

# BRITISH SHOOTING SPORTS COUNCIL

## ANNUAL REPORT

2011

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## **FOREWORD**

It is, as always, a pleasure to have been asked to pen a few words as a foreword to Council's Annual Report. In doing so, I am well aware of the very considerable workload taken on during the past year by the Members and Officers of the BSSC. It has been a most busy year and much has been achieved, both on the home and international fronts. We are fortunate indeed to have such an excellent and diligent Secretary. We seem to ask more of him each year, and he provides us with superb service.

I congratulate the Members of Council – the Associations – for their support. It is always difficult in bodies such as ours, to have everyone working together for the common cause. The BSSC all pull together to protect, promote and support all aspects of this great sport which we are all passionate about. It is not always easy. The recent Scotland Act typifies this. We all knew (and so did the Minister, as he told me) that our proposals, advice and amendments made perfect sense and were balanced and well thought out. But for some reason or another, his hands were tied. It is so frustrating, but that is life! We, as an Organisation, must continue to work closely with the Home Office, ACPO and all the others with whom we must converse. It is so important that we all continue to work together.

Finally, I would like to pay tribute to Colin Greenwood, John Batley and David Penn, all of whom regularly brief me on Parliamentary matters, and who virtually load and point me at the target. Without their expertise and deep knowledge, my job would be impossible.

Thank you all for your continuing support.

The Earl of Shrewsbury & Talbot DL

## THE COUNCIL'S OFFICERS

PRESIDENT	The Earl of Shrewsbury & Talbot DL
CHAIRMAN	The Lord Glentoran CBE
VICE-CHAIRMEN	Martyn Jones Tobias Ellwood MP
TREASURER	Graham Downing
SECRETARY	David Penn

*“The aims and objectives of the Council are to promote and safeguard the lawful use of firearms and air weapons for sporting and recreational purposes in the United Kingdom amongst all sections of the community.”*

(Extract from the Constitution of the Council)

## ASSOCIATION REPRESENTATIVES

ASSOCIATION OF PROFESSIONAL CLAY TARGET SHOOTING GROUNDS	Andrew Clifton
ASSOCIATION OF PROFESSIONAL SHOOTING INSTRUCTORS	Christopher Miles
BRITISH ASSOCIATION FOR SHOOTING AND CONSERVATION	Bill Harriman TD
COUNTRYSIDE ALLIANCE	Graham Downing
CLAY PIGEON SHOOTING ASSOCIATION	John Perry Nick Fellows (from May)
GUN TRADE ASSOCIATION	John Batley
INSTITUTE OF CLAY SHOOTING INSTRUCTORS	Malcolm Plant
MUZZLE LOADERS' ASSOCIATION OF GREAT BRITAIN	Ken Hocking
NATIONAL RIFLE ASSOCIATION	Glynn Alger Robin Pizer (from November)
NATIONAL SMALLBORE RIFLE ASSOCIATION	Ali Aitken
SPORTSMAN'S ASSOCIATION OF GREAT BRITAIN & NORTHERN IRELAND	Alan Westlake
UNITED KINGDOM PRACTICAL SHOOTING ASSOCIATION	George Granycome Rob Adam (from January)
HONORARY LEGAL ADVISER	Mark Scoggins

## ABBREVIATIONS

ACPO:	Association of Chief Police Officers (England and Wales)
ACPOS:	Association of Chief Police Officers in Scotland
ADR:	European Agreement concerning the International Carriage of Dangerous Goods by Road
AMTA:	Airgun Manufacturers' Trade Association
ATT:	Arms Trade Treaty
BASC:	British Association for Shooting and Conservation
BIS:	Department for Business, Innovation and Skills
BMA:	British Medical Association
CA:	Countryside Alliance
CASA:	Coordinating Action on Small Arms (a UN organization)
CIC:	International Council for Game and Wildlife Conservation
COER:	Control of Explosives Regulations
CUF:	Criminal Use of Firearms, an ACPO Secretariat
EFP:	European Firearms Pass
EU:	European Union
FACE:	Federation of Associations for Hunting and Conservation of the European Union
FELWG:	Firearms and Explosives Licensing Working Group, an ACPO body
GP:	General Practitioner
GTA:	Gun Trade Association
HASC:	Home Affairs Select Committee
HSE:	Health & Safety Executive
ISACS:	UN CASA's International Small Arms Control Standards
LRO:	Legislative Reform Order
MSER:	Manufacture & Storage of Explosives Regulations
NFLMS:	National Firearms Licensing Management System
NGO:	Non-Governmental Organisation
NPIA:	National Policing Improvement Agency
NRA:	National Rifle Association
NSW:	National Shooting Week
POA:	UN Programme of Action
RCA:	Recipient Competent Authority
REACH:	EU Registration, Evaluation and Authorisation of Chemicals regulations
RRO:	Regulatory Reform Order
SFCP:	Scottish Firearms Consultative Panel
TNIAG:	Themed National Independent Advisory Group
UN:	United Nations
WFSA:	World Forum on the Future of Sports Shooting Activities

## **Overview of the year**

Following the tragic shootings in Cumbria in 2010, 2011 brought the Government's measured response to the report of the Home Affairs Select Committee on firearms control and the many significant proposals related thereto, including the HASC's suggestion that shotguns be more tightly controlled. There have been issues relating to the grant and particularly the timely renewal of firearm certificates and shot gun certificates, including the greater involvement of general practitioners in the licensing process and fee increases. Other matters of concern included young people and firearms (which also resulted in a Private Member's Bill to require a minimum age of 14 for the grant of a shot gun certificate) and the reactivation of deactivated firearms.

On other fronts the Scotland Bill whose Clause 11 devolves power to control air guns, the Health & Safety Executive's major review of explosives legislation and regulation, the on-going debate about the use of lead in ammunition and the progress towards a United Nations Arms Trade Treaty which may well affect the international movement of civilian firearms and ammunition all assumed increasing importance.

The Council has also been devoting more time to reappraising its role, forward planning and media training for Officers and Association representatives to better prepare itself for the years ahead

### **Association of Chief Police Officers Criminal Use of Firearms Themed National Independent Advisory Group (TNIAG):**

The Secretary attended three meetings in March, June and September (the December meeting was postponed) and contributed numerous comments, information and suggestions for agenda items during the year. During the year, the work programme included border controls in the context of gun smuggling; how best to deal with under-18s convicted of firearms offences who were not subject to mandatory sentences; an ACPO-sponsored proposal to create an offence of 'possession with intent to supply' to tackle the problem of criminal armourers; the impact of financial and staff cuts and increasing regionalisation on the administration of the firearms licensing system; the Home Affairs Select Committee Report (particularly General Practitioner involvement); statistical problems relating to the way in which aspects of firearms misuse (such as the reporting of firearms discharges) are recorded and the Ashley Cole air rifle incident and the message it conveyed to young people; reports on the performance of Cumbria Constabulary, the Scotland Bill and international legislation; the likely impact of firearms incidents connected with the summer riots and the differing nature of the 'riots' in different parts of the country; problems emanating from the pressure of 24-hour news coverage in a riot situation and misinterpretation of events by journalists; procedural questions arising when the police hand over responsibility for a police-related shooting to the Independent Police Complaints Commission at a very early stage; and trends in sentencing for firearms offences. The work of the TNIAG (on which John Batley, Director of the GTA and Mark Scoggins, the BSSC's honorary legal advisor, also sit) continues to be of importance, as the membership of the group is predominantly made up of individuals who have strong concerns about gun crime but are neither police officers nor shooters. Our presence helps to ensure that information on legitimate use and on the details and impact of existing legislation is available to inform their discussions.

## **Annual General Meeting and Annual Luncheon:**

At the Annual General Meeting The Earl of Shrewsbury & Talbot was re-elected as President, The Lord Glentoran as Chairman, Tobias Ellwood MP and Martyn Jones as Vice-Chairmen and Graham Downing as Treasurer. Jim McAllister was co-opted onto the Council.

Guests of the Council at its Annual Luncheon at the Army & Navy Club were Baroness Buscombe (Chair of the Press Complaints Commission), Dr Therese Coffey (MP for Suffolk Coastal who had given a stout defence of the shooting sports in the Commons debate), Grahame Widdecombe (Head of the Firearms Unit at the Home Office), David Taylor (the Shooting Campaign Manager at the Countryside Alliance), Mark Scoggins (the Council's Hon. Legal Adviser), Mark Mastaglio (Forensic Science Service) and Mick Fidgeon (retiring Head of Essex Police Firearms Office Manager and former Chairman of the Practitioners Group).

## **Arms Trade Treaty and other United Nations issues:**

See 'World Forum' below.

## **British Medical Association:**

General Practitioner involvement in the firearms licensing process continues to attract support in Government and police circles. It was debated at the Conference of Local Medical Committees, a GPs' forum held on the 9<sup>th</sup> and 10<sup>th</sup> June, at which had been tabled a five-part resolution relating to GPs and the certification process, put up by the Cumbria LMC. LMC Conference resolutions can be influential on BMA thinking and policy making. Thanks to a very effective brief prepared on very short notice by Bill Harriman of BASC for a member who was attending, the potentially more damaging of the proposals were roundly defeated. Rejected were: a statement that firearms ownership was a privilege, a proposal that a range of interested parties be consulted as part of the application process and a proposal for the type of medical testing to which HGV drivers are subjected. Passed were the following;

- (i) the gun licensing process needs to be primarily focused on public safety and the need to have an agreed purpose for firearm use
- (ii) the GP role in any application by a patient for a gun licence should be solely limited to commenting on any health factors the GP considers may be relevant
- (iii) there should be no formal data links between GP and police services – ie 'flagging notes' to indicate gun ownership

It is clear that GP involvement in the certification process remains a matter for debate within the medical profession. In the mean time some police forces have begun to send out letters of enquiry to the GPs of people who had been granted a firearm certificate or shot gun certificate. The BSSC continues to have grave concerns, including over the doubtful security of health records. A meeting was held at the British Medical Association on the 8<sup>th</sup> December at which were present representatives of the Home Office, ACPO, the BMA, the General Medical Council, BASC and the BSSC. While progress was made, considerable work remains to be done, including on a protocol to clarify what is, and is not, expected of GPs.

## **Council and Committee Meetings:**

During the year the Finance and General Purposes Committee met twice on the 17<sup>th</sup> February and the 15<sup>th</sup> September, on which latter date it discussed the budget for 2012.

The Technical and Research Committee met on the 17<sup>th</sup> February, 2<sup>nd</sup> June, 15<sup>th</sup> September and 1<sup>st</sup> December. Among issues of particular importance on its agenda were: its meeting with the Home Office Minister, the involvement of general practitioners in firearms licensing, liaison with the Health & Safety Executive during the review of explosives legislation, the impact on licensing of reductions in police budgets and staff, particularly timely renewal and the renewals 'bulge', certificate fees, Section 11(6) permissions for clay pigeon shoots, possible changes to the 1968 Firearms Act by means of a Legislative Reform Order, the validity of insurance if a certificate had lapsed, young shooters, Scottish devolution, export licensing, legal aspects of the shared storage of shotguns, the 2012 Olympics, media training, local authority tenancy agreements affecting certificate holders and the new BSSC brochure. A review was also begun of the work and procedures of the BSSC.

Council met on the 31<sup>st</sup> March, 23<sup>rd</sup> June and 10<sup>th</sup> November. Its agenda included meetings with the Home Office, representation on the tripartite police/Home Office/BSSC Practitioners Group, political and parliamentary lobbying, 'banding' of firearms in Northern Ireland (a form of licensing by category), contingency planning and training, shared storage of Section 2 shotguns and the budget for 2012.

## **DEPARTMENT FOR BUSINESS INNOVATION & SKILLS**

Following a reduction in its budget, BIS started consultations in September regarding proposed very steep fees for export licences (hitherto free) to be introduced in April 2012. BSSC agreed to lend support to A/D/S (AeroSpace Defence Security, formerly the Defence Manufacturers' Association) in lobbying against these proposals. BIS subsequently postponed consideration of export licence fees until 2013.

## **EU legislation:**

The EU Parliament voted on the 13<sup>th</sup> October on draft Regulations to implement Article 10 of the United Nations Protocol (into which World Forum on the Future of Sports Shooting Activities, of which the BSSC is an active member, had considerable input) by introducing Rules governing the export of firearms from the EU. This was mainly trade-related and the European Sport Shooting Federation had been closely involved. The outcome is deemed satisfactory and workable. It does not apply to state-to-state transactions or to firearms for military use or to collectors or to antiques (firearms made no later than 1899) or replica firearms. Target shooters and hunters will be able temporarily to export and re-import their firearms on the authority of their European Firearms Pass (EFP) and something to substantiate the reason for their journey. Target shooters will have an allowance of 1,200 rounds and hunters 800 rounds. These regulations will come into force in two years time.

## **Firearms control:**

Following the considerable flurry of activity leading up to the publication of the Home Affairs Select Committee's report on firearms control and the House of Commons debate,

both of which occurred on the 20<sup>th</sup> December 2010, there was little visible political activity, in part because the report of the Coroner's Inquest into the shootings in Cumbria was not published until the 25<sup>th</sup> March. Meetings were held, however, with James Brokenshire, the Home Office Minister then responsible for firearms legislation, to discuss issues highlighted in the report. The Countryside Alliance attended a meeting with the Minister on the 14<sup>th</sup> February, while BSSC, BASC, GTA and the NRA met him on the 22<sup>nd</sup> February. Concern was expressed about the resurrection of a number of long-standing ACPO proposals which were irrelevant to the circumstances of the Cumbria shootings and about the impact of financial cuts on firearms licensing. The main points to come out of the discussion were:

**Grants and renewals of firearm and shot gun certificates:** On 'postal' or 'telephone' renewals, despite the NRA's advocacy of a more selective approach to target applicants about whom concern had arisen, James Brokenshire stuck to his recently expressed stance that all renewals should involve a home visit and interview. The ACPO view on this matter, however, has been evolving in favour of selective, intelligence-lead reviews of applicants.

**Section 1 controls on shotguns:** The Minister made it clear that no decision had been reached on this and he was looking carefully at issues of commonality. We questioned whether the police could deliver, given the number of shotguns involved, but did indicate that there was room for an improvement in efficiency through the introduction of a single form of certificate which would however preserve the present differentiation between firearms and shotguns. We also pressed the case for treating Section 1 firearms more like shotguns.

**General Practitioner involvement:** We expressed our continuing considerable concern over proportionality and especially over confidentiality. James Brokenshire indicated that ACPO and the BMA had agreed to a system which amounted to a prompt to GPs to respond if they felt it necessary. The Minister also made it clear that any future move to put an 'enduring marker' on the medical record would be the subject of further discussion.

**Fees:** We indicated in some detail our concerns at the inefficiency of the present system, the lack of national standards, the lack of any proper scrutiny since 1991, our view that the shooter should pay only for the core licensing costs, not that part of the process concerned with public safety, and the need to make use when necessary of Temporary Permits at renewal to avoid putting the certificate holder outside the law. Our unhappiness with the initial ACPO fees paper was made clear. James Brokenshire stated that the NPIA (National Policing Improvement Agency) was looking at the efficiency of a number of police forces, that it was still relatively early days in the fees discussion, that he would look at the final report from ACPO and that he would have full regard to Treasury Guidelines. He also made it clear that he would be seeking full cost recovery.

**Deactivation and blank firers:** On deactivation, our strong concern was expressed that the evidence on which NABIS (National Ballistics Intelligence Service) had based its claim regarding reactivation was not available to us and the Minister indicated that he appreciated the point and was working with NABIS to make information more widely available. He did accept the heritage and collector aspects. We pressed the point that upgrading to 2011 standards was not a practicable option

and alternatives would have to be considered *if* the evidence justified action. With regard to blank firers the existing national and European legislative safeguards were explained, but the Minister indicated that he was still looking to introduce manufacturing specifications and subsequent Type Approval mechanisms.

**Ages:** We pressed the point that there was no evidence of any problem with young shooters and supervised shooting and explained the need to involve shooters at a very early age if the United Kingdom was to be successful at World and Olympic levels, a point the Minister took. We stressed that the person supervising was the best judge of the suitability of young children to handle firearms. The Minister indicated that he was still considering the matter and favoured greater clarity with regard to ages.

**Approved clubs:** The desirability of approving clubs for all Section 1 firearms to enable proper safe handling instruction was emphasised, as was ACPO's support for such a change.

**Section 11(4) miniature ranges:** The need to maintain the widely-used 11(4) exemption was explained. The change of definition of a miniature rifle included in the proposed Regulatory (or Legislative) Reform Order was raised and the opportunity taken to press for progress on the RRO proposed by ACPO, which had BSSC's support. The Minister stated that he would give 11(4) further consideration.

Following the meeting, the BSSC sent a further letter to the Minister on the specific problems that occur should a police force not have renewed a firearm certificate or shot gun certificate before the current certificate had expired.

BSSC and BASC have continued to contribute to the consideration by ACPO and the British Medical Association of further involvement of General Practitioners in the firearms licensing process.

The Coroner's report focused on the significant procedural and communications problems between the police and the ambulance service rather than firearms issues and passed no judgements on firearms controls.

The response from the Government to the Home Affairs Select Committee's report on firearms control was published on the 29<sup>th</sup> September and can be downloaded from [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) The Government is to be congratulated on an evidence-led, sensible and balanced response.

Main points were:

- The Government accepted 'that the proportion of licence holders who use their guns in crime is tiny albeit on rare occasions with tragic consequences.'
- The Government rejected both a new Firearms Act and a consolidating Act and considered that the best way forward was to update Home Office 'Guidance'.
- The role of the media during the Cumbria shootings and their aftermath would form part of Lord Justice Leveson's much broader inquiry into the culture, practices and ethics of the press.
- The Government accepted the importance of the police being made aware of medical and particularly mental health concerns relating to certificate holders. It supported the ACPO/British Medical Association's arrangement to notify a GP of the grant or

renewal of a certificate and the drawing up of guidance for GPs, who would not be asked to predict future behaviour. Any decision to revoke would lie clearly with the police. The Government would closely monitor the new arrangements.

- The Government rejected the suggestion that the prohibited person provisions be extended to include suspended sentences, but would look at the circumstances in which a person who was not prohibited but may have had a certificate refused or revoked could still avail himself of the various exemptions allowing possession of a firearm without a certificate. The importance of giving consideration to criminal antecedents was stressed.
- The Government accepted the need for police guidance to take into account intelligence and criminal behaviour that does not result in convictions, as well as convictions resulting in non-custodial sentences.
- The Government had some concerns over the involvement of partners and recent ex-partners in signing licensing applications, but would explore aspects further with the Canadian Government. BSSC provided information on the Canadian experience to the Home Office.
- The Government agreed that the licence renewal period should remain at five years, but took the view that if there was reason to believe that the holder was no longer a fit person or represents a danger to public safety, then full and proper consideration should be given to revocation. It considered that information sharing via the National Firearms Licensing Management System and improved links with GPs would assist in such considerations.
- The Government rejected the proposal which would in effect have made shotguns subject to Section 1 control. It would keep the situation under review but pointed out that such a change would involve over 1.3 million shotguns and would create a significant new workload.
- The Government accepted the need to complete the revision of the Home Office Guidance to the Police on firearms law and to publish it as soon as possible, but did not intend to make the Guidance statutory. The Home Office subsequently let it be known that the target to complete the revision remained 2012.
- The Government did not accept that the cuts in police budgets would necessarily affect home visits, but accepted that a review of fees would play an important part in ensuring resources for police firearms departments. Further consideration would also be given to the question of evening out the peaks and troughs in the five-yearly licensing cycle.
- The Government agreed that it would not be feasible to require all firearms to be stored in central locations, but would continue to monitor statistics on misappropriation of firearms.
- The Government accepted that the law relating to minors and firearms is not altogether straightforward, but was not opposed to young people participating in sports shooting and would explore further whether there might be a consensus in favour of simplification.
- The Government supported the making available of as much information as possible relating to firearms misuse where this would not compromise law enforcement activity.
- The Government would discuss with ACPO intelligence relating to the number of reactivated weapons used in very serious crime with a view to determining whether it would be proportionate to require all old deactivated weapons to be brought up to current standards or whether the requirement might be restricted to particular types

preferred by criminals. It would also pursue greater harmonisation of deactivation standards within the EU.

- With regard to the ease of conversion of blank firers, the Government referred to the Regulations made under the Violent Crime Reduction Act that had come into force on the 11<sup>th</sup> August and the need to consider all the options for any approval system.
- With regard to the revision of the definition of ‘readily convertible’, the Government had addressed this through the new specification under Section 39 of the above Act and to its continuing work with European and international partners to tackle the illegal importation of firearms.
- The Government had no plans to ban or licence air weapons and preferred to tackle the minority who misused air weapons, but would continue to monitor misuse and would not hesitate to take further action should this prove necessary.

It was clear that the Government had not rushed to judgement and would be continuing to work on a number of very important issues, so on the 14<sup>th</sup> October the Council wrote to the Rt Hon Nick Herbert, Minister of State for Policing and Criminal Justice concerning the Government’s response. The Minister replied on the 16<sup>th</sup> November. He welcomed the BSSC’s offer of continued assistance, acknowledged the shooting organisations’ interests in the consultation of GPs, accepted the need for caution in exploring the possibility of consulting partners or ex-partners during the certification process, indicated that the review of fees was still at the information gathering phase, and agreed that there was scope for greater efficiency in the licensing processes. With regard to Legislative Reform Orders, he noted that these did not feature in the Home Affairs Select Committee’s report, so the Government had not commented on them in its response, but LROs would be considered alongside other matters.

### **Firearms fees:**

During the Year, ACPO re-submitted a revised fees paper to the Home Office. It suggests substantial interim rises (but well below what it estimates to be the current cost of the administration of licensing) and a five year period to get the licensing system fit for purpose. It also repeats the ACPO request for the inclusion in the fee structure of a number of activities currently undertaken at no charge. BSSC’s position on a fees increase has been given above, but it has made clear that, in return for improved efficiency, it would accept in the short term a fee increase in line with inflation and a mechanism, acceptable to all sides, for annual increases to reflect inflation. Council’s intention was to thereby facilitate a longer-term and in-depth review of fees. The matter now lies with the Home Office.

### **Health & Safety Executive:**

The HSE announced on the 16<sup>th</sup> November 2010 a wide-ranging Explosives Legislative Review, one of the intentions of which was to reduce bureaucracy. This review involves several working groups. The BSSC’s Secretary was included in the COER (Control of Explosives Regulations) 1 working group, Colin Greenwood representing the Gun Trade Association and Dr Sandy Robertson of the Muzzle Loaders Association of Great Britain in the COER 2 working group, and Matt Perring of BASC is in the MSER (Manufacture & Storage of Explosives Regulations) 1 working group. During the first quarter of 2011, members of working groups submitted initial comments on specific matters allocated to their groups. Among the wide range of issues raised in the Review, the following were pertinent to

shooters and the gun trade: safety fuse, storage containers for shooters' powders, transport of shooters' powders, a definition of small arms for explosives legislation purposes, blank cartridges and, of considerable concern, the proposed use of a shot gun certificate as authority to acquire black powder. While the HSE had declined to re-establish a Shooters Liaison Group to ensure that matters of concern to recreational shooters and the gun trade did not fall between the existing Working Groups, it did agree to a one-off meeting. Although the legislation is complex, with several Ministries involved, the HSE's intentions are positive, so shooters anticipate some improvement. The 'shooter's interest' group meeting was held at the HSE's headquarters in Bootle on the 21<sup>st</sup> April. Colin Greenwood, Ken Hocking (MLAGB), Matt Perring and the Secretary attended. The HSE was represented by David Pascoe, the senior officer involved in the current wide-ranging review of explosives legislation and regulations, Diane Savage and Diane Thomas. The police were represented by Tony Slate, who leads on explosives on ACPO's Firearms & Explosives Licensing Working Group, and Danny Kay (North Yorkshire Police). Issues discussed were:

- The possible creation of an exemption under COER (Control Of Explosives Regulations 1991) from the need for firearm certificate or shot gun certificate holders to have an Explosives Licence and the related issue of a possible exemption of shooters from the need for a Recipient Competent Authority document for the transport of black powder.
- Fees issues relating to Explosives Regulations requirements. (These affect dealers in explosives, rather than shooters).
- The proposed HSE definition of 'small arms' and the proposal that the possession of 'cartridges, small arms, blank' be contingent on them being specifically for use in small arms. The HSE's intention is to lift blanks out of explosives controls as far as is possible.
- The proposal to allow shooters to possess any amount of smokeless propellant up to the 15kg limit (the current limit is 5kg smokeless and 10kg black, or 15kg of black alone). This proposal was sympathetically received.
- A proposal that transport of small quantities of black powder in other than the manufacturer's container be permitted, with specific reference to plastic phials. A specific exemption in the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) already exists for powder flasks, and HSE agreed to identify whether this existing exemption could cover such phials also.

Following the meeting, the Secretary sent the HSE information on the number of Registered Firearms Dealers who also hold explosives licenses, a paper from Colin Greenwood on RCA documents, proposed draft amendments to COER and MSER prepared by Matt Perring and on powder horns. Responses on these various issues are awaited.

### **Home Affairs Select Committee:**

The BSSC's two submissions to the HASC are now available on the Council's website.

### **Home Office visit to Bisley:**

Most of the Home Office Firearms Unit Staff, many of whom were only recently in post, attended a BSSC-run 'away day' at the National Shooting Centre at Bisley on the 15<sup>th</sup> July, where they saw a very busy camp on the first day of the Imperial Meeting. They received

presentations on all aspects of target shooting, accompanied in many cases by demonstrations and an opportunity to meet medallists and young shooters. They also received a presentation on quarry shooting. The occasion allowed them to familiarise themselves with a variety of firearms and learn something of the history of the shooting sports.

### **Home Office Crime & Security Act:**

Section 46 of the Crime & Security Act, concerning the security of air weapons in circumstances where under-18s might have access to them, came into force on the 10<sup>th</sup> February 2011. The Home Office published an information leaflet, on the draft of which the BSSC and the relevant Associations had been consulted. The Gun Trade Association was distributing this within the trade, so it is available from gun dealers.

### **Home Office deactivated firearms:**

Deactivation remained very much on the agenda, following the recovery of reactivated firearms in criminal hands in the North-West of England and comments in the Government's response to the Home Affairs Select Committee's report on firearms control. NABIS continued to have an interest in this issue. On the evidence available to Council, reactivation remains a very minor issue and Council will continue to press for specific evidence.

### **Home Office Firearms (Electronic Communications) Order:**

Following consultation this Order (which had the objective of permitting in law the use of an electronic communication such as a fax or email in serving various notices prescribed within the Firearms Act, a practice that was already widely used for notifying the police of firearms transactions) was laid on the 11<sup>th</sup> March and came into force on the 1<sup>st</sup> October. This was a welcome formalisation of an existing situation.

### **Home Office Firearms Rules:**

No further meetings of the Working Group on the revision of the Firearms Rules took place during the year, but work continued via email on a draft single application form for a firearm and/or shot gun certificate. Mike Eveleigh of BASC circulated in February an analysis of the comments of respondents to a survey undertaken by BASC, based on the draft form, which highlighted areas still to be refined.

### **Home Office Violent Crime Reduction Act:**

Following long negotiations the specification for blank firers came into force on the 11<sup>th</sup> August 2011 and is available on line as Statutory Instrument 2011 No. 1754.

### **Media training:**

Council has put into place a programme of training to equip selected representatives from its constituent Associations to respond effectively to the media. Two sessions, each for five people, were held in 2011, one in London and one at BASC HQ, organised by Peter Coë of

Mediaspeak and Simon Clarke from BASC and a third has been scheduled for 2012. All who participated found them most helpful and the Council is most grateful to BASC for its help.

### **National Shooting Week 2011:**

The fifth National Shooting Week, organised on behalf of the BSSC by the Countryside Alliance took place from Saturday 28<sup>th</sup> May to Sunday 5<sup>th</sup> June, once again coinciding with the summer half-term. This is a popular annual event designed to introduce new people to the sport and a total of 51 clubs and ranges participated. 35 clubs offered clay shooting, 26 offered air rifle and 15 small-bore rifle. Club coverage was particularly strong in the South and Midlands. For the first time social media were used to advertise the event in addition to posters, press releases, publicity in 'Bisley Live' literature and articles in the sporting press and BBC Sport.

### **Olympic Games:**

During the August 'silly season' the London Evening Standard broke a story claiming that LOCOG (the London Organising Committee for the Olympic Games) had excluded shooting events from their free tickets for children scheme because a backlash was feared from the anti-gun lobby. There was indeed a backlash, not just from shooters and shooting organizations, but also from the public at large, most of whose comments exhibited sound common sense. The Secretary was interviewed at some length (and briefly quoted) by the London Evening Standard. LOCOG quickly published clarification, confirming that shooting tickets were available through the Ticketshare programme, which included schools, shooting being one of LOCOG's Pay Your Age sports. LOCOG had sold tickets to children and would continue to do so, dependent upon availability. So the story went away.

### **Practitioners' Group:**

A meeting of the Group, composed of Home Office, police, Forensic Science Service and BSSC representatives, was held on the 20<sup>th</sup> January at the Birmingham Proof House. Issues under discussion included the shutting down of the Forensic Science Service by March 2012; the successful resolution of a technical problem affecting the numbering of Registered Firearms Dealers' certificates on the National Firearms Licensing Management System; the long-delayed drafting of the specification for blank firers required by Section 39 of the Violent Crime Reduction Act; the on-going review of Guidance; issues relating to Section 5 ammunition and British Visitors' Permits; Section 11(6) and the merit in extended approvals for coaches from organisations such as APSI, BASC and CPSA; certificate renewal peaks and troughs; the level of shotgun thefts; inconsistencies in the variation of firearm certificates for section 7(1) and 7(3) pistols; testing of air weapons suspected of being in the 'specially dangerous' category; and Greater Manchester's pilot scheme to encourage shotgun certificate holders to retain two fired cartridge cases against the eventuality of the theft of their gun.

The substantial budget cuts being suffered by police forces had impacted on the number of Practitioners Group meetings, which are timed around meetings of ACPO's Firearms & Explosives Licensing Working Group. Both Groups have therefore been reduced to two meetings a year. It was anticipated that financial stringencies would affect also the number of police representatives attending, particularly as three very knowledgeable and experienced

police licensing officers on the Group had recently retired: Gary Smith of the Metropolitan Police, Roger Weedon of Surrey and Mick Fidgeon of Essex, who had just been appointed Chair of the Group. Their knowledge and experience will be greatly missed.

On the 5<sup>th</sup> July the Secretary had the opportunity to meet Deputy Chief Constable Andy Marsh of Hampshire Constabulary, the successor to Assistant Chief Constable Adrian Whiting as Chair of ACPO FELWG. With regard to firearms licensing, he advised that he would seek to achieve good value for money, a move away from ACPO's 'risk averse' culture and greater uniformity of practice. While aware of the Government's disinclination to legislate, he would be considering the Regulatory Reform Order proposals put forward by his predecessor. Andy Marsh has given strong support to the Practitioners' Group meetings by providing additional police representation.

Andy Marsh also held a meeting on the 4<sup>th</sup> August for 'stake-holder' shooting organisations (BSSC, BASC, British Deer Society, CPSA, GTA, NRA and NSRA). The agenda included renewal and variation of certificates, home visits by other than trained Firearms Enquiry Officers, mentoring of novice deer stalkers, Regulatory Reform Order proposals and the agreement between ACPO and the British Medical Association regarding the ascertaining of any General Practitioner concerns over holders of firearm certificates and shot gun certificates. This enabled Mr Marsh to hear of ongoing concerns about these issues in advance of his meeting with the Home Office Minister Nick Herbert.

The year's second Practitioners meeting was held at BASC Headquarters at Marford Mill on the 8<sup>th</sup> September. It included two new police representatives, Peter Taylor (Bedfordshire & Hertfordshire Police) and Barry Collacott (Devon & Cornwall Constabulary), who have joined Paul Dale (West Midlands), Jim Jones (Greater Manchester Police) and David Scott (Fife and representing ACPOS). At the meeting it was agreed that Mark Scoggins, BSSC's Honorary Legal Adviser, be invited to become the Group's Honorary Legal Adviser. Subjects covered included Terms of Reference for the Group, the positions of Chairman and Secretary, the proposed ACPO/British Medical Association agreement, firearms licensing fees, mentoring for inexperienced deer stalkers, timely renewals, licensing by category (following Northern Ireland's adoption of a 'banding' system) and fraudulent use of copied registered firearms dealer certificates.

Subsequent to the meeting, Peter Taylor agreed to become Chairman and the BSSC's Secretary would act as Practitioners' Secretary for the time being.

Thanks to the co-operative efforts and technical expertise of sporting, target shooting and gun trade interests on the Council, an overwhelming BSSC dossier of information was put together to refute a suggestion from the Home Office and police that Hornady A Max bullets (which have a tiny hollow point filled with a plastic ballistic cap and are designed for maximum accuracy performance at long range) might be classifiable as expanding, thus putting them into the 'prohibited' category and outlawing their use for target shooting. This was a most satisfactory outcome based on good evidence.

The Secretary and the MLAGB provided advice to Fife Constabulary on musket shooting.

## **Private Member's Bill:**

Thomas Docherty, the Labour MP for Dunfermline and West Fife, tabled a Private Member's Bill for a change in the law to set a minimum age of 14 years for holding a Shot Gun Certificate. Both BASC and the BSSC produced briefing documents in advance of its debate in January 2012. BSSC's view was that under existing legislation children below the age of 15 cannot use a shotgun without being under the supervision of someone at least 21 years old and that no problems have arisen from such supervised use. There was therefore no good reason to change the law with regard to ages. BSSC also took the view that an amendment to Section 11(5) of the 1968 Act, either by clarifying the meaning of 'occupier' or by substituting 'authorised person', would remove the need for many young people shooting under supervision to hold a shot gun certificate.

## **Scotland Bill**

The Scotland Bill passed through its Committee Stage in the House of Commons on the 22<sup>nd</sup> March. There were a number of amendments tabled, including one by the Scottish National Party to extend devolved powers to cover 'specially dangerous' air weapons (this would have been a toe-hold into firearms subjected to Section 1 certificated controls). Shooting Associations had briefed friendly MPs and Geoffrey Clifton-Brown, Conservative MP for the Cotswolds and chairman of the All-Party Group on Shooting and Conservation, spoke during the debate and summarised the problems that any devolution of air weapons legislation would cause. All amendments failed, so Clause 11 covering devolved legislation to cover air guns continued unaltered, although a clear marker had been laid indicating the potential disadvantages of devolution. It was learned that a consultative group would be formed by the Edinburgh government to look at the fine detail of the Scottish firearms legislation.

The Scotland Bill passed through its remaining Commons stages on the 21<sup>st</sup> June. There were a number of Government amendments and new clauses, but none affecting firearms.

The Bill's House of Lords Second Reading took place on the 6<sup>th</sup> September during which the Earl of Shrewsbury made an excellent speech in which he pointed out that c. 700,000 Scots owned c. 1 million air weapons and the trade was worth some £750,000 a year. Air guns were extensively used for formal target shooting, pest control and training new shooters in a sport which emphasised fitness, discipline and character building. Shooting generally was an £80million a year industry in Scotland. He provided evidence of the success of the Anti-Social Behaviour Act and other recent legislation in halving the number of offences in Scotland, with existing legislation providing an effective array of powers for the police. Lord Shrewsbury indicated that there was no evidence that further powers would help in Scotland, and, indeed, that the introduction of a 'good reason' based certification system would be a major bureaucratic burden for the police and a major disincentive to a legitimate activity with a likelihood of significant non-compliance. Lord Shrewsbury undertook to introduce amendments at Committee stage.

The Scottish Government's Safer Communities Directorate Police Division has formed a Scottish Firearms Consultative Panel to consider controls on air weapons. Those organisations invited to join it were: ACPOS, the British Association for Shooting & Conservation, the British Shooting Sports Council, the Convention of Scottish Local Authorities, the Crown Office and Procurator Fiscal Service, the Gun Control Network, the Gun Trade Association, the Scottish Air Rifle and Pistol Association, the Scottish

Community Safety Network, the Scottish Police Services Authority, and Scottish Target Shooting. The SFCP met for the first time on the 29<sup>th</sup> November and was addressed by Kenny MacAskill, Cabinet Secretary for Justice, who made it clear from the outset that the Scottish Government was committed to some form of licensing, for which it had a mandate.

The Scotland Bill did not complete its Parliamentary process until 2012. Throughout the passage of the Bill, the GTA and AMTA worked tirelessly to provide information and advice.

### **Sir Patrick Lawrence CBE DL**

Members of Council were saddened to learn of the death of Sir Patrick on the 29th November, after a short illness. Sir Patrick had been appointed as Honorary Legal Adviser to the Council in the 1980s. In 1996 he became Chairman just before the shootings at Dunblane. He played a key role not only in providing legal advice on the preparation of the BSSC's submission to Lord Cullen's Inquiry, but in providing firm leadership within the Council and in rallying shooters to the defence of their sport at meetings all over the country. Sir Patrick continued as Chairman until 2002, and thereafter as President until 2007. His clarity of thought combined with firmness, accessibility and unfailing politeness did much to ensure a spirit of co-operation within the Council.

### **Thames Valley Police:**

The Secretary attended the annual Thames Valley Police meeting with shooting Associations held on the 6<sup>th</sup> June. Also present were representatives of the British Deer Society, NRA, Countryside Alliance, Gun Trade Association, Historical Breechloading Smallarms Association and National Gamekeepers Organisation.

The very informative meeting was chaired by Helen Ball, Assistant Chief Constable Crime and Counter Terrorism. Also present were Zoey Evans (Firearms Licensing Manager), Nigel Dewing (Tactical Firearms Commander), Paul Brightwell (Senior Firearms Enquiry Officer) and DCI Colin Black.

Thames Valley administers the second largest number of firearm and shot gun certificates and issues the largest number of visitor's permits. Certificate numbers were growing and turnaround time for certificates averaged 28 working days for grant or renewal and 20 for variations. Thefts were decreasing but support was sought from the shooting associations to reinforce good security practices. Gun crime continued to decline. There was discussion of the Olympic .380 blank firer hand-in and the merit of buy-ins if such changes in the law took place. Revocation and refusal practices were discussed, as was appropriate handling and storage of seized firearms to avoid damage.

### **UN CASA ISACS project:**

Phase 1 of the drafting of the United Nations CASA (Coordinating Action on Small Arms) ISACS (International Small Arms Control Standards) project was completed, with the Secretary working on four modules during the first quarter of the year. ISACS is an ambitious project intended to provide guidance on all aspects of the control and management of small arms, including civilian possession. The Secretary is one of over 100 Expert Referees. Phase 2 of the review process had been scheduled to begin in mid-April, but belatedly got under

way in June, and the Secretary reviewed in detail three of the Phase 2 modules including the key draft on national controls over small arms and light weapons. It is anticipated that the pace would quicken in 2012, but the project has suffered considerable delay.

### **World Forum on the Future of Sports Shooting Activities (WFSA):**

John Batley, Director of the Gun Trade Association, represented the BSSC at the World Forum Executive Committee and Plenary Session in Nuremberg in March. There was continuing concern within World Forum over the balance of the Expert Reference Group on the UN CASA ISACS small arms standards project and on the project's adherence to ISO (the International Organisation for Standardisation) precepts.

World Forum has continued to lobby the UN on the Arms Trade Treaty with the intention of excluding civilian arms and ammunition, on which no decision had yet been made. Tom Mason, WFSA Executive Secretary for the Americas, made a statement at the UN Open-ended Meeting of Governmental Experts of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons and All Its Aspects on the 13<sup>th</sup> May. This dealt with the expertise and experience available in the private sector on issues relating to marking and tracing of small arms and to specific problems associated with the marking of ammunition.

There was a further meeting of the United Nations Arms Trade Treaty Prepcom (Preparatory Committee) between the 11<sup>th</sup> and 15<sup>th</sup> July. The most recent Committee 'Chairman's Draft Paper' for the Arms Trade Treaty appeared on the 14<sup>th</sup> July, covering the Scope, Criteria, Implementation and Final Provisions that are expected to be in the ATT presented for discussion in July 2012. At the time of writing, the UN had not put up the text of this Paper on its website.

On the positive side, the Preamble under item six "recognizes the sovereign right of States to determine any regulation of internal transfers of arms and national ownership exclusively within their territory, including through national constitutional protections on private ownership." This language is a direct response to serious reservations expressed by the USA and other delegations. Both small arms and small arms ammunition are however seen as being within the scope of the proposed treaty and at the time of writing there was no exception for civilian firearms. Canada had pushed for the exemption of sporting and hunting firearms from the treaty, the exemption of ammunition and other high-volume items from the reporting requirements and the addition of a clause that reads, in part, "small arms have certain legitimate civilian uses, including sporting, hunting and collecting purposes" but this sensible move had not attracted support. The United States strongly supported the exclusion of ammunition from the proposed treaty.

Much of what is under consideration for the ATT is potentially concerning for the shooting sports. The record keeping requirements proposed for the treaty would necessitate the special marking of all firearms (but not, it is anticipated, those in private hands. It is likely to affect only newly-manufactured firearms or those being exported/imported) and more critically all ammunition. The costs involved in both the physical marking and the keeping of records are potentially enormous. The proposed document also includes the creation of an Implementation Support Unit with yearly reporting and the keeping of records for a minimum of 10 years. Another potentially very expensive suggestion was the 'Victim Assistance' proposal. Many African, Southern American, Central American and Caribbean countries have proposed that manufacturers make contributions based on their sales to a victim assistance fund. The ATT's technical requirements and as yet undetermined definitions have the potential for a severe impact (especially an economic one) on civilian firearms and ammunition and it is likely that they will be

considered in 'side events' that are very often closed to Non-Governmental Organisations such as World Forum. About 375 such NGOs tried to register for the Prepcom, about three times the usual number, and all were concerned with small arms. Only six were allowed to make presentations: three in favour of inclusion of small arms in the ATT: Control Arms, a Survivors' Declaration and IANSA, followed by three groups against inclusion of at least some classes of firearms: the American National Rifle Association, World Forum for the Future of Sports Shooting Activities and the Defense Small Arms Advisory Committee (a US military manufacturers' group).

World Forum's focus will continue to be on negotiating an exception from the treaty for civilian and heritage (i.e. antique and museum) firearms. Currently, Canada, Italy and Japan support some exceptions for civilian firearms and this is important as both Canada and Japan were early and strong supporters of an ATT.

There will be a final PrepCom in February 2012, with the presentation of a draft ATT to the UN in July. The scope of the ATT has however probably now been determined and the critical discussions will be on the precise wording.

World Forum held Committee and Executive Committee meetings on the 29<sup>th</sup> and 30<sup>th</sup> September. The Arms Trade Treaty remained a major topic. The stances to be taken by Russia and China were seen to be very important. Ammunition was seen as a less political issue than civilian firearms. World Forum's position was to oppose the inclusion of all ammunition in the treaty, military or civilian. Also at issue was the practicability of marking small arms ammunition.

There was discussion regarding transit permits for shipments of firearms from the EU (a commercial issue not affecting hunters and target shooters travelling with personal firearms).

National reports indicated that Namibia was to adopt South Africa's firearms licensing system; that, following the shootings in Norway, there was discussion about a ban on semi-automatic rifles (BSSC was one of three major contributors of information in response to a request to World Forum from Norwegian shooters); that there is a slight easing-up on control of semi-automatics in Australia; and that from 11<sup>th</sup> October the Greens and Socialists in Germany would be launching a media campaign relating to civilian possession of semi-automatics (including shotguns).

There was further discussion of World Forum's draft brochure, of its project to establish the number of hunters in the world and of studies of hunters in Italy and hunters and target shooters in the USA (where there had been an upsurge in the number of hunters in 21 states after years of decline and the National Shooting Sports Foundation has a 20/20 programme to increase numbers of both hunters and target shooters by 20% over the next five years). In Australia, the split is 20% target shooters, 80% hunters. Overall, hunters still outnumber target shooters except in Germany, where there are 370,000 hunters and over 1,600,000 target shooters. It may be that there has been significant under-reporting of target shooters, since some of the figures are based on ISSF disciplines and in some countries these are out-numbered by those shooting non-ISSF courses of fire. A separate project is working on establishing the number of firearms dealers in Europe.

Following the success of World Forum's Namibia symposium on hunting, a workshop on how best to communicate the benefits of hunting is planned for summer 2012.

The use of lead in ammunition continued to be a major concern and World Forum has focused on the EC Water Framework Directive, recognising its potential for wider impact beyond Europe in the debate on lead. World Forum is continuing to work on this issue with

CIC (The International Council for Game and Wildlife Conservation) and FACE (Federation of Associations for Hunting and Conservation of the European Union). Lead is a growing issue in the USA and in the media in Germany and Norway. The EU Reach project had not yet responded to the report on lead in ammunition and no date had been suggested for the response.

During the year the Secretary was involved in the drafting with World Forum of 'language' aimed at exempting civilian firearms from the proposed Arms Trade Treaty and of statements for the World Forum's President Ted Rowe to present to the Arms Trade Treaty Preparatory Committee meetings in February/March and July and to the UN General Assembly First Committee in October. He had also liaised with ICOMAM (International Committee of Museums and Collections of Arms and Military History, a Committee of ICOM, the International Council of Museums, a UNESCO body) which has similar concerns about the impact of an Arms Trade Treaty on heritage arms and with the Royal Armouries. He had also provided briefing notes to the Foreign & Commonwealth Office.

### **Miscellaneous matters:**

Bill Harriman is to be congratulated on his appointment as President of the Muzzle Loaders' Association of Great Britain.

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