

Written evidence submitted by Robin Garratt (OWB189)

NC7: This new clause would amend the Firearms Act 1968 to prevent a person under the age of 18 from having an air gun on private land other than as part of a sporting club.

If this clause was included in any Act, it would prevent trainee game keepers, pest controllers and others from carrying out their duties or receiving training in a realistic environment. Such activities are not carried out under the auspices of “sporting clubs” but as part of land management and conservation programmes. Sporting clubs are not defined leading to immediate interpretative problems.

It would also prevent young people from receiving training in safe air gun handling by parents, guardians or other responsible persons in informal settings. Such training is an important vehicle for instilling a sense of responsibility in the young by encouraging safe behaviour. This approach has long been endorsed by the police and the Home Office. Furthermore, good law already exists to deal with anyone who allows a pellet from such activities to leave the confines of any private premises. Anyone who does this already commits a criminal offence.

*BASC advises that this clause will do nothing to enhance public safety and recommends rejection of this amendment. **I agree with this statement, R Garratt***

NC8: To mandate the Secretary of State to submit a report before parliament on the safe use of air weapons.

In December 2017, the government issued a consultation into the regulation of air guns in England and Wales. Responses were invited by 6 th February, 2018. The government response to the consultation has not yet been made together with a decision on any action arising from it. Consequently, it seems needlessly precipitate in such circumstances to require the presentation of a report to Parliament about the safe use of air weapons

*BASC advises that this clause will do nothing to take the debate on air guns any further forward and recommends rejection of this amendment. **I agree with this statement, R Garratt***

NC19: This new clause would amend the Firearms Act 1968 to prevent persons being able to acquire an unlimited number of .22 rifles and ammunition without background checks or making the police aware.

This exemption is used by the Showman’s Guild for conducting .22 rifle ranges on fairgrounds. Also, the National Smallbore Rifle Association (one of shooting’s governing bodies) also relies on it as authority for running many of its affiliated clubs.

During its 50 year existence, BASC is only aware of one incident where this exemption has been used to acquire a .22 rifle illegally. Given this lack of abuse, BASC asserts that this proposal to remove this exemption is neither evidence-led nor proportional.

*BASC advises that this clause will do nothing to enhance public safety and recommends rejection of this amendment. **I agree with this statement, R Garratt***

Interesting to see that many Amendments are made by three **Labour** Lady MPs. THIS amendment would **destroy** many smallbore-only Clubs – a high percentage used by “working people”. The “Job” have been wanting to get rid of this exemption for YEARS. Most fairground ranges now uses air rifles, of course, but HOW do they ensure that a “Prohibited Person” does not come into possession? I suppose that they insist on firers signing a form? Of COURSE everyone would answer truthfully.

NC20: This new clause would require the Secretary of State to review Section 9 of the Firearms Act 1968.

Section 9 creates an exemption for carriers and auctioneers to possess firearms and ammunition during the ordinary course of their business.

This allows an auctioneer who only encounters firearms occasionally, to take possession of a firearm owned illegally but innocently by a member of the public. BASC suggests that this facility actually enhances public safety rather than threatening it.

The exemption contains proper checks and balances by requiring an auctioneer to obtain a police-issued permit before he sells the firearm. The Chief Officer has the ability to impose conditions before granting a permit. It is a criminal offence not to comply with such conditions. The auctioneer can only sell the firearm to a person authorised to possess it, this bringing a hitherto unlicensed firearm into the legal "pool".

It also allows a carrier or warehouseman to possess firearms during the ordinary course of his business without being a Registered Firearms Dealer. This exemption is extensively used by the gun trade to deliver new guns as well as those sent for repair. Any attempt to remove this exemption would affect a valuable trade and jobs.

The exemption contains proper checks and balances by requiring new guns to be delivered only to another dealer to ensure that the legal requirement for face-to-face transfer is complied with.

During its 50 year existence, BASC is aware of no incidents where the Section 9 exemption has been used to acquire firearms illegally. Given this total lack of abuse, BASC asserts that this proposal to review this exemption is neither evidence-led nor proportional.

*BASC advises that this clause will do nothing to enhance public safety and recommends rejection of this amendment. **I agree with this statement, R Garratt***

NC21: This new clause would establish a firearms advisory committee empowered to make recommendations to the Secretary of State concerning firearms law and the codification of that law.

Section 22 of the Firearms (Amendment) Act 1988 provided for the establishment of the Firearms Consultative Committee (FCC). This ran successfully until 2004 when the then Home Secretary declined to renew its tenure. It produced 12 reports, which contain much useful material.

It is self-evident that the government should have access to an expert group to advise on such important firearms related matters as described at Section 22(1) of the 1988 Act.

The 1988 legislation uses the words "persons appearing to him (the Home Secretary) to have knowledge and experience" of three firearms related functions. Any future legislation should not include the words "appearing to him"; potential members should demonstrate their competence to the Secretary of State's satisfaction before their appointment.

In its 2016 report on the reform of firearms law, the Law Commission recommended that the current 34 pieces of legislation that affect firearms should be codified. BASC wholeheartedly supports this recommendation.

*BASC recommends support for this amendment. **I agree with this statement, how can people who know nothing about a subject change the rules! R Garratt***

NC22: To allow conviction of a person possessing components for ammunition manufacture

This clause appears to be incompetent in law as it would prohibit the home loading of ammunition. If someone is authorised to possess a type of ammunition, it follows that he is entitled to make his own if he wishes. Home loading of ammunition is not practiced for economic grounds alone. Home-loaded ammunition tends to give better accuracy as it is tailored to a specific firearm. Accuracy in use contributes to greater safety **especially for Historic Firearms** and where use is for live quarry, a better chance of a clean kill and thus greater humanity.

A further example of why this clause lacks competency is that anyone who fires a cartridge is in immediate possession of a component of it, i.e. the case.

Many militaria collectors possess inert ammunition to complement their collections. Inert ammunition contains components, normally the cartridge case and projectile. As drafted, this clause would criminalise someone who picked up a spent .303 cartridge case from a World War 2 Home Guard archaeological site.

Blank ammunition is possessed without any authority for many legitimate purposes e.g. film ; theatre, dog training, race starting, living history; re-enactment. Many tools rely on blank cartridges for their power, e.g. nail guns. They contain components for ammunition. As drafted, this clause would immediately criminalise these lawful uses and pursuits.

Fireworks contain gunpowder which is a component of ammunition as do marine safety rocket flares. This clause would prohibit their possession.

If this clause was intended to criminalise the possession of ammunition components with intent to manufacture ammunition for criminal purposes, then it should say so.

*BASC advises that this clause needs careful re-drafting and recommends that it not be supported in this form. **I agree with this statement, R Garratt***

MY COMMENT -- - remember that the Home Office Guidance regarding "Ammunition" says 2.12 'Ammunition' means ammunition for any firearm and includes grenades, bombs and other like missiles, whether capable of use with a firearm or not; and also includes prohibited ammunition. It should be noted that the definition of ammunition does not include ingredients and components of ammunition; it is only assembled ammunition that is controlled under the Act, not component parts. Empty cartridge cases, for example, are not 'ammunition'. There are two exceptions to this. The first is missiles for ammunition prohibited under section 5 of the 1968 Act, for example, expanding or armour-piercing bullets. Such missiles are themselves defined as 'ammunition' and are subject to control accordingly (see Chapter 3). The second is primers – section 35 of the Violent Crime Reduction Act 2006 introduced controls on the purchase and sale of a cap type primer designed for use in metallic ammunition. (See Chapter 5).

The reference to "primers" was, of course VERY carefully absent from the BBC programme on misuse of Antique Firearms . is a round lead ball is "component of ammunition"? What about one with a small hole through it? (A fishing weight!)

NC23 NC24: To include antique firearms in Sections 16 – 20 of the Firearms Act 1968

This clause seeks to add the words "antique firearm" to some parts of the prevention of crime section of the 1968 Act, viz.

- Possession of a firearm with intent to injure
- Causing fear of unlawful violence
- Using a firearm to resist arrest.
- Carrying a firearm with criminal intent.
- Carrying a firearm in a public place without reasonable excuse.

· Armed trespass

As the language of these sections already includes the words “any firearm” or “a firearm”, this clause is redundant because an antique firearm is still a firearm, (MY EMPHASIS -- JFH) irrespective of its age. In any case a firearm is only exempt from the provisions of the Act if it is possessed as a “curiosity or ornament”. This would preclude any of the above offences. *BASC advises that this clause will do nothing to enhance public safety and recommends rejection of this amendment.* **I agree with this statement, R Garratt**

NC26: To classify the purchase of an antique firearm by any other method than cheque or electronic transfer as a felony.

No evidence has been adduced to show that the criminal end-users of antique firearms would be deterred from acquiring them for use in crime by this amendment. In any case it would only establish one link in any evidential chain. Criminal end-users would simply shelter behind middle men.

Consequently, BASC asserts that this proposal is neither evidence-led nor proportional. *BASC advises that this clause will do nothing to enhance public safety and recommends rejection of this amendment.* **I agree with this statement, R Garratt**

MY COMMENT – Amendment refers to an “antique DEALER” --- does this ONLY refer to someone “selling by way of Trade or Business”? Or anyone selling an Antique Firearm. HOW can the status of such a person be proved?

NC27: To establish a compulsory register of antique firearms

This clause seeks to require those who trade in antique firearms to keep a register of their transactions.

The language is incompetent as it includes the word “manufactures” in relation to antique firearms. As age is the principal quality which defines antiques, it follows that they cannot be readily manufactured.

This provision would not strike at crime because there would be nothing to stop someone who had acquired an antique firearm from a dealer from subsequently passing it to others. The audit trail would stop with the dealer.

BASC advises that this clause will do nothing to enhance public safety and recommends rejection of this amendment. **I agree with this statement, R Garratt**

WHAT ABOUT THE COLLECTOR who is starting to sell off his collection before popping his clogs (as I am!). What if I do it by taking a table at an Antiques Fair?

Look at the situation in Scotland vis-à-vis Air Guns what percentage of people have taken out Licences?

For further and better particulars, please contact the BASC Firearms Team 01244 573010

NC28 puzzles me....

To move the following Clause—

“Controls on purchase or acquisition of shotgun ammunition

The Firearms Act 1968 is amended as follows.

In section 1(b) (Requirement of a firearm certificate) after “to have in his possession” leave out “to purchase or acquire”.

After section 1(b) insert— “(c) to purchase or acquire, any ammunition to which this section applies without holding a firearm certificate in force at the time, or

otherwise than as authorised by such a certificate, or in quantities in excess of those so authorised.”

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