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Summary of Recommendations

Short-term recommendations

- 1.1 There should be an exemption from the requirement for prohibited weapons authority for carriers of expanding ammunition and slaughtering instruments;
- 1.2 Exemptions for firearm certificate holders in the Firearms (Amendment) Act 1997 should be extended to firearm permits;
- 1.3 The exemption for war trophies in the Firearms (Amendment) Act 1997 should provide for transfers to heirs;
- 1.4 The requirement for transfers of ammunition to be made in person should be repealed. Transfer notification requirements for firearms should be clarified;
- 1.5 The prohibition of expanding ammunition should not extend to expended projectiles;
- 1.6 The prohibition of handguns and certain rifled guns should be clarified to prevent confusion;
- 1.7 Provisions relating to approval of gun clubs should be clarified.

Medium-term recommendations

- 2.1 Provisions relating to antique firearms should be clarified and the exemptions from licensing and prohibition recast to avoid overlap and redundancy;
- 2.2 Age limits for possession, transfer, etc. of firearms should be standardised and made more comprehensible;
- 2.3 The law relating to the transportation of firearms and ammunition should be clarified and comprehensive guidance issued;
- 2.4 The standards for deactivated assault rifles and submachineguns which fire from the closed-bolt position should be returned to the pre-October 1995 specification;
- 2.5 The minimum shotgun barrel length requirement should be changed from 24 inches to 60 cm;
- 2.6 Certain types of self-loading and pump-action rifled guns should be removed from prohibition;
- 2.7 The provisions relating to “downconverted” firearms should be repealed or narrowed;

Long-term recommendations

- 3.1 Efforts should be made to determine the disposition of firearms unaccounted for after the Firearms (Amendment) Act 1988;
- 3.3 A new licensing system for firearms should be created, within the framework of the European Firearms Directive and utilising the Directive’s categorisation of firearms;
- 3.4 People receiving lengthy suspended sentences should be prohibited from possessing firearms; New provisions to prevent people suffering from serious mental illness obtaining firearms should be introduced;
Court appeals on firearm matters should be subject to advance disclosure requirements;
Conditions relating to the use of firearms should be standardised;
- 3.5 Category A firearms should be prohibited with limited exemptions;
- 3.6 The possession and use of Category B firearms should be subject to individual authorisation for specified reasons;
- 3.7 A firearm licensing system based on the current shotgun licensing system should be applied to Category C and D firearms, but good reason must be shown for obtaining a license;
- 3.8 Firearm licenses should be based on “smart card” technology. Separate permits to acquire should be required for Category B firearms;
- 3.9 Most lethal firearms not categorised by the European Firearms Directive should require a firearm license to possess. Non-lethal firearms should be made subject only to age restrictions for possession;
- 3.10 Ammunition and ammunition primers should require a firearm license for acquisition and possession;
- 3.11 Advances in IT should be applied to firearm dealers to enhance record keeping and reporting requirements;
- 3.12 There should be a professionally staffed national firearms licensing authority, consolidating and centralising the functions of the current agencies involved in firearms control;

- 3.13 People who are at risk of armed attack from terrorists or organised criminal gangs should be able to obtain a firearm license for personal protection, after comprehensive training;
- 3.14 There should be mandatory minimum sentences for the illegal use and possession of firearms; Additional resources should be given to HM Customs & Excise to tackle illegal importation;
- 3.15 There should be a national firearm licensing amnesty with the assistance of firearms dealers;
- 3.16 The new Firearms Act should be written clearly;
The definition of a “component part” should be clear;
Licensing fees should be reasonable and linked to the rate of inflation;
The Home Office should be required to officially comment on recommendations of the Firearms Consultative Committee;
Gun club regulations should be spelled out in the Act rather than guidance;
Weapons currently subject to the Firearms Act which are not firearms should be controlled under separate legislation;
The new Act should extend to Northern Ireland.

INTRODUCTION

The purpose of this paper is to give as comprehensive as possible recommendations for reform of the system of firearms control in Great Britain. The paper makes mention of the controls in Northern Ireland, but does not make comprehensive recommendations in all areas.

The paper is divided into three different sections: the first section deals with short-term changes that are necessary, i.e. problems with the operation of the Firearms Acts that must be addressed immediately. The paper then goes on to deal with medium-term recommendations, i.e. changes in the law which can form amendments to the Firearms Act 1968 and which should be adopted when Parliamentary time is available.

The paper concludes with long-term recommendations, which essentially would require a new Firearms Act.

General comments on firearms control

It would be remiss in this submission not to make some observations on the general arguments for firearms control that have been put forward from various sources in recent times.

Despite the fact that armed crime has been rising now for some considerable length of time and shows no signs of abating, new attempts at firearms control tend to have been made in recent years only after some highly publicised and unusual event, such as the shootings at Dunblane and Hungerford.

Although mass shootings cause great concern, the loss of life while tragic and traumatic must be placed in context – in 1994 there were only two homicides in Great Britain with legally possessed handguns; 11 people died in England & Wales in that year from food poisoning caused by E-Coli 0157. (Source: Office of Population and Census Statistics.) More people lost their lives in an E-Coli breakout in Lanarkshire in 1996 than were killed at Dunblane; but it would obviously be foolish to call for the general banning of all meat consumption forever as a preventative measure, even though there is no real need for anyone to eat meat.

The measures brought in after mass shootings are, to a large extent, knee-jerk reactions that do not address the real issues that are important to reducing the misuse of firearms. The former Chairman of the Firearms Consultative Committee, the Earl of Shrewsbury and Talbot DL, in evidence to the Home Affairs Committee in 1996 wrote: "New and comprehensive Firearms legislation should not be enacted in haste and would probably take at least 12 months for adequate scrutiny, in order to avoid some of the errors of the past."

This advice was comprehensively ignored by the Government, and the Firearms (Amendment) Act 1997 is filled with anomalies as detailed in this submission.

The Firearms Consultative Committee is dismissed as a shooters' quango by the anti-gun lobby, and they put forward a range of arguments.

Bans on handguns, or semi-automatic rifles, it is said, will make the public safer. This is comprehensively not true. It is not true because (a) there are still many types of firearm legally available that are equally as deadly; and (b) it does not address the illegal use and possession of firearms. Indeed, the Home Office itself in written evidence to Lord Cullen during the Dunblane Public Inquiry stated that excessive controls on firearms could lead to a growth in the number possessed illegally.

The anti-gun lobby doubtless argues that those firearms that are just as deadly should be forbidden as well. This is not a workable suggestion, because even the most stringent law would have to take account of military, police and essential agricultural uses. It is impossible to simply ban all guns. So then the argument logically moves to the statement that only the most deadly types of firearm should be banned, or they should be banned for certain uses. Presumably at this stage we are accepting there will be the occasional outrage perpetrated by a soldier, farmer or police officer, as has happened in other countries. The worst mass shooting known was in 1993 when a Chinese soldier shot dead 37 people in Beijing.

Most firearms are deadly. The term “firearm” is defined in law as any “lethal barrelled weapon”. Firearms of all types can be used to kill. Banning certain types achieves precisely nothing in terms of preventing mass shootings, which appears to be the greatest public worry. Mass shootings have been committed with every type of firearm imaginable. A French farmer used a double-barrelled shotgun in 1990 to shoot dead 14 people. Do we now ban double-barrel shotguns? It is frankly impossible to prevent mass shootings with legally possessed guns by banning certain types or banning certain uses, because it simply means that those types left possessed for whatever uses are allowed will be used by the person wanting to commit such crimes, and the stricter the controls become, the more guns slip through the net as people turn to the illegal possession of firearms. There is evidence this is already happening. (See Section 3.1)

Another argument is that: “...armed robbers would not do what Thomas Hamilton did...”, because, presumably, armed robbers have other intended uses for their illegally possessed weaponry. The theory is that the danger of illegally possessed firearms is different than that posed by legally possessed ones.

Once again, this is sheer nonsense. Mass shootings are extraordinarily rare events, but they have been committed not only with virtually every type of firearm imaginable, but also with firearms that were illegally possessed. Perhaps the most graphic example is that of Michael Anderson, who in late 1996 shot dead six people and seriously injured four more in a remote rural town in New Zealand – with an illegally possessed *single-shot* shotgun.

It is also proven wrong by simply looking at Home Office statistics for England and Wales. In the period 1992-94, of 60 domestic homicides committed with firearms, 42, or 70% were committed with illegally possessed firearms. 86% of firearm-related homicides were committed with illegally possessed guns. (92.5% of handgun-related homicides were with illegally possessed handguns). Many mass shootings have begun after a domestic dispute.

The shooting community, and others, take a rather different view of preventing mass shootings. To quote Jim Sharples, Chairman of ACPO: “...the view of the Association of Chief Police Officers is that we have got to concentrate much more than we have in the past on the individual in order to test their suitability and so on.” (Oral evidence given before the Home Affairs Committee in 1996). This submission makes comprehensive recommendations in this regard.

It should be obvious that a nuclear weapon in the hands of a person with no inclination to use it is as harmless as baby food, whereas a pocket knife in the hands of someone who likes to attack people is far more dangerous. It is the person in possession of the gun, rather than the gun itself, which is where any threat to public safety will originate. Of course, there is a big difference between a nuclear weapon and a pocket knife in terms of the consequences of its misuse. There is next to no difference in the consequences posed by the misuse of one firearm versus another. Logically, the only solution to preventing the misuse of firearms is to ensure that those people who possess them are not a danger to the public.

Differentiation does have to be made between different types of firearm, but not because some of them have more utility for mass shootings. Almost any type of firearm turned against unarmed people can be used to slaughter. The differing killing ability of firearms only becomes apparent if people are shooting back. A man armed with a shotgun could likely not overcome a man armed with an automatic rifle, for example, if their shooting skills were equivalent. The military concept of *firepower superiority* is what has driven the design of certain kinds of firearm.

There is, therefore, justification for differing levels of control on firearms, because some types in certain situations are more dangerous than others. But mass shootings are not one of those situations, because they can be committed with nearly any type of firearm. Clearly a person armed with a firearm has firepower superiority over people who are unarmed. It is, in short, a fallacy to believe that mass shootings will be prevented by the prohibitions contained in the Firearms (Amendment) Acts 1988 - 1997, and those prohibitions are therefore highly illogical.

There will also be those who argue that those prohibitions may have some general impact on armed crime; once again, this does not appear to be the case as the largest rise in armed crime in recorded

history in this country was after the implementation of the Firearms (Amendment) Act 1988. Since the 1997 Acts, there is no indication of a drop-off in armed crime either, and even the Home Office state that the only intended effect of the Acts was to address the misuse of legally held firearms.

This view was also recently supported by Roy Penrose, Director General of the National Crime Squad after the force conducted a threat assessment of armed crime in Great Britain.

Short-term Recommendations

These recommendations relate to anomalies existing in the Firearms (Amendment) Acts 1997 which need to be corrected for the Acts to operate correctly.

1.1 Commercial carriage of firearms and ammunition

The 1997 Act places expanding ammunition and “small firearms” under Section 5 of the 1968 Act, i.e. items ordinarily requiring the authority of the Secretary of State to be manufactured, transferred, possessed etc. However, Sections 2 through 10 of the 1997 Act provide for certain exemptions from this requirement. Sections 2-8 relate to limited exemptions for the possession of “small firearms” by certain people for certain purposes. Sections 9 and 10 related to exemptions for the possession of expanding ammunition, namely by registered dealers and by people who hold a firearm certificate with a condition authorising the use of expanding ammunition for certain uses, such as vermin control, deer stalking, etc. and in addition under Section 5A of the 1968 Act the police may authorise the possession (not use) of expanding ammunition as part of an ammunition collection.

There is an anomaly in that while there are a variety of exemptions, none of these exemptions applies to carriers or warehousemen, who are normally exempt from the requirement to hold a certificate or permit when going about their business with firearms, but they are not exempt when the items are covered by Section 5 of the 1968 Act. This made sense when applied to items such as machineguns and military weapons due to the small trade in them, and the threat of theft, but it does not make sense when applied to expanding ammunition.

Tens of thousands of firearm certificate holders are authorised to possess expanding ammunition; in addition it is a consumable item and the supply must be replenished from time to time. The requirement to use a carrier who has Section 5 authority imposes a serious burden on these users, and serves no purpose, as the intent of the legislation was to prevent misuse by a certificate holder, not the commercial trade in expanding ammunition.

Therefore it is submitted that the 1997 Act be amended so as to provide an exemption from Section 5 authority for carriers and warehousemen as regards expanding ammunition.

Similar problems exist with those exempt under Sections 2-8 under the 1997 Act. A slaughterhouse worker who wishes to obtain a small firearm for use in his work has to go to a tremendous amount of effort to obtain one. He must first obtain a firearm certificate and complete all the requirements thereto; he must then find a registered dealer with Section 5 authority who is willing to obtain a small firearm for him (this is well nigh impossible in rural areas) and then he must pay an exorbitant amount of money for the carriage of the firearm by a carrier with Section 5 authority to the dealer as few if any dealers have them in stock. It is extremely impractical. In addition, this problem extends to getting such firearms repaired or serviced; this has obvious consequences for safety at work.

Thus it is also submitted that exemptions be made for the carriage of firearms intended for people under Sections 2-8 of the 1997 Act, though this problem also needs addressing through exemption from Section 32 (transfers to be in person). People who use small firearms in their work should be exempt from this provision due to the very small number of Section 5 dealers. As the situation stands, a vet in rural Scotland may have to travel several hundred miles to find a dealer from whom he can obtain a small firearm, or to find one who can repair or service it.

1.2 Permits to possess firearms and/or ammunition

Under Section 7 of the 1968 Act, Chief Officers of Police are empowered to issue a permit for the possession of firearms and/or ammunition, but not for prohibited firearms or ammunition.

Section 7 permits are issued, for example, when a certificate holder dies so that their spouse may possess the certificate holder's firearms and ammunition until they are able to legally dispose of them. Section 7 permits are also issued when there is a delay in the renewal of a certificate.

However, because such permits cannot be issued for prohibited items without the authority of the Secretary of State, an anomaly exists in that a Section 7 permit cannot be readily issued to cover the

possession of a firearm or ammunition under any of the exemptions in the 1997 Act, because those exemptions refer to firearm certificates only, not permits.

For example, a widow could not obtain a permit to allow possession of her deceased husband's expanding ammunition. Or, a firearm certificate holder who possesses a pistol for humane destruction of animals under Section 3 of the 1997 Act would have no alternative but to surrender it to the police or a registered dealer if their certificate expired while they are waiting for a renewal to be completed.

Therefore, it is submitted that Sections 2 through 8 and Section 10 of the 1997 Act be amended to make it clear that those exemptions apply to firearm permits, as well as firearm certificates.

1.3 War Trophies

Section 6 of the Firearms (Amendment) Act 1997 allows people who possess small firearms as war trophies captured or obtained prior to 1946 to keep them. In Parliament, the Government promised this section would allow the inheritance of war trophies by the certificate holder's heirs. However, the exemption was incorrectly drafted and transfers are prohibited. This anomaly has been acknowledged as a mistake by the Home Office Firearms Section. Therefore it should be corrected as soon as possible.

A replacement Section 6 is shown below:

"6. - (1) The authority of the Secretary of State is not required by virtue of subsection (1)(aba) of section 5 of the 1968 Act for a person to have in his possession, or to acquire or transfer, a firearm which was acquired as a trophy of war before 1st January 1946 if he is authorised by a firearm certificate or permit to have it in his possession or acquire it.

(2) For the purposes of this section, "acquire" and "transfer" relates only to acquisitions and transfers by bequest to relatives of the holder of the first firearm certificate which related to the firearm being acquired or transferred."

1.4 Transfer of firearms and reporting requirements

There are a number of anomalies in Sections 32 and 35 of the 1997 Act.

Section 32 requires all transfers of all licensed firearms and ammunition controlled under Section 1 of the 1968 Act to be made in person in Great Britain. However, the section is not fully effective as component parts of shotguns are not regulated, so a carrier simply by the dealer dividing it into two parts and sending the parts separately from each other could deliver a shotgun to a certificate holder.

There also seems little point in requiring transfers of Section 1 ammunition to be made in person. Component parts of ammunition are not regulated, nor could they ever effectively be, because they are used for purposes other than components of ammunition. Nor are ammunition components regulated to any great extent in other EU states. Thus someone wishing to acquire ammunition via carrier can simply order the components and assemble them at home using readily available equipment. Many firearm certificate holders already do this, as homeloaded ammunition can be tailored to specific applications, and it is generally more cost-effective than factory made ammunition.

It should also be obvious that without a gun through which to fire it, ammunition is useless. The only effect of this restriction is to make life considerably harder for users of .22 rifles, as .22 rimfire ammunition cannot be readily assembled from components. Thus there is a wide plethora of .22 rimfire ammunition available, and few dealers stock more than a small percentage of the different types and brands available. .22 rifle users are forced to buy ammunition in bulk and have it transhipped through their local dealer, which increases the cost to them without in any way enhancing public safety. Thus it is submitted that Section 1 ammunition be removed from these restrictions as they serve no useful purpose, as ammunition is no more difficult to steal while being shipped to a dealer than it is while being shipped to a certificate holder.

Section 35 requires a certificate holder to give notice to the police of the disposal or transfer of a firearm outside of Great Britain, specifically:

"Where, outside Great Britain, any firearm or shot gun is sold or otherwise disposed of by a transferor whose acquisition or purchase of the firearm or shot gun was authorised by a firearm certificate or shot gun certificate, the transferor shall within 14 days of the disposal give notice of it to the chief officer of police who granted his certificate."

The problem with this section is that it applies British law extra-territorially, which is in violation of international treaty and European law. In theory, a Frenchman resident in Great Britain could obtain a shotgun certificate, obtain a shotgun, and then move back to France a few years later. Twenty years later, he could sell the gun to another French citizen, and if he did not notify the chief officer of police who granted his certificate, he would be committing an offence under British law!

The language of this section is simply too vague and cannot be effectively applied as it cannot be enforced. If a certificate holder moves overseas, it is impossible for the police to keep track of them, or to know exactly when or if the certificate holder has disposed of a firearm. This section needs to be heavily revised with the language narrowed considerably to make it enforceable.

Sections 32(2) and 33 of the 1997 Act consolidate and tighten the reporting requirements for dealers and certificate holders who acquire or dispose of firearms. These requirements are complex, and no appreciable effort has been made to inform certificate holders or registered dealers of the requirements. This information should be given out as soon as possible. In addition the language of the section should be reconsidered in order to determine if it can be streamlined in any way to make it easier to understand and comply with.

In addition, as regards the requirement for notification by recorded post, this causes considerable difficulty for those who live in rural areas where gun ownership is most common, as the nearest post office may be a considerable distance away. Thought should be given to alternative methods of notification to the police.

1.5 Expanding missiles

There is a serious anomaly in Sections 5(1A)(f) and (g) of the 1968 Act, which was introduced by the Firearms Acts (Amendment) Regulations 1992 and made worse by the 1997 amendments. Section 5(1A)(f) prohibits "any ammunition which incorporates a missile designed or adapted to expand on impact" and (g) prohibits "anything which is designed to be projected as a missile from any weapon and is designed to be, OR HAS BEEN, incorporated in... any ammunition falling within any of the preceding paragraphs".

What this means is that, for example, a deer stalker who fires a round of expanding ammunition at a deer and misses has left a prohibited bullet (the "missile") behind, and in theory must report the loss of this item to the police because it is regulated under the Firearms Act!

This is clearly ludicrous, and subsection (g) needs to be amended to make it clear that it does not apply to expended missiles.

1.6 Overlapping and confusing definitions

There is considerable overlap between Section 5(1)(aba) and other sections, such as Section 5(1)(ab).

Subsection (aba) was introduced by the 1997 Act and prohibits "small firearms", subsection (ab) was introduced by the 1988 Act and prohibits "pump-action and self-loading rifled guns".

The problem is that, for example, a semi-automatic pistol is prohibited by both Section 5(1)(aba) and (ab). This is confusing, and in the extreme would mean that Sections 2-8 of the 1997 Act which provide exemptions from prohibition would be largely meaningless, because most of the firearms meant to be exempt would be prohibited in any event by Section 5(1)(ab), which was expanded by the 1997 Act.

The Firearms (Amendment) Act 1997 Commencement Order (No 2) makes it clear that the sections are separate, but it would be far more sensible to correct the anomalies in the actual language of the law. A suitable amendment is presented below:

After "than" in Section 5 (1) (aba) of the Firearms Act 1968 shall be inserted: "a firearm to which any other subsection of this section applies,". After "rifled gun" in Section 5 (1) (ab) of the 1968 Act shall be inserted "other than a small firearm".

There is also confusion as to whether Section 5(1)(ab) prohibits pump-action or self-loading air rifles and air pistols due to the vagueness of it. This is a serious problem and should be addressed immediately. The language should be altered to make it clear that it does not apply to firearms powered by compressed air or carbon dioxide. As it stands the police could arrest someone for possession of a pump-action air rifle that does not require a license, something clearly not intended by Parliament.

1.7 Anomalies in Home Office approval of clubs

An anomaly was created by the wording of Section 45 of the 1997 Act, which replaces Section 15 of the Firearms (Amendment) Act 1988.

This section authorises the Home Office to approve gun clubs for the use of rifles and muzzle-loading pistols. The advantage of club approval is that a club member may use firearms possessed by the club on club premises without holding a firearm certificate. This is essential to the probationary period requirement.

In addition, it also allows firearm certificate holders to use firearms other than those on their certificates that are possessed by the club.

The problem is that Section 45 only allows the Home Office to approve clubs for rifles or muzzle-loading pistols. This has created a problem as other types of firearm that require a firearm certificate such as long-barrelled pistols cannot be possessed by a club for the use of their members.

In addition, it defeats Section 44 of the Act, which requires target shooters who hold firearm certificates to be a member of a club. Because it only makes reference to rifles and muzzle-loading pistols, certificate holders who possess other types of firearm do not technically have to be a member of a club in order to hold a firearm certificate.

I suggest that the terms "rifle" and "muzzle-loading pistol" in Sections 44 and 45 be replaced with the term: "any rifled gun to which only Section 1 of the principal Act applies", which will solve the anomaly.

Medium-term Recommendations

2.1 Antique and collectable firearms

There is a need for the law pertaining to antique firearms to be consolidated and clarified. Currently there are a myriad variety of restrictions which when taken as a whole are often contradictory, illogical and vague.

Under Section 58(2) of the 1968 Act, a person may possess an antique firearm as a curio or ornament without the need to hold a certificate provided the gun is not to be used. Home Office Guidance to the police is that the firearm should only be considered as an antique if it is old and ammunition is not readily available for it. However, the courts have rarely agreed with Home Office Guidance. Firearms as recent as the 1930s have been held to be antiques, as have firearms in commonly available calibres, especially .22 rimfire as this calibre dates back to 1854.

Under Section 7(1) of the 1997 Act, a person engaged in collecting firearms may hold a collection of "small firearms" on a firearm certificate if the guns were made before 1919, are not to be fired and are not chambered in a list of calibres which the Home Office has decided are commonly available. There is an obvious contradiction here, in that the exact same firearm may be possessed without a license under Section 58(2) in many instances. Section 7(3) of the 1997 Act allows "small firearms" which are of "historic interest" to be kept at a designated site (at the moment Bisley). Once again, the exact same firearm may in many cases be kept at home without a license under Section 58(2).

Collections of non-prohibited firearms that do not fall under the definition in Section 58(2) require the appropriate certificate with a collector's condition.

Attempting to introduce licensing for guns falling under Section 58(2) would be well nigh impossible, because no-one knows where the guns are or who has them. Many guns now possessed legally under this section would originally have been illegally possessed, being illicit war trophies, or guns which were not licensed when the provisions of the Firearms Act 1920 were introduced.

The only logical way to approach this problem would be to exempt all firearms from licensing made prior to the effective date of the Firearms Act 1920. The law should prohibit the owners from possessing or using ammunition with them. All firearms made after that date should require the appropriate license, and in the case of "small firearms", a collector should be required to keep them at Bisley if they qualify as being of "historic interest". The only people caught out by such a provision would be the small number of antique owners who possess a gun made after the effective date of the 1920 Act without a license under Section 58(2). However, the number of such people is likely to be small, whereas the numbers who possess firearms under Section 58(2) which also fall under Section 7(1) of the 1997 Act is likely to be quite large. If a person wishes to possess ammunition with a gun made prior to 1920, they should be required to obtain the appropriate license.

If this situation is not addressed, Section 7(1) of the 1997 Act will become increasingly redundant as time moves on, as the courts will consistently rule that such firearms are exempt from licensing under Section 58(2) of the 1968 Act.

2.2 Age limits for possession and use of firearms

The law in relation to age limits for possession and use of firearms is confusing in the extreme. This confusion was introduced by the 1920 Act, which applied an age limit of 14 to the grant of a firearm certificate in Great Britain and 16 to the grant of a firearm certificate in Ireland. The introduction of shotgun licensing in 1967 also clouded the picture even more. Rather than detail what is an extremely convoluted area of law, it is better to simply make recommendations in this area.

There should be an age limit of 14 for the grant of a firearm or shotgun certificate, provided that the person resides with a person aged 21 or older who holds a firearm or shotgun certificate. However, a person should only be allowed to purchase a firearm of any type when they have reached the age of 17. A person under the age of 16 should be allowed to use a firearm or shotgun only where supervised by someone responsible aged 21 or older. A person aged under 17 but who is 14 or older should only be able to acquire a firearm or ammunition as a gift from a parent or guardian aged 21 or

older who resides with them. There should be an exemption from the age limits for youngsters who are being taught firearms handling on the grounds of a miniature rifle range, shooting ground or Home Office approved club. These recommendations are based on the consideration of what is current law, and also the age limits for driving licensing, which most people are aware of. Thus the law would be readily comprehensible.

It should be pointed out that with shooting, it is essential both for success in the use of firearm, and for safety, that people at a young age be able to use firearms. Arbitrary bans on the use of firearms by young people are likely to decrease safety rather than increase it. There is also no real sociological evidence that bans on young people using firearms would prevent them from taking up shooting later in life, but firearm experts agree that those who are the safest are those who started youngest. Therefore the recommendations made are as objective as they can be.

2.3 Transportation of firearms

This is an issue that needs to be addressed, as current guidance to gun owners on how a gun should be transported does not have the force of law. The law merely says that a person may not have a firearm with ammunition in a public place "without reasonable excuse". What is "reasonable" has been the issue in many court cases. It would be rather better for the law to outline how firearms and ammunition should be transported and for sensible guidance to be given to certificate holders.

It is recommended that in the case of a gun being transported any appreciable distance for sporting use, that the gun be transported unloaded in a container or securely wrapped, and locked in the storage compartment of the vehicle if there is one. Ammunition should be in a separate container. Where sizable numbers of guns or large quantities of ammunition are being transported, the certificate holder should be encouraged to use a vehicle with a lockable compartment that is properly secured, or to install a suitable safe. Certificate holders should also be encouraged not to leave readily accessible firearms unattended in a vehicle. There should be reasonable exemptions for gamekeepers and the like who may need ready access to a firearm while being transported.

In the case of a firearm being transported that is for use for personal protection (and it should be noted here that there were 10,867 firearm certificates on issue in Northern Ireland for that purpose at the end of 1996) the firearm should be kept on the person under the immediate control of the certificate holder.

2.4 Firearms rendered permanently inoperable

Firearms fitting this description are commonly called "deactivated". Deactivated firearms became popular with collectors after the Firearms Act 1982, which stated that an inoperable firearm was considered a firearm only if it could be restored by the use of ordinary household tools. Many arms dealers with surplus stocks of machineguns and other firearms thus started to sell these guns, rendered permanently inoperable. Usually this was accomplished by slotting the barrel, welding a pin across the chamber, and grinding down the tip of the firing pin. The Firearms (Amendment) Act 1988 introduced an inspection requirement for deactivated firearms. Though legally not absolutely necessary due to the provisions of the 1982 Act, all commercially deactivated firearms were subsequently deactivated to pass this test, the regulations for which are set by the Home Office and the inspection is done by the Birmingham or London Proof House.

In general terms, the regulations required that the barrel be slotted the length of the handguard or stock, a rod be welded in the slot up to an inch from the muzzle, the breech or bolt face be ground off from the firing pin hole at an angle of 45 degrees, and the barrel welded to the receiver. In addition, many firearms are required to have portions of the frame or receiver removed.

Subsequently the 1992 European Firearms Directive introduced a requirement that all Member States have an inspection requirement by a recognised agency of *all* firearms rendered permanently inoperable. This particular provision of the Directive has never been clearly codified into UK law, however it is still part of European law.

In 1995 controversy arose over deactivated firearms, after submachineguns that had been originally deactivated were used in two high-profile crimes. The Home Office introduced new regulations for submachineguns, semi-automatic and fully-automatic rifles, requiring them essentially to be welded

solid to pass Proof House inspection. The collector appeal of such guns is obviously very much less, as the damage done to the guns is very considerable and they cannot be “dry fired”, i.e. the actions cannot be worked or the triggers pulled.

Although there have been calls to prohibit deactivated firearms, this is an unworkable idea. The number of deactivated firearms in the UK is well into six figures (the Birmingham and London Proof Houses have proved over 130,000 since 1989), and there are no records of who has them or where they are. In addition, they are also legal in all mainland EU states and can be obtained with no restrictions other than in some cases an age limit (and in the Irish Republic, with a simple permit). Thus attempting to prohibit them would be largely futile due to the vast numbers already in circulation and the ease of acquisition illicitly. In addition, the use of deactivated firearms that have been reworked into operable guns is not as common as believed. Most such guns are usually single-shot only, and likely the creation of a single-shot firearm from scratch of equivalent lethality would be no more difficult or only slightly more difficult. The effective repair of a deactivated firearm requires replacement parts that are in themselves controlled under the Firearms Acts.

It is submitted that the deactivation regulations for guns affected by the October 1995 regulations be reviewed. They appear to have been prepared hurriedly, and the inclusion of semi and fully-automatic rifles is highly questionable. This is because they cannot be reactivated in the manner of the guns used in the 1995 crimes. Rifle barrels are extremely difficult to home make, and the mechanism of such a rifle is far more complex than an open-bolt submachinegun, which is among the simplest of firearms. It is unlikely a rifle deactivated to the older standard could be repaired without replacement parts that are in any event prohibited and there is no recorded instance of such a reactivated rifle being used in a crime, or even of any being recovered. The same logic also applies to submachineguns that fire from a closed bolt, which also are more complex than the open-bolt guns used in the crimes.

2.5 Shotgun barrel length

Shotgun barrel length was unregulated until 1936, when the Firearms (Amendment) Act 1936 introduced a requirement that the minimum length be 20 inches. The Firearms Act 1965 increased this minimum length to 24 inches. The legislative reasons behind it are unclear, as the 1965 Act was a private member's Bill. It is assumed that the main reason was to discourage the use of shotguns for personal protection, by making them less concealable.

Time has moved on since then, and hosts of new restrictions on shotguns have been introduced. Shotgun licensing was introduced in 1967, and the 1988 Act requires shotguns to be kept securely when not in use, which in practice means in a locked cabinet. In addition, semi-automatic and pump-action shotguns with a magazine capacity of more than two rounds were placed under Section 1 controls, and a minimum overall length requirement of 40 inches was introduced for pump-action and semi-automatic shotguns.

The original reasoning behind the 1965 Act has long since evaporated, but a restriction on smoothbore barrel length of 60cm was introduced into European law in 1992. Shotguns with a barrel length below this are subject to individual authorisation under European law, as is the case in UK law (i.e. firearm certificate control). While the difference between a barrel of 24 inches in length and one that is 60cm may seem slight it presents a real problem to a shotgun certificate holder who acquires a shotgun in another EU state and imports it into the UK. A person may, for example, acquire a shotgun with a barrel length of 60.1cm in France, where they are common, believing it to be legal in the UK as the length differential is so slight. However, they risk prosecution in the UK because 60.1cm is slightly shorter than 24 inches.

Therefore it is submitted that the minimum barrel length for shotguns be changed from 24 inches to 60cm.

2.6 Pump-action and self-loading rifled guns

Pump-action and self-loading rifled guns other than those chambered for .22 rimfire cartridges are prohibited. The prohibition was introduced by the 1988 Act and expanded by the 1997 Act.

It is odd that pump-action rifled guns are prohibited, because other types of manually operated rifle remain legal. A pump-action rifle can be fired no faster than a lever-action one, for example. Recent actions taken against self-loading rifles in Canada, Australia and a few years ago in South Africa did not affect pump-action rifles for the simple reason that they are no more deadly than any other type of manually operated rifle. Therefore it is submitted that pump-action rifled guns be removed from prohibition and returned to Section 1 control, as there appears no logical reason for their prohibition. There is no apparent instance of one ever having been used in a crime in the United Kingdom.

Self-loading rifled guns other than "small firearms" and other than those chambered for .22 rimfire cartridges have been used in two notorious crimes, the killing of a family by a mentally ill man in 1969 and the shootings in Hungerford where such a firearm was used to kill eight people.

The term "self-loading rifled gun" is however very broad indeed, and encompasses a wide variety of firearms. There is therefore scope for some of these firearms to be removed from prohibition.

The sensible way to proceed is to take note of the European Firearms Directive, which places sporting self-loading rifles with a fixed magazine incapable of holding more than two rounds in the same category as manually operated rifles. Such a precedent already exists in British law, which draws a distinction between self-loading shotguns with a fixed magazine capacity of two rounds, and those that hold more ammunition.

Such a self-loading rifle could only hold three rounds of ammunition, and with a fixed magazine would be incapable of being reloaded rapidly, so is no more of a threat than any kind of rifle currently controlled under Section 1 of the 1968 Act. It is submitted therefore that such rifles be removed from prohibition and returned to Section 1 control.

As regards other kinds of self-loading rifle, there was some considerable protest by people engaged in pest control and animal culling to the Firearms (Amendment) Act 1988, because the removal of self-loading rifles makes these activities more difficult. This is one of the main reasons .22 rimfire self-loading rifles were excluded from prohibition. Protests continued from people who are engaged with the control of foxes and larger species, because .22 rimfires are inhumane against larger animals, and do not have the range of more powerful calibres. At the time they submitted the result would be more injured animals as they would not be able to take a rapid follow-up shot, however, the actual result appears to have been a reduction in the effectuality of pest control and animal culling. This is because those engaged in these activities only shoot when they can be sure of making an humane kill, which is more difficult with the slower firing rifles still available to them.

It is submitted that an amendment should be considered to the Firearms Act 1968 along the lines of the exemptions in Sections 2-8 of the 1997 Act, so that those *professionally* engaged in pest control or animal culling who can demonstrate a genuine need for a higher-calibre self-loading rifle can legally obtain one. The number of people who are able to take advantage of such an exemption is likely to be fairly small (especially if self-loading rifles with a fixed magazine capacity of two rounds are returned to Section 1 control), but should include people contracted for by local governments for animal culling and where it would be likely to make a significant difference in the effectuality of pest control and animal culling efforts.

It is notable that the recent changes in Australian law as regards self-loading rifles make such an exemption.

Also, since the enactment of the 1988 Act, the use of shotguns with rifled barrels for deer control has become common in other countries. Special sabot slugs are used which require a rifled barrel to work properly. These types of firearms have become popular because the distance a slug will travel is much less than a typical rifle bullet used in deer stalking. However, a shotgun with a rifled barrel is no more deadly than a shotgun loaded with slugs currently legal under Section 1 of the 1968 Act. It is therefore submitted that pump-action and self-loading rifled guns chambered for shotgun cartridges which have a barrel length of at least 60cm and meet the same length requirements as a Section 1 shotgun be removed from prohibition.

2.7 “Downconverted” firearms

The Firearms (Amendment) Act 1988 prohibited the “downconversion” of one type of firearm to another, i.e. a firearm prohibited under Section 5 could not be altered so that it fell under only Section 1 control or Section 2 control, and a Section 1 firearm could not be altered so that it fell under Section 2 control. The only exemptions are for firearms which have been altered so that they are no longer firearms, and for smoothbore guns which fall under Section 5 control due to their barrel length which may have their barrel length extended, and for smoothbore guns falling under Section 1 control which may have the magazine capacity permanently reduced so they fall under Section 2 control.

This is a very difficult law to enforce, because it is hard to tell in many instances whether a firearm was “originally manufactured” as a Section 1 firearm or has been “downconverted”. In many cases it is impossible to tell. The Forensic Science Service has taken the position that whatever configuration a firearm was originally proofed as is the starting point for determining “downconversion”.

It is submitted that this law be repealed, or at the least substantially narrowed to prevent pointless prosecutions.

The main concern appeared to be that Section 1 firearms were being converted into Section 2 firearms, i.e. pistols and rifles were being fitted with 24 inch smoothbore barrels so that they could be obtained by shotgun certificate holders, but this concern disappeared due to other provisions of the 1988 Act, such as the minimum length requirement for semi-automatic and pump-action shotguns, prohibition of revolving cylinder shotguns, general tightening of shotgun certification procedures, etc.

For example, if the downconversion prohibition were repealed, for a pistol to be “downconverted” so that it fell under Section 2 control it would have to be fitted with at least a 37-inch smoothbore barrel (so that the overall length was more than 40 inches), the magazine would have to be welded in place and the capacity limited to two rounds. Such a firearm would be cumbersome and unusable as compared with any normal shotgun, let alone a prohibited firearm. It should also be remembered that it would still require a shotgun certificate to possess. Arguments that such a gun could be converted back into a prohibited firearm flounder on the fact that it would be no easier to convert a gun currently legal under Section 2 of the 1968 Act into one prohibited under Section 5(1)(ac), for example.

3 Long-term Recommendations

3.1 The History of the Licensing System

The current licensing system for firearms was introduced by the Firearms Act 1920. This Act was based on the recommendations of the *Report of Committee on the Control of Firearms* that is presented in Appendix A. It is worth noting this report was a classified document for many years.

Given that the licensing system is still very similar to these recommendations (in Northern Ireland it is virtually identical) it is worth reviewing them.

In 1918 it was felt that there should be additional controls on pistols and revolvers for the following reasons: (i) there was concern over their use in crime; (ii) there was concern that: “the anarchist or ‘intellectual’ malcontent of the great cities” may misuse them in a way detrimental to public order; (iii) that many demobilised soldiers returning from the Great War would turn to crime due to the heavy recruitment from the “criminal classes” and thus armed crime would rise if nothing were done.

In the case of rifles, it was felt that there should be additional controls because of: “the savage or semi-civilised tribesmen in outlying parts of the British Empire, whose main demand is for rifles and ammunition” and that a lack of controls would lead to uncontrolled exports of rifles to enemies of the Empire. The use of rifles in armed crime is rare, prior to 1920 and today.

Smoothbore guns were not included because of their low use in armed crime in Great Britain, but were included in the system of control in Ireland.

Thus the report goes on to outline what is essentially the system of firearm certification still in existence today.

It must be stressed that enhancing public safety in the modern sense, especially in the case of rifles, was low on the objectives of the Firearms Act 1920. It is more properly described as a measure to control the population, and to protect the Government from violent revolution.

The analysis behind the 1920 Act is now archaic, and the recommendations are in some ways laughable when viewed today. For example, the drop in armed crime in London in the period 1911-1913 vs. 1915-1917 is put down entirely to the restrictions on the sale of firearms introduced by the Defence of the Realm Act during the War and “the measures taken for the internment of alien enemies”. Such assumptions would never be made today with modern sociological and criminological analysis.

The periods used and the sample size are unrepresentative; modern criminology has discovered that crime falls during upturns in the business cycle, and such an upturn would have occurred due to the war effort. And lastly, many criminals were either drafted or volunteered to serve in the armed forces.

Perhaps the most telling point however is that the level of offences would be laudable if they existed today. No doubt Chief Constables would be ecstatic if such a low level of crime existed as it did prior to 1918. Figures for England & Wales have only been collected comprehensively since 1969, but in 1969 there were 464 recorded cases of robberies involving the use of firearms; in 1994 there were 4,104. Over the same period the number of firearm certificates on issue in Great Britain declined from 256,000 to 172,644. (It should be noted that armed robbery has dropped since 1994, but is still much higher than in 1969.)

The increase is not merely confined to armed robbery, but also encompasses firearm-related homicide. Firearms were involved in 7.4% of homicides in the period 1969-1971, and 9.8% in 1993-1995. In total numbers there were 26 firearm-related homicides in 1969, and 66 in 1994.

Thus it is a valid comment that the system of firearm certification has comprehensively failed to enhance public safety. This is unsurprising, seeing as it was never designed to do so in the modern meaning of the term.

Arguments that the increase can be legitimately set against the increase in crime generally flounder on the fact that criminals are prohibited from possessing firearms. For an increase to occur at the same or faster rate than crime generally, criminals must be getting access to firearms illicitly relatively easily thus it is once again an argument that the system of firearm certification has failed.

The second system of firearm licensing which exists in Great Britain is the shotgun certification system, which was introduced by the Criminal Justice Act 1967. Once again, it is worth reviewing this system of control.

It is widely believed that shotgun licensing was introduced to deflect calls for the re-introduction of the death penalty after three police officers were shot dead in Shepherd's Bush in 1966 with pistols. Despite the somewhat dubious political background of shotgun licensing, it is somewhat laudable in that it had as its objective the enhancement of public safety, thus it did not suffer from as many defects as the firearm certification system for handguns and rifles.

The primary difference between the two systems of control is that a firearm certificate focuses more heavily on the guns licensed to the firearm certificate holder, requiring "good reason" for their possession, individual authority for each gun on the license and ammunition therefore, etc. whereas the shotgun licensing system focuses more heavily on the license holder. A person who could demonstrate that he was of good character and no threat to himself or the public could obtain a shotgun certificate, and it permitted him to obtain as many shotguns as he cared to do so, the only real limitation being that the guns must have a barrel length of at least 24 inches or else they were controlled under the same controls as handguns and rifles. Although this may seem a little *laissez faire*, it did avoid one of the main problems with the Firearms Act 1920, which is that when introduced it caused a large number of firearms to disappear into illegal possession.

Prior to the 1967 Act, a person wishing to acquire a shotgun had only to obtain a Gun License (under the 1870 Gun License Act – mainly a revenue measure) from the Post Office, and he could purchase as many shotguns as he pleased. When shotgun licensing was introduced therefore, large numbers of people were already in possession of shotguns. The estimate by the Home Office at the time was that at least 500,000 shotguns were in circulation; though it is highly likely that was an underestimate. Shooting was a far more popular activity at the time, and today there are estimated to be 1.4 million shotguns in circulation legally. It can be assumed that the number in circulation in 1967 was at least that. However, it was possible for a person who had procrastinated or was simply unaware of the new licensing law to obtain a license at a later date without great trouble, as the shotgun certificate related to the owner, not to the guns per se that he possessed.

It is likely that over time, active shotgun users gradually took to the new licensing arrangements, as they had to obtain a shotgun certificate to acquire a new shotgun. Once they held a certificate, all their shotguns became legally owned.

Such was not the case in 1920. People who did not promptly obtain a firearm certificate found themselves pushed outside the licensing system. The only manner in which their guns could be licensed was to take them to a registered dealer for safe keeping (who in many cases would not want to do so as the guns were considered "illegal"), obtain a firearm certificate with specific authority for each gun they had left with the dealer, and then retrieve the guns. However, this was highly dependent on their being able to show "good reason". A person unable to show "good reason" would be unable to retrieve their guns, even if they had a character beyond repute. Obstacles such as this served as a substantial barrier and discouragement to people who wished to retain their guns legally. Doubtless some people surrendered their guns at amnesties or to the police at some other time; but many rifles and handguns were never licensed. The situation was made worse by the import of illicit war trophies from successive wars by returning soldiers.

There were obviously cases when the shotgun licensing system was introduced where people simply never obtained a shotgun certificate. In fact the number of shotguns that remained unlicensed is probably far greater than the number of guns in 1920, because by 1967 the consumer age had dawned. A rifle or pistol purchased prior to 1920 consumed a far greater proportion of a person's wages than a shotgun in 1967.

However, overall, the introduction of the shotgun licensing system was less problematical and far more successful than the introduction of firearm licensing in 1920, and it is likely that the proportion of guns licensed that were required to be licensed was higher in 1967 than in 1920.

The shotgun licensing system was substantially altered by the Firearms (Amendment) Act 1988 which introduced secure storage requirements for shotguns, as well as requirements that shotguns be registered on certificates and transactions be reported to the police. In addition, a wide variety of firearms that could be legally possessed with a shotgun certificate were placed under different controls. These were primarily ordinary pump-action and self-loading shotguns, which unless converted to only hold two rounds in the magazine came under Section 1 controls and required a firearm certificate. Also notable are that "downconverted" firearms that had been fitted with a 24 inch smoothbore barrel reverted to their original classification. Another important point are pistols "downconverted" into shotguns, which due to the introduction of a 40 inch minimum length requirement, became prohibited under Section 5 of the 1968 Act.

These changes created a huge problem that was not fully appreciated at the time. Simply put, substantial numbers of guns disappeared. These guns can be broadly divided into three categories:

- 1) Substantial numbers of shotgun certificate holders failed to renew their certificates in light of the new legal restrictions. The number of shotgun certificates on issue in Great Britain declined from 971,102 in 1988 to 761,343 in 1992, the last year a certificate issued prior to the Firearms (Amendment) Act 1988 would have been valid. This amounts to a decline of 209,759 certificates. However, assuming each certificate holder owned one gun (and obviously it is likely to be higher than that) there is no indication that surrender of guns to police, sale of guns to dealers, exports of guns and other methods of disposal accounts for even a fraction of 209,759 guns. In a substantial number of cases therefore it is likely the certificate holder retained possession of his guns after his certificate expired. At that point, they would disappear from the "legal pool" as police records were discarded over time.

Currently, each shotgun certificate holder owns about 2.1 shotguns; assuming a similar number in 1988, which means over 2 million shotguns were legally held then, versus 1.4 million now. Where did those 600,000 shotguns go? The Home Office stated before the Home Affairs committee in 1996 that many had probably been sold into the trade and exported, but given that there were only 3,000 firearm dealers it is obviously implausible that each one took into stock on average 2,000 shotguns!

- 2) The gun trade has estimated that from 1978-1988 they sold 300,000 new (or newly imported) pump-action and self-loading shotguns in Great Britain. However, only about 50,000 of these guns had been certified as converted to the 2-shot capacity by the end of the period allowed so as to remain legal under shotgun certificate control. The number of guns moved to firearm certificates is unknown, but Home Office Guidance is very restrictive in what "good reason" will be accepted for possession, and estimates of guns moved to firearm certificate are mostly around 2,000. 640 guns were surrendered to police. Again there is no indication of a mass export of guns based on export licenses issued, nor is there any indication of a mass destruction of them. Therefore the only logical conclusion is that very large numbers of these guns remain in circulation illegally. It is notable that the number of guns unaccounted for (on the order of 250,000) is similar to the decline in certificates, about 210,000, although it is highly probable that huge numbers of ordinary double-barrel shotguns were also retained illegally by people who let their certificates expire.
- 3) The "downconversion" of other firearms into shotguns only became legal in 1981 after a court decision. There are no precise estimates on how many firearms were converted into shotguns during the period 1981-1989 when it was lawful, but 20,000 seems a reasonable minimum estimate. Unlike pump-action and self-loading shotguns, these guns were usually prohibited by the 1988 Act. A pistol fitted with a 24 inch smoothbore barrel would run afoul of the 40 inch minimum length requirement, and would be prohibited under Section 5(1)(ac) as a short semi-automatic shotgun (also it would be banned as a "downconverted" firearm). Some manually-operated rifles converted into shotguns would revert to Section 1 control, but it is unlikely "good reason" could be shown to keep them, as they are not suitable for pest control or practical shotgun competition, the only generally accepted "good reasons". Self-loading rifles converted to shotguns

would be prohibited under Section 5(1)(ab). There is no indication that any of these guns were exported, and it is unlikely they would have been as there is no export market for a pistol fitted with a 24 inch smoothbore barrel. Only 640 guns were surrendered to police, a figure that includes other types of shotgun. Thus the overwhelming bulk of these guns are unaccounted for.

This is a very substantial problem that needs to be addressed. When the guns that were unlicensed in 1967 are added to the guns unaccounted for in 1989, there are almost certainly hundreds of thousands of shotguns in Great Britain that are illegally possessed.

It is submitted that the police should make efforts to record instances of rifles and pistols recovered from crimes that have smoothbore barrels, or sawn-off smoothbore barrels. In addition, when shotguns are recovered efforts should be made to determine whether a shotgun certificate holder has ever legally possessed them. In practice this is likely only to be possible if the gun is used in a domestic crime by or against the person who originally held the certificate. The police could also check up on people who held shotgun certificates in 1989 that have expired to see if they have shotguns in their possession, but most police forces are unlikely to have retained those records for this long.

In this way, the scale of the problem can be assessed. It should be noted that in the five year period following the 1988 Act, shotgun certificates on issue in England & Wales declined from 865,100 to 681,100, and homicides with the use of a shotgun increased from 19 to 29. Armed robberies with a shotgun also increased from 280 to 437. Only in 1994 did the figures drop, and this is has been put down to the concerted effort by the Metropolitan Police against armed crime in that year.

3.2 Suggestions for Reform

The primary purpose of any firearm control is to safeguard the public from the misuse of firearms. In practice current controls around the world can only have a preventative affect on the misuse of legally acquired firearms, and illegally acquired firearms and their misuse can only be addressed in general terms through the criminal law.

There has been raging for many years a debate as to how effective licensing controls are on illegally possessed firearms, which is addressed to some degree in 3.1 above. While legal controls may affect the illegal pool of guns to some degree (e.g. the acquisition of guns through theft from legal sources) the two aspects are best discussed separately.

3.3 Legal use of firearms

There is a very wide variety of different types of firearm, which are put to a very wide variety of different uses. The majority of privately owned guns in the United Kingdom are used for sporting and agricultural uses, mainly target shooting, deer stalking, pest control and the like, but they are also owned for other reasons such as being part of a collection, a war trophy, slaughterhouse use, veterinary uses, etc.

There can therefore be no "one control fits all" situation, because there is little point applying massive restrictions to the possession of a gun used for launching flares or as a starting pistol or a low-powered airgun used for knocking over pop cans, nor would it be advisable to have an unrestrictive approach to very deadly weapons, such as machineguns, mortars and other destructive devices.

Any new regime for firearms control must also take account of European law. The level of restrictions in the European Firearms Directive are quite prescriptive and have caused many other EU states to change their firearm controls to a substantial degree. Thus wholesale or exceptionally innovative reforms are not possible, because they would probably run afoul of the Directive.

Finally, any new system of control must take account of the current system of control. The Firearms Act 1920 and the Firearms (Amendment) Act 1988 caused massive increases in the "illegal pool" of firearms because they failed to adequately take account of the pre-existing regime then in place. This is one of the most important lessons to learn from the history of firearms control in this country. The other is that legislation has tended to be introduced hurriedly after some form of crisis and has therefore tended to suffer from a wide variety of anomalies and to be illogical in various respects.

The following sections make specific recommendations for a new system of control.

3.4 General requirements for legal acquisition, use and possession of firearms

It is recommended that the age limits in section 2.2 of this submission be adopted.

The most important part of any system of control is a check on the background of anyone wanting to obtain a firearm. Only in this way can the character of the potential gun owner be assessed, and thereby any intent they may have to use a firearm for criminal purposes. There should only be limited exceptions to a requirement for a background check, primarily for firearms which are so innocuous as to not pose a substantial risk to public safety when misused. (See section 3.9)

The current system of background checks for a criminal history are satisfactory, providing mistakes such as those made by Central Scotland Police in their handling of Thomas Hamilton are avoided. (These are detailed in the Dunblane Public Inquiry report). It is however recommended that consideration be given to prohibiting people convicted of serious offences who have received suspended sentences from possessing firearms.

A major defect of the current system of checks is the lack of checks on the mental stability of an applicant. There have been calls for psychometric testing, however the psychiatric community is of the opinion that psychiatric testing of applicants is unworkable for a variety of reasons, mainly the limitations on any testing procedure and the sheer number of tests that would have to be conducted.

However, people who have been detained for mental health reasons who are considered to pose a risk to themselves or to others should not be able to obtain firearms for obvious reasons. People involuntarily detained under the provisions of the Mental Health Act or whom have been adjudicated as mentally unstable and a threat to themselves or others should be recorded in a central database which is accessible to the police in order for them to perform more comprehensive background checks. Such a database also has wider applications than just firearm licensing checks. Such people should only be allowed access to firearms after they have been certified by the appropriate physician as recovered and no longer a threat, and most importantly, physicians should be made aware that such a certification by themselves qualifies their patient as being able to obtain a firearm license.

It is also submitted that there is scope for people who have been *voluntarily* detained to be entered into such a database. In many cases, physicians or counsellors will convince those afflicted of the need to enter care without legal action being taken. These patients may re-enter society while still unsuitable to hold a firearm license. Privacy issues will of course be an issue in these cases, and physicians would probably have to be put under a legal obligation to report such people to the relevant authorities for any such system to be effective. Once again, such a database would have wider applications other than firearm licensing and would be a valuable tool for the police, however, privacy issues will have to be considered in weighing the rights of the patient against general public safety.

Moving to the use of firearms, common sense rules should apply. The use of firearms should be limited to those areas where it is safe to do so. However, it is submitted that the current system for firearm certificates of placing sometimes convoluted conditions limiting the use of rifles for vermin control and deer stalking be examined in order to come up with standardised language. Where firearms are used for target shooting, they should only be used on land or ranges which are suitable for the type of firearms being used. The current restrictions pertaining to use near a public highway are satisfactory.

Controls on the possession of firearms are dealt with in the subsequent sections in more detail, however the general rule should be that firearms should be kept so far as is possible under the control of the owner, to prevent unauthorised access and possibly theft.

Appeals against the refusal to grant a license, or the revocation of a license should take the form of other appeals against administrative decisions. Currently they are not covered by the Advance Disclosure Order 1978 which means that an appellant can arrive in court completely unaware of the reasons why he has been refused a license or has had his license revoked.

3.5 Category A Firearms

Category A of the European Firearms Directive covers:

1. Explosive military missiles and launchers.
2. Automatic firearms (i.e. machineguns of all types).
3. Firearms disguised as other objects.
4. Ammunition with penetrating, explosive or incendiary projectiles, and the projectiles for such ammunition.
5. Pistol and revolver ammunition with expanding projectiles and the projectiles for such ammunition, except in the case of weapons for hunting or for target shooting, for persons entitled to use them.

Category A does not include antique firearms of these types or firearms rendered permanently inoperable.

Given these restrictions the only recommendation that can be made is that all Category A firearms remain prohibited, except under limited circumstances for those engaged in firearms trade, for use by armed forces or certain police uses and for theatrical uses, all of which the Directive makes allowance for.

There should be special provisions relating to antiques. Antiques are dealt with later in this submission. As regards A(4) and (5), this should not be interpreted to include expended ammunition or projectiles.

Firearms dealers and others seeking authority for Category A firearms should be required to have the most stringent security arrangements practicable.

It is recommended that all Category A license applications be dealt with by the licensing authority, according to guidelines specified by the Home Office and then referred to the Home Office for consideration by the Secretary of State.

Unlike the current system of control, it is also recommended that there be an appeal procedure with reference to the courts in the case of a refusal of the Secretary of State to grant authority.

3.6 Category B Firearms, general

Category B firearms are those which are "subject to authorisation" and include:

1. Semi-automatic or repeating short firearms (i.e. a firearm with an overall length less than 60cm or barrel length less than 30cm).
2. Single-shot centrefire short firearms.
3. Single-shot rimfire short firearms with an overall length of less than 28cm.
4. Semi-automatic long firearms whose magazine and chamber can together hold more than three rounds.
5. Semi-automatic long firearms whose magazine and chamber cannot together hold more than three rounds, but the loading device is removable or where the firearm can be converted, with ordinary tools, into a firearm whose magazine and chamber can together hold more than three rounds.
6. Repeating and semi-automatic long firearms with smooth-bore barrels less than 60cm in length.
7. Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms.

Under current UK law, all of these firearms are subject to firearm certificate control, and some also require the authority of the Secretary of State. It is recommended however that for consistency all Category B firearms be made subject to the same system of control. In addition, licensing reforms should take account of the current system of control.

To obtain a Category B firearm license, the applicant should demonstrate a genuine need for a Category B firearm. However, unlike the current vague requirement for "good reason" it is recommended that the law should list which reasons are acceptable. Some of the reasons which should be accepted are:

1. Sporting use. Most Category B firearms are used in various different types of sport. In this case, an applicant should have to show that they have regular opportunity to use the firearm for sporting purposes and that they will in fact do so. Membership of an approved gun club that uses the type of firearm wanted would be an example.
2. Part of a collection. Many firearms falling under Category B are historically or otherwise significant. In this case, an applicant would have to show they have a bona fide interest, such as being a member of a relevant society of collectors.
3. Vermin control. Category B(4) firearms are commonly used for this at present. An applicant should have to show they have a vermin problem that can only be effectively tackled with such a firearm.
4. Personal protection. Firearms falling under Category B(1) are commonly possessed in Northern Ireland for personal protection. This submission covers this subject in detail at 3.13.
5. Slaughterhouse use. Firearms falling under Category B(2) and (3) are particularly suitable for this use. An applicant would have to show they are employed in this capacity.
6. Humane killing of animals. Once again, Category B(2) and (3) firearms are suitable for this use. An applicant would have to show they have a genuine need for a firearm for this use.
7. Vermin control in confined spaces. Firearms falling under Category B(1), (2), (3) and (6) are suited to this purpose. An applicant would have to show that they can only effectively perform vermin control with such a firearm.
8. Races at athletic meetings. Firearms falling under Category B(1) are required under international rules for starting races using blank cartridges. An applicant would have to show that they are a member of the relevant sporting association and are required to perform this function.
9. Trophies of War. Firearms captured as trophies of war, usually Category B(1) and (4) should be permitted to be kept with a Category B firearm license, with the proviso that no ammunition is permitted. Applicants would have to show the firearm they wish to license is a genuine war trophy, either captured or used in a conflict by a family member.
10. Heirlooms. Firearms that are of significant sentimental value, kept with the condition that no ammunition is permitted.
11. Any other acceptable reason specified by statutory instrument.

The storage requirements for Category B firearms should be defined precisely in law. It is recommended that where the holder is a private individual, that the firearm(s) when not in actual use or being cleaned, etc. be kept in a safe which cannot be readily moved that is made of a strong steel at least 2mm thick with all seams continuously welded, or the edges continuously bent. All hinges and locks should be inside the safe, or substantially protected to deter attack. Lock mechanisms should be at least 5-lever.

Ammunition should be stored in a similar but separate safe either in another location or inside the first safe.

Where possible, licensees should also be encouraged to disassemble their firearms. Allowance should be made so that part of the mechanism could be kept in the same safe as the ammunition.

Where more than five Category B firearms are possessed, the licensee should be required to have a burglar alarm, consisting of a motion detector in close proximity to the stored firearms.

The buildings in which firearms are stored should also be reasonably secure.

3.7 Category C and D Firearms, general

Category C firearms are those which must be declared to the authorities on acquisition under the European Firearms Directive and include:

1. Repeating long firearms other than those listed in category B, point 6.
2. Long firearms with single-shot rifled barrels.
3. Semi-automatic long firearms other than those in category B, points 4 to 7.
4. Single-shot short firearms with rimfire percussion whose overall length is not less than 28 cm.

Category D firearms are not subject to restriction and are defined as single-shot long firearms with smooth-bore barrels (this definition includes double-barrel shotguns).

Category C and D firearms fall under a variety of different restrictions in the UK. Category C(4) and most Category C(3) firearms are prohibited, as are a few Category C(1) firearms. However, the overwhelming majority of Category C and D firearms in circulation in the UK are shotguns, and require a shotgun certificate in Great Britain.

It is not proposed that Category C and D firearms be subject to the minimum restriction allowed under the European Firearms Directive, but for consistency that *all* Category C and D firearms be subject to a system of regulation based on the shotgun certification system, with some notable differences.

There has long been a debate as to whether shotguns should be controlled as other firearms, i.e. a “good reason” shown for each gun, etc. On the one hand, there are those who argue that such a control will enhance public safety, and on the other there are those who argue that such a control is unnecessarily bureaucratic due to the greater use of shotguns as compared to other types of firearm and the amount of paper chasing such a system of control would entail.

The main problem with introducing a requirement for “good reason” for each gun is that typically, a shotgun certificate holder only owns two or three shotguns, which doubtless he would be able to easily show “good reason” for, thus requiring “good reason” for each gun is simply bureaucratic hay-making.

It is therefore recommended that an applicant for a Category C/D firearm license be required to show a “good reason” for the *license*, rather than each gun, and to state that need on his application which should be considered by the licensing authority. This represents a change in the current system whereby a shotgun certificate is refused if the Chief Officer of Police is satisfied that the applicant has no good reason. The onus therefore shifts to the license applicant.

In general, as Category C/D firearms are of the sporting type, needs which should be considered valid would include deer stalking, vermin control, target shooting, game shooting etc. Proof of genuine need would include membership in a target shooting club, access to land on which vermin control or game shooting is to be performed, etc.

One of the main differences of course is that many types of sporting rifle would become subject to a system of slightly less control as they fall under Category C(1). However, as pointed out earlier in this submission, the original reasoning for the inclusion of such rifles in the system of firearm certification are archaic and no longer relevant. In addition, criminals do not favour the use of rifles and this is clearly demonstrated from Home Office statistics and what statistics are available from the pre-licensing period. Rifles are large, heavy and difficult to conceal. They are also more difficult than a shotgun to cut down in size, and the muzzle blast of a rifle fired in an ordinary room is liable to cause permanent hearing damage and disorientation. For these reasons they have very little appeal to criminals.

By moving sporting rifles into a system of control similar to shotguns, the licensing authorities will be able to focus on Category B firearms, and in addition the police will have more time to focus on the illegal use and possession of firearms.

Security arrangements for Category C/D firearms should be the same as for Category B firearms, with the exception of shotgun ammunition. Shotgun ammunition is bulky and difficult to store as it takes up substantial amounts of space. It is therefore somewhat impractical to require it to be kept locked up in the same manner as other types of ammunition. However, despite this difficulty, it is recommended that secure storage arrangements still apply to the most deadly types of shotgun ammunition such as solid slug, which is only usually used in small quantities anyway.

3.8 Specific licensing provisions

It is strongly recommended that the form of licenses be changed. Current certificates are clumsy paper documents that are difficult to carry and easily damaged.

Canada and some parts of Australia use the Unisys card identification system for firearm licenses, and it is recommended that these be adopted in the UK as well. Such cards are the same size as a credit card. The license should include a picture of the licensee (which would be digitised and therefore

more difficult to tamper with) and the address and signature of the licensee, as well as the license number. The three remaining statutory conditions (the signature condition would be unnecessary) could be printed on the back of the license.

Current "smart card" technology means that all details of the firearms the licensee possesses can be electronically entered into the memory of the card. Security features in the card would make this information far more difficult to tamper with than the printed information on a firearm certificate.

Through the use of a card reader, firearm dealers could determine what firearms a Category B firearm licensee is permitted to acquire, and upon the transfer of a firearm to any licensee, the information could be sent electronically to the licensing authority and the licensee's details automatically updated.

However, it is recognised that computers do sometimes fail, and in addition, small firearm dealers would be unable to afford the equipment necessary that currently retails at about £1,000. In time this cost will come down but it is still a substantial burden as many dealers are not computer literate. Plus there is also the problem of power cuts and so on.

Therefore it is recommended that a paper trail continue to operate until such time as technology has advanced sufficiently that it is no longer necessary. In practice this would mean:

Category C/D license holders would present their license to a firearms dealer or another licensee who is selling a firearm. The seller would take down the licensee's details and convey those details together with details of the firearm(s) sold to the local licensing authority within a week by registered post. The transferee would also send the same details to his local licensing authority, together with the details of whom the firearm was acquired from, i.e. the license details of firearm dealers details. The transferee would also send his license, to have the details of the firearm encoded into the memory of his license, unless the dealer had the equipment to do this and had already done it.

Obviously to prevent fraud dealers with the necessary equipment would have to notify that fact to the licensing authority and some form of inspection would have to be carried out periodically to ensure the equipment was in order.

Category B transfers would be more complex, due to the fact that each firearm is subject to authorisation. To begin with, it is recommended that the license holder would have to obtain a specific permit to acquire from the licensing authority for the firearm. He would present this together with his license to the seller of the firearm. The seller would retain the permit and send it to the licensing authority that issued it together with the specific details (serial number, etc.) of the firearm sold. He would also perform the other obligations outlined above for Category C/D firearms. The transferee would also follow the same procedure outlined above for Category C/D firearms as regards reporting the transfer.

As regards Category A firearms, it is recommended that the transfer procedures for Category B firearms would apply, with the proviso that the permit to acquire would also have to be endorsed by the Secretary of State.

HM Customs & Excise would have to be supplied with card readers so that they could ensure that a license holder bringing a firearm into the UK was legally in possession. Customs would also have to perform the functions of a dealer as regards imports of firearms acquired overseas as they currently do under existing legislation. In practice this would mean someone who had acquired a Category B firearm overseas for example would have to surrender their permit to acquire to Customs at the port of entry, and Customs would send the permit and the details of the firearm imported to the licensing authority.

It is possible that the simplest method of licensing would be to have a single license for firearms. Such a license would entitle the holder to acquire Category C and D firearms, however the licensee could only acquire Category A and B firearms with the appropriate permit to acquire as well. A system similar to this operates in Canada and in a less restrictive form in New Zealand.

Currently there is a referee requirement for firearm certificate applications. This should be continued under the new regime of firearm licensing suggested and be applied to all categories of firearm

license. It is generally agreed among shooters and the police (specifically ACPO) that the countersignature requirement for shotgun certificates is useless as a public safety measure, and an ACPO committee recommended its scrapping as long ago as 1984.

3.9 Other firearms

Firearms not included in the European Firearms Directive include antique firearms, modern reproductions of antique firearms and firearms designed for alarm, signalling, life-saving, animal slaughter, harpoon fishing, industrial or technical purposes provided they can be used for those purposes only.

For the purpose of UK controls, it is recommended that any other firearm that can be used as a lethal weapon without alteration be subject to the same controls as a Category C or D firearm as outlined above.

Other “firearms” such as alarm or signalling guns that cannot expel a projectile or be readily converted to do so should not be licensed, but be made subject to the same age limits on use and acquisition as firearms that can.

The term “antique” firearm as used in the EFD requires some clarification. It is assumed that in the EFD the term means a blackpowder or muzzle-loading firearm not of current design. Such firearms if of antique manufacture and held as a curio do not require licensing under current UK law. Modern reproductions do however, as do antiques if they are to be used.

There have been calls for firearms of this description that are handguns to be banned. This is a very poor idea for two main reasons:

- 1) Such firearms are not as lethal or as effective as a modern handgun. They have a lower muzzle velocity, are difficult to load and reload, and upon firing create a dense cloud of smoke. There is no indication that such a firearm has been used in a crime in modern times in the UK.
- 2) The technology involved has been obsolete for 125 years since the introduction of cartridge firearms. The ammunition used for example, consists of lead balls, blackpowder and caps. Many shooters use toy caps for priming, and the use of match heads for powder is not unknown and blackpowder can easily be extracted from fireworks and other pyrotechnics. Lead balls can be made easily with scrap lead, a stove and a bullet mould.

The above reasons are why these firearms are subject to unrestrictive controls in most other countries. In many European countries, anyone, including madmen, drunkards and convicted criminals can legally acquire and possess such firearms as they are not considered a threat to public safety. In France for example, a person only has to be 18 years of age to acquire one. This is true of many other EU states. Non-EU states such as Hungary, the Czech Republic etc. all have equally unrestrictive controls.

It is submitted that attempting to proscribe technology that has been obsolete for 125 years would be an extreme exercise in futility. Such a prohibition could be readily and easily evaded by anyone with criminal intent and have the sole effect of damaging the national heritage. Thus it is suggested that genuine antique firearms of this type remain unlicensed, and modern reproductions or antiques that will be fired be subject to the same licensing provisions as Category C and D firearms.

Moving on to antiques which use cartridge ammunition the controls outlined in Section 2.1 of this submission would not be sufficient due to the changes in ammunition controls recommended in 3.10 below. If left as recommended in 2.1, a person would be able to obtain a pre-1920 pistol with no license as an antique, and ammunition for it with an ordinary Firearm License. This is of concern because a 9mm Luger pistol for example is considerably more lethal than a muzzle-loading pistol as described above and is of relatively modern design. However, it is not a practical idea to introduce licensing for such guns for the reasons detailed in section 2.1.

Therefore it is recommended that antique (i.e. pre-1920) Category A or B firearms for which modern cartridge ammunition is readily available be made subject to the permit to acquire system as outlined at 3.6. Such a permit would only be issued after a background check as outlined in 3.4. In this way,

there would be no advantage to a person attempting to legally acquire a Category A or B firearm for use in a crime that was an antique, because they would still have to obtain a permit to acquire, and to acquire ammunition for it they would still need a Firearm License.

However, this system of control has the advantage that it would not introduce licensing requirements for those people who currently hold antique firearms lawfully without a license under current legislation, i.e. without ammunition. They would only need to complete the seller's end of the permit requirement if they ever sold a Category A or B pre-1920 firearm for which ammunition is available.

The same consistency would hold true of a Category C or D firearm, because a Firearm License would still be needed to lawfully acquire ammunition. Antique Category C and D firearms would be free of licensing controls, however such a firearm would usually have little appeal to a criminal, encompassing old single and double-barrel shotguns and old bolt-action, lever-action and single-shot rifles in the main. Shotguns of the pre-1920 period usually cannot safely fire modern ammunition, and rifles are difficult to conceal and cannot be readily cut down in the same manner as a shotgun. The number of such firearms in circulation is also obviously limited by the 1920 cut-off date.

To summarise therefore, antique firearms made prior to 1920 would not require a license to possess unless they were intended to be fired, and Category A and B firearms of this period would require a permit to acquire if modern cartridge ammunition were readily available.

The other predominant firearm types free of control under the EFD are airguns. These are often erroneously referred to as "air weapons" despite the fact that few if any airguns in modern times have been designed as weapons.

For consistency with current UK controls and the licensing system proposed, it is recommended that air pistols (including those powered by compressed carbon dioxide) be subject to the same controls as Category B firearms if the muzzle energy exceeds 6ft/lbs (or Category C, if they are single shot and more than 28cm in length) and air rifles be subject to the same controls as Category C firearms if the muzzle energy exceeds 12ft/lbs. Airguns with a power level less than this would not be subject to licensing controls, only the age limits proposed in 2.2.

There have been calls for low-power airguns to be included in the licensing system. Such an idea is a recipe for disaster along the lines of the 1988 Act's effect on shotgun possession, i.e. a large number of airguns would simply not be licensed, and disappear into illegal possession.

Airguns are by far the most widely possessed firearm in the United Kingdom. Low-power airguns have had lethal effect in rare instances against humans, but the scale of threat they represent is no more (in fact probably less) than for example, a golf club or hockey stick employed as a blunt instrument.

It would be an inefficient use of police resources to attempt to license all of the low-power airguns in circulation and such a provision would in any event be wholly ineffective, as huge numbers would not be licensed by their owners, and illegal acquisition would be simple as airguns of any power level are not subject to any meaningful control in virtually all mainland European countries.

3.10 Ammunition controls

The main reason for the introduction of such restrictive controls on ammunition as there currently are under Section 1 of the 1968 Act appears to be, according to the 1918 Report (see Appendix A), to prevent illicit export to enemies of the British Empire: "As regards the tribesman, he already possesses rifles in abundance, and, desirable as it is to prevent him from adding to their number, it is, in our opinion, of still greater importance to check his supplies of ammunition, without which his weapons are useless to him..."

This, as astonishing as it may seem, is the prime basis for the controls on ammunition which exist today. Though they have been put forward in more modern times as a public safety measure, they have never been altered to any great degree with the exception of the prohibition of expanding ammunition and the introduction of controls on shotgun ammunition.

It is recommended that controls on ammunition be reconsidered, and this submission recommends that to acquire ammunition, a person simply be required to present a valid Firearm License to a dealer or other firearm licensee. Ammunition possessed by a licensee would be required to be kept securely as stated in 3.6 and 3.7. The prohibition on expanding ammunition other than that listed in Category A of the European Firearms Directive should be repealed.

This may seem to some an unwarranted deregulation of the situation, especially as regards rifle and pistol ammunition, however, it is a simple fact that the current controls, which specify maximum amounts that can be acquired and possessed in specified calibres, have completely failed to prevent illegal acquisition and use of ammunition.

Ammunition components are uncontrolled, thus anyone wishing to acquire ammunition illicitly simply acquires the components and assembles them. In addition, ammunition is not subject to as many controls in neighbouring countries. Non-military calibre ammunition can be acquired over the counter without any kind of license in France and Belgium, thus the controls recommended here are still substantially more restrictive than two of our closest neighbours.

The prohibition of expanding ammunition is pointless, because non-expanding ammunition can be adapted to expand simply with the use of a file, or in some cases by putting the bullet in the case back to front. Soldiers the world over have been admonished for decades for adapting their ammunition in this manner (an example being Neil Kinnock's visit to Israel while Leader of the Opposition). It is extremely simple and no prohibition can ever be effective. With the use of a simple bullet mold, very effective expanding ammunition can be readily made. This prohibition simply serves no useful purpose as it can be so easily evaded.

ACPO have suggested that before ammunition primers can be acquired, the transferee must show the seller his firearm license. There is some merit to this idea and it is submitted that it be adopted. However, it would cause considerable problems if under the current system of control ammunition primers were themselves made subject to the same controls as Section 1 ammunition, because a person with authority to hold 1,000 rounds of ammunition, for example, would have to buy ammunition primers in extremely small lots. They tend to come in packs of 1,000 or 5,000, so it would not be practical unless the amount of ammunition that the certificate holder is allowed were substantially increased. Obviously this would be largely self-defeating.

The current limits on the maximum amount of ammunition allowed to be possessed are in any event wholly ineffective, because, for example, a certificate holder who has authority to acquire 500 rounds of ammunition and authority to possess 600 rounds can easily exceed that limit by simply purchasing two lots of 500 rounds of ammunition, if he should have criminal intent. Even if a licensing officer happens to inspect the amount of ammunition, unless it is individually counted and the calibre is checked, the officer will not realise the certificate holder has breached the law. Doubtless many certificate holders inadvertently break this law at present, losing count of how much ammunition they possess. Far better is a simple requirement to keep all ammunition that is possessed stored securely, something that can be readily verified.

Coming back to ammunition primers, it should be pointed out however that 200 primers will fit easily into a box smaller than a packet of cigarettes and are extremely easy to smuggle due to their small size. Thomas Hamilton and Michael Ryan each used less than 120 rounds of ammunition when they committed their crimes, thus even additional controls on primers are likely to have little effect. This illustrates the fallacy of ammunition controls. Very great mayhem can be caused with very small quantities of ammunition. Ammunition of course cannot be prohibited, because guns are useless without it, and the more expansive suggestions made by gun prohibitionists that ammunition should only be sold and kept at target ranges forgets its use for pest control where it would have to be stored at home. Also, firearms come in a bewildering variety of calibres and no one dealer or range could ever stock ammunition in all popular calibres. Plus this suggestion does not solve the problem that ammunition can be assembled from components illicitly.

It is submitted therefore that the overwhelming focus should be on the Firearm License holder, and secondly on the guns he possesses. Controls on ammunition are largely useless and ineffective, hence the recommendation that ammunition sales be limited only by the requirement of a purchaser to show his Firearm License. When all firearm dealers are equipped with card readers able to read the

details of the firearms the licensee possesses stored in the licensee's memory, it may then be possible to introduce a requirement that dealers only sell ammunition suitable for use in a firearm that the licensee owns.

There may be concern given these recommendations and the recommendations for antiques in 3.9 that these firearms could be used in a crime. However, it must be pointed out that the controls recommended in this submission are more substantial than those that currently exist.

An antique firearm may be acquired currently without a license under Section 58(2) of the 1968 Act. Ammunition may be illicitly acquired for it in a number of ways as outlined above. This submission has recommended that the transfer of certain antiques be made subject to a permit to acquire and that ammunition primers require a Firearm License to acquire which is a substantial tightening of controls.

3.11 Firearm dealers

The 1997 Act introduced the welcome provision that firearm dealers can keep their records solely on a computer.

This submission recommends that this concept can be taken a great deal further. For example, notifications of transfers could be made electronically. There have been suggestions that transfers could be notified by fax. Perhaps a better way would be by means of computer modem to a secure computer server operated by the licensing authority. This would make fraud substantially more difficult than with a fax, and be as provable as registered post.

Proprietary software for dealers could be developed by the Home Office for use by dealers. This would vastly decrease the likelihood of fraud, and make inspections of dealer's records a simple task to perform, providing the software were developed in that way.

Card readers/writers for reading and encoding smart card Firearm Licenses would be possessed also by dealers, and using the proprietary software the license could be encoded with details of firearms sold to the licensee in an encrypted fashion, making illicit changes to license details virtually impossible.

Although this system sounds sophisticated, it would not be terribly difficult to do, due to the fact that there are less than 3,000 registered dealers in Great Britain. Electronic notification of transfers, encrypted coding of licenses and other security features that could be introduced would not be tremendously difficult to perform.

It would also have the benefit to the licensees and the dealers of being vastly more efficient and less time-consuming than the current paper-based system, thus enthusiasm would likely be high among dealers for such a system and at the same time, there would be a cost saving to the licensing authority. And of course, dealer records would become more precise as would the licensing authority's records.

3.12 A national firearm licensing authority

The Home Office itself has suggested that firearm licensing be conducted centrally, but later dismissed the idea because of the cost and the feeling that it would lead to duplication of effort. Politically, police forces did not like the idea as it would lead to a loss of revenue from licensing fees.

The cost is however minimal compared to the cost of the compensation provisions under the Firearm (Amendment) Acts 1997. In addition, it would over time lead to a cost saving if set up correctly as there would be one agency responsible for administering firearm licensing, rather than over 50 as at present.

HM Inspectorate of Constabularies has been highly critical of licensing practices among the police, stating in its 1993 report: "The inspection showed that the service provided to the shooting public varied between excellent and very inefficient." HMIC also said that the results of the inspection were: "disappointing".

Licensing practices vary widely across the country with great variation in speed of service, the amount spent per license holder, and administrative decisions such as which “good reasons” will be accepted for possession of different types of firearm and so forth.

Attempts by the police to dismiss these criticisms are met with derision by the shooting community. One only has to ask any certificate holder who has lived in two force areas a substantial distance apart from each other to come across lengthy accounts of differences in licensing practice. In addition, accounts of bizarre actions taken by police forces in respect of certificate holders are a staple of the shooting community.

A shooter from Scotland tells the tale of a licensing incident with Grampian Police. He wants to buy a .22 rifle. So he tells the local police he wants a variation on his certificate for such a gun, but the officer insists on knowing the exact details of the gun he wishes to acquire, “because there are a lot of different types of .22 calibre rifle.” The shooter complies and visits the local shop. The dealer only has two .22 rifles in stock, a .22 Winchester Magnum and a .22-250. The certificate holder handles both rifles and decides on the .22 Magnum. He goes and tells the local police. The officer is not happy: “No way am I giving you authority for a .22 Magnum! What do you need a Magnum for?” The shooter then asks if he can get authority for the .22-250. “It’s not a Magnum?” The shooter replies in the negative, and the police officer approves the variation.

This anecdote is meaningless to someone unknowledgeable about firearms, but is hilarious to a shooter, because .22-250 is a centrefire calibre commonly used for shooting deer, and is vastly more powerful than .22 Winchester Magnum which is a rimfire round commonly used for pest control.

Therein lies the problem with police handling of firearm licensing. Even if all forces were consistent in their application of the law, even if all forces managed “best practice” in relation to licensing costs and even if the police were able to comply with ISO standards, etc., the police are primarily enforcers of the law, not firearm experts.

In many forces firearm licensing is handled wholly or partly by officers who may be assigned to the task for limited periods of a few years or even a few months. They are not career minded about the task of firearm licensing, and do not become expert in the area of firearms that it is submitted is absolutely essential for any licensing system to work effectively.

As another example, Lord Cullen was highly critical of Central Scotland Police for giving Thomas Hamilton authority for two handguns of identical specification to those he already possessed as Lord Cullen felt that Hamilton did not have “good reason” for them.

Many forces do employ civilians for the task of firearm licensing, but once again, civilians may not be expert in firearm matters, and may not be career minded about managing the licensing system. Metropolitan Police Area 1 have taken the innovative approach that all officers assigned to firearm licensing matters are themselves shooters, and this particular licensing dept. has earned considerable respect both among shooters and the police for being both fair and effective.

However, it is submitted that this is not a practical alternative in all forces as it may be difficult for them to find qualified officers.

The benefit of a national agency is that the bureaucratic control of the licensing system could be composed entirely of knowledgeable people who are career-minded about the task.

To prevent duplication of effort, it is suggested that forces maintain firearm enquiry officers who inspect a license applicant’s secure storage provisions, and ask them questions based on a standardised enquiry form, and judge the applicant’s fitness to hold firearms in light of their domestic circumstances, etc. However, instead of this report being given to the local licensing dept for consideration, it would be handled by a central agency that would be more insightful about comments made about the applicant in relation to the firearms they wish to acquire and able to judge the applicant’s reason for wanting a firearm from a greater base of knowledge on the subject. Such an agency could, for example, have psychiatrists on staff able to be more insightful when reviewing referee reports on an application for a firearm license.

There are other great benefits to a central licensing agency. There are currently dozens of agencies involved in the task of firearms control, including:

- 1) The police, divided across 51 police forces (subdivided in the case of the Met) responsible for licensing of dealers and shooters;
- 2) HM Customs & Excise, responsible for some import and export controls;
- 3) The DTI, responsible for some import and export controls and administration of the proofing conventions;
- 4) The Home Office, responsible for some licensing (prohibited weapons and approved clubs) and some administration of the licensing system;
- 5) The Ministry of Defence, responsible for the administration of some shooting ranges and safety certification of most ranges;
- 6) The HSE, responsible for some range safety and explosives safety regulations.
- 7) The Forensic Science Service, responsible for assisting in ballistic testing and investigation of crimes; and
- 8) The Birmingham and London Proof Houses, responsible for firearm safety testing.

This is of course a recipe for chaos, which is an apt description that many involved in the system use. Centralisation of at least some of these functions would undoubtedly be of benefit in terms of cost and efficiency, and lead to better enforcement of the law.

Training of firearm enquiry officers from police forces could be handled at such an agency, leading to a much needed consistent approach.

A national agency could have a tribunal for hearing initial appeals against license revocations, refusals, etc., thereby reducing the burden on courts, and reducing costs for both parties.

Under the licensing system proposed in this submission, application for permits to acquire for Category B firearms could be handled via the internet, bringing a massive saving in time and costs.

Conditions attached to licenses could be standardised, and instead of the current cumbersome long-winded explanation, an abbreviation such as: "T" for target shooting or "P" for pest control could appear as an endorsement on a license.

In short, it is submitted that the arguments in favour of such an agency are overwhelming. When judging arguments against it, it should always be remembered that when the system of licensing as it stands was instituted in 1920, there was no comparable central licensing system handling anything as complex as the firearm licensing system as it then stood, or as it stands today. However, since that time, central agencies handling licensing tasks such as driving licenses, aircraft safety etc. have come into being and there is no real reason why firearm licensing cannot follow suit.

3.13 Firearms for personal protection

When dealing with this subject it is appropriate to relate the history of the possession of firearms for personal protection in this country.

The possession of firearms for personal protection was widespread and accepted for much of this century. It was accepted at the start of this century that a person had a legal right to keep a firearm in their home for defence of themselves and their property. It was also accepted that in many cases the carrying of a firearm for personal protection outside of the home was a normal thing to do. The popularity of pocket revolvers and vest pocket pistols is a testament to this fact.

The 1918 report on firearms control (see Appendix A) took the view that the most common "good reason" that could be acceptable for possession of a pistol or revolver was that of personal protection. However, the report makes the assumption that this reason extended primarily to possession in a rural area for home defence only. After the adoption of the 1920 Act, the carrying of firearms for personal protection became much more unusual, at least from the legal standpoint.

In 1946, the then Home Secretary made the statement in the Commons that he did not believe that personal protection was ordinarily sufficient grounds for the grant of a firearm certificate. Figures for

the issuance of certificates for this purpose or any other from this period are not available, however it is assumed by this time that firearm certificates authorising the use of a firearm for personal protection were much rarer than they were in the 1920s.

In 1954, an incident involving a London shopkeeper shooting a suspected robber precipitated what is essentially still the policy that exists today, i.e. firearm certificates are not to be issued that allow firearms for personal protection. Firearm certificates then on issue for that purpose were revoked for the most part. The number of certificates that remained on issue was likely a very small number indeed, and confined to people who were under political threat, such as politicians, diplomats etc. rather than a general criminal threat. The number of certificates continued to dwindle, and the Home Office reports they have no knowledge of such a certificate issued in Great Britain since 1968.

The situation in Northern Ireland paralleled that in Great Britain, until the outbreak of the "troubles" as they have come to be known. Since approximately 1971 the Chief Constable of the RUC has maintained that as a matter of public policy, the problem of armed terrorism means that some individuals must be allowed to possess firearms for personal protection. At the end of 1996 there were 10,867 certificates on issue allowing personal protection. Ordinarily these relate to one pistol, and 25 rounds of ammunition.

They are usually issued to politicians, ex-police officers, former and serving prison officers, and people who are contracted for work for the Government, such as builders, food vendors (e.g. at NAAFI), etc.

This submission makes several recommendations as regards firearms for personal protection:

The first is that people who hold firearm certificates for personal protection should be required to obtain training in the use of a firearm. As things currently stand, a person can be issued a firearm certificate for a pistol and be carrying it around with them loaded without any knowledge of how firearms work or how to use one. Club members for example are required to complete a three-month probationary period (a year in Northern Ireland). It is recommended that the police who issue the certificate hold regular training courses for such certificate holders, and that certificate holders be encouraged to join shooting clubs where they can perfect the basics of firearm handling. A person carrying around a loaded firearm without any training in its use is frankly an accident waiting to happen.

The second recommendation is that the "no firearms for personal protection in Great Britain" policy is too harsh. To every rule there are always exceptions. MPs from Northern Ireland who have been attacked by terrorists and applied to the Secretary of State to bring their pistol with them into Great Britain for the purpose of personal protection have been refused permission. This is despite the fact that it is well-known that terrorists operate in Great Britain as well as Northern Ireland. The scale of the threat from terrorism to the general public is not as great in Great Britain as it is in Northern Ireland, but it is submitted that the scale of the threat which faces certain individuals, such as Ulster MPs, is significant enough that they should be allowed to possess firearms for personal protection in Great Britain.

This policy may in fact be unlawful, as the judgement in the case of *R v. Wakefield Crown Court, ex parte Oldfield* (1978) states: "A person entrusted by law with a discretion may formulate a general policy for the exercise of that discretion but that policy must not be applied so rigidly that he does not in fact exercise any discretion at all".

Consideration should also be given to allowing people to carry firearms for personal protection who face a considerable prospect of armed attack from other types of criminals. It is a fundamental precept of the law as it relates to self-defence that a person may use force to dissuade an attack. This is currently impossible if the attacker is using a firearm.

Thus it is submitted that people who are required to carry large amounts of valuables or pharmaceuticals that can be employed as narcotics and, in the judgement of the police, may face armed criminals, be allowed to carry firearms for personal protection. It must be noted here that in 1954 there were four reported armed robberies in London; by the 1990s that figure had risen to several thousand each year. Thus the scale of threat faced by certain individuals is at least equal to that of someone authorised a firearm for personal protection in Northern Ireland.

3.14 Illegal use and possession of firearms

It is an endless source of frustration to the shooting community that some people who are convicted of serious criminal offences with firearms receive relatively light sentences. There is nothing more frustrating to a shooter than to plough through what is a considerable regulatory burden to obtain a firearm, only to pick up a newspaper or see a news story on the television in which a person convicted of armed robbery for example has been imprisoned for only two or three years. "Why bother?", many shooters ask themselves, when people not only in illegal possession of a firearm but who are using it for a criminal purpose receive such a light sentence.

Since the Firearms (Amendment) Act 1994 the police, prosecutors and judges have not lacked for power to tackle armed criminals. A very wide range of offences exists with which to tackle the criminals, and maximum sentences are considerable upon indictment. However, despite the powers that exist, the police seem reluctant to use them in many cases, possibly through ignorance of the powers they have, and some sentences handed down by courts seem too light.

While justice must be seen to be done, it should also be borne in mind that inconsistent sentencing and in some cases light penalties undermines the system of control on legally possessed firearms. This is because faced with a light penalty many owners of firearms may procrastinate in obtaining a license or simply ignore the licensing requirement. While in reality the majority of courts may be handing down heavy sentences, the fact that some are giving out light sentences are a disincentive to compliance with the law.

It is recommended therefore that in the case of the use or possession of firearms with the intent to commit a violent criminal offence, that there be instituted a tier system of mandatory minimum sentences.

Where a person is found to be in possession of a firearm and their intent to use it to commit a violent crime can be established, there should be a mandatory minimum sentence of five years in prison. This should also extend to cases in which the person has an object that they have represented as a firearm.

Where a firearm is discharged during the course of committing a violent crime, upon conviction there should be a mandatory minimum sentence of ten years in prison. Where a firearm is discharged with the intent to cause injury or has caused actual injury there should be a mandatory minimum sentence of fifteen years in prison. And finally, where a person discharges a firearm with the intent to cause homicide or homicide has been committed, there should be a mandatory minimum sentence of twenty years in prison.

Additional provisions should apply to repeat offenders. People convicted twice of violent criminal offences involving the use of a firearm should receive a life sentence. There should be some leeway in the case of offences involving criminal damage; otherwise teenagers misusing an airgun by breaking a window could find themselves in prison for ten years.

Turning to illegal possession of firearms *without* criminal intent, i.e. unlicensed possession, where it can be established the person is *knowingly* in illegal possession, there should be a system of mandatory minimum fines. In the case of an unlicensed firearm, there should be a mandatory minimum fine of £1,000 and in the case of a prohibited firearm there should be a mandatory minimum fine of £3,000.

The need for it to be established that the person is knowingly in possession is because there would otherwise be cases of widowed pensioners who are found to have unlicensed war trophies in their attic, left there by their deceased spouse, etc. being heavily fined which is obviously not in the public interest.

It must be pointed out here that there are on the order of 1.8 million licensed firearms in Great Britain; there is probably at least nearly a million firearms in illegal possession that by law require licensing; yet there are only a few thousand people who are inclined to use a firearm to commit a violent criminal offence.

It is therefore a vastly simpler task to remove criminals from guns than it is to remove guns from criminals. Criminals are far easier to identify, target and remove from society than the at least several hundred thousand firearms illegally in circulation.

Many illegally possessed firearms in the UK today originated from overseas. It is a difficult task to prevent an individual from illegally importing a firearm, due to the limits on any Customs inspection procedure. This difficulty was acknowledged as far back as 1918 (see Appendix A). The advent of metal detectors has helped improve situations somewhat, but still, imports from the Continent via shipping or via the ordinary parcel post on an occasional basis are difficult to detect due to the quantity of shipping and parcels. Detection appears to be more luck than a science. This provides a further reason why mandatory penalties for illegal possession are so necessary.

It is recommended however that the National Investigative Squad of Customs & Excise that tackles the illegal import of firearms that occurs in quantity for supply to criminals on the black market be given greater resources. Illegal gun dealers have been arrested operating in large cities. This dealing is probably one of the greatest firearm-related problems there is today, and it should be given the attention it deserves. Senior officers in the Metropolitan police have estimated that as many as 2,000 firearms are illegally imported into the UK every week.

3.15 Firearm licensing amnesty

As detailed in 3.1 and 3.14, there are clearly large numbers of otherwise law-abiding people in possession of guns illegally. In the main this is due to changes in legislation that the gun owner is unaware of.

Successive firearm amnesties have been held, and Home Office guidance to police is that no barriers should be placed in the way of people wishing to surrender illegally possessed firearms.

However, it is submitted that an innovative way to tackle the problem may be a firearm *licensing* amnesty, i.e. a period in which people illegally in possession of a firearm have an opportunity to obtain the appropriate license.

In practice this would require notifying all the households in the country of the amnesty period. In addition, there is the problem of prohibited firearms that cannot be legally held. However, despite this problem, there is a reasonable chance that a licensing amnesty might bring more illegally held firearms to light than an amnesty where firearms must be surrendered.

There are several ways such an amnesty could be organised, presented is one possible method:

- (1) Regulations requiring people illegally in possession to hand their guns to a registered dealer would be implemented. The police would liaise with registered dealers to determine which dealers would participate in the hand-in.
- (2) The Home Office would notify all households in the country of the hand-in.
- (3) People would present their firearms to a local designated dealer, who would provide them with an application for a Firearm License.
- (4) The applicant would complete the licensing procedure in the normal way.
- (5) The applicant would then collect their firearms from the dealer with which they have been stored.
- (6) A portion of the licensing fee would be payable to the firearms dealer in payment for the service he has provided.

This method avoids the problem of someone illegally in possession having to deal directly with the police while still illegally in possession, which is likely to be a large disincentive to them obtaining a license for their guns.

Such an amnesty would not be a panacea, however, the majority of people are law-abiding and wish to comply with the law. However, simply handing in a gun that may have cost a considerable amount of money with no form of compensation is likely not to be acceptable to a great many people, which it is submitted is the primary source for the failure of firearm surrender amnesties. Although substantial

numbers of guns are turned in, they tend to be in large part airguns and antiques which do not require a license anyway.

3.16 Miscellaneous provisions

Any new Firearms Act must be written in much clearer terms than the present one, which is often vague and contradictory.

One area that needs clearer language urgently is the law concerning component parts of firearms. The police usually take the position that only the major components, or pressure-bearing components of a firearm, such as the barrel, bolt, cylinder, slide, gas system etc. are subject to licensing, while other components such as the trigger group and the stock are not. However, the law is vague, merely saying "component part" which could be expanded to include screws, pins and springs. It is recommended that the current practice of regulating only the pressure-bearing components be clearly defined in law.

Licensing fees should be set at a reasonable level and then pegged to the rate of inflation. The increase in licensing fees in recent years follows no logical pattern and is becoming punitive. The Government have acted upon the lines of "full-cost recovery", however it is submitted that in many ways this is unfair as firearm controls exist to protect the public. It is not unreasonable therefore for the taxpayer to be expected to pay some of the cost of firearm controls. In addition, "full-cost recovery" is not a logical approach, because different police forces spend different amounts, due to inefficiencies, staffing levels and so on. "Full-cost recovery" is not viable unless there is a national licensing agency.

The Home Office should be required to comment fully on all recommendations made by the Firearms Consultative Committee in an official report presented to Parliament within six months of the publication of any such recommendations. This will help avoid procrastination on what in many cases are extremely important recommendations that affect public safety.

Regulations governing gun clubs should be more fully incorporated in law, rather than be what in many cases are vague directives from the Home Office on how clubs should be run.

There should be separate legislation governing CS sprays, stun guns and other weapons that are not strictly firearms. Stun guns are currently prohibited under Section 5(1)(b) of the 1968 Act using a tortured interpretation of the Act that would not be clear to anyone reading it.

A new Act along the lines of that proposed in this submission should extend equally to Northern Ireland as well as Great Britain. Current licensing practice in Northern Ireland, based on comments made by the previous Government, is probably in violation of the European Convention on Human Rights as there is no independent appeals process before a court.

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REPORT OF COMMITTEE ON THE CONTROL OF FIREARMS

To the Right Honourable CHRISTOPHER ADDISON, M.P., H.M. Minister of Reconstruction

Sir,

In pursuance of your instructions contained in the letter dated the 27th of February, 1918, addressed to the Under Secretary of State for the Home Department, we have considered the question of the control which it is desirable to exercise over the possession, manufacture, sale, import and export of firearms and ammunition in the United Kingdom after the war, both from the point of internal policy and having regard to the Report of the Sub-Committee on Arms Traffic of the Committee of Imperial Defence; and we have the honour to report as follows:-

1. It will be convenient to consider in the first place the question of internal policy, and in that connection to set out briefly (1) the present state of the law with regard to the possession and use of firearms, and (2) certain facts which before the war showed the necessity that the law should be strengthened.

(1) As to the Law.- In Great Britain prior to the Pistols Act of 1903 any person could purchase or keep in his possession a gun, pistol or other firearm or any number of such weapons without any restriction. The Gun License Act of 1870 only makes it necessary for him to obtain an Excise License before he can legally use or carry a gun outside the curtilage of his dwelling-house, but a license can be obtained by the simple formality of buying one at a Post Office for the sum of 10s. The Pistols Act of 1903 puts certain difficulties in the way of purchasing a pistol, i.e. a firearm with a barrel not exceeding nine inches in length, but even under that Act a person over 18 years of age has only to obtain a gun license from a Post Office, and on producing it to a dealer he can purchase a pistol or any number of pistols. If in succeeding years he wishes to use or carry a pistol, he must, of course, comply with the Act of 1870, and take out a gun license under that Act, but otherwise neither the Act of 1870 nor the Act of 1903 places any restriction upon the mere possession of guns, rifles, pistols or other firearms, or of any quantity of ammunition for them. Experience has shown that the Pistols Act is ineffective even for its limited purpose, as it is constantly evaded by making and selling pistols with barrels just over nine inches in length.

The Pistols Act does not apply to Ireland, and consequently a person there can purchase and keep in his possession any number of pistols of any size or description without even going through the formality of buying a gun-license.

Defence of the Realm Regulations Nos. 30, 30A and 31 impose stringent restrictions upon the manufacture and sale of firearms and ammunition, and Regulations 9AA and 33 place restrictions upon the possession of firearms in certain circumstances and certain localities; but when these Regulations are abrogated the position will be the same as before the war, and, failing new legislation, there will be practically no control over the possession of firearms in the United Kingdom.

(2) Grounds for strengthening the Law.- That the control of firearms should be made far more stringent than it is now is a proposition which hardly anyone could be found to question. Attention had been called to the matter in Parliament before the war, and on the 13th of March 1913, a Return was made to the House of Commons of the cases in which firearms had been used against Police Officers in England and Wales in the five years 1908-1912. The Return (Paper 188 of 1913) showed that in these five years 47 cases had occurred, in which 92 Police Officers had been shot at, 6 had been killed and 24 had been injured. In 34 of the 47 cases the weapon used was known to be a revolver or some other kind of pistol. Of the 47 cases 15 occurred in the Metropolitan Police District.

In October, 1912, the Commissioner of Police of the Metropolis informed the Home Secretary that in the dock strike of that year seven cases had occurred in which men concerned in the strike came into the hands of the Police for using firearms and five others for carrying them though not actually using them;

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and that ten other cases of the carrying of firearms were known to the Police, although in these no offender had been actually apprehended or summoned. The Commissioner of Police has also furnished us with other figures to show the extent to which firearms were used for criminal purposes, or if not actually used, were at any rate in the possession of persons who came into the hands of police, in the three years 1911-1913 and 1915-1917 respectively. It appears that in the three years 1911-1913, firearms were used in the Metropolitan Police District by 100 persons of British nationality and by 23 aliens; while firearms were found in the possession of British subjects in 76 cases and of aliens in 27 cases. The corresponding figures in the three years 1915-1917 were 42 and 5 as regards the use of firearms by British subjects and aliens, respectively, and 44 and 10 as regards the possession of them. The decline in the latter period as compared with the three years before the war is no doubt due to the restrictions on the purchase of firearms imposed by the Regulations under the Defence of the Realm Act, and the measures taken for the internment of alien enemies during the war; but if firearms can be brought into the country or obtained here with the same ease when peace is concluded as the law at present allows, the numbers may be expected to rise to or above their former level.

The returns also show that in nearly half of the cases in which firearms were used, sometimes with fatal effect, in the Metropolitan Police District in the years 1910-17, they appear to have been used without any particular premeditation in the course of ordinary quarrels - in some cases in street-fights - when, but for the offender's possession of a lethal weapon, probably no serious harm would have been done or attempted. In many of these cases the Courts appear to have taken an extremely lenient view of the offence of using firearms; and the question whether it would not be to the interest of public order that more deterrent penalties should be imposed for this offence, even when no serious injury may have been inflicted, and particularly when firearms are used or carried by persons engaged in crime, is one which it seems to us might well be submitted for the consideration of judicial authorities. In any case the Returns show that there is good reason for so altering the law as to make it much more difficult to obtain firearms than it is at present.

There is good reason in Ireland also for an alteration of the law. Under the Peace Preservation (Ireland) Act, 1881, in districts proclaimed by the Lord Lieutenant, the carrying or having arms or ammunition was lawful only on the conditions contained in the Proclamation; any person suspected of contravening them might be arrested without warrant; the Lord Lieutenant could by warrant direct houses, &c., in proclaimed districts to be searched for arms; and the Lord Lieutenant could also make orders prohibiting the sale or importation of arms and ammunition. In 1906, the last year in which the Peace Preservation Act (which had been annually renewed by the Expiring Laws Continuance Act) was in force, the number of cases of firing into dwellings was 39. At the end of that year it was allowed to lapse, and in 1907 the number of these offences rose to 87, and in the following year to 123. The offences did not continue at that high rate, but we are informed that in the six years 1909-14 they averaged 43 annually, in 1915-17 33, and that in the first seven months of the present year they numbered 32. The number of cases in which a different offence, that of firing at the person, was committed must also be taken into account. These offences have averaged 39 a year in the nine years 1909-17. It should be mentioned that these figures do not include the offences in 1916, the year of the Rebellion, and that during that year there was a very large number of cases, both of firing into dwellings and firing at the person, incidental to the outbreak of which no returns are available.

2. It will be seen, therefore, that prior to the war there was strong reason for amending the law, and this was recognised by the Government in 1911 when the Bill to which we shall presently refer in detail was drafted under the instructions of the Home Secretary. Strong, however, as the case was in 1911, it is immensely stronger now. We have to face the situation that the war will have added enormously to the world's stock of rifles and pistols, that large numbers of pistols, and possibly other weapons, will have come into the possession of private persons, notably discharged soldiers and their relatives, and that the number of men skilled in the use of firearms will have greatly increased. It must also be borne in mind that we can hardly hope to escape on demobilisation an increase in crime. Large numbers of the criminal classes have entered the Army, both voluntarily and under the Military Service Acts; and however effective may be the measures taken to facilitate the return of discharged soldiers to civil life and peaceful occupations, it would be unreasonable to expect that all these men will be ready to settle down at once to agricultural or industrial employment. There would be additional ground for apprehension if men of this

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class, and indeed discharged soldiers in general, were permitted to retain any revolvers which have come into their possession during their army service, or to procure them under the easy conditions allowed by the existing law.

3. We may here quote the following observations from the Report of the Sub-Committee on Arms Traffic:-

"2. We start with the assumption that, whatever the military results of the war, its conclusion will leave all the belligerent countries in the possession of vast quantities of arms, ammunition, and war material of every description, for the greater part of which the Governments concerned will presumably have no further use. The world's total stocks of destructive weapons will in fact be infinitely greater than at any previous period in history; and the difficulty in preventing these weapons from reaching undesirable hands will be proportionately increased. Every belligerent government will be faced with the temptation to recoup itself in some small degree for its heavy war expenditure by selling its surplus arms to private dealers; and, in some cases at all events, there will be no counteracting motive of self-interest to serve as a deterrent.

"3. We regard the whole position as one of considerable gravity. There are two distinct categories of person from whom danger is to be apprehended, viz., (1) the savage or semi-civilised tribesmen in outlying parts of the British Empire, whose main demand is for rifles and ammunition, and (2) the anarchist or 'intellectual' malcontent of the great cities, whose weapons are the bomb and the automatic pistol. There is some force in the view that the latter will in future prove the more dangerous of the two. At any rate, his activities will call for unceasing vigilance, and very special precautions will be necessary to control the trade in automatic pistols, which, apart from their extreme deadliness, are, by reason of their size and shape, more easily smuggled than any other type of weapon. As regards the tribesman, he already possesses rifles in abundance, and, desirable as it is to prevent him from adding to their number, it is, in our opinion, of still greater importance to check his supplies of ammunition, without which his weapons are useless to him

"4. Our conclusion is that the regulation of the arms traffic after the war is a matter of vital importance to the future of the British Empire, and one on which His Majesty's Government would be well advised to frame a definite and considered policy with the least possible delay. We submit below a series of recommendations indicating the lines on which such a policy should, in our opinion proceed

Recommendations.

"5. General Agreement between Belligerent Powers.- We consider that the whole question of the future control of the arms traffic should be raised by His Majesty's Government at the Peace Conference as a high moral issue of the utmost consequence to civilisation in general

"We recommend that the following undertakings should, if possible, be obtained from all the Powers represented at the Conference, including the British Self-Governing Dominions -

"(i) not to sell or otherwise alienate, in any circumstances whatever, the surplus stocks of arms and ammunition remaining in their possession at the end of the war;

"(ii) to regulate the manufacture and sale of (a) automatic pistols and (b) ammunition of every kind under a system of strict state control; and to prohibit the export of these articles to any destination, except under Government license"

4. We entirely agree with these views. There can surely be no question that the public interest demands that direct control shall in future be exercised in the United Kingdom - whatever maybe the policy of other Powers - over the possession, manufacture, sale, and import and export of firearms and ammunition; and the only practical question for consideration appears to be - how this control can be most efficiently established.

5. This question can be conveniently considered under the following heads:-

(1) Military rifles and ammunition. - The disposal of these, which are of course the property of the Government, on demobilisation will be a question for the War Office, the Admiralty and the Air Ministry; and we assume that those Departments will take steps to secure the return to store of all

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arms and ammunition belonging to the Government which are actually in the possession of soldiers, sailors, marines or airmen, of whatever rank, on discharge. For the military authorities at headquarters to recover possession of military weapons and ammunition will be a simple matter: a more difficult one will be that of their disposal afterwards. The Sub-Committee on Arms Traffic, as shown above, have recommended that all the Powers represented at the Peace Conference, including the British Self-Governing Dominions, should be urged to undertake "not to sell or otherwise alienate, in any circumstances whatever, their surplus stock of arms and ammunition"; and, agreeing as we do with this recommendation, we hope that it will become the settled policy of the Government of the United Kingdom to retain complete and permanent control of all the arms and ammunition which are in its possession at the conclusion of the war.

(2) Military revolvers, including the automatic pistols used by the Air Force, and ammunition. - These weapons are purchased by officers, either from the Army Ordnance Department or from private firms, and are their private property. We understand that the War Office authorities agree that it would be very desirable to prevent military revolvers from being thrown on to market after the War or otherwise coming into the possession of persons not authorised to have such weapons, and we recommend that the Departments concerned should in due course take steps to this end by purchase or otherwise. Any non-commissioned officers or privates who may have obtained revolvers for themselves should come under the arrangements adopted.

Officers on the active list would of course retain their revolvers, and officers in the Reserve should be at liberty to do so without being required to obtain the fire-arm certificate referred to in Appendix A.

(3) Sporting-guns, that is, smooth-bore shot-guns, and ammunition. - We do not consider it necessary, so far as Great Britain is concerned, to recommend any alteration of the law with regard to these. The cases are rare in which they are used for any criminal or illegal purpose in Great Britain, and there appears to be no sufficient reason to depart from the view taken in 1911, when the Secretary of State decided not to include them within the scope of the proposed legislation. It would be undesirable to interfere with any private industry except on good and sufficient grounds; and there is the more reason against this course in the fact that much of the work on sporting-guns is done by skilled handicraftsmen who would probably find it difficult to obtain other equally remunerative employment, should the introduction of restrictions on the sale or possession of this kind of firearm throw any of them out of work.

(4) Rifles not the property of the Government. - It would be unsafe to exclude any kinds of rifles and rifle ammunition from the operation of the restrictions proposed.

(5) Revolvers and pistols of every kind, and ammunition therefor. - It is this class of weapon that especially needs to be dealt with by stringent regulation. The number of persons who can urge any reasonable ground for possessing a revolver or pistol is extremely small; the danger attending the indiscriminate possession of such weapons is obvious; and the attempt made by the Pistols Act of 1903 to regulate their sale has been ineffective.

6. The Pistols Bill of 1911 was the subject of protracted negotiation between the Home Office and the Gun trade, and ultimately reached a shape when, subject to the settlement of some details, it appeared likely to receive the support of the trade, or at any rate no longer to meet with their opposition; but for lack of Parliamentary time and opportunity, the Bill was not introduced. Since 1911 circumstances have altered, and for the reasons indicated above, a more stringent measure for the control of the possession, etc., of pistols is now needed than might then have met the case. We consider, however, that legislation on the lines of this Bill, but going further, would put the law on a proper footing; and we set out in Appendix A the heads of a Bill to regulate the possession, manufacture and sale of firearms* [*It should be understood that throughout this Report the word firearm includes every description of weapon which it is proposed to control, as defined in the definition clause in Appendix A, No. 12, and also the ammunition intended for use with such weapon.] and ammunition in the United Kingdom, with notes showing in what respects it differs from and goes further than the Bill of 1911. It will be seen that the chief points of difference are (1) that whereas under the Bill of 1911 a certificate for the purchase and possession of a firearm would

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have been granted by the Police as a matter of course, if the applicant produced a statement from a "reputable householder" that he was a person who could be permitted to have the weapon without danger to the public safety, we propose that the Police of the district in which the applicant resides should be the judges on this point and should have discretion to refuse the certificate, subject to an appeal to a Petty Sessional Court against their decision; (2) that a police constable would have power to demand of any person carrying a firearm the production of his firearm certificate and, on failure or refusal to produce it, would have power to seize the firearm; (3) that manufacturers as well as sellers of firearms would have to be registered, and would be liable to removal from the register on conviction of an offence under the Act; (4) that records of the wholesale as well as the retail sale would have to be kept by the manufacturer and seller; and (5) that under warrant of a Magistrate the Police would have power not only to search the premises of manufacturers and sellers, but also to examine their books.

7. We think it well to record the opinions we have formed upon certain points which we have had to consider in connection with the proposed scheme of control, but which are subsidiary to it, in the sense that they cannot be embodied in the Bill but will be matters of administration, on which policy and practice may vary from time to time according to circumstances and the conditions obtaining in particular localities or countries. These points are:-

(a) The principles by which the Police should be guided in granting or refusing a certificate for the purchase or possession of a pistol, etc (that is to say, a firearm certificate). Under the legislation we recommend a firearm certificate would be granted only to a person who the Police considered might have the weapon without danger to the public safety; but, although this condition may be prescribed in the Act, the question whether it is complied with in the case of the individual applicant may present difficulty in practice, and, unless some guiding principle is laid down, may be determined by different Police authorities in different ways. We recommend therefore that when dealing with applications for firearms certificates the Chief Officer of Police should satisfy himself (1) that the applicant has made out a good prima facie case for requiring a firearm, (2) that he is a person of good character, and (3) that there is no reason to suppose that he intends or desires to use the weapon for an unlawful purpose. Speaking generally, it may be assumed that the ground on which a firearm certificate would be applied for would be that the applicant considered it necessary to have a revolver for the protection of himself and his household against burglars or thieves; and this ground could obviously be urged with much more force by an applicant who lived in a rural or out of the way district than by one who lived in a well-patrolled street in a large town. It would appear from the provisions of the Gun License Act, 1870, and the Pistols Act, 1903, that the Legislature has contemplated that the use of guns, otherwise than for the purpose of killing game, or of pistols should in the main be limited to householders requiring them for the purpose of self-protection, for both Statutes exempt a householder who uses or proposes to use the weapon only in his own house or the curtilage thereof. If the applicant were not a householder, or if his circumstances were such as to make the risk of any attempt at burglary on his premises a negligible one, it would be reasonable that the Police should require the applicant to show special grounds for the need of a revolver before granting the application.

The firearm certificate should, as would have been the case under the Bill of 1911, relate to a single identifiable weapon; but in order to admit of the occasional use of a borrowed rifle for sporting purposes, the Police should be authorised to issue special certificates for this purpose.

(b) The question whether the Police should have discretion to refuse an application for registration as a manufacturer of or dealer in firearms.

For the reasons indicated in Appendix B, we are of the opinion that - subject to the reservation as regards Ireland mentioned in paragraph 8 - it would not be expedient to require the Police to exercise any discretion in this matter. It may be that manufacturers or dealers whose proceedings in the past have been open to suspicion will be placed on the register, but we cannot recommend that the invidious duty should be placed on the Police of excluding them from the trade. Such action must, we think, be left to the Court in the event of any future proved breach of the law.

(c) Records of wholesale manufacture and sale.

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The Bill of 1911 provided that every registered pistol dealer who "sold a pistol by way of "trade or business" to a person not himself a registered dealer, buying to sell again, should record in a book to be kept for the purpose the particulars set out in the Schedule; those particulars being the name and address of both seller and purchaser, the district in which the certificate for the purchase of the pistol had been issued, and the "description, number and calibre of the pistol." The Bill also gave the Home Secretary power to prescribe the form of the record book and to vary or add to the Schedule. No objection appears to have been offered, or at any rate to have been pressed, by the Gun trade to this procedure, and we see no reason, therefore, why there should be practical difficulty in securing a sufficient record of the sale of firearms of every description to enable the weapon to be traced, and any evasion of the Act to be brought home to the offender. We think it essential, however, to any efficient system of control by the State of the sale and manufacture of firearms and ammunition, that records of wholesale as well as of retail sales should be kept, and be open to inspection by the authorities. Without such a record of transactions between the manufacturer and the dealer, or between one dealer and another, it would be more difficult to trace illegitimate shipments of arms to Ireland or to places abroad, and we recommend, therefore, that wholesale transactions, as well as the sale of single weapons to individual purchasers, should be recorded.

(d) Restriction on sale of ammunition.

As in the case of the Bill of 1911, we recommend (Appendix A, No. 12), that the proposed system of control and record of the sale and possession of firearms should apply to ammunition for such weapons, as well as to the weapons themselves; and we think that the Police Authority should have power to limit the quantity of ammunition purchaseable at any one time, or owned, by individuals or rifle clubs. These, however, are matters which obviously cannot be prescribed by the Bill but must be regulated by administrative action under it; and we recommend, therefore, that the Bill should give the Home Secretary power to prescribe the forms of certificate for the purchase of pistols and pistol ammunition, which could be altered or amended from time to time as experience might suggest; that the Police should have power to fix the quantity of ammunition purchasable under each certificate; and that the quantity sold and the date of sale should be entered on the certificate by the registered dealer when the sale took place.

(e) Identification of buyer.

The Bill of 1911 provided that the registered dealer should not sell a pistol to a person who was not known to him, unless that person produced to him, in addition to the pistol certificate, an "attested statement as defined by the Act to the effect that the purchaser was the person named in the certificate," while an "attested statement" was defined as a "statement signed by the person delivering it and certified as correct by the Police Officer of the district within which he resides, of rank not lower than that of Inspector, or by a Justice of the Peace, or by two reputable householders to whom the person delivering the statement is personally known." This procedure does not seem to us a very satisfactory one for the purpose in view, which, we presume, was (1) to enable a person who had been granted a certificate for the purchase of a pistol by the Police of the district in which he lived, to buy the pistol in another district, and (2) to prevent him from passing on the certificate to someone else who might not be a fit person to have a pistol. It does not appear that the production of the attested statement would really carry the identification of the buyer any further than the production of the certificate itself, for a person willing to pass on the certificate would be willing to pass on the attested statement, and the only completely trustworthy way of identifying the purchaser would be a personal identification by someone known to the dealer. This, however, would be a very cumbrous process, and we suggest that the attested statement might be dispensed with, provided that it were made the duty of the registered dealer, subject to a substantial penalty for non-compliance, immediately on the sale of a pistol or ammunition to inform the Chief Officer of Police who had issued the certificate of the particulars of the sale. The Police could then in any case of doubt verify the transaction by reference to the person to whom they had issued the certificate, or by other inquiry.

8. Before proceeding to deal with the question of the import and export of firearms, it will be convenient at this point to refer to the three directions in which, in our opinion, special provision will have to be made for the case of Ireland. In the first place, in view of the information furnished to us to the effect that in most of the cases of the criminal use of firearms in Ireland referred to in paragraph 2 the weapon used was a shot

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gun, we recommend that the proposed Bill should in its application to Ireland cover smooth-bore shot guns, as well as all other firearms. This can be effected by inserting suitable words in the definition clause. (See Appendix A.) Secondly, it will be necessary to control under the system of permits (see paragraph 12 (2)), the removal of firearms by sea (coastwise) from Great Britain to Ireland. The Irish Government may also wish to apply the permit system, in the interests of stricter control, to removals from one place in Ireland to another. It will also be necessary to provide in Ireland that no person shall be registered as a manufacturer of or dealer in firearms except with the consent of the Police or other Government Authority, and that such consent may be withheld at discretion.

9. The effective control of the import and export trade in firearms, and of the removal of firearms from Great Britain to Ireland can, to a great extent, be brought about by departmental action under the present law, and will need fresh legislative authority on the point mentioned in paragraph 13 only. We propose to deal with this part of the subject under the following heads:- (1) Control of Imports, (2) Control of Exports, and (3) Control of Removals "coastwise" from Great Britain to Ireland.

CONTROL OF IMPORTS

10.-(1) Import Prohibition. - (i) For this purpose legislation will not be necessary, as Section 43 of the Customs Consolidation Act, 1876, provides for prohibition of the importation of any article by proclamation, and this proclamation may contain provision for a system of import licenses. We recommend that the import prohibition should be a general one, extending to firearms (and parts of firearms) of every description, and ammunition imported at any port in Great Britain or Ireland. This general prohibition should be modified by giving power to the Police to issue licenses to import firearms or parts of firearms, as described in paragraph 10 (2). We recommend this general prohibition because, in view of the difficulties of controlling cross-channel shipments to Ireland, it will not be safe to forgo control over the importation of firearms of any description (or parts of firearms) into Great Britain if, as we recommend in paragraph 8, all firearms of every description are to be subject to police control in Ireland. The system of import licenses discussed in paragraph 10 (2) will invest the prohibition with sufficient elasticity to allow of shot-guns and parts of firearms being freely imported into Great Britain when no suspicion of an Irish destination exists.

(ii) The responsibility for enforcing the prohibition against firearms imported as merchandise, or by parcel post, will rest primarily with the Customs authorities at the place of importation. On production of a license the Customs will release the goods and advise their release to the police authority by whom the license was issued, so that the latter may, if they think necessary, verify the arrival of the goods at the authorized destination in due course, or institute enquiries in the event of their non-arrival. Firearms or parts of firearms not covered by an import license should be detained by the Customs, and seized under the Customs law if no license is produced within a reasonable time.

(iii) As regards passengers arriving in the United Kingdom from abroad, the Board of Customs and Excise should be asked to give directions that all passengers are to be questioned as to the possession of firearms, and that in the course of the examination of baggage for revenue purposes a look out should also be kept for concealed firearms. In view, however, of the statutory limitations on the right of search by Customs Officers* [* Under Section 185 of the Customs Consolidation Act, 1876, a Customs Officer is liable to a penalty of £10 for causing any person to be searched without reasonable cause.], and the practical objections to any undue prolongation of the time occupied by the Customs examination of baggage, we are satisfied that the Customs cannot be expected to detect and prevent all attempts at the surreptitious introduction of firearms. We consider that, apart from a special examination (by the Police) of persons known to be dangerous characters, reliance will have to be placed mainly on the deterrent effect of heavy penalties on persons detected in such attempts, and on the practical difficulty of importing large quantities of firearms in the guise of baggage without discovery.

(iv) We understand that the Aliens Committee of the Reconstruction Committee have considered the question of the restrictions to be imposed upon aliens in the United Kingdom after the war, and that in accordance with their report, a draft Order in Council (to be made under an Act amending the Aliens Restriction Act, 1914), has been prepared which contains the following clause:-

"11. The Secretary of State may by Order impose on any alien or class of aliens such restrictions (in addition to the other restrictions imposed by this Order) as to residence, reporting to the Police, registration, the use or possession of any machine, apparatus, arms and explosives, or other articles, or otherwise, as he may deem to be necessary in the public interest, and any alien in relation to whom such an Order is made shall comply with the terms of the Order."

We have considerable doubt whether or not it will be possible altogether to prevent the smuggling into the country by alien immigrants of firearms or of, at any rate, limited quantities of ammunition. It is obviously to the public interest that this should be prevented as far as practicable, and we have consulted on the point Mr. W. Haldane Porter, C.B., H.M. Chief Officer under the Aliens Acts, who has furnished us with the following memorandum:- "It would be quite impracticable to search all alien passengers arriving in the United Kingdom when the normal passenger services are restored after the war - one has only to think of the cross-channel traffic to ports like Dover and Folkestone or a crowded American liner at Liverpool or Southampton to realise this. "It is proposed in the legislation contemplated after the war that every alien passenger shall be liable to inspection and in certain cases, e.g., aliens of the immigrant class, this inspection will be of a rigorous nature. It would, in fact, be possible to apply personal search to all aliens subjected to close inspection if it were considered necessary and desirable. "But large numbers of aliens will naturally merely be interrogated briefly on arrival, and unless some definite guidance were given to the Aliens Officers, personal search could not be resorted to. The competent authorities might be able to furnish information as to specific individuals or to indicate that passengers of a certain class coming from certain countries were to be regarded with suspicion, and action could be taken accordingly. "The powers of search at present exercised have arisen out of the state of war and in what I have said above I have assumed that after the war the power to search will exist either inferentially from the prohibition on the importation of arms or by direct enactment."

We think there should be such power to search alien immigrants for arms and ammunition, and we recommend therefore that specific powers for the purpose should be given to the officers under the Aliens Act.

(2) Import Licenses.- (i) We recommend that the licensing authority should be the Police of the district in which the importer resides or carries on business.

(ii) As regards the issue of licenses, we recommend that in the absence of any suspicious circumstances, import licenses should be freely granted:-

(a) for parts of firearms consigned to registered manufacturers, e.g., for Belgian tubes which are used to a considerable extent by British manufacturers in making barrels for sporting guns;

(b) for finished firearms consigned to a registered dealer in firearms; and

(c) for sporting firearms of any description imported by private individuals.

(iii) In the case of firearms or parts of firearms of any description imported into the United Kingdom for transshipment, the requirement of an import license might be waived* [In Customs law transshipment goods are amenable to any import or export prohibitions in force for the time being in the same way as ordinary imports and exports.] on condition that the transshipment is effected under bond for the due re-exportation of the goods, and that the goods are kept in Customs charge until an export license is produced. The requisite control can be most conveniently applied by means of export licenses (see paragraph 11 (2)).

(iv) In applying our recommendations at (ii) (c) and (iii) to firearms in the possession of passengers arriving from abroad, and forming part of their personal effects, we suggest:-

(a) that the requirement of a license should be waived for shot guns so imported into Great Britain (but not into Ireland); and (b) that a passenger who is merely passing through the United Kingdom for re-embarkation at another port should not be required to obtain an import license for any firearms in his possession, if the weapons are forwarded in a sealed case or packet from the port of landing to the port of re-embarkation.

These two concessions should be conditional upon the firearms being duly declared and produced by the passenger to the Customs authorities at the port of landing.

CONTROL OF EXPORTS

11. We have referred, in paragraph 3 to the recommendation of the Sub-Committee on Arms Traffic, that among the undertakings which it will be of the "utmost consequence to civilisation in general" to obtain from, if possible, all the Powers represented at the Peace Conference is an undertaking to prohibit the export of automatic pistols and ammunition of every kind to any destination except under Government license. The question whether this, with the other recommendations of the Sub-Committee, shall be adopted, and whether the negotiations at the Peace Conference shall include an endeavour to secure an International undertaking to the effect recommended by the Sub-Committee, is, of course, a matter for the decision of His Majesty's Government; but the report containing them having been referred to us, we assume that we should express our views as to the manner in which a system of prohibition of the export of firearms and ammunition to any destination except under Government license should be brought into force, and this we proceed to do.

(1) Export Prohibition.-(i) Here again we recommend a general prohibition - that is to say, that the exportation of fire-arms should be prohibited to all destination; that the prohibition should not be limited to automatic pistols or even to finished firearms adapted to military purposes, but should cover all fire-arms, including sporting guns and parts of firearms of any description, and ammunition; and that, as in the case of imports, the formal generality of the prohibition should be modified at discretion by issuing licenses freely for sporting guns and parts of firearms to approved destinations. For the purpose of such general prohibition legislation will not be necessary; the power of imposing it already exists in Section 8 of the Customs and Inland Revenue Act, 1879.

(ii) As regards enforcement of the prohibition it must be borne in mind that the Customs regulations in relation to the exportation of non-dutiable goods are directed, under normal peace conditions, only at obtaining a record of shipments for statistical purposes, and do not include a systematic examination of goods shipped or brought for shipment. The present elaborate system of Customs export control was specially instituted as a war measure; and there is no guarantee that it will be continued after the end of the war. The Customs authorities should be asked to do what they can in the course of their ordinary duties to detect and prevent shipments of firearms without license.

(2) Export Licenses.-(i) The proper authority for the issue of export licenses after the war will, in our opinion, be the Board of Trade. In administering the issue of licenses the Board of Trade would act in consultation with the Foreign Office, Colonial Office or India Office, according to the destination of the goods.

(ii) The power to control transshipments of firearms in the United Kingdom will follow automatically from the export prohibition. This power should be exercised by requiring a license for transshipments in the same way as for direct exports.

(iii) In order to ensure as far as possible that export licenses are duly produced at the port of shipment for comparison with the goods themselves, the Board of Customs and Excise should be moved to exercise their powers under Section 139 of the Customs Consolidation Act, 1876, by making an order for pre-entry (i.e., entry and clearance before shipment* [Under peace conditions pre-entry is not ordinarily required as respects exports other than dutiable goods shipped in bond or on drawback.]) as respects all firearms intended for shipment to any destination. Firearms presented for shipment without an export license will be liable to detention and seizure under the Customs Acts, and should be detained and seized accordingly.

(iv) We do not think it necessary to apply our suggestion as regards export license and pre-entry to firearms exported as part of their personal effects by passengers embarking for abroad. There is normally no Customs examination of outward passengers, and the arrangements for placing heavy baggage on board the departing vessel and the limited time allowed to passengers to go on board with their portable luggage would make any Customs examination at the port of embarkation impracticable. No useful purpose, therefore, would be served by requiring the passenger to obtain an export license for any firearm or ammunition he wished to take with him. He must, however, hold a firearm certificate in order to justify

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his having arms in his possession, and if he has been granted one, we think it might safely be assumed that there could be no objection to his taking the weapon abroad. If he embarked with a firearm in his possession without having obtained a certificate, he would commit an offence against the measure we recommend in Appendix A, and would be liable to prosecution. We think reliance must be placed on this provision for the prevention of the illegitimate export of firearms as personal effects. Such export could in any case only be carried out successfully on a small scale. When, however, the authorities had reason to suspect that an offence of the kind was about to be committed, it would be competent to the Police to apply for a magistrate's warrant to search the suspected person and his effects before he started on his journey or before he reached the vessel, and, if arms or ammunition were found, to prosecute him for possessing them without having a firearm certificate. We suggest, further, that the powers which, in paragraph 10 (1) (iv) we propose should be given to the officers under the Aliens Act to search alien immigrants for arms and ammunition might be applicable in the case of aliens leaving a port in the United Kingdom.

(3) Records of Exports.- (i) Having regard to the objects of the export prohibition, it will not be safe to lose sight of firearms which have left the country, and thus risk their diversion to an unauthorised destination. We suggest, therefore, that, as each shipment is made, the Customs authorities should notify it to the India Office, Colonial Office or Foreign Office according to the destination of the goods, so that an advice may be sent to the Government of India or the Colony concerned, or to a Consular Officer in a foreign country, as the case may be. The advice would serve the double purpose of a warning to be on the look out for the arrival of the goods with a view to supervision of their disposal and a means of discovering any diversion of the goods from the authorised destination.

(ii) We should mention in this connection that, (apart from the Customs War Powers Acts, which will lapse at the end of the War), the only Customs machinery for tracing the ultimate disposal of goods exported from the United Kingdom is by requiring the exporter to give a bond under Section 104 of the Customs Consolidation Act, 1876, that the goods will be duly landed at the declared destination. There is also a Customs penalty of £500 for a false declaration as to the destination of exported goods; but it is obvious that, even if the British exporter were privy to a diversion of the exported firearms from their ostensible destination, the difficulty of obtaining evidence sufficient to secure a verdict in a British Court would be practically insuperable. The only way of punishing a trader when there are reasonable grounds for suspecting that he has obtained a license by a false representation as to the destination of the goods will be by refusing him licenses in the future.

(4) Control of Export by Removal Permit.- It would greatly facilitate such control as the Customs can effect at the place of shipment if all firearms for exportation were required to have affixed to them a removal permit issued by the Police of the district in which the sender or supplier resides or carries on business, and recording the date and number of the relative export license. The experience of the War indicates that not only the Customs but the Port Authorities and the shipping companies, too, will find it helpful to have a distinguishing mark on packages for which an export license is required, and which must, as such, be withheld from shipment until passed by the Customs. The issue of a permit should be advised to the Customs authorities at the prospective port of shipment; and the permit itself should be detached by the Customs when the goods are produced to them before shipment, and forwarded by them to the Chief Officer of Police for the district of issue as an advice that the shipment has been allowed. If the goods are not produced to them, the Customs would so advise the Police who had issued the permit, with a view to enquiry and prosecution for any misuse of the permit or breach of the Customs regulations, by shipment without pre-entry or otherwise.

(5) We do not pretend that the scheme we have just outlined will ensure the detection and prevention of all attempts to ship firearms out of the country by surreptitious means. We think, however, that the triple precaution of a Government license, pre-entry with the Customs, and a Police permit, (as recommended in paragraph 11 (2) and (4)), will go as far in this direction as is reasonably possible without setting up an elaborate and costly system of Customs control for this special purpose.

REMOVALS "COASTWISE" FROM GREAT BRITAIN TO IRELAND

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12.-(1) In dealing with this subject it is necessary to premise that under normal peace conditions Customs control over coastwise traffic is purely formal, that outside the large ports a Customs staff is only stationed at a comparatively few places where the trade is sufficient to justify its maintenance, and that even where Customs Officers are stationed it is no part of their duty to supervise the loading and discharge of coastwise cargoes. In the circumstances the Customs cannot exercise any systematic control over coastwise shipments of firearms.

(2) As regards Ireland, the experience of the Home Office, Irish Office and Customs before the war is conclusive as to the difficulty of effective control by means of Customs machinery only. During the period December, 1913, to the outbreak of the war, there was a Customs prohibition* [* Under Section 8 of the Customs and Inland Revenue Act, 1879, such prohibition must be general, e.g., it cannot be limited to shipments from Great Britain to Ireland.] in force against all coastwise shipments of military arms or explosives of any description, and a Customs Order** [** Under Section 139 of the Customs Consolidation Act, 1876.] requiring pre-entry of all other arms exempt from the coastwise prohibition. Two of the main factors of weakness in this system were (a) the limitation of control to the time and place of loading or discharge, and (b) the lack of any independent powers of action by the Police. We recommend that a system of removal permits should be strictly enforced as respects removals of firearms from Great Britain to Ireland so that (a) packages unaccompanied by a permit may be detained at any point of their journey, and (b) detention may be effected by the Police under powers proposed to be conferred upon them, without calling in aid the special powers vested in the Customs authorities.

13.-(1) For the purpose of authorising the system of permits referred to in paragraph 11 (4) and 12 (2), we recommend that in the proposed Bill power should be taken for a Secretary of State (in Ireland, the Lord Lieutenant) to require by Order, and under regulations to be set out in the Order, that no firearms or parts of firearms must be removed by any means of conveyance from one place in the United Kingdom to another, unless accompanied by a permit issued by or with the authority of the Police of the district whence the removal takes place. This power should be exercisable either generally or as respects particular kinds of firearms, or particular methods of conveyance, or removals within or between particular districts or localities. The regulations should include a saving clause for any firearm removed from one place to another in the custody of the person who holds a firearm certificate authorising him to possess or use it.

(2) We think this power should in practice be exercised as regards firearms and parts of firearms intended: - (a) for exportation abroad (see paragraph 11 (4) above); (b) for removal coastwise from Great Britain to Ireland; and (c) for removal by sea ("coastwise") from any place in the United Kingdom to another. We add (c) because we regard control of all coastwise shipments as a necessary factor in the control of shipments from Great Britain to Ireland.

(3) Removal permits should show the name and address of the consignor and the name and address of the consignee, with the method and route of conveyance. Every permit should be securely and conspicuously affixed to the case or other receptacle in which the arms are packed; the absence of a permit on a case or package containing arms and requiring a permit will be sufficient ground for its detention by any officer of Police at any point in its journey by land or water.

(4) Permits required by private individuals or small retailers and all permits for firearms intended for exportation should be issued by the Police of the district in which the sender resides or carries on business. Manufacturers and retailers in a large way of business should be supplied by the Police with books of permits to be used, as occasion arises, for sending out firearms otherwise than for exportation. On the counterfoil of each permit should be inserted the same particulars as are inscribed on the permit itself, and these particulars should be modified by the local Police to the Police of the district of destination. The Police should periodically inspect the counterfoils of used permits in the hands of manufacturers and retailers.

14. The system of control which we recommend would not prove effective in the case of organised gun-running upon a large scale such as occurred in Ireland in 1914. No import regulations will prevent the landing by force or surreptitiously of large quantities of rifles; and after they have been distributed the prosecutions of individuals for contraventions of a Firearms Control Act would be impracticable. Such cases must be dealt with in the first instance by the Naval or Military Authorities, and any unauthorised training or drilling to the use of arms should be firmly suppressed by the enforcement of the Unlawful Drilling Act, 1819. In this connection our attention has been drawn to the fact that the object of that Act

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may be, and of recent years has been, defeated by obtaining authority from "two Justices of the Peace." We recommend that Section 1 of the Act should be amended and that the power to authorise drilling to the use of arms should be vested in the Crown and the Naval and Military Authorities only.

15. It must, of course, be expected that such a measure, and such executive action, for the control of the manufacture, sale, acquisition and possession, import and export of firearms and ammunition as we have recommended will meet with opposition from the persons who before the war were engaged in the manufacture or in the sale, import or export of these weapons, but this opposition must in our opinion be disregarded. The industry as a private industry has been in abeyance during the war, and on its revival it must be subject to the regulations required in the public interest.

16. We have only to add that if the recommendations in the Report are adopted by His Majesty's Government, the preparation and introduction of the Bill should, we think, be proceeded with as soon as possible. It is desirable that the arms which are being dispersed over the country by soldiers returning from the Front should be brought without delay under the system of control which we recommend. Moreover, it would be fair to the manufacturers and sellers of firearms whose business has been at a standstill during the war that they should know, before preparing to resume it, of the restrictions about to be placed upon the sale and possession of these weapons. We may add this further reason against the postponement of legislation for the control of firearms and ammunition, that His Majesty's Government will, we conceive, be in a much stronger position in urging upon other Powers the imperative necessity for an international agreement for the control of the traffic, if they can point to domestic legislation and control as accomplished facts.

17. Our recommendations may be summarised as follows:-

- (1) That military firearms and ammunition which are the property of the Government, should on demobilisation be returned to store, and should remain under complete and permanent Government control. (See para. 5 (1).)
- (2) That the Departments concerned should take steps to prevent military firearms which are the property of combatants, whether officers or men, from being thrown upon the market when the owners cease to belong to H.M. Forces. (See para. 5 (2).)
- (3) That as soon as practicable a Bill should be introduced by the Government on the lines set out in Appendix A, to provide, inter alia -
 - (i) That the right to purchase or possess a revolver or any other description of firearm as defined in the Bill, or ammunition for such weapon, shall be limited to persons who in the opinion of a Chief Officer of Police may possess a firearm without danger to the public safety. (See para. 6.)
 - (ii) That such persons shall be granted a firearm certificate by the Police of the district in which they reside. (See para. 6.)
 - (iii) That there shall be a right of appeal to a Petty Sessional Court against the refusal of the Police to grant a certificate. (See para. 6.)
 - (iv) That manufacturers and sellers of firearms shall be registered, and shall keep records of the sale of firearms whether by wholesale or retail, and that there shall be power under a Justice's warrant for the Police to examine their books. (See paras. 6, 7 (c).)
 - (v) That in Ireland, though not in Great Britain, the registration of manufacturers or, or dealers in, firearms shall be at the discretion of a Government authority. (See para. 8.)
 - (vi) That in Great Britain, but not in Ireland, shot guns and ammunition therefor shall be excluded from the operation of the Bill. (See para.8.)
- (4) That a Proclamation shall be issued under Section 43 of the Customs Consolidation Act, 1876, prohibiting the importation of firearms and parts of firearms, except when authorised by license to be issued by the Police. (See para. 10 (1).)
- (5) That a Proclamation shall be issued under Section 8 of the Customs and Inland Revenue Act, 1879, prohibiting the exportation of firearms and parts of firearms, except when authorised by license to be issued by the Board of Trade. (See para. 11 (1), (2).)
- (6) That specific powers should be given to the Officers under the Aliens Act to search for arms and ammunition both aliens arriving at and aliens leaving a port in the United Kingdom. (See paras. 10 (1) (iv) and 11 (2) (iv).)

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(7) That power be taken to control the movement of firearms and parts of firearms within the United Kingdom by permits to be issued by a Police Authority, and that this power be exercised in particular as regards firearms and parts of firearms intended for exportation or carriage by sea "coastwise." (See para. 13.)

We have the honour to be, Sir,
Your obedient Servants,
15th November, 1918
ERNLEY BLACKWELL,
Chairman

E. C. CUNNINGHAM.

F.J. DRYHURST.

LEONARD DUNNING.

H. FOUNTAIN.

ARTHUR W. SAMUELS.

J.E.SHUCKBURGH.

MAURICE TOMLIN.

B.M.TOMLINSON.

APPENDIX A

Heads of a Bill to Provide for the Control of the Possession, Manufacture, Sale, Import and Export of Firearms and Ammunition in the United Kingdom.

1.- (1) The right to purchase, possess, use or carry any description of firearm (as defined in 12), or ammunition for the weapon, to be limited to persons holding a firearm certificate.

Penalty for contravention, on summary conviction, a fine not exceeding £50.

(2) Firearm certificate to be granted by the Chief Officer of Police of the district in which the applicant resides, on payment of the required fee, when such Chief Officer is satisfied that the applicant is a person who can be permitted to have the firearm without danger to the public safety. (The Bill of 1911 merely required a written statement by a "reputable householder" in support of the application.)

Certificate to relate to one identified firearm only, and to a definite quantity of ammunition; but a certificate may be granted for bona fide sporting purposes of a rifle not identified as the property of the user.

(3) There shall be a right of appeal to a Court of Summary Jurisdiction against the refusal of Chief Officer of Police to grant a certificate. In Ireland the appeal to lie in the Dublin Metropolitan Police area to a Divisional Magistrate and elsewhere to a Resident Magistrate.

(4) Chief Officer of Police not to grant firearm certificate: -

(i) To a person under the age of 18 years.

(ii) To a person whom he knows, or has reasonable cause for believing, to be of drunken habits.

(iii) To a person whom he knows, or has reasonable ground for believing, to be of unsound mind.

(iv) To a person whom he knows to have been sentenced to penal servitude or imprisonment for a crime of violence, or burglary or housebreaking; or to a person for the time being under recognizances to keep the peace or be of good behaviour; or to a person holding a license under the Penal Servitude Acts; or to a person under police supervision.

(5) Firearm certificate to be subject to expiration and annual renewal, as in the case of gun licenses, and, preferably, on the same date. Fee on grant of firearm certificate 5s and on annual renewal 2s.6d.

(6) Firearm certificate not to be required: -

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- (a) by any person in H.M. Naval, Military, Air or Reserve Services, or in a Police Force, for any firearm which he possesses or uses in his official capacity; or
 - (b) by any gunsmith or his servant having the firearm in ordinary course of his trade or business as gunsmith, or by any servant of an authorised Proof House; or
 - (c) by common carrier having or carrying a firearm in course of his business; or
 - (d) for any firearm forming part of a ship's equipment, provided it is not brought ashore; or
 - (e) by any member of an approved rifle or miniature rifle club for using or carrying a firearm when engaged in target practice.
- (7) Person using or carrying a firearm not to be relieved from obligation to take out a gun license.

2.-(1) Person not to manufacture, sell, whether wholesale or retail, or expose for sale firearms by way of trade or business unless registered as a firearm dealer.

(2) Pawnbroker not to take firearm in pawn; firearms already in pledge to be sold only to registered dealers.

(3) Person not to sell firearm except to a registered dealer unless purchaser produces a firearm certificate. (The Bill of 1911 exempted the registered dealer from a penalty for selling a pistol without production of a certificate if the buyer (i) gave him an attested statement to the effect that he was about to proceed abroad for a period of not less than two months; or (ii) showed that he was a passenger or seaman on a departing ship and the pistol was not delivered to him until he was on board; or (iii) showed by producing a railway or ship ticket that he was leaving the United Kingdom on a journey or voyage of more than 48 hours' duration and the dealer informed the Police of the district of such sale. There appears to be no sufficient reason for these exemptions. They would, e.g., enable an emigrant to take a gun or pistol with him, though he might be an improper person to have one. Again, a tourist going for a few days' holiday on the Continent, or as seaman, could, without reference to the police, buy a pistol, and might bring it back and keep it without having a certificate.)

(4) Seller of firearm immediately to inform Chief Officer of Police who had issued certificate of full particulars of sale.

(5) Manufacturers or dealers who sell firearms by way of trade or business, whether by wholesale or retail, to enter in a book to be kept for the purpose the particulars of each transaction set out in the Schedule to Act. The book to be open to inspection by officers of Police, and any officers engaged in the administration of the Gun License and Game License Acts.

(6) Penalty for contravention of, or failure to comply with, this provision to be £20, and for making a false entry in the book of particulars to be three months' imprisonment or a fine of £20, or both.

(7) This provision to be in addition to and not in derogation of any provision of this or any other Acts which prohibit or restrict the sale of firearms to any person.

3. Persons under 18 not to purchase, possess, use, or carry a firearm under penalty of £20.

4.-(1) Firearms not to be sold to any person whom seller knows, or has reasonable grounds for believing, to be drunk or of unsound mind even though such person may have been granted a firearm certificate.

(2) Penalty for contravention, fine not exceeding £20, or imprisonment not exceeding three months.

5.-(1) A person ineligible to hold a firearm certificate under cl. 1 (4) (iv) not to possess, use or carry a firearm.

(2) Penalty for contravention, fine not exceeding £20, or imprisonment not exceeding three months.

6.-(1) The Chief Officer of Police of every Police District to keep register, in form prescribed by the Secretary of State, of persons manufacturing or selling firearms, and to register therein every person who, having a place of business in his district, desires to be registered as a firearms dealer, and furnishes such particulars as may be prescribed by Secretary of State, and pays a fee of 5s.

(2) Court to have power to cancel registration on conviction of a registered person of an offence under the Act, or of any offence against the Customs Acts in relation to the import or export of firearms. (It does not appear to be necessary to control manufacture otherwise than by requiring registration; the control will, in effect, come about through the restriction of the persons permitted to have firearms.)

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7. Application of fees to be provided for.

8. Court to have power to forfeit firearm or cancel firearm certificate on convicting a person of an offence under the Act, or of an offence which makes him ineligible to hold such certificate under cl. 1 (4) (iv).

9. Constable to have power to demand production of certificate by any person possessing, using or carrying a firearm, and on failure or refusal to produce the certificate, power to seize the weapon. (This is a new proposal.)

10. Justice of the Peace, if satisfied by information on oath that there is reasonable ground for suspecting that an offence under the Act has been, or is about to be, committed, or that a person is in possession of firearms imported, or about to be exported, without proper authority, to have power to grant a warrant authorising any Constable named therein to search places or persons for firearms, and to seize the fire arms if found, or to examine a registered dealer's books. (The Bill of 1911 did not extend this power to examination of a dealer's books.)

11. The Secretary of State (in Ireland the Lord Lieutenant) to have power to require, by Order, and by regulations to be set out in the Order, that no firearms must be removed by any means of conveyance from one place in the United Kingdom to another, unless accompanied by a permit issued by, or with the authority of, the Police of the district whence the removal takes place.

Such power either to be exercisable either generally, or as respects particular kinds of firearms, or particular modes of conveyance, or removals within, or between particular districts or localities. Police to be given power to search for and detain firearms removed in contravention of such Order and regulations. Penalty for contravention, £20 and confiscation of the goods.

12. Definition Clause: -

The term "firearm" includes a firearm of any description and an airgun or any other weapon from which any shot, bullet or other missile (including any noxious liquid or gas) can be discharged, and the term "ammunition" means ammunition for any such "firearm." Provided that in Great Britain a smoothbore shot gun and ammunition therefor shall not be deemed to be a firearm or ammunition respectively unless and until sold or removed for shipment either for exportation or carriage coastwise.

13. Saving for antique guns and pistols.

14. Application of Act to Ireland.

15. General power to Secretary of State to make Rules for the carrying out of the Act; prescribe forms for gun and pistol certificates and for record of sales, and forms of license for import; and by order to vary or add to the Schedule to the Act.

16. Pistols Act, 1903, to be repealed. Section 1 of the Unlawful Drilling Act, 1819, to be amended.

SCHEDULE

Particulars to be entered in book by registered dealer.

1. Name and address of seller.
2. Name and address of purchaser.
3. When sale is to a person not a registered dealer, district in which firearm certificate is issued and date of notification of sale to Police.
4. Description, number and calibre of firearm.

APPENDIX B

Memorandum of Discussion with Mr. Rafter, Chief Constable of Birmingham, on 1st May, 1918.

Appendix A

1. Mr. Rafter, Chief Constable of Birmingham, attended the Meeting by request of the Committee.

2. The Chairman read Clause 6 of the proposed Pistols Bill of 1911, which provided that the Chief Officer of Police of every Police District should keep a register of persons who desired to be registered as dealers in pistols - persons so registered alone being allowed to sell them - and explained that the Committee proposed to recommend that such registration should be applied to manufacturers of and dealers in firearms of every description except smooth-bore shot-guns. They had also considered the question whether the Police should have power to refuse to register applicants whom they considered to be unsuitable persons to carry on the trade; and they desired to have Mr. Rafter's opinion on both the limited and the wider proposal. Mr. Rafter's reply was to the effect that the Police would have no difficulty in keeping the proposed register, and that it would be of service to them in guarding against improper dealing in firearms, provided that they had, as would have been the case under the Bill of 1911, administrative duties only to discharge: that is to say, that they had no discretion to reject applicants for registration. He saw great difficulty in the way of the Police being required to exercise discretion in the registration of applicants. The Police Authority in Boroughs was the Watch Committee to whom the Chief Constable was responsible, and they might not appreciate the reasons why he had refused to register some ostensibly honest and straightforward citizen who wished to resume or take up the business of making or selling firearms, and who would at once complain to the Watch Committee and to the newspapers of arbitrary and unwarrantable interference by the Police with private trade. Moreover, however good the reasons the Police might have for refusing to register an applicant, there would in many cases be reasons which in the public interest could not be disclosed. The same difficulty would arise if the rejected applicant could appeal to the Justices, or if the duty of registering applicants were made a function of the Justices. They could in most cases only act upon the report of the Chief Constable as to the character of the applicant; if the facts as to his unsuitability were so patent that the Court would not entertain the application, he would not think it worth while to apply, while if they were such as the Police could not make public, the Court would not be likely to take the responsibility of refusing him registration. It was suggested that there might be an appeal from the decision of the Police to the Home Secretary, but, as the Chairman pointed out, the Home Secretary could only be guided by the report of the Chief Constable with whose action he was being asked to interfere and the public would not regard an appeal to the Home Office as of any real value. Mr. Rafter suggested that the power of the Competent Military Authority under the Defence of the Realm Regulations to decide to what extent firearms and ammunition might be sold, purchased, and transferred, which he thought had been very successfully exercised in Birmingham, might be continued after the War; but the Committee agreed with Colonel Hoare's view that although this was a power which had necessarily been given to the War Office in the time of War, it could not be considered their business to exercise it in ordinary times. After much discussion, and allowing full weight to the altered circumstances which would exist after the War, when public opinion would no doubt demand that the manufacture of firearms and the trade in them should be strictly controlled, it was agreed that it would not be expedient to recommend that either Chief Officers of Police or Courts of Summary Jurisdiction should be charged with the duty of deciding what persons might, and what persons might not, be allowed to resume or take up the business, but that the proposed system of registration must be an administrative one. Mr. Rafter, however, considered that if power were given to the Court to remove from the register any registered person convicted of any offence under the Act, and if the Police, as Mr. Rafter thought would be necessary, were given the power to inspect not only the proposed records of sales of firearms but also, under a magistrate's warrant, to examine his books and search his premises, the proposed system of control would be practicable and efficient.

3. Mr. Rafter saw no difficulty in the discharge of the duty proposed to be placed upon the Police, subject to an appeal to a Court against their decision, of granting certificates to persons desirous to purchase or possess firearms other than shot-guns, who they considered might enjoy the privilege without danger to the public safety; and he suggested that the purchase and possession of shot-guns might be similarly limited. His experience led him to the conclusion that the registered dealer should be required to satisfy himself as to the identity of the buyer, and that no sale should be allowed, either of single weapons or in bulk, under assumed names. Large transactions had to his knowledge taken place in which firearms had by the buyer's request been consigned to a person under a false name.

Appendix A

4. Mr. Rafter agreed with the provision in the Pistols Bill of 1911 which the Committee propose to endorse, that firearms should neither be taken in pawn nor sold by pawnbrokers. In the case of weapons in the possession of pawnbrokers when the prohibition came into effect, it was agreed that the owner should only be allowed to redeem his property if he produced a police certificate entitling him to possess it, and that the pawnbroker should be allowed to sell unredeemed weapons to registered dealers.

5. Mr. Rafter did not apprehend difficulty on the part of the Police from the proposed provision that the importation of firearms or parts of firearms should be allowed only when the registered dealer or manufacturer had obtained a license from the Chief Officer of Police of the district in which he resided or carried on his business. The license, however, would probably have to be granted as a matter of course in most cases, as the grounds of refusal would have to be very clear to justify the Police taking the responsibility of refusing the license.

6. As regards the export of firearms, Mr. Rafter knew of cases in which there was every reason to think that they were exported to parts of the world which it was not to the interest of the United Kingdom that they should reach, e.g., the Persian Gulf, but the difficulty of getting proof of illegitimate traffic of this sort was great, and he was not able to suggest any procedure by which this difficulty could be removed.