

Response to the Postcomm Firearms Prohibition Consultation

Background

In responding to this consultation I represent both myself and the subscribers to the electronic publication *Cybershooters* of which I am the editor.

I have extensive knowledge of the use of and trade in firearms, and in my role as editor of this publication I frequently have contact with many others who use carriers for the transport of firearms and related materials.

The consultation document

The consultation itself appears to be based somewhat on a false premise; because ACPO have requested that Royal Mail report to the police every firearm they find in the post, that Royal Mail is under an obligation to do so and this has affected their working practices.

In fact this is not the case. ACPO are not a law enforcement agency and neither is Royal Mail plc. There is no obligation in law for Royal Mail to report any finding of firearms in the post to the police, although they are under an obligation to the CAA. However, the change in Royal Mail's practices, as outlined in the consultation document, appear to be largely at the behest of ACPO and it must be made clear that any change as a result of such a request is an entirely voluntary action by Royal Mail. It is open to question whether such a far-reaching change in Royal Mail's working practices should have been reviewed by Postcomm prior to the current consultation.

One is forced to wonder what the response of Postcomm would be if ACPO had requested Royal Mail inform the police of every discovery of a kitchen knife in the post, on the basis that criminals may use them, and Royal Mail had failed to notify Postcomm that they were doing this.

Misconceptions and inaccuracies in the consultation document

There is a remarkably disingenuous comment in paragraph 3.16 of the consultation document where it states that some of Royal Mail's customers have been approached to find out what impact such a regulatory change (i.e. the prohibition of carrying firearms in the post) would have on their business. However, none of the businesses listed are engaged in the firearm trade, let alone being members of the Gun Trade Association and it would be impossible for them to offer any constructive commentary on the subject.

The consultation document then continues with paragraph 3.17, which compares the costs imposed by various carriers, in comparison to Royal Mail.

However, of the alternate carriers, both DHL and UPS will not carry firearms or related items according to their terms and conditions, and TNT will only carry them business-to-business for selected businesses and is thus not a viable alternative in most cases. Only Parcelforce is a real alternative, and if Royal Mail stop carrying firearms, then Parcelforce is essentially handed a monopoly of the business among the major carriers, leaving people who need to transport firearms and related items entirely in their hands.

If four of the five major carriers identified by Postcomm will not carry firearms and related items, it would be naïve to assume other carriers will rush into this market as they would have similar concerns to the other major carriers.

Impact on rural communities

Any prohibition of the scope proposed by Royal Mail will have a significant impact on rural communities. While there are no hard statistics on the reasons why people hold firearm and shotgun certificates, it is generally put forward by firearm licensing departments that about three-quarters of firearm certificates are on issue for pest control and field sports reasons, and the large majority of shotgun certificates are also on issue for these purposes¹. These activities are far more common in rural areas. In addition, the majority of registered firearm dealers in the UK are based in rural areas.

Access to services other than the Royal Mail is substantially more difficult for those located in rural locations, creating a massive impact on the ability of certificate holders and firearm dealers to ship their firearms and related items. This impact would extend across several hundred thousand individuals and thousands of businesses.

Royal Mail's problems

The Royal Mail identifies three problem areas:

- Firearms cause great disruption when they are found

The problem here is that they only cause great disruption because of Royal Mail's working practices, which were voluntarily formulated and adopted by them; there are other ways to resolve this problem. One of the most common methods used by postal services the world over is the practice of having trained postal inspectors who can identify items being shipped in the post. Presumably drugs and other contraband are also shipped through the post, and it seems obvious that the employment of properly trained postal inspectors would be helpful. Given the small number of major depots around the UK, it would not entail a huge cost to Royal Mail to do this. Any identified contraband items could be removed from the mail stream and turned over to the police by the inspector.

Alternatively, the police themselves could train postal inspectors and have them in place at major transfer depots to perform the same function.

- Prohibiting firearms will help the police with firearm control

This is not really a matter for the police, the Royal Mail or Postcomm to be involved in; this is a matter for Parliament to decide. If Parliament did not want firearms and related items to be sent in the post, they would have prohibited it. Clearly if the shipment of these items is prohibited, it will have major ramifications beyond "firearm control".

- The ease of access to Royal Mail's pipeline and the anonymity of the sender make these services particularly the target for the transport of illegal firearms.

There are far simpler methods of resolving this problem; simply requiring all such shipments to go via recorded or special delivery would identify the sender assuming the counter staff at Post Offices do their jobs correctly. Any item not sent with an identified sender could then be held by the Royal Mail upon discovery. The consultation document states that Royal Mail believes a prohibition will make use of the post less attractive to criminals; this is a guess, and it is just as likely, based on a guess, that requiring all shipments to be via recorded or special delivery would have the same effect.

Comparative services

The Royal Mail is not the first postal service in the world to confront these problems. It is worth noting how postal services in other regions have confronted them.

In France, shipments of Category 1 and 4 firearms (i.e. those chambered for broadly defined "military" calibres, and "self-defence" arms) must be shipped disassembled, with at least one major component part shipped separately at least 24 hours later. While being delivered, the driver of the vehicle performing the delivery must not leave the package unattended. Packages containing these items must not remain in airports for more than 48 hours, or for more than 72 hours at any other port².

In India, all shipments of arms and ammunition must be clearly identified on the package, and the postal authorities must keep these items separate from the general post³.

In the United States, a scheme uncovered involving militant students shipping handguns in the early 1970s led the US Postal Service to adopt stringent controls on the shipment of firearms. All firearms shipped through the post must be declared on a specific USPS firearm declaration form, but the package must not be identified as containing a firearm and handguns may only be shipped between licensed dealers. Ammunition cannot be shipped through the post⁴. However, there are more

alternatives to the USPS in the US than there are to the Royal Mail in the UK; UPS for example will carry firearms and ammunition, although handguns must be sent via Next Day Air.

In Canada, Canada Post will ship both firearms and ammunition via the post, but the shipment must be via a signed for delivery service. Until recently, Canada Post was legally proscribed from carrying restricted and prohibited firearms, (essentially handguns, and many types of semi-automatic rifle), however this prohibition has recently been largely rescinded by Parliament due to the extreme difficulty of finding alternative carriers in rural areas (DHL/Loomis is the only other nationwide carrier, and does not operate in remote areas) and Canada Post can now carry handguns and restricted firearms. Parliament decreed that handguns and restricted firearms must be sent by "the most secure method possible", which essentially means the signed for air delivery services offered by Canada Post. The package must not have any markings indicating that it contains a firearm⁵.

Royal Mail's proposed publicity campaign

Royal Mail's proposed publicity campaign cannot work for the simple reason that many shipments originate outside the UK and senders of those shipments will be unaware of the changes. The problem is compounded by the fact that there are no customs formalities between the UK and the Isle of Man, or the EU. A person posting a legal item, such as a toy gun, in France, will be unaware that this item cannot be shipped via the post in the UK when it arrives. How then will the police return this item to the sender once it has been seized by the Royal Mail?

It will simply not occur to many people in other EU states that a completely unregulated item in their country cannot be shipped via the post in the UK. In addition, there is no workable method of returning the item, as the police cannot use the post either. This illustrates the severity of what Royal Mail is proposing.

Summary and recommendations

- Royal Mail's proposals are too severe and disproportionate; they will have a profound impact on users of firearms, especially in rural areas, as well as thousands of businesses that operate in rural areas;
- Royal Mail's need to make these proposals are a result of a voluntary change in their working practices that has no basis in law;
- Royal Mail has not properly consulted with users of their services on the impact such a change would entail;
- There are not sufficient alternatives to Royal Mail, especially for individuals;
- Royal Mail's proposed method of informing postal users of the proposed change cannot work due to the international impact of such a change;
- An alternative method of solving the problems Royal Mail and the police face would be to have trained postal inspectors in the manner of other postal services around the world (Customs and Excise would be responsible for international shipments entering the country, as is currently the case) and to require all domestic shipments of firearms and related items to be by recorded and special delivery, with a properly identified sender. Shipments going outside the UK could be required to be sent by a signed for delivery service.

References

- ¹ Firearm Certificates statistics published by the Home Office Research, Development and Statistics Directorate do however make it clear that there are many more certificates and dealer licenses on issue per capita in rural areas.
- ² Décret N° 95-589 du 6 Mai 1995, Articles 63-67.
- ³ Pursuant to regulations in the Arms Rules 1962, made under the Arms Act 1959.
- ⁴ USPS Regulation DMM Issue 54, January 10, 1999, section C-024
- ⁵ SOR/98-209 Storage, Display, Transportation and Handling of Firearms by Individuals Regulations, section 16 (as amended by Bill C-10A).