

The Deactivated Guns' Collector's Association

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What is the DGCA?

The DGCA is a recently formed association whose purpose is to represent owners of deactivated firearms, to promote the hobby of collecting deactivated firearms, and especially to respond to legislative threats to the interests of those who own deactivated firearms.

Our remit is solely that of deactivated firearms, not replicas, toys or other such items.

What are deactivated firearms?

A deactivated firearm is a firearm that has been rendered inoperable in such a way that it cannot be readily converted into a working firearm. To be considered deactivated, a firearm must meet two important tests:

- 1) It must not be capable of discharging a bullet, shot, missile or other projectile, so that it therefore does not fall within the definition of a "firearm" in the Firearms Act 1968.
- 2) It must not be capable of being readily restored to working order, so that it does not fall within the definition of a "firearm" in the Firearms Act 1982. The Act specifies that "readily restorable" means with the use of ordinary household tools.

In addition, Section 8 of the Firearms (Amendment) Act 1988 provides for the making of regulations by the Secretary of State that define the specifications for deactivating firearms. A firearm deactivated in such a way can be submitted to a Proof House, who will inspect it for compliance, and mark the firearm with a deactivation proof mark and issue a deactivation certificate stating that the work has been done according to the specification.

However, a deactivated firearm does not necessarily have to be deactivated to this standard to be legal – the proofing procedure merely provides an affirmative defence to prosecution for possession of a firearm. There are many pre-1988 deactivated firearms and also imports that have not been submitted to Proof Houses for inspection.

What do people want with deactivated firearms?

There are a plethora of legitimate reasons as to why someone might have a use, need or interest in deactivated firearms:

- 1) Many target shooters possess deactivated firearms for "dry firing" practice. Essentially this involves pointing and repeatedly pulling the trigger to master the trigger pull, sighting and balance of the gun. Use of a deactivated firearm prevents wear and tear on a working gun, and also provides additional security because the live firearm can be kept locked up all the time when not in actual use.
- 2) Gun collectors obviously have an interest in deactivated firearms. Two of the primary advantages to collectors with deactivated firearms are that they can possess firearms without submitting themselves to the red tape that accompanies owning a working firearm, and also it enables them to own guns that cannot be legally owned in working order, such as handguns and machineguns. In addition, there are collectors of militaria who may have a uniform in their collection that is completed by a holster and pistol who have no real interest in guns per se.
- 3) Re-enactment societies often use deactivated firearms. Re-enactments of World War One and World War Two battles often use deactivated firearms, providing an interesting historical perspective.
- 4) Deactivated firearms are also used theatrically, whether it is a live performance or TV. Considerable bureaucracy accompanies use of live firearms, and thus deactivated firearms are often the best option for these uses.

- 5) Museums often prefer deactivated firearms; this is especially the case if the main theme of the museum is not firearms, but something that is indirectly related. For example, a museum of technology might have a display which uses deactivated firearms. The advantage to the museum is enhanced security and the elimination of the need for a museum firearms license.

Why is there concern about deactivated guns?

In the last few years both the press and the police have expressed concerns about deactivated firearms. These can be boiled down into two main areas:

- 1) The use of deactivated guns to intimidate crime victims – the problem is perceived that criminals may use deactivated firearms in the commission of robberies to intimidate victims.
- 2) The second concern is that criminals are restoring deactivated firearms to working order for the commission of crimes.

To address these concerns, various proposals have been put forward, which also fall into two main areas:

- 1) Various newspapers, certain police officers and also the Gun Control Network have called for the prohibition of deactivated firearms;
- 2) Another proposal is simply that the deactivation specification made by the Secretary of State should be tightened to make it harder to restore deactivated firearms to working order.

The view of our Association

The DGCA believes proposals to ban deactivated firearms to be ill advised for a number of important reasons:

- (a) There are already large numbers of deactivated firearms in circulation. The exact number is not known but it is in the hundreds of thousands. Banning the sale or even the possession of deactivated firearms would likely not significantly reduce the pool of deactivated firearms in circulation. Criminals would still find it relatively easy to obtain them.
- (b) A ban would raise the issue of compensation – a deactivated firearm actually costs more than a working firearm, because the retail price includes the cost of the firearm and the labour involved in deactivating it.
- (c) It would be extremely hard to define in legal terms what is being banned. For example, a gun crushed by a steamroller would still resemble a firearm, would have originally been a firearm, and could with great effort be made into a firearm again. Would possession of a destroyed firearm therefore become illegal? How could the line be drawn between a deactivated firearm and a manhole cover made out of a melted down firearm?
- (d) A ban would obviously interfere with the ability of those who have a legitimate interest in the use or possession of deactivated firearms.

The DGCA believes tighter regulations would have the following impact:

- (a) Tighter regulations will only affect newly deactivated guns submitted for proof; it will not affect the huge numbers already in circulation.
- (b) As the requirements under Section 8 of the 1988 Act are essentially voluntary, it is likely that dealers engaged in the deactivation of firearms will increasingly ignore it.
- (c) New regulations will not prevent the import of deactivated firearms from Europe, where the deactivation standard would be comparatively less restrictive.
- (d) The only real net effect will be to cause problems for collectors, making it difficult to collect rare examples and reducing the technical interest of their collection.

DGCA recommendations

We must note that the two main problems that have been pointed out by the police and others are largely exaggerated. To begin with, assuming deactivated firearms could in some manner be removed from society, replica and toy firearms could be easily substituted as an item to intimidate crime victims. In fact, there have been cases of armed robberies being accomplished with cucumbers or bananas, stuffed in a coat pocket. A deactivated firearm poses no great threat to public safety, because it is essentially a blunt instrument. A kitchen knife is more deadly.

As regards the reactivation of such guns, there are no solid statistics on this activity. The only report that exists is a special exercise done for the Dunblane Public Inquiry by the Home Office Research and Statistics Directorate. This 1996 report indicated that of 196 firearm-related homicides in the period 1992-94 in England and Wales, the murder weapon could be identified in 152 cases. In only one instance was the firearm a reworked deactivated firearm.

Also we note anecdotally that forensic scientists have stated to us that by and large, most reactivation attempts are poor and the firearm would only be capable of firing a single shot without jamming. In many cases the firearm would be in danger of exploding. The general view presented to us is that the manufacture from scratch of a firearm of equivalent lethality would be just as difficult or only slightly more difficult. Cases in which reactivation was competently performed involved the use of specialised machinery. An example is the case of firearms dealer Tony Mitchell who reactivated pistols for sale to criminals using state-of-the-art machine tools.

The *Sunday Express* has published commentaries to the effect that replacement parts for the reactivation of guns are easily available. What they failed to note is how illegal this practice is. It is unlawful to import or possess such parts without lawful authority. It is also questionable as to how relevant a point this is – a person who can locate and import replacement parts could no doubt just as easily import a complete working firearm.

In 1995 the deactivation standard for submachineguns and assault rifles was tightened so that essentially they must be welded solid in order to meet the standard set under Section 8 of the 1988 Act. This was done in response to two shooting instances involving the use of reactivated submachineguns against police officers.

Bearing in mind the foregoing, our specific recommendations are:

- 1) There is no substantive basis to support the banning of deactivated firearms, and there is also no reason to believe such a ban would be successful in any event. We therefore strongly recommend against such a ban.
- 2) Imposing tougher regulations under Section 8 would also be counter-productive, and we recommend against doing so. The only exception should be open-bolt submachineguns, the type used in the 1995 crimes. Open-bolt submachineguns (e.g. the Sten) are among the most simple of firearm designs, and are easier to restore to working order. However, the 1995 "weld them solid" requirements for closed-bolt submachineguns and assault rifles went too far. There is no indication that these types of firearm were reactivated and used in crime under the previous deactivation standard, and consequently the only effect was to impact the hobby of collecting such guns. We therefore recommend that the deactivation standard for closed-bolt submachineguns and assault rifles be returned to the pre-1995 specification.
- 3) The prohibition on firearms possession by criminals in Section 21 of the Firearms Act 1968 should be extended to deactivated firearms. It is an anomaly that a convicted bank robber can walk out of prison and legally take possession of a deactivated firearm.
- 4) There should be more vigorous attempts by the police to find and prosecute those who engage in the reactivation of such guns. By definition, specialised tools are required to perform this work in a competent manner, it should not be that difficult to mount successful police investigations against professional attempts at this criminal activity.