

# The British Shooting Sports Council



## QUARTERLY REPORT, JANUARY-MARCH 2007

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:

### **ACPO Firearms Licensing Conference, Royal Armouries, Leeds, 20-22 February 2007:**

**John Batley of the GTA, Geoff Doe of the NSRA, Bill Harriman and Mike Eveleigh of BASC, Phil Boakes of the CPSA and the Secretary all attended this Conference, with John, Geoff, Mike and the Secretary all either giving papers or introducing sessions. Adrian Whiting, Assistant Chief Constable of Dorset and Acting Chair of ACPO Firearms and Explosives Licensing Working Group, set the scene. He paid particular attention to the Home Office Research Study number 298 'Gun Crime: the market in and use of illegal firearms' (to which a rebuttal paper has been prepared by Colin Greenwood of the Shooting Sports Trust). Of particular interest to the BSSC is the suggestion that burglaries are still a source of shotguns, that there is a problem with the leakage of shotgun cartridges from the legal into the illegal market, and there is an increasing use of shotguns, which are more likely to be discharged. Adrian Whiting flagged up that in 2006, firearms crime was reducing for the first time since 1998, although injuries were up. He emphasised the impact of the political climate, and the possibility of an amnesty. To the end of 2005, FAC numbers had risen by 3.5%, SGCs by 0.4% and RFDs by 0.7% (and set to rise further to cover air weapon dealers), an encouraging trend for the shooting sports. He foresaw curbs in Europe on convertible blank firers and inadequate deactivations via the EU Directive. The main themes of the conference were: the new Violent Crime Reduction Act; night shooting; new procedures for range certification; 'secondary good reason' (for instance the use of a rifle granted for deer stalking for shooting foxes or boar); the new National Ballistics Intelligence Programme; disguised weapons; final stages of the 'roll-out' of the National Firearms License Management System; the Home Office's review of firearms forms; and 'conditions'. In general, this was a very useful conference, with a considerable willingness to discuss problems openly and positive attitudes towards change being in considerable evidence. It is to be hoped that the various initiatives will be pursued.**

## **All Party Group on Shooting and Conservation:**

**This Group exists to provide an information source and discussion forum for legislators. Meetings are held both at Westminster and in the field. The Secretariat is provided by BASC. BSSC joined in January 2007, and the Secretary has attended a meeting on Sunday Shooting on 30<sup>th</sup> January and a presentation by the Deer Initiative on 13<sup>th</sup> March. At the discussion on Sunday shooting (legal in Scotland, not legal for game in England and Wales), presentations were made pro and con, and a lively debate ensued, with no agreement and strong opposition from some quarters, so this proposal is unlikely to fare well. The Deer Initiative is essentially a very broad partnership seeking to achieve sensible, sustainable deer management policies, in which stalking and properly planned culls are seen as an integral and valuable part.**

Key issues at present are: improving national biodiversity, reducing deer/vehicle collisions and monitoring bovine TB in deer herds. Traffic accidents involving deer account for 20 human fatalities 134 serious injuries, over 1,150 injuries of all types, damage to an estimated 11,000 vehicles and a cost of £47,000,000. There was an interesting discussion on stalking as a sport (general public disapproval) and as a means of deer management (broad public approval). This Group provides a valuable point of contact with Parliamentarians interested in our sport. Its next meeting will be at Bisley.

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

**The ever-slower progress of the EU 1991 Directive on Weapons Control through its amendment process continues. Further amendments have been tabled to, or are in preparation for, both IMCO (Internal Market and Protection of the Consumer Commission) and LIBE (Committee on Civil Liberties, Justice and Home Affairs), but had not been received during the Quarter. The deadline for tabling Amendments for IMCO is 11<sup>th</sup> April. The main areas of debate remain: whether the European Firearms Pass should be the only document needed to move privately-owned firearms for 'hunting' or target shooting by EU citizens within the EU; whether the Directive's four categories of firearm should be reduced to two (thus in effect requiring prior authorisation for each firearm, which could impact on shotgun acquisition); whether there should be significantly more intrusive checking of dealers and 'brokers' (in effect all dealers would be deemed potential brokers); whether under-18s should be allowed to hunt or target shoot; whether there should be very tight record keeping requirements on transfers of firearms components and ammunition; whether there should be controls on 'distance acquisition' (not just mail order but, potentially, auctions); whether there should be a 'cooling off' period (fifteen working days) between the purchase of a firearm and its handing over by the vendor; and whether the Directive should be subject to five-yearly review. The BSSC continues to brief MEPs and interested parties such as auction houses and to maintain close contact with European organisations involved in lobbying.**

There has been much political maneuvering, and the outcome of this discussion process may hinge on whether the Socialists vote *en bloc*. On this occasion, it is hoped that they do, as they seem to be taking a line that only minimal changes to the Directive are required. LIBE, the legal Committee, discussed firearms very briefly on 1<sup>st</sup> February, and this seems to have been mainly on the Categories issue. It seems that the German Presidency has 'jerked the reins' on the Weapons Directive, and has transferred responsibility for considering changes from the 'Organised Crime' Working Group to the

'Technical harmonisation-internal market' Working Group, which is a good sign, as it indicates little interest in Mrs Kallenbach's anti-crime views. The EU Commission has again made it very clear that it is only interested in the minimum changes necessary to comply with the Vienna Protocol. Already, Mrs Kallenbach's proposal about marking on several major parts of a firearm has been defeated.

## **Annual Luncheon:**

**Vernon Coaker, Minister of State at the Home Office, drew warm applause at the British Shooting Sports Council's Annual Luncheon on 29<sup>th</sup> March when he emphasised the Government's determination to prevent disruption of lawful shooting and fishing activities by animal rights extremists. Pointing to the Government's record of firm and effective action against extremists through its bio-science strategy, he made it clear that this would be applied with equal rigour against those intimidating or harassing shooters and anglers.**

**Speaking to an audience representing the field sports, target shooting and gun trade organisations that make up the BSSC, and their guests including Kate Hoey MP and Paul Knight, Executive Director of the Salmon and Trout Association, Vernon Coaker praised the BSSC's National Shooting Week initiative for "presenting your sport to the public in a positive light whilst promoting the responsible use of firearms" and promoting a wider public understanding of the difference between the legal use of firearms and their misuse by "thugs out there murdering people on our streets". He stressed his willingness to listen to the shooters' point of view and his appreciation for the assistance, advice and information they contributed to a sometimes complex debate.**

**Responding to BSSC Chairman Lord Shrewsbury's allusion to the need for Olympic pistol shooters to train in Britain, the Minister indicated that, while he had no news at the moment, an announcement could be expected before too long.**

**David Penn, BSSC secretary, said: "The Minister's support for the legitimate shooter has been evident in past discussions, and we are delighted that Mr Coaker found the time in his busy schedule to be our guest today. Nowhere else would he find so many representatives of the shooting sports in one room – it was the perfect opportunity to impress and he took it."**

**Campaigns Director of the Countryside Alliance Robert Gray, organiser of the National Shooting Week, said: "It was a very welcome speech from a Minister who clearly understands, where others have failed, the law-abiding shooting community and how it works. He talked sense about that most emotive of subjects – guns."**

## **Arms Trade Treaty:**

**The ATT process is under way, and will take at least five years to achieve a treaty. At present governments are being consulted, and two Groups of Government Experts have been appointed to report in 2008 on the practicability of an ATT and on ammunition. IANSA is holding a high-profile 'Peoples' Consultation' on the ATT at present. Canada, Kenya and Switzerland will be holding an important meeting in Geneva in August to discuss the proposed ATT, and Canadian pro-gun representatives would be present. The Foreign & Commonwealth Office has published its 'Response to the United Nations Secretary General's Request for Views' on the proposed ATT. Not surprisingly, it advocates a tough, transparent system with sanctions to control international trade in conventional weapons. The Secretary had discussions with the FCO about excepting antiques and sporting firearms from the strictures of the proposed treaty, and**

**Paragraph 13 of the FCO's Response states: *'An instrument should also not place overly burdensome controls on the movement of privately owned antique or sporting firearms for sporting or cultural purposes.'* This represents a useful statement on which to build further on issues relating to civilian firearms and the ability to move them internationally.**

'Brokering' remains at present a major issue, and the UN is seeking either a treaty or a template for domestic legislation, but is missing the point, which is that effective export control is the real issue. A number of major powers are not in favour of tight controls on brokering, so this may eventually fizzle out at a UN level (but is very likely to be pursued within the EU). The UN Crime Control organisation in Vienna has produced model national firearms legislation for control of firearms. There is some urgency with regard to proposed controls on the international movement on ammunition, and the Secretary is seeking discussions with interested parties before again approaching the FCO.

### **Auction houses:**

**The Secretary and the Gun Trade Association continue to be involved in discussions with the major arms auction houses, led by Bonhams, on problems relating to auction house business involving firearms subject to certification. A report addressing the issues prepared for the BSSC by Colin Greenwood of the Shooting Sports Trust was considered in detail at a meeting on 18<sup>th</sup> January. The Secretary has also continued to brief on potential problems that might arise from proposed amendments to the EU Directive on Weapons Control.**

### **BSSC Annual General Meeting:**

**At the BSSC's Annual General Meeting on 29<sup>th</sup> March, The following were elected to office: President: Sir Patrick Lawrence; Vice-President: Brian Carter; Chairman: Lord Shrewsbury; Vice-Chairmen: Martyn Jones MP and Bill Wiggin MP and Treasurer: Graham Downing. James McAllister was co-opted onto Council.**

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

As reported in detail in the last Quarterly Report, 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. The proposed changes to the Deer Act 1991 were submitted to the House of Commons' Regulatory Reform Committee, which has the task of examining and reporting to the House on every document containing proposals laid before the House under section 6 of the Regulatory Reform Act and every draft order proposed to be made under section 1 of that Act. The Committee also oversees the operation of the regulatory reform procedure. It released its report in April, and this will be commented on in the next Quarterly Report.

### **EU Ban on non-metric measures:**

**In February the Secretary responded to an EU request for consultation on the use of supplementary indications' (non-metric measurements to you and me), laying down arguments for the continuation of the measurement of shotgun bores by the number of pure lead round**

balls to the pound, the use of Imperial measures for cartridges and the grain for projectile and propellant weights. While the EU is committed to universal metrication, it recognizes that other systems remain in widespread use and understanding, and has to accept that one of the EU's major export markets, the USA, is unlikely ever to metricate. It has therefore permitted the use of non-metric measurements alongside metric, and it is likely that this will continue indefinitely.

## **Game License:**

The Game License is to be abolished on 1<sup>st</sup> August 2007.

## **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, but HSE Fees Regulations have been amended to introduce reduced fees to reflect the costs to the police for issuing COER certificates. The good news is that shooters holding a firearm/shot gun certificate and a registration or licence under MSER continue to be exempt from fees.

## **Home Office Consultation Paper on Banning Offensive Weapons:**

Following last year's failed private members' Bill to ban 'samurai swords' and the progress of the 'Custodial Sentences and Weapons (Scotland) Bill' in the Edinburgh Parliament, there have been rumours that the Home Office would introduce further controls on swords and knives for England and Wales. The Home Office has now published a Consultation Paper on 'Banning Offensive Weapons'. This is available on <http://www.homeoffice.gov.uk/documents/cons-ban-offensive-weapons-0307>

Set against an increase in 'sharp instrument' homicides (212-265 between 1999 and 2006), increasing levels of conviction for carrying an offensive weapon (4100 in 2000, 5757 in 2004), and significant increases in convictions for knife possession (3511 in 2000 to 5961 in 2005), this consultation is intended to elicit reactions to the following proposals:

- Should curved, single edged swords (sometimes known as "samurai swords") be added to the Offensive Weapons Order?
- Do you agree with the definition as suggested and should there also be a minimum length of blade for the weapon?
- Should there be any exemptions for genuine Japanese swords? On what grounds?
- Should there be an exemption for martial arts practitioners? How should this exemption be framed?

It also asks whether 'fantasy knives' should be banned (based apparently on one case in 2005). Again, responses are sought to the following questions:

- Are there other weapons which have been used in violent crime that should be banned?
- If so, how are these weapons best described?

The Home Office is considering whether it should provide exceptions, exemptions or defences for certain types of activities both in respect of new weapons to be added to the Order and for existing weapons. It is therefore seeking a response to the following question:

- Are there any exceptions, exemptions or defences in respect of existing
- offensive weapons which should be added?

**The closing date for responses is 28<sup>th</sup> May 2007. The BSSC will be making a response after consultations with other interested organizations, including the Arms & Armour Society and FESAC.**

A number of exemptions and defenses are included in the Criminal Justice Act 1988 and the Violent Crime Reduction Act 2006.

- 4.1 Section 141 of the Criminal Justice Act 1988 makes it an offence for any person to manufacture, sell or hire or offer for sale or hire, expose, or have in his possession for the purpose of sale or hire, or lend or give to any other person, any weapon on the Criminal Justice Act 1988 (Offensive Weapons) Order 1988. Section 141 also prohibits the importation of these weapons. There are several defences under this legislation. These are:
  - that his conduct was only for the purposes of functions carried out on behalf of the Crown or of a visiting force;
  - that the conduct in question was only for the purposes of making the weapon available to a museum or gallery;
  - if the weapon is over 100 years old and therefore classed as an antique.

The Violent Crime Reduction Act 2006 amends this legislation to provide additional defences for

- the purposes of theatrical performances and rehearsals
- the production of films
- the production of television programmes

It also allows the Government to make regulations to provide for exceptions, exemptions and defences specific to certain weapons, either in respect of weapons which are listed in the Order, or ones which may be added in the future.

## **The Independent Advisory Group to the ACPO Criminal Use of Firearms Portfolio:**

**There was no meeting of the National Independent Advisory Group during the quarter. The meeting on 4<sup>th</sup> April will be reported on in the next Quarterly Report.**

## **Lead Shot Working Group:**

**No meeting of the Group has been held since the beginning of 2006. The high profile of both lead toxicity and noise pollution in Europe and the forthcoming WFSA Conference on lead and noise on shooting ranges (see below) make it essential that these issues remain under consideration by the BSSC and its members. Preliminary meetings have been held on lead on 5<sup>th</sup> and 28<sup>th</sup> February and on noise on 14<sup>th</sup> March, and a meeting is being arranged for May.**

## **National Shooting Week, 26 May-3 June 2007:**

**This unparalleled opportunity continues to grow apace. It will enable people to try shooting 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. Sixty-one shooting clubs or ranges in England, Scotland, Wales and Northern Ireland have already signed up to providing over 100 days shooting for the general public. There will be a major press launch at Bisley on 21<sup>st</sup> May. The NSW website ([www.nationalshootingweek.co.uk](http://www.nationalshootingweek.co.uk)) will provide contacts for both shotgun and rifle disciplines.**

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

**The meeting held at BASC Headquarters on 28<sup>th</sup> February again underlined the present good level of cooperation between ACPO Firearms and Explosives Licensing Working Group (FELWG), the Home Office, the Forensic Science Service and the BSSC. A number of issues raised at the previous meeting on 19<sup>th</sup> October 2006 had been satisfactorily resolved, including:**

- **guidance on RFDs returning shotguns to their owners by carrier;**
- **agreement that FAC holders with a condition limiting them to MoD-certified ranges only may now use ranges certified under the new arrangements by organisations other than the MoD. The MoD-only condition will be removed when next the certificate is returned to the licensing office. This agreement had been promulgated to all forces by ACPO;**
- **FELWG had made use of the GTA's information on how the VCR Act would affect the commercial sale of air weapons;**
- **FELWG had taken on board GTA concern about the registration of RFDs as bodies corporate, and this was now covered in training for the National Firearms Licences Management System;**
- **An outstanding question about the status of grenade cup dischargers remains subject to a moratorium pending the outcome of a court case.**

Concern was expressed about turnaround times for grant and renewal of certificates. During discussion it was stated that there were problems with the certificate renewal 'bulge' and with delays caused by the rolling out of the NFLMS (National Firearms License Management System). Among matters discussed were:

- The good practice of Firearms Enquiry Officers providing those with whom they have contact with printed contact details.
- The inherent danger of one particular model of humane killer. The police agreed that those in possession of such pistols should be contacted.
- Comments in police correspondence on long barrelled pistols and revolvers. It was accepted that comments regarding possible changes in legislation to re-classify such firearms as Section 5 were not appropriate.
- Concerns raised regarding rights of local authority Council Tax Inspectors to enter private properties to conduct inspections and evaluations, and the undesirability of this with regard to dealers dealing from home or FAC holders.

- Concerns raised regarding contacts from bogus Firearms Enquiry Officers. It was agreed that if there was any doubt the certificate holder should refuse entry, refuse to answer questions, and check back with his firearms licensing office.

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

**Shortly after the last BSSC Quarterly Report was circulated, advice was received from a constitutional lawyer that the Edinburgh Parliament could not legislate for Scotland on firearms matters. In the light of this, the BSSC wrote to Tommy Sheridan MSP and declined to respond to his proposed ban. Sporadic and negative media interest in air weapon misuse continues, but political activity is slight at the moment. One incident could change this, however, and it remains a potentially dangerous issue in the medium term. At a local level, both Aberdeen City Council and Edinburgh City Council have been considering local bans, or partial bans (Edinburgh intends to allow target shooting with weapons stored at clubs), although there would seem to be no legislative mechanism by which they could achieve this. With regard to the Edinburgh proposal, there has been a lively debate on the website of the Edinburgh Evening News, with about 75% of the correspondence against a ban, and the quality of argument entirely in favour of the shooter. The Secretary continues to monitor closely the situation in Scotland.**

On the Sheridan front, an 11,000 signature petition in support of the Sheridan Bill was presented to the Scottish Executive at the beginning of March, but Jack McConnell said that the VCR Act (which has got a poor press in Scotland) must be given an opportunity. See also my comments on the VCR Act.

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

**This Bill has continued its passage with little debate on the weapons side. It passed its Third Stage Reading with only minor changes to the weapons aspect, and is expected to receive Royal Assent in April. It will limit the commercial sale of non-domestic knives to licensed dealers and ban the sale of swords made after 1945, but will provide exceptions to the ban on sale for legitimate religious, cultural and sporting purposes, including highland dancing, theatre, film, television, antique collecting, re-enactment and living history, fencing and those martial arts that are organised on a recognised sporting basis. The Bill has been improved by incorporating such exemptions on the face of the Bill. Another minor amendment exempts fencing coaches from the need to become knife dealers if they lend fencing swords to their pupils. The age at which a person may buy a crossbow is to be raised from 17 to 18.**

There will be strong powers of enforcement, including a right of entry and seizure by police officers and trading standards officers if there are reasonable grounds for believing that an offence has been committed. The detail of the Bill has been amended to clarify circumstances in which businesses will require a knife license. These will include when any part of a transaction takes place in Scotland, even

if sale or dispatch takes place elsewhere. Separate licenses will be required if different parts of a business are in different local authority areas.

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

**Bill Harriman and the Secretary have now submitted to the Forensic Science Service a detailed draft of a new approach to the definition of antique breech-loading metallic cartridge rifles, and await a further meeting in May.**

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

The next meeting is to be held on the 3<sup>rd</sup> May 2007.

### **Violent Crime Reduction Act:**

**Commencement orders for the following sections will come into force on 6<sup>th</sup> April: Section 30 (Minimum sentences); Section 31 (3) Sale of Air Weapons, but ONLY that part referring to registration of dealers, to allow prospective air weapon dealers to apply for registration; Section 35 Sale of Primers.**

**Former First Minister Jack McConnell ordered Scottish Police Forces to report in two years time on the effect on crime of the Violent Crime Reduction Act. Whether this succeeds in containing political feelings on an air weapon ban during the run-up to the Scottish Parliamentary elections in May remains to be seen.**

### **Westminster Fair:**

This year's Fair is planned for Monday 26<sup>th</sup> November.

### **World Forum Executive Committee Meeting, Nuremberg, 7<sup>th</sup>-8<sup>th</sup> March:**

**The Secretary attended the meetings of WFSA held in Nuremberg on 7<sup>th</sup> and 8<sup>th</sup> March 2007, at which he presented a discussion paper proposing a number of topics for future conferences, was appointed to an *ad hoc* committee monitoring the Arms Trade Treaty, was re-appointed to the Executive Committee until 2009, chaired the plenary session, gave the final 'call to action' address to the session and was interviewed at length for NRA-TV. The following new members were voted into World Forum: UNACT, the Belgian Union for civilian shooters and dealers; SISAV, the Turkish hunting, target shooting and fishing trade association, the US Second Amendment Foundation and the US National Muzzle Loading Rifle Association. This represents a very significant membership increase (in Turkey there are 15 million licensed shooters, of whom 5 million are hunters). Major concerns remain the UN's legislative programme, which had re-started the process after the failed New York Conference of 2006, and now encompassed the proposed Arms Trade Treaty and positive steps towards the control of**

**trade in ammunition; the amendment of the EU Directive on Weapons Control and the environmental issues of lead pollution and noise.**

The EU is to publish a major report on lead (not just in the context of shooting) later this year and WFSA has been involved in long-term discussions to protect our sport's interests. Lead pollution of shooting ranges (including clay grounds) has become a major issue in Germany, with a number of ranges being closed. Noise is also becoming a greater problem, and in Italy is seen as a greater threat to target shooting than lead. There is to be a major WFSA Conference on lead and noise in shooting ranges in Palermo in October.

**Miscellaneous activities:**

**During the Quarter, the Secretary was elected President of the Arms & Armour Society and was appointed a Consultant to the Foundation of European Societies of Arms Collectors.**

DJP 11/4/2007