

The British Shooting Sports Council



QUARTERLY REPORT, APRIL-JUNE 2006

During the Quarter, the main activities on which the BSSC has been engaged are as follows:

Attendance at the first meeting of an Independent Advisory Group to the ACPO Criminal Use of Firearms Secretariat held on 22 June 2006. The IAG would be made up of police and Home Office representatives, but mainly from representatives of community organisations already committed to combating gun crime. The purpose of a national level IAG would be to act as a sounding board and provide input to the CUF Secretariat. Make up of the IAG and terms of reference are still under discussion within ACPO. The Chair DCC Keith Bristow is keen to have a representative of legitimate firearms users, partly for balance and partly to avoid possible courses of action that would have unintended consequences for legal users of firearms. My initial reaction is that my membership of this IAG will be beneficial to the interests of BSSC. We are seen as a contributor to the solution, rather than any part of the problem. There are parallels with what we are trying to achieve with the Non-Governmental Organisations working in the Small Arms and Light Weapons field, seeking common ground and co-operation in the reduction of low-intensity conflict and crime.

Amendment of the EC Directive 91/477/EEC on control of the acquisition and possession of weapons. In order for the EC to comply with the United Nation's anti-crime Vienna Protocol, some minimal changes to the 1991 Directive are required, covering marking and tracing of firearms, illegal manufacture, the period of time for which dealers' registers must be maintained, and deactivation standards. None of these would much affect the UK, and all are considered acceptable by hunting and gun manufacturers groups within the EC. On 24 May, the Gun Trade Association learned that these changes were to be reviewed by a Study Group of the European Economic and Social Committee of the European Parliament. While the detailed changes remained unexceptionable, the tone of the Group's draft document was anti-firearm, there was factual inaccuracy, and broad concerns were raised about the neutralisation of firearms collections, about the basis for civilian ownership of firearms and about civilians and explosives (which could refer to propellants). I was able to send two Emails addressing these concerns to the Study Group, and to involve the Foundation of European Societies of Arms Collectors (FESAC, a Brussels-based lobby group) and The International Committee of Museums and Collections of Arms and Military History (ICOMAM, part of ICOM, the International Council of Museums, a UNESCO body), both of whom made submissions on the collections issue. It is to be hoped that the detailed changes will be incorporated without any move for wider change being initiated.

Carriage of firearms and/or ammunition on trains: Mike Wells has been leading on this important issue on behalf of BSSC. He has reported that, of the 31 independent rail companies, all had their own policies and only Scotrail would routinely allow both firearms and ammunition to be carried. Virgin, Gatwick Express, Stansted Express and Southern would routinely carry firearms only, although most would entertain a written application for ammunition (for instance if hand loads were required). This represents a major problem for shooters, and instances of serious problems for individuals had already

occurred. Analogous problems exist with airlines and ferry companies. This matter will be pursued, and an approach to the Department of Transport is under consideration.

Defence Manufacturers Association Section 5 Group. I attended the meeting held on 14 June. Issues included the definition of Section 5 components as pressure bearing parts (this issue of the legal status of components, with which I have been involved for some years, continues to be a serious problem with regard to sub-contractors), the likely impact of the UN Conference on Small Arms & Light Weapons and what is a major issue for both the DMA and Government: different definitions of weapons in different legislations, national, EC and international. Brokering remains a hot issue for the DMA as it does for the BSSC (since the EC definition would class every RFD as a broker), especially the role of specialist transport firms, which might find themselves classed as brokers against their wishes. There is to be a review of the Export Control Act in 2007 which might impact on firearms. There is growing Customs & Revenue concern about the sale of allegedly inert munitions on Ebay and at militaria fairs, which could have an impact on some parts of the gun trade.

Fees Special Working Group. I contributed to a meeting held on 7 June to consider the basis for calculating subscriptions to the BSSC. A report will be considered by the Finance & General Purposes Committee in due course.

Health and Safety Executive. A number of issues remain 'live'. Importantly, this includes the HSE's intention to issue new guidance on the storage of shooters' powder only months after issuing an Agreed Code Of Practice (ACOP) which had been generally welcomed. The new draft guidance contains unwelcome additions, and discussion continues. Colin Greenwood, John Batley and I attended a meeting at the HSE to address a problem raised by Hampshire Police regarding storage of cartridges at game fairs. A very satisfactory solution was achieved, based on existing procedures. Also still under discussion are the fees charged under the Manufacture and Storage of Explosives Regulations 2005, the current exemption from which for those keeping the smallest class of store expires on 1 October.

Meeting with the Home Office Minister. I wrote seeking a 'get to know you' meeting with Tony McNulty, the Home Office Minister responsible for firearms matters. Since then there has been a further Ministerial re-organisation, and Vernon Coker now has day-to-day responsibility for firearms matters, although Tony McNulty appears to retain overall responsibility. I will continue to pursue a meeting with one or the other.

National Shooting Week. The Countryside Alliance has proposed the holding of a National Shooting Week in 2007 under the aegis of the BSSC. I undertook a review of Associations' views, and there is good general support for the idea in principle, so a working group is to be set up, and this proposal will be pursued in the coming months.

Olympic pistol shooting. The lead on discussions with the Minister for Sport and the Home Office is being taken by Phil Boakes, Chairman of the GBTSF, with the intention of having a programme in place for the 2008 Olympics. I have been in discussion with concerned members of the House of Lords, the Chairman of the NRA, Greenwich Council and various concerned shooters, with the intention of avoiding complication. All signs from the Home Office are that Olympic training would be accommodated within the existing legislation.

Practitioners meeting. The next meeting with the ACPO Firearms and Explosives Licensing Working Group (FELWG), Home Office and Forensic Science Service is to take place on 13 July. During the intervening period I have been progressing various issues raised at the last meeting, particularly training courses and problems relating to exchange of information between EU agencies relating to hunting licences and export of antiques.

Scottish knife legislation. The Scottish Minister for Justice has confirmed that legislation on knife crime would proceed in the next session of the Scottish Parliament. A discussion with a representative

of the Justice Department established that there will be new measures to restrict the sale of 'non-domestic' knives and swords, and probably increases in maximum sentences for some existing offences. The Scottish Parliament is now in recess until September, but further details may be released before it resumes sitting. Depending on the nature of the restrictions, these proposals could have an adverse effect on legitimate dealers in knives, swords and antique arms, if only by discouraging law-abiding customers. Following discussions with the Home Office, it is understood that penalties for carrying a knife in a public place within England and Wales are under review. While there does not appear to be any present intention to create additional offences, it is known that concerns have been expressed within the Home Office over the availability of 'samurai swords'.

Section 7 firearms: On 16 May I attended a meeting with ACC Adrian White, Vice Chair of FELWG and Dr Michael Seed, Convenor of the Section 7(2) Designated Sites Forum (on which I sit) to discuss matters of concern over the way in which the Designated Sites are operated. The meeting was suggested by the Home Office because of misunderstandings on all sides as to the purpose and function of Section 7. The meeting went very well, and a presentation is to be given to the FELWG meeting on 14 July.

Section 58(2) obsolete calibres list. With Bill Harriman I have been in discussion with the Forensic Science Service about a revision to, and expansion of, the obsolete calibres list (this should really be re-titled 'obsolete cartridges' list) that forms part of Home Office Guidance on antique firearms. This was initiated by a request from the Police Service of Northern Ireland for an addition to the list. A meeting on 17 May was encouraging, and a revised list is now being worked on with input from a number of specialists in the field.

Standing Conference on Countryside Sports. On 4th May 2006 I attended the Conference's 56th Meeting. These Conferences provide a valuable forum for a wide range of organisations with rural interests, not all of them primarily involved with field sports. Subjects covered included the hunting situation in Europe, avian flu, the 'Value of Shooting to the Rural Economy' project, and philosophical, political and veterinary aspects of wildlife management. This was a most worthwhile day, from which I took away much information which proved very useful in discussions at the UN Conference on Small Arms and Light Weapons (q.v.).

UK Working Group on Arms. This is part of an international coalition of Non-Governmental Organisations working to achieve responsibility and transparency in the international arms trade, and to reduce the demand for weapons in conflict-prone regions. Its members are Amnesty International, BASIC, Christian Aid, International Alert, Oxfam and Saferworld. It is a constituent of IANSA (the International Action Network on Small Arms), the UK Director of which, Rebecca Peters, takes a strong personal line against civilian possession of small arms. In advance of the UN Conference (q.v.) it was decided to approach the UK Working Group which, on the NGO spectrum in the small arms field, is fairly moderate, to see if there was some possibility of avoiding ultimately fruitless confrontation on legitimate civilian possession and use of firearms at the UN. Graham Downing, Jim McAllister and I met Roy Isbister of Saferworld on 9 May. Both sides explained their positions and BSSC offered to arrange a symposium to enable interested parties to get together, and raised the possibility of a jointly-organised event. Subsequently, we were advised that about half the members of the UK Working Group had indicating willingness in principle to attend a meeting. This will need careful consideration in the light of the outcome of the UN Conference.

UN Conference to Review Progress in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 26 June-7 July 2006. On 12 June I had a useful meeting with Alastair Totty, Team Leader, International Security and Conventional Arms Control Security Policy Group, Foreign & Commonwealth Office, and Eddie Scanlon, Team member responsible for small arms issues, to discuss issues in advance of the UN Review Conference. This provided assurance that there would be no surprises on our side, and that the FCO was looking for focus on the illicit trade aspect, and was seeking a better regulated market and a stronger Programme of Action as a Conference outcome. I

attended the Conference from 27-30 June, the main period of Non-Governmental Organisations activity, and had a further meeting with Tom Mason, WFSA, on 1 July. The desired outcome of the Conference was to be a paper, reached by consensus, laying down agreed changes to the 2001 Programme Of Action (POA). It soon became clear that this was going to be very difficult to achieve. The UN, EU, UK and several other states were looking for focus on illicit trade and specific measures to counter it. The United States had particular 'red line' concerns: the supply of SALW to 'non-state actors' (i.e. freedom fighters), the exclusion of ammunition from the POA and, crucially, over limiting the continuation of SALW talks. Several states were concerned to avoid more restrictive end-user procedures which might have inhibited their trade. WFSA's strategy focussed on illegal trafficking, keeping civilian firearms distinct from military small arms, on pressing (at my suggestion) for the UN to recognise formally the position of legitimate firearms owners and users, on the benefits of sport hunting to developing nations, and on dealing with specifics such as the failures of the Canadian registration system and Brazilian gun ban referendum and problems likely to arise over brokering (all presentations, including mine, can be seen on the UN Conference website www.un.org/events/smallarms2006/ngos.html). The anti-gun NGOs' agenda included achieving NGO direct involvement in the UN process (as happened with landmines), refusing to recognise any difference between civilian firearms and military small arms, civilian ownership of firearms, the inclusion of ammunition in the POA, and state provision of support to shooting victims. One outcome with long-term value for the pro-shooting interest resulted from the American NRA's write-in campaign which accused the Conference of planning to draft a global treaty to ban ownership of firearms. Not only did this provoke a UN publication 'Setting The Record Straight THE UN AND SMALL ARMS', but also a statement from Kofi Annan in his address to the Conference on 26 July stating *'Let me also note that this Review Conference is not negotiating a "global gun ban", nor do we wish to deny law-abiding citizens their right to bear arms in accordance with their national laws. Our energy, our emphasis, and our anger is directed against illegal weapons, not legal ones.'* The Conference ended in failure. Delegates gave up on their attempt to agree on an "outcome document". Although there was widespread support for a call to hold a similar conference in five years, the United States opposed the proposal. Despite the failure, many of the issues central to the conference will be re-raised in the UN disarmament committee, where consensus is not needed for agreement, with a view to a treaty that would encompass many of the global principles supported by non-governmental organisations. From the point of view of WFSA and the pro-legitimate civilian shooting interest, this outcome is not good. We had hoped that a measured, focussed outcome document concentrating on controlling the illicit trade in military small arms could have been achieved, with sensible progress on brokering and perhaps even some recognition of legitimate civilian possession and use. Important issues will have to be addressed all over again in fora less procedurally friendly to us. The 2001 Programme Of Action remains in effect, and the likelihood is that the illicit trade issue and continuing funding to implement this POA will be picked up by some means in 2007.

Violent Crime Reduction Bill. This Bill contains measures that will affect young shooters, those who use blank firers, replicas and soft-air guns and the gun trade. It has completed its Lords Committee stage, but the Report stage has been postponed until after the Summer recess. Considerable success has been achieved by the Earl of Shrewsbury, with valuable input from the Earl Peel and also from Baroness Anelay, who lead for the Conservatives on this issue. Lord Shrewsbury worked to briefs on the various clauses prepared by the GTA and SST, and, in one case, by myself. John Batley was in attendance for every debate, and John and I attended briefing meetings with Lord Shrewsbury and Baroness Anelay. The main issues are: Clause 26 (Prohibition on commercial sales except by a Registered Dealer) Lord Shrewsbury's intention was to create a simpler system of licensing for RFDs who would trade in air weapons only, to help avoid a diminution in the trade. While this did not succeed, and the amendment was withdrawn, nevertheless an opportunity remains to mitigate this clause's impact when Rules implementing the legislation are discussed. Clause 27 (Face to face sales of air weapons). This is a very contentious issue, as it will adversely affect commercial sales. Private sales remain unaffected. The GTA demonstrated a very effective control procedure for mail order sales, using the electoral register and credit card details, but this was not well received and Lord Shrewsbury felt so strongly on this issue that he divided the House, a rare event in the Lords. The votes were 173 to 49 in favour of the Government, but the strength of feeling on this

issue was clearly demonstrated. Clause 28 (Age limits). This clause seeks to raise the age limit for purchase of an air weapon from 17 to 18. No evidence has been produced in favour of the change, and again this was debated hard. As it is clear that the Government is set to make 18 the threshold for a number of activities, Lord Shrewsbury did not press his amendment. Clause 29 (Firing an air weapon beyond premises). Lord Shrewsbury's amendment sought to mitigate this by inserting 'without lawful authority or excuse'. The debate focussed on the problem occasionally encountered in vermin control. The Government remained adamant that the change that it had already incorporated in the Bill met all conceivable cases where shooting beyond premises would be acceptable, so, with the *caveat* that, should Baroness Anelay or himself come up with any instance not covered by the Government amendment, they reserved the right to write to the Minister, Lord Shrewsbury withdrew the amendment. Clause 31 (restriction on sale and purchase of ammunition loading presses and dies). Following the hard work of John Batley and the GTA, who were named in the debate, the Government accepted that Clause 31 was inherently flawed, and withdrew it, having again mentioned the 'first rate job' done by John Batley and Lord Shrewsbury. This was a considerable achievement in our favour. Clause 34 (Meaning of 'realistic imitation firearm'). Lord Salisbury's intention was to amend this Clause to make clear that the '1870' break date for separating antique and modern firearms applied only for the purposes of this Bill. There was concern that it would put at risk both the status and value of many antiques if used as a test outwith the Bill. While the Government would not accede to the amendment, the Government Minister Lord Bassam did speak for the record that it would have no effect on the Firearms Act 1968, so Lord Shrewsbury withdrew his amendment. An amendment has been drafted to readdress the deficiencies of the Clauses concerned with restricting the commercial sale of air weapons and has been tabled by Lord Shrewsbury for the Report stage.

DJP 10/6/2006