation back in December last year, and have listened to, or watched, all of the discussions on the firearms aspects on parliament TV – notably the second Commons reading, and the Committee meetings in July, and September more recently. Here, I note that the line by line discussion of the proposed firearms provisions has not yet started at Committee stage, which is why I write to you all now – as I expect that to commence on Tuesday morning 11 September 2018, and I feel you should be aware of my thoughts, and other evidence submitted by other parties, before you start that process.

On this latter issue, at the very least, I would implore you all to read in full the now 167 in number written submissions on this subject, the far majority of which relate to these particular sections. I particularly state this, as Louise Haigh herself pointed out on day 1 of the restarted committee meetings on 4 Sept 2018 (paraphrased) that the government had not provided all the written evidence to the committee members, so how could the committee legitimately examine the proposed legislation. This is also why I email you all directly here.

I particularly note that there have been a significant number of new submissions in the last few days alone – 68, not counting this one, since 5 Sept 2018. These are all available here:

<https://services.parliament.uk/Bills/2017-19/offensiveweapons/committees/houseofcommonspublicbillcommitteeontheoffensiveweaponsbill201719.html>

Notwithstanding the below comments from myself, there are many pertinent and completely valid arguments and considerations to found in this already submitted corpus of response, in support of considerable amendment, or even outright striking out, of the text of S. 28 as a whole.

### **Key points:**

1.1 - I wish the Committee to reconsider the current wording of Section 28, and especially subsection (2) (ah), as originally proposed. I have provided some example possible amendment wording at the end, in section 3.8.

1.2 - It is disproportionate to ban legitimate pre-existing fully vetted/authorised use of certain firearms under the guise of reducing risk, where there is little or no actual evidence of this risk existing from the already licensed firearms that would come under the new wording, and where there are other sensible ways to achieve this stated aim.

1.3 - The Consultation, and later official discussions, only centred on a subset of firearms that would be affected – MARS rifles – and not all that would be affected. Thus, the reasoning (and costs) are deficient, or at least inaccurate, and need reconsideration as a whole.

1.4 - As Louise Haigh pointed out on the first day of committee meetings – the committee members were not given the consultation documents in time for the meetings (and would not have had enough time to fully digest them). Thus, there is a clear potential for abuse of process here – and I would submit that, actually, more time is needed to ensure everyone on the committee is fully aware of all the facts and submissions.

1.5 - The available data does not actually support the reasons behind the changes, or the stated effects.

1.6 - There are significant numbers of the public against these proposed changes to the existing firearms laws.

1.7 - I am also against the ban of 50 Cal rifles (aka firearms over 13600 joules) for the reasons stated by many others to date, under proposed OWB s.28 (1).

1.8 - I fully agree with the provisions for 'Bump Stocks' under OWB s. 28 (3) – as they have no legitimate use.

1.9 - I generally agree with the proposals for the other offensive weapons covered by this proposed legislation - Acid and Knives – as these are either not regulated at all, or very lightly (i.e. no comprehensive registered licensing scheme, as per already existing, and working, for firearms), and there is no well-established legitimate sporting use of the respective items, and so it is reasonable to introduce these provisions.

1.10 - If newly proposed section NC21 – on the establishments of a Firearms Advisory Committee - were to be enacted, I respectfully request that I be considered for a role on that Committee, as at least being a lay person with due “knowledge and experience of ... (a) the possession, use or keeping of, or transactions in, firearms; and (b) weapon technology;”

1.11 - Finally, in light of items 1.3/1.4 and 1.10 – if NC21 is established, then a more thorough review of the wording for s.28(2)(ah) could be left until later, so that a full and proper analysis is carried out before final decisions are made.

## **2 - My right of your audience:**

2.1 - Whilst I am not a constituent of any of your electoral districts, you are all publicly noted to be on the Committee for this bill, and as such, since this email relates solely to that matter, I feel it is legitimate for me to approach you all directly, in order to be heard. This is especially in light of the fact that a significant amount of evidence that was submitted centrally has gone on record as not arriving to the Committee members on time, if at all.

2.2 - I have, however, cc'd my local MP, Angela Smith, and the MP of my main Home Office Approved shooting club, Martin Vickers, either or both of whom may be able to table these issues at the Third reading, if nothing else.

## **3 - My supporting arguments:**

### **3.1 - MARS vs other firearms caught by wording of s.28(2)(ah).**

3.1.1 - The consultation, and all evidence relating to the “high firing rate” MARS rifles – i.e. to be covered by originally proposed section OWB s.28(2)(ah) – are in respect of MARS rifles only. Notably, the expert evidence (see below) given on 17<sup>th</sup> July 2018 only pertained to these specific rifles types.

3.1.2 - MARS rifles are rifles that use multiple pulls of the trigger to fire, that only fire high powered necked rounds (which are similar to, or the same as, those used by militaries around the world - 5.56, 7.62, etc. calibres). The nature of them being necked rounds is important, as that allows a significantly greater amount of propellant to be used, thereby creating the

requisite 'high power' (which has knock on considerations, such as being potentially body armour piercing, etc.)

3.1.3 – Whilst I am against the ban of the MARS rifle as well, there are in fact several important points at issue here. For a start, the legislation would also affect the Lever Release system, which involves a separate lever on the side of the firearm to activate the reloading mechanism, i.e. where the release mechanism is not another trigger pull, but instead a very different and “awkward” manual action – where “awkward” means it cannot be done really that quickly, and certainly not accurately.

3.1.4 - Lever Release is totally ignored in the consultation and official evidence and costs, yet the current wording catches them. This is important as the context of the consultation to the proposals are not in line with the actual bill wording.

3.1.5 – Notwithstanding any debate on how MARS rifles are not as fast firing, or lead to unnecessary risks, etc., as suggested - The Lever Release rifles are a totally different entity, with different considerations. They certainly do not have the rate of fire of the MARS. They are also predominantly available/in circulation (and have been for over a decade, without incident) in the form of pistol-calibre rounds – i.e. 9MM and .45ACP. What I will now term 'straight wall' rounds. These 'straight wall' rounds are not so powerful or generally dangerous as the military rounds (e.g. they absolutely cannot pierce armour, which was proffered as worry), because there is significantly less propellant (outright, and proportionally). As such they are a very different form of rifle compared to the MARS, and used far more widely in many different shooting discipline sports, not least because they have been available for many years more. Thus, any evidence needs to be reviewed in this light. At the very least, the costs to implement the ban are far greater than provided for in the official consultation documents (e.g. 2000+ rifles, and related ancillary equipment/tooling/sale stock, etc. in circulation vs 700 or so mentioned in consultation).

3.1.6 – As a result of the misrepresentation, or confusion over which rifles are going to be covered by the legislation, I suspect many Lever Release rifle owners have simply not responded, incorrectly assuming they are not affected.

3.1.7 – Please note I have used both types of firearm on numerous occasions (I am a current firearms certificate holder, under Sections 1 and 2), so can personally attest to these facts. Also, if there is a decision to maintain the wording to ban these rifles, on the basis of their 'high powered' military background and fast rate of fire by trigger alone, then I would (reluctantly) support an amended version of OWB s.28(2)(ah), to at least allow pistol calibre versions of the Lever Release rifle, as these are not the same sort of rifle in actual fact – see my second proposed amendment below. These rifles are especially used in high numbers, in numerous sporting disciplines enjoyed by law abiding citizens across the country, as they fall into multiple sport competitor categories, and in this respect are akin to the .22RF rifles already excluded from the provision.

3.1.9 - Evidence of the fact that only MARS specifically was discussed, not Lever Release:

Victoria Atkins

**Q** Moving on to the MARS weapons that are also in the Bill, could you please explain why we are seeking to prohibit those?

**Mark Groothuis:** Do you mind if I hand over to Gregg Taylor from NBIS on that?

The Chair

Q Could I ask a stupid question? What is MARS?

Victoria Atkins

I think the witness is about to explain.

**Gregg Taylor:** Essentially, it is a manually activated release system. With the cycle of a semi-automatic rifle, you would normally chamber a round, and it would fire and then recycle itself, ready to be fired again with another pull of the trigger. What the manually activated release system does is to hold the bolt back temporarily, **so the firer essentially has to pull the trigger twice**. It is building a delay system into the mechanism. ... What the mechanism does, if you fire one of these weapons, is to give you quite a high rate of fire, nearly equivalent to a regular self-loading rifle, with a simple **double pull of the trigger**.

### **3.2 - Proportionality:**

3.2.1 - It is not proportional to ban something merely on the basis that financial compensation is given, which is the reason given by the consultation summary. The issue goes far deeper than that, as others have stated (e.g. personal freedom to go about one legitimate interests or hobbies, there being other ways to safely mitigate the issue, etc).

3.2.2 - I understand that it is an established principle of UK law setting that changes must be proportional, and related to actual risks. These proposals are therefore not in accordance with established UK law setting.

3.2.3 – I refer here to the numerous other proportionality responses in the other submissions – e.g. no evidence, no proof it will be effective at stated aim, etc.

### **3.3 - Other ways to reduce risk:**

3.3.1 - This proposed legislation is purporting to be solely about reducing risk of such firearms reaching criminals and other bad actors. However, if the issue really is about security – then increasing security requirements would be, and is, a far more appropriate way forward, rather than an outright ban. So, for example:

- 1) Require increase security at home – e.g. connected alarm, double or triple separation, separate safes in secured gun room, etc
- 2) Require storage at club – with safes within safes + alarm, etc.
- 3) Require general storage at police station or army barracks that already have security for similar firearms, but with provisions to allow reasonable access in advance of use/competition (inc temporary home storage overnight/weekend).

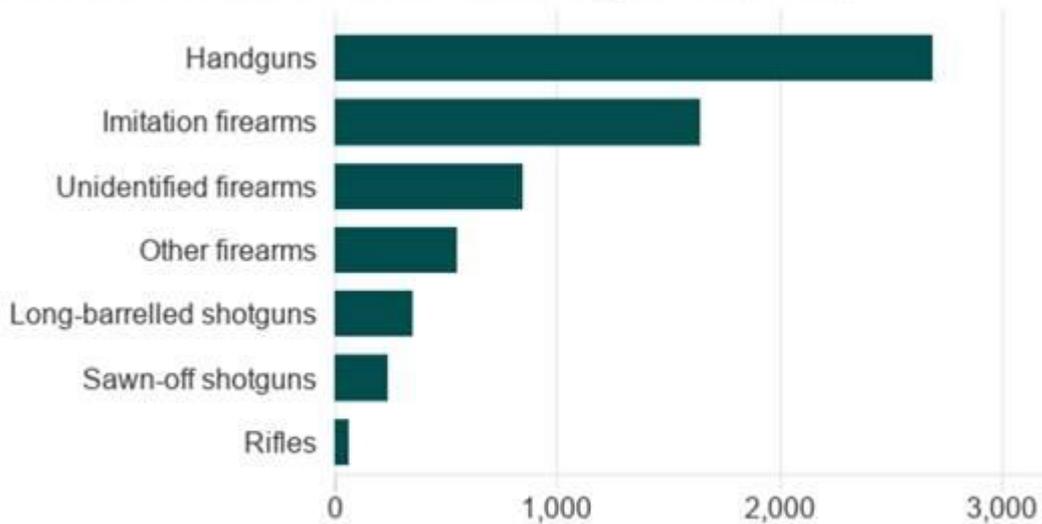
3.3.2 - These sorts of provisions have also been discussed by other submissions, including by the experts called to contribute to the Committee hearings in person.

3.3.3 - If the worry is that licensing is not “stringent enough”, then increase the stringency of the licensing process – e.g. active GP involvement, etc., also as discussed by other persons in the submissions already.

### **3.4 - Rifles covered by the proposals are not the problem (and banning is not the answer anyway):**

3.4.1 - From the below, it is clearly not rifles that are the main issue in crimes. In fact, handguns, which were the subject of a ban in 1997 are the main issue (this fact alone shows banning certain weapons does not have the effect desired):

## Offences committed with different types of firearms



Source: ONS Crime statistics. Imitation firearms include weapons which can fire small plastic pellets at low velocity.

BBC

Source - <https://www.bbc.co.uk/news/uk-44053904>

### **3.5 - Significant numbers against these specific proposals:**

3.5.1 - There were 10712 responses to the consultation, 60% of which related to the firearms provisions, and apparently 78% of those were against the provisions. Note, there are also now a significant number of further, more fully worked up, responses, like this one, on the file for the proposed legislation. Please read those in full.

3.5.2 - There is an official online petition running on this, which has reached nearly 4000 persons, even without general advertising of the fact – it has been word of mouth alone really.:

Petition

### Remove articles 28-35 inclusive in chapter 6 of the offensive weapons bill.

These clauses in the Bill seek to make certain firearms illegal. This is wholly unnecessary with the robust firearms licensing that is implemented in the UK to protect public safety. None of the equipment contained in these clauses have ever been used in a crime on UK soil.

[More details](#)

[Sign this petition](#)

**3,832** signatures

[Show on a map](#) 10,000

source - <https://petition.parliament.uk/petitions/223361>

### **3.6 - Note that the evidence has not been provided to the committee, as of the first day of committee re-sitting on 4<sup>th</sup> Sept 2018:**

Louise Haigh (Sheffield, Heeley) (Lab)”On a point of order, Mr Gray. I do not believe you were in the Chair for our first evidence session, but I raised a point of order because we had not seen the consultation responses to the Bill. The Minister promised to publish them, but we are yet to receive them two months after that request. I made the case then, and believe it still to be the case, that it is difficult to scrutinise a piece of legislation if we have not seen all the published evidence around it, so I seek your guidance on that.”

3.6.1 - At the very least, to not properly consider all the submitted evidence before discussing the exact wording of the proposed legislation would open up the decision to a Judicial Review, since that is the primary reason to instigate such proceedings, and an outright failure to consider all evidence would evidently constitute an arguable abuse of process.

### **3.7 - Other points:**

3.7.1 - I watched the Offensive Weapons Bill committee hearing day two (19<sup>th</sup> July 2018), and saw that Louise Haigh (and indeed others in the committee) had a number of queries on the issues surrounding the Firearm proposals portion of this new bill, where I felt that the answers given (both on that day, and on the previous oral evidence day, 17<sup>th</sup> July 2018) did not actually provide the requisite information, or the answer given was inaccurate or open to misunderstanding (see MARS vs Lever Release noted above). I note that a number of the other consultation responses have now provided the corrected and/or more detailed answers that should have been given originally. Again, I implore you to read all the responses, to garner the requisite information.

### **3.8 - Suggested Amendments to the current wording of the act, in respect of S. 28(2)(ah) only:**

#### **3.8.1 - Preferred S.28 (2):**

(2) *In section 5 (weapons subject to general prohibition), in subsection (1), after paragraph (af) insert—*

*“(ag) any rifle from which a shot, bullet or other missile, with kinetic energy of more than 13,600 joules at the muzzle of the weapon, can be discharged;*

~~*(ah) any rifle with a chamber from which empty cartridge cases are extracted using—*~~

~~*(i) —energy from propellant gas, or*~~

~~*(ii) —energy imparted to a spring or other energy storage device by propellant gas,*~~

~~*other than a rifle which is chambered for .22 rim fire cartridges.*~~

#### **3.8.2 – An at least more reasonably worded S.28 (2):**

(2) *In section 5 (weapons subject to general prohibition), in subsection (1), after paragraph (af) insert—*

*“(ag) any rifle from which a shot, bullet or other missile, with kinetic energy of more than 13,600 joules at the muzzle of the weapon, can be discharged;*

*(ah) any rifle with a chamber from which empty cartridge cases are extracted using—*

*(iii) energy from propellant gas, or*

(iv) energy imparted to a spring or other energy storage device by propellant gas, other than a rifle which is chambered for .22 rim-fire cartridges, or 9MM, or other recognised pistol calibre, centre fire cartridges;".

\*\* Note – this has precedent under a provision already in the same part of the act - see (ad) – “...other than one which is chambered for 9MM...”

I would be very happy to discuss any and all of this further with any addressee of this letter – simply email me back to arrange. For example, to discuss alternative amendment proposals that would be far more proportionate, and in the end, as effective, without unduly curtailing liberty.

Many thanks taking the time to read this letter.

Have a great day.

**Best Regards**

**Jeff Clarke**

*September 2018*