

# The British Shooting Sports Council



## QUARTERLY REPORT, APRIL-JUNE 2007

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

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

The Secretary attended the meeting of 26<sup>th</sup> June, at which Mike Swan of the Game Conservancy gave a detailed presentation on the effects of game bird rearing and releasing on the local habitat and wildlife, and Oliver Harwood of the CLA on the Shoot Assurance Scheme and the Code of Good Shooting Practice. The aim was to promote the welfare of game and sustainable shooting, now that we are faced with increasing pressure from Animal Aid, which was calling for a Dutch-style ban on game rearing. There is now to be a DEFRA Code of Practice on game rearing.

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

(This, along with the proposed UN Arms Trade Treaty, has been the key activity during the Quarter.)

The amendment process to the EU Directive on Weapons Control is continuing. A series of proposed Amendments was voted on in the LIBE (legal) Committee on 11<sup>th</sup> June 2007, following considerable lobbying by interested groups, including FESAC and the BSSC. A further tranche of 100 Amendments and 28 Compromise Amendments was voted on in the IMCO (internal market and consumer protection) Committee on 27<sup>th</sup> June.

The outcomes of both LIBE and IMCO Committees were very encouraging, and a tribute to the co-operation and very considerable efforts of the major European shooting and gun trade organisations working together within the European Sport Shooting Forum. Within the ESSF a common position was worked out in March between FACE (the Federation of Field Sports Associations of the EU), the various target shooting organisations, gun trade bodies and FESAC.

The efforts of all pro-shooting parties at this very important stage of the EU parliamentary process have achieved the following:

- The European Firearms Pass has been strengthened to the point where it would be the only document necessary for travel between EU states for hunting or target shooting), and documentary proof of a reason for travel (shoot invitation or competition entry details) would not be required.

- For the time being, the existing four categories of weapons in the Directive (Category A Prohibited, Category B Subject to Prior Authorisation, Category C Subject to Declaration by the owner after acquisition, and Category D Uncontrolled) will be retained but there will be a report on the advantages and cost-benefits of the proposed simplification of the categories to two (Prohibited and Subject to Prior Authorization).
- Attempts either to remove the existing exception allowing under-18s to hunt or engage in target shooting, or to impose impractical supervision requirements, have been defeated.
- CIP's position is strengthened as the potential EU authority for marking and tracing, but the amendment stops short of actually stating that it would be the authority.
- As good a definition of antique firearms (pre-1900, plus, at a national level, anything that a state cares to define 'technically' as an antique) as could be achieved within the strictures of the UN Protocol.
- Extremely cumbersome proposals for the registration at national level of all ammunition sales, and equally cumbersome proposals for the control of ammunition components, were defeated.
- Demands for a system to facilitate 'tracing' of ammunition have been met by a requirement for headstamping and cartridge box marking that reflects the status quo, rather than any attempt to make individual rounds traceable.
- 'Distance selling' remains legal within existing EU law, which is good for auction houses.

Among those Amendments adopted by IMCO are the following which contain elements of concern:

- Converted/convertible weapons (de-acts, blank firers, etc.) will be included in the definition of firearm.
- There is to be research into 'replicas' ('firing reproductions' to us. The UK will probably not be much affected as we class them as firearms anyway).
- A 'unique number' for each firearm is still being sought as part of the national record keeping system (we still have no clarification on this. If it is the existing manufacturer's details and serial number, that is ok. If it is a new number, then that is absolutely unacceptable).
- Both dealers and 'brokers' will be subject to investigation to 'verify their professional integrity and abilities.' The definition of 'brokering' is far too wide, and includes 'repair'.
- The requirements for record keeping may include information not currently held on NFLMS. The record-keeping implications for dealers are not yet clear.
- The recording requirements for major parts may affect the UK situation *vis a vis* shotgun parts.
- Commercial transactions between states will be delayed by a requirement for five days prior notification of shipment.
- The Directive is to be revisited (by a Commission report, initially) every five years (this is bad news, a recipe for meddling and salami-slicing by the antis, and for the shooting organisations to have to re-fight old campaigns indefinitely).

On balance, we have been doing well, but there are major hurdles and opportunities for gains or losses to come. The outcome of the IMCO vote will go as a draft Amending Directive to a plenary session of the European Parliament on 4-6 September. This is another point of danger for us: individual MEPs can put in amendments of their own at this stage. After the First Reading, the draft goes to the Council of Ministers. This is the point at which the national governments will negotiate in support of, or against, such amendments as particularly exercise them. If there is no agreement, the draft goes back to the Parliament, but no new amendments

are permitted at this stage. If there is still no agreement, then it goes to conciliation, a ‘smoke filled room’ process where the draft is thrashed out into a final text, and another dangerous final hurdle.

## **Arms Trade Treaty:**

After a busy time in April, May and early June, we are in a quiet period before a major, although informal, meeting to be hosted in late August in Geneva by Canada, like the UK a major player in the ATT. Another meeting of the Group of Government Experts will be happening in New York in the New Year. ‘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 being pursued with vigour within the EU, although definitional problems may make it difficult to pursue this during the current Amendment process of the Weapons Directive).

Following discussions with World Forum and the Defence Manufacturers Association, a joint submission has been made on behalf of the DMA and BSSC to the Foreign & Commonwealth Office on the specific issues of marking, tracing and international movement of ammunition, a matter being considered by a second UN Group of Government Experts.

The Secretary attended the Study Day on the ATT held on 5<sup>th</sup> June at the Royal College of Defence Studies. The programme was one of group discussions and reporting back to an open forum. An excellent background paper by Professor Paul Cornish, Carrington Professor at Chatham House and Head of its International Security Programme had been distributed, and, very importantly, this recognized the civilian sporting shooter as one of the stakeholders of whose interests account needed to be taken in any ATT. World Forum (Tom Mason) and the Secretary represented civilian firearms issues. It was made abundantly clear that the ATT was not in any way aimed at domestic firearms legislation anywhere. Tom Mason and the Secretary made sure that those present were fully aware of the size and impact world-wide of civilian ownership. It was clear that the civilian owner and user of firearms, and the legitimate civilian gun trade, are seen as stakeholders in this issue, and that there was no inbuilt animus against the trade in, or legitimate international movement of, civilian firearms.

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

Parliament’s Regulatory Reform Committee is appointed under Standing Order No. 141 to consider and report to the House of Commons on proposals for regulatory reform orders under the Regulatory Reform Act 2001 and, subsequently, any ensuing draft regulatory reform order. The proposed changes apply only to England and Wales. In this instance its role was to report on Defra’s proposed changes to the Deer Act 1991, drafted after widespread consultation. It reported on 20<sup>th</sup> March, and its report still lies with the Minister, but it is anticipated that it will be accepted and agreed to. Before making proposals for change, Defra had consulted widely. Unfortunately, there was not unanimity on firearms-related matters among consultees.

A new close season is recommended for Chinese water deer (from 15 March to 31 October ) and red/sika deer hybrids for periods identical with their two progenitor species, 1 May to 31 July (for stags) and 15 March to 31 October (for hinds), but not for muntjac, which breed all year round.

DEFRA also considers that it would be helpful for persons needing to control deer to be able to kill them during the close seasons or at night.

It would also be considered beneficial to amend the 1991 Act to allow the taking or killing at any time of a deer in circumstances where it is believed it has been legally deprived of its mother, or is about to be deprived of its mother.

The existing section 4 of the 1991 Act provides that only firearms of a certain size and power can be used to take, kill or injure deer. Previous research and consultation carried out by the Department indicated that the existing restrictions were unnecessarily narrow and it would be possible for a wider range of weapons to be used to kill the smaller species of deer humanely.<sup>[8]</sup> DEFRA therefore proposed that article 3 of the Order should amend section 6 of the 1991 Act so that it is no longer an offence to take kill or injure Chinese water deer, muntjac deer or roe deer using a rifle with not less than .220 inch calibre and a muzzle energy of not less than 1,356 joules (1,000 foot pounds) and a soft nosed or hollow nosed bullet not less than 3.24 grammes (50 grains) in weight. This would have brought English practice into line with Scotland. However, neither Natural England (which brings together the Countryside Agency, English Nature and DEFRA's Rural Development Service) nor the RSPCA felt that the evidence for the use of such high performance .22s on roe enabled them to say, on the basis of the evidence, that animal welfare would not be prejudiced. The Regulatory Reform Committee has therefore recommended that the reference to roe deer be excluded from article 3(4) of the proposed Order before it is laid in draft before the House. We may therefore expect that .22 centrefires with a muzzle energy of not less than 1,356 joules (1,000 foot pounds) and a soft nosed or hollow nosed bullet not less than 3.24 grammes (50 grains) in weight will become legal for Chinese water Deer and muntjac. It is to be regretted that a complete alignment of practice between English and Scottish legislation on rifles and cartridges suitable for smaller deer species, an outcome strongly supported by BSSC, will not be achieved.

The effect of the existing section 4(4) of the 1991 Act is to make it illegal in any circumstance to discharge a firearm or project any missile from a mechanically propelled vehicle at any deer. The Department considers this has the unhelpful effect of stopping the use of stationary vehicles as shooting platforms, as a stationary vehicle provides an effective vantage for shooting, were it legal to shoot from it. It is therefore proposed to apply the restriction in future only to shooting from a vehicle which is moving, or which has its engine running, and to permit shooting from vehicles which are stationary and the engines of which are inactive.

It is currently illegal to use any weapon not specified in Schedule 2 to the 1991 Act to kill a deer. Further provision at section 6 of the 1991 Act creates an exception to allow the use of smooth bore guns to kill an injured deer where it would be an act of mercy to do so. It is proposed to replace the existing section 6(3) and (4) of the 1991 Act to permit a person who finds an injured deer to use "any reasonable means" to kill it. The Department considers reform of the current provision is necessary to allow the killing of deer by persons who currently might be unequipped to do it - as they have put it, when such a person now finds an injured deer "leaving the deer would be cruel, but killing it an offence" and on this basis, the method of killing must be a secondary issue to allowing the animal to be quickly relieved from its suffering. So far as firearms are concerned, this would allow the use of any firearm, including .17 and .22 rimfires and shot pistols, for such an act of mercy. What will need to be addressed 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, and the BSSC, having raised this issue, is pressing for it to be resolved.

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

Following submissions in January and February by the Gun Trade Association, Shooting Sports Trust, BSSC and representatives of many other industries and interest groups, on 26<sup>th</sup> June the EU report on the consultation on the 1979 Directive 80/181/EEC was published, with the anticipated outcome of a recommendation that traditional units of measurement, or 'supplementary indicators' in Eurospeak, should be allowed to continue indefinitely. So we, along with the manufacturers of detergent, bicycles and a host of other products, can continue to use our traditional measurements alongside the metric system. While almost all states and all industry representative groups were sensibly in favour of the status quo, curiously the only strong pressure for a rigid and exclusive metrication policy came from private individuals, mostly school teachers, in the UK.

## **Game License:**

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

## **Government changes:**

Jacqui Smith has been appointed Home Secretary, with Tony McNulty and Vernon Coaker remaining in place. At Culture, Media & Sport, Tessa Jowell had moved on, as had Richard Caborn, The new team there is composed of James Purnell as Minister for CM&S, Margaret Hodge as Parliamentary Under-Secretary, and Gerry Sutcliffe as Sports Minister. Hilary Benn is in charge at DEFRA, with Jonathan Shaw as Parliamentary Under-Secretary.

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

The Secretary has consulted with FESAC, HBSA, MLAGB, ICOMAM and the Arms & Armour Society on this issue. A BSSC response has been sent. No response beyond an acknowledgement is expected until late August or September. It is understood that there has been a considerable response.

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

The Secretary has attended a meeting held on 4<sup>th</sup> April. Besides the question of another firearms amnesty, the meeting had been focussed on mediation and witness protection issues. These continue to focus on solutions other than 'object-centred' gun control. A meeting scheduled for July will consider violent videos and DVDs.

## **Lead Shot Working Group:**

A meeting of this BSSC group scheduled for May is now planned for 17<sup>th</sup> July. Its remit has been extended to cover noise, which is a live issue at present, particularly for clay shooting grounds.

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

National Shooting Week, which ran from 26<sup>th</sup> May to 3<sup>rd</sup> June, has been a considerable success. Information on the event reached 15 million people (12.9 million through non-specialist print media, all but one of them positive in tone, the rest through radio and television). The media launch at Bisley by our Chairman Lord Shrewsbury was also an extremely successful occasion politically with a message of support from Richard Caborn, the then Sports Minister, who wrote:

**“I would like to take this opportunity to wish all those involved in the event every success. Offering people a chance to try Olympic and Paralympic sports may inspire future 2012 medallists. Britain has a strong track record of Olympic shooting success.”**

Martin Salter, the Labour spokesman on shooting and fishing, gave a very positive address highlighting the ridiculous situation in which our Olympic pistol squad finds itself, stating:

**“The event will also demystify certain imagery surrounding guns and give members of the public a great day out in a safe environment.”**

Hugh Robertson, the Shadow Sports Minister, said:

**“Shooting is one of the most inclusive Olympic and Paralympic sports, where gender, age and disability are no barriers to success. I applaud National Shooting Week as an excellent idea to promote a sport in which Britain excels. We must give our best shooters every chance to shine in the future.”**

Also attending was Kate Hoey, Chair of both the Countryside Alliance and the Clay Pigeon Shooting Association. Enjoying the day were Dr Derrick Campbell, Chair of the ACPO Criminal Use of Firearms National Independent Advisory Group and Detective Chief Inspector Phil Healy, staff officer to the ACPO CUF portfolio. Those attending had the opportunity to meet and talk to top clay target, small bore and air weapon shooters, and to see them in action. Other MPs had attended the events run throughout the UK by 101 clubs providing 200 ‘open days’, at some of which attendance was five-fold higher than anticipated. The idea for the NSW came from the Countryside Alliance, and the central organisation was undertaken by Rob Gray, its Campaigns Director, who has earned the considerable thanks of the shooting community by his introduction of the shooting sports to a very substantial number of potential participants and his generation of much good publicity that will have a positive effect on the perception of shooting among the public at large.

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

A meeting was held on 20<sup>th</sup> June. Matters under discussion included a confirmation that dealers would not have to pay for information from the National Firearms Licensing Management System (NFLMS), progress on the revision of firearms forms, the apparent increase in the use of the ‘accompanied’ condition for neophyte sporting rifle users (to be discussed further in October), pre-grant training, an update on the VCR Act, NFLMS delays, and clarification was received on numbering systems for RFDs in the NFLMS system. A paper proposing a new way of defining obsolete centrefire breechloaders that should be given Section 58(2) antique status was presented by Bill Harriman and the Secretary. Comments from the Group were sought. Graham Widdecombe confirmed that the Home Office would shortly be turning its attention to

a revised edition of 'Guidance', perhaps for publication in 2008, a publication which will be of great importance to all shooters, and in which the BSSC and its constituent Associations may expect to be closely involved. The meetings continue to work well, with plenty of positive input, and a willingness to address areas of difficulty where progress could be made without primary legislation.

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

While Tommy Sheridan's Bill is dead, and indeed Tommy Sheridan himself is no longer a MSP, the issue of air weapons remains politically very much to the fore in Scotland. The Scottish Nationalist Party has asked the Scottish Executive whether it would make representations to Her Majesty's Government to introduce legislation to ban airguns in Scotland and to transfer legislative responsibility for firearms control from Westminster to the Scottish Parliament. Kenny MacAskill, the relevant Minister, has responded to the effect that the Scottish Executive could not ignore the strength of public feeling about the misuse of air weapons in Scottish communities and was committed to taking appropriate steps to minimise the risk posed by air weapons. It was committed to ensuring that Scotland had a firearms regime that meets Scotland's needs and intended to engage with the Westminster Government on a wide range of issues including firearms. The range of issues is wide indeed, and fishing is the current focal point. Time will tell as to whether air weapons and firearms will stay the course.

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

A 'work in progress' draft of a simplified system, drafted by Bill Harriman and the Secretary, was submitted for comment to the Home Office, Forensic Science Service and ACPO Firearms and Explosives Licensing Working Group on 20<sup>th</sup> June. It will be discussed again in October.

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

The 58th meeting was held on the 3<sup>rd</sup> May 2007. Of particular note had been the creation in November 2006 of 'Natural England', bringing together the Countryside Agency, English Nature and Defra's Rural Development Service. John Swift presented a European and International Report. He emphasised that the rural world was experiencing great change, especially in the way agriculture was being supported within the EU and in Britain. Some issues were coming to the fore: food hygiene and public confidence in food; firearms and public safety; transfer of knowledge and environmental biodiversity. The Standing Conference had an important role to play by providing a platform for speakers and identifying and publicising rural success stories. Dr Helen Phillips, Chief Executive of Natural England, gave a presentation on 'Ambitions for the Rural Economy and Countryside'. This new body's purpose was to help resource the natural environment, and to improve access and enjoyment. Its programme would be based on sustainable use and ensuring environmental security. She acknowledged the role of country sports in moorland and hedgerow management, in the encouragement of field margins, of legitimate predator control, of the need for care over introduced species and of the work of wildfowling clubs in improving coastal SSSIs and even in flood prevention. She stressed that Natural England wished to work positively with country sports organisations while stressing that prosperity would stem from conservation, land management and tourism. A Parliamentary Report was given by John Gardiner, Deputy Chief Executive, Countryside Alliance. He highlighted the Animal Welfare Act, which became law in April, and which would enable preventative action to be taken before abuse had taken place. This would be enforced through

Codes of Practice, not legally binding, but capable of being used as evidence in a court. The draft Code for game birds was scheduled for 2008/9. There were now four different tail docking regimes in the UK: no docking permitted in Scotland, different lists of 'dockable' dogs in England and Wales, and no docking legislation at all in Northern Ireland. References were made to the VCR Act, the Deer Regulatory Reform Order, and the imminent ending of game licenses. There was legislation anticipated on coastal access, possibly as part of the Marine Bill. David Collins, Deputy Chief Constable of North Yorkshire, and Chair of the ACPO Rural Affairs committee, gave a lively and amusing talk on the problems of rural policing in what is now seen as an 'urban-centric' policing ethos, the need for rural enforcement and the problem on unenforceable legislation. John Lloyd-Jones, Chairman, Countryside Council for Wales, gave a talk on the interplay between economic pressures, public policy and the farmer's personal preference. Climate change (which could be the major influence on the success or failure of local species populations), the need to find alternatives to oil and population growth all exerted considerable influence. He could see national 'food security' becoming a major issue on the back of the need for energy security, and a danger that a dash for food and fuel would cause a loss of bio-diversity. Shooting could help to preserve bio-diversity, including through predator control. The need for groups of landowners to work together to achieve a common plan for species preservation or control was emphasised. In general the Meeting re-enforced the growing understanding and acceptance that field sports are part of the solution to social and economic problems, rather than being perceived as part of the problem. They do, however, have to earn that acceptance through active co-operation with other agencies.

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

A Commencement Order is anticipated in late July or August, with 1<sup>st</sup> October almost certainly the commencement date. The GTA has remained in discussion with the Home Office on air weapons, where there had been considerable concessions. Realistic imitations and blank firers are still not settled.

### **Westminster Fair:**

This year's Fair is planned for Monday 26<sup>th</sup> November and the theme will be 'Shooting-the Sport of a Million People'.

### **World Forum:**

World Forum is planning a Workshop on sound attenuation, backstops and lead recovery to be held in October. It is deeply involved in the Arms Trade Treaty negotiations and on proposed Amendments to the EU Directive on weapons control, commented on above.

### **Miscellaneous activities:**

The Secretary appeared on Sky News, Oxford Local Radio and Radio Five Live about the Virginia Tech shootings an National Shooting Week, and had a letter on gun crime publishes in the London Evening Standard.

He gave a paper on areas of agreement and disagreement over legislative change at the BASC/ACPO Firearms and Explosives Licensing Working Group on 19<sup>th</sup> April.

**On 22<sup>nd</sup> June he gave a presentation on the VCR Act and changes to the Deer Act to a Metropolitan Police Firearms Enquiry Officers training day. He was also one of the respondents to the Metropolitan Police Firearms Policy and Standard Operating Procedures review in May.**

DJP 16/07/2007