

# The British Shooting Sports Council



## QUARTERLY REPORT, OCTOBER- DECEMBER 2006

A stand-alone summary suitable for publication is given in **bold**, with additional detail added, where necessary, for members of Council.

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

### **Amendment of the EU Directive 91/477/EEC on control of the acquisition and possession of weapons:**

**This has been a very active quarter where the proposed revision to the EU Directive on Weapons Control is concerned. The Secretary has been involved in briefing UK MEPs on the European Parliament's Committee on the Internal Market and Consumer Protection (IMCO), who will be considering proposed changes in January, and also in briefing pro-shooting experts who have been called to give evidence to the Committee, and other groups concerned in preventing adverse changes to what is, at present, a relatively benign piece of legislation. These include the Foundation of European Societies of Arms Collectors, the International Committee of Museums of Arms and Military History, the UK Museum Weapons Group and the auction houses. Such organisations are key players, as, while many politicians may be anti-shooting, few are willing to be seen as anti-heritage or anti-trade.**

As reported previously, 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, and none of these would much affect the UK. It had become clear that real pressure was being exerted by some anti-gun Green Members of the European Parliament to make the Directive significantly more restrictive. Among changes now being suggested are the removal of both Categories C and D from the Directive (leaving only a 'prohibited' category and a 'subject to authorization' category which might adversely affect our Shotgun Certificate), changes to regulations for dealers, compulsory marking on import, the introduction of the concept of 'human security' (which could open the door to continual re-visiting of the operation of the Directive by anti-gun groups), prohibition of the issue of firearms licenses to those under 18 (at present they may receive licenses for hunting or target shooting), a ban on 'distance-buying' (mail-order, etc. which would be very damaging to the antiques and auction trades) and a compulsory national central firearms register. This pressure is being led by Gisela Kallenbach, the 'Rapporteur' of the European Parliament's Committee on the Internal Market and Consumer Protection (IMCO). Possibly the only beneficial element in her draft Report is her wish to see the European Firearms Pass as the sole valid

travel document for firearms within the EU. The Secretary has been in close contact with pro-gun and UK police speakers invited to the public mini-hearing on the control of the acquisition and possession of weapons held on 4<sup>th</sup> October, has briefed at length all UK MEPs on the European Parliament's Committee on the Internal Market and Consumer Protection (IMCO), (including the Chair, Arlene McCarthy, who is not pro-shooting) and has had discussions with Malcolm Harbour MEP, of the pro-shooting Conservative group in the European Parliament and with Graham Widdecombe at the Home Office. As indicated above, the Secretary has also briefed in detail Stephen Petroni the new Chairman of FESAC (for which the Secretary is a consultant) and Roger Cook, its Secretary, both of whom were invited to meet Mrs Kallenbach on 25<sup>th</sup> October; Guy Wilson, the President of ICOMAM (the International Committee of Museums of Arms and Military History); Graeme Rimer, Chair of the UK Museum Weapons Group and David Williams of Bonhams. FESAC (which is a European body), ICOMAM (which is a Committee of ICOM, the International Council of Museums, a UNESCO body) and the European auction houses are key players, as, while many politicians may be anti-shooting, few are willing to be seen as anti-heritage or anti-trade. All three produced useful input into IMCO. Stephen Petroni, from Malta, is very well connected politically and is also a keen shooter, attending the ESSF (European Sport Shooting Federation) meeting on 1<sup>st</sup> December at which the proposed changes to the Directive were discussed. It seems that a spirit of co-operation between target shooters, quarry shooters, the gun trade and collectors was very much in the air, which is excellent news. The ESSF is to mount a robust defence of the present four categories of firearms. Many with experience of EU politics consider that Mrs Kallenbach's Report goes too far (i.e. is not proportionate in EU-speak) and many MEPs are believed to think that the Directive works well as it is, so there is some hope that many of her proposals will wither on the vine. At the time of writing, the timescales for consideration of the draft Report and draft Opinion remain unclear, but the next IMCO meeting will not take place until the end of January. Malcolm Harbour, and the Shadow Rapporteur, Mr. Podesta, will also be meeting with Mrs. Kallenbach informally after the Christmas recess, to resolve issues around the apparent inadmissibility of some of her amendments, so at least the danger of the draft Report being hurriedly railroaded through IMCO within a matter of days appears to have passed. The other draft report (in this case strictly speaking a draft 'Opinion' to be submitted to the EU Committee on Civil Liberties, Justice and Home Affairs) is by a Socialist MEP, Alexander Alvaro. This is robust on the validity of the European Firearms Pass as the sole valid travel document for firearms within the EU. It does, however, seek to reduce the four categories to two. This is deemed the more credible approach, so is possibly the greater threat, especially as the position of the Socialist group is key to any change to the Directive. It may be that it will be seen as 'common ground', so attractive politically, and so must be fought hard.

## **The United Nations and the proposed Arms Trade Treaty:**

**The 61<sup>st</sup> Session of the UN First Committee met and discussed arms issues between 26<sup>th</sup> and 31<sup>st</sup> October. There were two outcomes of importance. The first was that, following the failure of the UN Conference on the illicit trade in small arms & light weapons in July this year, this aspect of the UN's work has been resurrected, concentrating on marking and tracing and with a mandate to report in 2008. The second was the approval, by 139 votes to 1 (the USA), with 24 abstentions, to setting up a Group of Government Experts to report in 2008 on the feasibility and scope of a binding international treaty to establish uniform worldwide standards for conventional arms deals ('arms' embraces everything from small arms to aircraft carriers). While small arms will represent only a part of that process, it is deemed a very important aspect. UN Ambassador Kariyawasam, who had chaired the abortive July conference, stressed the need to address the 'unresolved issue of civilian possession of small arms'. The World Forum addressed the newly created Government Group of Experts (GGE) on 27<sup>th</sup> November, specifically on the subject of 'brokering', a matter of great importance to the civilian gun trade, since, for instance, the EU definition would include all RFDs as presumed 'brokers'. Although unable to attend as part of the World Forum Team, because of the overlap with the BSSC's Westminster Fair, the Secretary had input into early presentation drafts. Also bad news is that the First Committee approved the development of controls over conventional ammunition. This was in the original**

proposals on the illicit trade in SALW, but was removed in 2005. It could have a profound effect on civilian manufacture and trade if onerous marking and tracing requirements are imposed. The aim is to ensure that all the practical achievements made during previous SALW workshops, including the work done on defining antique firearms and protecting the position of high quality sporting arms, which would not be subject to the proposed trade strictures, are not lost.

### **Auction houses:**

**The Secretary has been involved in continuing discussions with the major arms auction houses, led by Bonhams, on problems relating to auction house business involving firearms subject to certification. These problems, first raised with the GTA, will be considered further at a meeting scheduled for January, a report addressing the issues having been prepared for the BSSC by Colin Greenwood of the SST. The Secretary has also briefed on potential problems that might arise from proposed amendments to the EU Directive on Weapons Control, as noted above.**

### **DEFRA consultation document on changes to legislation governing deer management in England and Wales:**

**Following consultation with the Countryside Alliance and BASC, the Secretary sent comments to the DEFRA Wildlife Management Team on two aspects of the proposed changes: Clarification of the use of pistols for the ‘humane dispatch’ of wounded deer and the need to ensure that firearm certificates were correctly conditioned to permit the use of ‘any reasonable means’ for humane dispatch. These aspects have also been raised at the Practitioners’ Meeting with ACPO.**

The points in detail are:

Paragraphs 3.4 and 3.5: Since any residual legal doubt that might remain about the use of pistols for humane dispatch of deer will be dispelled by the allowance of ‘any reasonable means’, it would be helpful to ensure that any changes to the 1991 Act incorporate a specific and unequivocal approval of pistols (‘small firearms’ in the terms of the Firearms (Amendment) Act 1997, which takes account of the use of small firearms for humane killing in Section 3) at Section 6(4) alongside smoothbore guns and (as proposed) .22 rimfire rifles.

Paragraphs 4.7-4.12: These cover *inter alia* an easing of restrictions on the type of firearm that may be used to despatch humanely an injured deer. What this section does not address is whether this may be done despite any restrictive conditions that are at present entered on the Firearm Certificate covering the most readily available firearm. These might limit the firearm’s use to fox shooting or vermin destruction for instance, so a breach of the condition (an offence in law) would occur if the firearm were used for the wholly laudable purpose of the rapid humane despatch of a wounded deer. Should not every FAC holder covering a low-powered rifle used for estate management, vermin destruction or similar purposes, or a shot pistol authorised for use in connection with shooting vermin, be given the authority to use his firearm for the humane despatch of deer either automatically or on request without the need to prove good reason beforehand? The easing of restrictions is after all intended to cover an unanticipated and almost certainly infrequent (for the individual certificate holder) use, and to have to prove ‘good reason’, perhaps on the basis of a prior request with which the individual could not legally comply as his available firearm did not at the time meet the criteria of the Deer Act and his Firearm Certificate was not appropriately conditioned, would largely nullify the real benefit of this proposed change.

### **Failed Private Members’ Bill to ban ‘samurai’ swords:**

Private Members Bill number 217 had been tabled on 19<sup>th</sup> June 2006 to ban the sale, manufacture, hire, loan, or importation of sharpened samurai swords, and for connected purposes. It had been very badly drafted and was doomed to fail, but the 12 MPs who tabled it had presumably done so to encourage Home Office action during the new session of Parliament in the light of the Scottish Parliament's initiative with the Custodial Sentences & Weapons Bill, Scotland. There have been rumours that the Home Office will shortly undertake consultations about edged weapons. Such legislation could significantly affect collectors, re-enactors and the gun trade, some of whose members trade in collectors' arms and knives for use in field sports, so requires monitoring by the BSSC.

## **Health and Safety Executive:**

There has been no further discussion on the HSE's intention to issue new guidance on the storage of shooters' powders, and the BSSC has pressed the point that further discussion is of little value until testing of 1 kg plastic containers for black powder has taken place. We await a response from HSE, but no further action is expected until early 2007, owing to the continuing ill-health of a key HSE official.

## **The Independent Advisory Group to the ACPO Criminal Use of Firearms Secretariat.**

The first and second full business meetings of this IAG were held on 11<sup>th</sup> October and 14<sup>th</sup> December, at both of which the Secretary was present. The current make-up is predominantly either local ethnic groups involved in combating gun violence, or from other IAGs (including the Trident IAG), and Linda Mitchell of the Gun Control Network is also now a member. This national level IAG is a first, and deemed very important by ACPO. The police proposals for combating gun crime will require challenging by those groups with greatest practical experience of the problem (and the need to take cognizance of impact on the legitimate user of firearms was also specifically noted) and input on the nature of the problem and what works to solve it are considered very necessary if good decision making based on the reality of gun crime is to be achieved. In October, the morning was spent listening to presentations. Contrary to what the Government is saying, we were told that gun crime is up by 1%. While there has been a 40% reduction in fatalities, there has been a 16% increase in serious injury. It was pointed out that there has been a slight but measurable increase in gun crime after amnesties. Customs seizures are interesting: they are primarily of stun guns and pepper sprays, with very few pistols. In December, emphasised was placed on the importance hitherto given by the police to consultation at a local level through Independent Advisory Groups. The speech by Patsy McKie (Mothers Against Violence) at the National Gun Crime Conference in October had had a profound effect on the police view and convinced the police of the need for community consultation if national measures against gun crime were to be effective. The Home Office was supportive (and a meeting with Mr McNulty could be arranged), the police were happy to facilitate, but it was up to the IAG to set the agenda. There was debate about the need for the IAG to have access to, and sponsor if necessary, the best academic research on the subject. Elections were held for Chair (Dr Derrick Campbell of Race Equality Sandwell) and Vice-Chair (Marc Edwards of Young Disciples, Birmingham) to serve until March 2008 (when the initial grant runs out). This was a good result, as Dr Campbell is clearly a very experienced political operator who prefers co-operation to confrontation. Both will serve on the ACPO CUF Committee. A number of procedural points were discussed. Northern Ireland is not included in the IAG's remit, although good contact might be sought, and there was further discussion as to the make-up of the Group (a Scottish representative is still being sought, and membership of the IAG remains open at present).

## **Meeting with the Home Office Minister.**

Phil Boakes, Graham Downing and I met Vernon Coaker, Parliamentary Under Secretary of State, Home Office, accompanied by his Assistant private Secretary, Paul Daly, and Graham Widdecombe. I gave a short presentation on the work of the BSSC. Phil gave an excellent overview of target shooting, which prompted a discussion about Olympic target pistol shooting. Graham raised issues concerning the disruption of shooting by anti-field sports activists, proposed changes to the Deer Act, and expanding ammunition. We felt that Mr Coaker had been very receptive and quite positive. He undertook to have further discussion with Richard Caborn, the Minister for Sport, about Olympic pistol shooting, to speak again to Anton Sechel, the ACPO lead on animal rights extremists, and talk to DEFRA about the Deer Act. He stressed that the Government had no further intentions with regard to legislation on shooting.

## **National Shooting Week, 2007:**

The dates for this BSSC event, which has been given strong backing by Martin Salter MP, the Government spokesman on shooting, are to be 26 May-3 June 2007, thus incorporating two weekends to maximise opportunities for participation. It will provide an unparalleled opportunity to enable people to try shooting (including Olympic and Paralympic disciplines) for the first time, to provide a participation strategy for the sport as laid out in the Government's Charter for Shooting, and for us to promote respect and understanding for legal firearms, air weapons and our sport. This is an opportunity absolutely not to be missed for our sport to improve public perception and recruit keen new participants. The concentration will be on clay shooting on CPSA regulated grounds, or those of an equivalent standard, and on air rifle, air pistol and target rifle shooting. The NSW website ([www.nationalshootingweek.co.uk](http://www.nationalshootingweek.co.uk) which will shortly be open) will provide contacts for both shotgun and rifle disciplines. Venues are being organised in England, Scotland and Wales. While it is not possible for the shooting to be free, costs will be kept to a minimum.

## **Olympic pistol shooting:**

Other than the discussion with Vernon Coaker, and assurances that the matter is in hand, there has been no sign of a firm programme from either the Department of Culture, Media & Sport or the Home Office. This important matter will continue to be pursued, as timing is already very tight for training for the 2008 Olympics.

## **Practitioners meeting (BSSC, police, Home Office and Forensic Science Service):**

At the meeting on 19<sup>th</sup> October, or through subsequent actions, a practicable outcome has been achieved regarding the conditioning of target shooters' certificates to cover the new range safety certification process. A sensible definition of antique air weapons has been agreed with ACPO and the Home Office. We have explored the conditioning of certificates for humane despatch in the light of DEFRA's consultation on amendment of the Deer Act. 1991. Thanks to work by John Batley, we have persuaded the police to continue to accept Home Office 'Guidance' with regard to the return of firearms after repair not needing to be a 'face to face' transfer. Agreement was reached over the publication of ACPO FELWG's minutes (on Dorset Police Website), but FELWG has declined to publish its agenda in advance, Discussions continue on dummy

launchers, grenade cup dischargers, firearms amnesties and turnaround times on the grant, renewal and variation of certificates. With Adrian Whiting, an Assistant Chief Constable from Dorset Police, as Acting Chair, we are making good progress in co-operative decision making, and the value of the Practitioners Group is making itself increasingly clear. As a direct result of these Practitioners Meetings, a first meeting was held with ACPO representatives and Home Office staff on 24<sup>th</sup> November to discuss updating and simplifying firearms forms and on countersignatories and referees. At this stage, progress is slow.

## **Restriction on sale and usage of air guns (Scotland) Bill**

**On 18<sup>th</sup> December Tommy Sheridan MSP, founder of the Solidarity Group, lodged in the Scottish Parliament a consultation document on a proposal for a ‘Member’s Bill to restrict the sale and usage of air guns’. Effectively it would ban air weapons except for use in registered clubs (where the air weapons would also have to be stored) or for use by local authority-approved vermin controllers. This is the equivalent to a Private Member’s Bill, and has to go through a Committee consideration process and attract support from at least 18 other MSPs from at least half the political parties represented in the Parliamentary bureau before it can proceed. There is little doubt that such support would be found, and this Bill must be seen against the complex political situation leading up to the May 2007 Scottish Parliamentary elections, in which Labour fears considerable Scottish Nationalist success. Tight control or even prohibition of any form of weapon attracts widespread support in Scottish politics, and there is concern that this might become a political football, as did the banning of pistols after Dunblane, also during the run-up to an election. While firearms legislation is reserved to Westminster, there is nevertheless a complex procedure by which, with Westminster’s permission, such a Bill might be initiated in Edinburgh. We await legal advice on whether such a procedure applies in this case. At this point, there is no value in writing to Westminster MPs, but watch this space.**

## **Scottish knife legislation (Custodial Sentences and Weapons (Scotland) Bill):**

**The initial period for consultation on this Bill has now closed, but Council has confirmed its continuing involvement in opposing this Bill.**

## **Section 58(2) obsolete calibres list:**

**Following a very positive meeting with the Forensic Science Service in December, Bill Harriman and the Secretary are working on a proposed new approach to the definition of ‘antique’ breech-loading metallic cartridge rifles for further discussion in January.**

## **Standing Conference on Countryside Sports:**

**The Secretary attended the meeting on 9<sup>th</sup> November. The meeting was well attended with eight speakers and c. 50 delegates and press. Earl Peel, the Chairman of the Standing Conference, having resigned following his appointment as Lord Chamberlain in the Royal Household, Lord Mancroft, the Acting Chairman, was voted in as Chairman. ‘Current affairs’ covered a sensible resolution to tail docking (Animal Welfare Act), likely tighter regulation affecting game birds, the Violent Crime Reduction Act, the proposed abolition of the Game License, the proposed permitting of Sunday**

**shooting, and the change of policy by the National Trust in favour of the use of hounds for animal welfare reasons. On the EU front, the news on positive discussions between hunters and conservationists was encouraging. There was also a presentation on the PACEC report which provides so much valuable data on the extent and value of sporting shooting in the UK. The second part of the meeting was on the theme of the management of the Water Framework Directive and Countryside Sports in the light of the framework of the Environment Agency, the fact that that Britain has less water per head than any other European country except Greece, and the challenge to the traditional angling interest because of its impact on other interests.** Anglers now need to be able to demonstrate the validity of fisheries management as part of river conservation. There is increasing competition for space on the river and its banks and all parties had to accept that access to water was not the privilege of any one sport, and all had to be educated in respect for the environment. This conference continues to demonstrate its value in bringing together in a non-confrontational forum field sports bodies and other important countryside organisations, and in increasing mutual understanding.

## **UK Working Group on Arms.**

As indicated in the previous Quarterly Report, no further meeting is planned with this umbrella body of Non-Governmental Organisations working in the arms control field until after the position becomes clearer on a UN Arms Trade Treaty.

## **Violent Crime Reduction Act:**

**This was given the Royal assent on 8<sup>th</sup> November and will come into force in stages from March 2007. Its main impacts will be on those who collect or use realistic imitation firearms (where the design of the original firearm post-dates 1870) or blank firers or soft air guns, the importation, manufacture or sale of which will be banned (there will be some exemptions for soft-air skirmishing, re-enactment, and theatrical uses). Those already in private possession may be retained and used. The commercial sale of conventional air weapons will be restricted to registered firearms dealers (private sales will remain unaffected) and the age at which an air weapon may be purchased will be raised to 18. It is expected that the break date for antique air weapons (which may be sold by way of business as a curio or ornament without the vendor being a registered firearms dealer) will be 1939. Hard work on the VCR Act put in by Lord Shrewsbury in the House of Lords has secured numerous improvements to the Bill. Much remains to be negotiated for during the drafting of the Regulations, particularly with regard to the form of register and level of security to specified for those dealing solely in air weapons, and there has been a series of meetings and discussions between the Home Office and BSSC. It has been agreed with the Home Office that ‘possession’ of an air weapon would take place at the point of physical transfer, thus allowing sales to be conducted remotely up to the point of handover. It is expected that Regulations will be finalised by the end of the first quarter of 2007. With regard to ‘realistic imitation firearms’, the toy industry will be hit badly. There is a continuing problem over the definition of ‘primary colour’. In future blank firers must neither resemble a firearm nor be readily convertible. Fortunately restrictions on the sale of primers had been restricted to those for metallic ammunition, and controls on the sale of reloading presses had been removed from the Bill. Colin Greenwood and John Batley have been continuously involved in the passage of this Act, particularly with drafting amendments, and in subsequent discussions on the Regulations, to the considerable improvement in detail of this legislation.**

## **Westminster Fair**

**This event was held on 27 November in the Palace of Westminster, and was attended by 50+ MPs and Peers, a considerable improvement over the previous year. Besides the Council’s**

member Associations, ACPO Firearms & Explosives Working Group also exhibited, and the Historical Breechloading Smallarms Association shared a table with the MLAGB. In addition to the legislators, 15 British International Medal Winners were present as well as guests from ACPO, the Home Office and other organisations with shooting interests, such as the British Deer Society, Country Land and Business Association and National Farmers Union, all of whom seem to have enjoyed themselves. Lord Shrewsbury announced the forthcoming National Shooting Week, which was strongly supported by Martin Salter MP, the Labour spokesman for shooting, and by Bill Wiggin, BSSC Vice Chairman and sponsor of the event.

### **World Forum Executive Committee Meeting, Berlin, 28-29 September:**

Since these meetings, the Secretary has been closely involved in preparing the minutes of the Image and Environment Sub-Committees and in drawing up further proposals for the World Forum's website for submission to the Executive Committee in March.

### **Miscellaneous activities:**

Further evidence has been noted of anti-firearms activity at county level: in Norfolk, protests were made at the county's high level of legal gun ownership (67,000), although, as a local newspaper robustly pointed out, it also has the lowest gun crime. The Secretary provided the paper with a quote indicating that there is no link between legal firearms ownership and levels of armed crime.

DJP 3/1/2007