

# **The Sportsman's Association**

*Of Great Britain & Northern Ireland*  
**FIGHTING FOR FAIR AND EFFECTIVE FIREARMS LEGISLATION**



**Quarterly Newsletter 30/03/2023**

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Hi Everyone,

I hope you all had a good start to the New Year, and if not, our thoughts are with you. I hope with this newsletter I will be able to bring a little hope for the future, and a little less doom and gloom.

### **The Firearms (Amendment) Rules 2023 No. 77**

The amendment was laid before parliament on 27/1/23, and comes into force on 27/5/23. A copy can be accessed on the following link: <http://www.legislation.gov.uk/id/uksi/2023/77>.

This change in the Rules gives legislative force to the requirement for security standards to the equivalent of Level 3 as described in the Firearms Security Handbook to be in place for the storage of HME rifles. The Home Office has taken note of our request that a six-month transition period be put in place to allow certificate holders to upgrade their security where necessary.

### **HSE Extends Lead in Ammunition Restriction Process by Six Months**

Due to an overwhelming 2759 responses to the recent consultation on further restrictions on the use of lead in ammunition, the HSE confirmed the six-month extension to review the submissions on 5/1/23.

Thank you to all of you who responded to the consultation. We in UK apparently made nine times the number of submissions as made in the EU. We have had the advantage of knowing the work done by FACE in Europe, and I know that many organisations submitted very detailed and technical submissions which HSE now have to study.

We can expect the socio-economic consultation to be delayed by six months too.

**“Dr Richard Daniels, HSE’s Director of Chemicals Regulation Division, said: “It has been really encouraging to see the level of interest received, underlining that it is important we get this exercise right for the benefit of affected groups, peoples’ health and the environment. (Let’s hope there is sincerity in his words.) “Although we have more than tripled the number of people working on the consultation responses, our technical specialists will need more time to both consider responses and put forward our concluding opinions.**

**An initial review of responses indicates that alternative risk management options (including alternative derogations) may need to be considered. HSE is therefore working with external specialists to understand technical information submitted to the public consultation. The agency is also further engaging with interested parties to refine any derogation proposals.”**

### **Sound Moderators**

BSSC have written to Chris Philip MP, the Minister of State for Crime, Policing and Fire recommending that sound moderators be removed from firearms certificates. Discussions have already been held between police and shooting organisations and the minister’s response was positive.

*“On the assumption that removing sound moderators from certificate control would be supported by both the police and the shooting community, we are minded to do so when a suitable legislative opportunity arises.”*

### **Deactivated Firearms**

Further to the piece in the previous newsletter on the Deactivated Weapons Association’s discussions with government on the following: **“ We respectfully request that as part of its review of EU retained law, the Government considers amending Section 8A of the Firearms Amendment Act to exclude from its definition of a defectively deactivated firearm, not only all firearms deactivated to an EU specification from 2016, but also to exclude any firearm that has been deactivated to an official UK standard from 1988 to 2016. “**

The Deactivated Weapons Association have had a response from Chris Philip MP, the minister has said he will look closely at the proposal. This is his reply: “Although section 8A introduced various offences regarding the sale or gift of a defectively deactivated weapon to another person, they do not apply if the weapon is made available for sale or as a gift to a person who is outside of the UK.

As you will be aware, the Retained EU Law (Revocation and Reform) Bill is currently being considered in Parliament and most notably will place a ‘sunset’ on retained EU law causing most, but not all, to expire at the end of 2023. Once we know the final wording of this provision as enacted we will then be in a better position to know what is or is not covered and to decide what should be retained, having regard to the requirements of the Northern Ireland Protocol. We will be looking in particular at the provisions of the Firearms Regulations 2019 which require the notification of transfers of deactivated firearms but will also wish to consider all views on changing the standards to be applied, bearing in mind the need to ensure that they are as effective as possible in preventing re-activation.”

I have been asked by Greg Smith MP, who was one of the guests at the BSSC Annual Luncheon, to write to him and provide more background on the effect the current EU law has had in practice. I was talking to him about how a re-enactment group were affected when this EU law came into force. The group had their own armoury with a designated armorer, at the beginning of the season the armorer would give out the various deactivated firearms to the members depending on their role, and at the end of the season they would be returned to the armoury for safe keeping. Under the EU law introduced in 2016 this became unlawful, as it included a retrospective clause meaning that although firearms deactivated to a previous member state standard could continue to be owned, they could not be transferred without first being brought up to the (inferior) EU standard.

Perhaps making MPs aware of the effects this law has had on well organised, lawful re-enactment and living history groups will help to encourage them to repeal this law as the DWA have requested.

### Safe Storage of Air Weapons

After the Firearms Safety Consultation the government announced last year that changes would be made to clarify the “reasonable precautions” to be taken to prevent children from accessing air weapons. This is likely to come into law via Statutory Instrument this summer and will look a little like this: “whenever under-18s are on the premises, “reasonable Precautions” **must** include locking the air weapon out of sight when not in use, and storing the ammunition separately.”

### Firearms Bill

The Firearms Bill is a Private Members Bill, brought to parliament by Shaun Bailey MP and has passed through the House of Commons, and is now in the House of Lords.

The purpose of the bill is to amend the Firearms Act 1968 so that the operator of a miniature rifle range must apply for a firearm certificate, and that the range is restricted to the use of .22 rimfire firearms only (currently the limit is .23”). The operator of the range is then subject to the same checks as any other firearm licence holder, and operation of a miniature rifle range will become a “good reason” for the possession of said rifle and ammunition.

The requirement for a firearm certificate would not extend to lower-powered air weapons used on miniature rifle ranges (under 6 foot pounds for air pistols and under 12 foot pounds for air rifles) because a firearm certificate is not required in order to possess lower-powered air weapons in England and Wales.

The current exemption to possess a rifle and ammunition at a miniature rifle range will continue for people using the range, “**who are not the operator of the range**”. This will allow for such ranges to continue to be used to introduce people to the sport of shooting, say at a game fair, or a youth organisation like the Scouts.

Included in the bill is a new offence “possessing component parts of ammunition with **intent** to manufacture....” where the person is not authorised to possess said ammunition. It will be upto the Police and the Courts to determine how to prove intent to manufacture ammunition unlawfully.

### Plymouth Shooting Enquiry Outcomes

The inquest and most of the investigations into the Plymouth shootings have now been concluded. The biggest headline to reach most people is the call to change legislation and national guidance so that applicants for shotgun certificates undergo the same processes and requirements as firearms certificate holders.

Whilst this may not be unreasonable in the very long term, it is most definitely not the law that was in force at the time of the shootings that is at fault. It is the systematic failings of the various agencies involved with Jake Davison, the lack of co-ordination between the various agencies, and the lack of training and supervision from the FEO’s to the Chief Constable of Devon and Cornwall.

There were early indications of Jake Davison being violent from when he was in school. He had a diagnosis for Attention Deficit Hyper Activity Disorder and Autism Spectrum Disorder,

which leads to an increased prevalence of anxiety and depression in adulthood. Suicide, substance abuse, difficulty with authority, and violence, as a perpetrator and a victim, are more likely for a person with these conditions if their mental health deteriorates.

One of Jake Davison's referees was a former teacher of his who identified his early interest in firearms as a "healthy focus". That may have been true at the time. There is also evidence from the school, and I believe his mother, that Jake Davison had been violent on at least two occasions. This evidence was not available to the police at the time of his application.

This in part, led to Jake Davison being considered as low risk by the FEO.

There have been so many failings from the top down in the administration of Jake Davison's application, granting, seizure and subsequent return of his shotgun and certificate that it leaves one truly despondent. Changing the law to ensure SGC holders are vetted in the same way as FAC holders will have no bearing on public safety unless all the failures are addressed. Which will take years to implement and enforce at a great deal of cost which we will be expected to bear.

The shooting organisations are strongly resisting this call by police and media. Current licensing departments are already understaffed/trained/funded there is no way they could cope with the extra burden especially when there is likely to be little benefit to public safety unless they themselves improve the quality of their work and procedures.

The following make for interesting reading:

[\\*Op Begna executive summary.pdf \(policeconduct.gov.uk\)](#)

[Recommendations to strengthen firearms licensing controls made following IOPC investigation into Keyham shootings | Independent Office for Police Conduct](#)

[Plymouth Shooting Inquests – Prevention of Future Deaths reports issued to 48 recipients, including the Home Secretary, all Chief Constables in England & Wales, and the Lord Chief Justice - Temple Garden Chambers \(tgchambers.com\)](#)

### **Taking Non-Certificate Holders Shooting**

We have had a large number of enquiries on this subject, especially for people who have had a certificate revoked, or who have mental health problems.

Firstly, if your certificate has been revoked you can continue to shoot, but only in the same way as a person who does not hold a certificate. To the person who takes someone shooting, whose certificate has been revoked, please make sure you fully understand why the certificate has been revoked before deciding to take the person shooting.

Section 11A of the Firearms Act 1968 Act allows a non-certificate holder ('the borrower') to borrow and possess a rifle or a shot gun from another person ('the lender') on private premises for either hunting animals or shooting game or vermin, and/or for shooting at artificial targets, but only if they meet a number of conditions:

- i. in the case of a rifle, the borrower is aged 17 or over;
- ii. the lender is aged 18 or over and holds a certificate for the borrowed firearm; and,
- iii. the lender either has the legal right to allow others to enter the premises for hunting animals or shooting game or vermin; or,

iv. has written authorisation from such a person to lend the rifle or shot gun on the premises.

Section 11(4) A person conducting or carrying on a miniature rifle range (whether for a rifle club or otherwise) or shooting gallery at which no firearms are used other than air weapons or miniature rifles not exceeding .23 inch calibre may, without holding a certificate, have in his possession, or purchase or acquire, such miniature rifles and ammunition suitable therefor; and any person may, without holding a certificate, use any such rifle and ammunition at such a range or gallery. **This law is due to be changed that the operator of the range must have an FAC, and that the calibre shall not exceed .22.**

Section 11(6) of the 1968 Act allows an individual, without holding a shotgun certificate, to use a shotgun at a time and place approved for shooting at artificial targets (i.e. a temporary clay pigeon shoot) by the chief officer of police for the area in which that place is situated.

If a person's certificate has been revoked for threatening violence or endangering the public then please do not take them shooting. If the certificate was revoked for drunkenness or substance abuse, please be absolutely sure that these activities are well in the past. It is an offence to give a firearm to someone who is drunk.

If the certificate has been revoked because of "unsound mind" then use your judgement wisely. Again, the law states it is an offence to give a firearm to someone you know or believe to be of unsound mind, though fails to define "unsound mind". This may simply mean that someone was depressed due to a life circumstance such as illness, loss of a loved one, or business/job, and for a period of time was not considered safe to possess a firearm. As long as the person has recovered for a sensible period of time and you are vigilant in your supervision this could be a good way to re-introduce a person to an activity they enjoy.

For others this may mean they have been sectioned under the Mental Health Act. Please do not take anyone with a serious mental health condition shooting unless you absolutely know they have been stable for a lengthy period of time. Evidence from a large number of mass shootings have shown that the offender was suffering from a serious mental health condition. However, the health condition itself may not be the cause of the offender's violence and predicting who will kill is virtually medically impossible. Other studies which have gathered evidence from around the world have shown that few mass killers suffer from a diagnosable mental health condition such as schizophrenia, bipolar disorder or psychotic disorders, possibly less than 5%. Each person, and each incident needs to be assessed on its own merits.

Current police policy is "if they come into contact with a certificate holder whom they believe to be suffering from mental health issues, or who has been involved in any incident of violence, drug or alcohol abuse, or any other incident of a nature where public safety is considered to be at risk, they should seize that person's firearm(s), ammunition and certificate and submit an incident report to the FELU." And they are currently being quite rigorous in this!

Please bear this in mind when making your own decisions.

## **A Few Things S21**

Section 21 of the Firearms Act 1968 applies to persons who become prohibited from possessing licensed and unlicensed firearms, ammunition and antique firearms due to a criminal conviction. If convicted and given a custodial sentence of more than three years, then the prohibition is for life. If convicted and given a custodial sentence between three months and three years, the prohibition is for five years. If given a suspended sentence of more than three months prohibition also applies, but starts 2 days after sentencing to give you time to lawfully dispose of your firearms.

It is possible to apply to the Crown Court to have a prohibition removed.

Once convicted the police should revoke any licenses held and inform your primary club for which you hold your license. However, the police may not know of and therefore can not inform any secondary clubs you belong to. On release from prison, you sign paperwork informing you of the prohibition.

If given a suspended sentence of more than three months there appears to be no process by which the courts inform you of becoming a prohibited person. So, if you and your legal team are unaware of the prohibition you are in trouble. The consequences of breaching the prohibition are usually a custodial sentence.

There is a huge amount of confusion by the police and forensic examiners on what constitutes a firearm where a prohibited person is concerned. As is being evidenced by a case currently being tried in Northumbria. I can't go into too much detail here, but airguns, paintball guns, airsoft guns, blank firers and imitation guns have all been seized, and classed as firearms.

From all the reading I have been doing, of the guns seized, only the airguns are actual firearms. Legal opinion of paint ball guns is that they are not firearms. Imitation airsoft guns are not firearms because of their bright colours, realistic airsoft guns are not firearms as they have an exemption under 57A of the FA1968. Imitation firearms which are readily convertible would be considered to be firearms in this context, but blank firers which have barrels which are permanently plugged would not. However blank firing ammunition would be.

Determining which of the non-firearms are considered to be "firearms in law" where S21 applies is terribly confusing for the untrained eye, and whilst a retailer of these non-firearms might prefer not to sell to a prohibited person, they have no way of knowing or verifying who S21 applies to.

Now when a person joins a Home Office Approved club, they must sign a S21 declaration that they are not a prohibited person. Historically the guidance has been that this only needs to be done on initial application, and not annually on renewal. Some clubs do ask members to sign this declaration annually, some police forces are beginning to insist that club members must sign this declaration annually. Some insist that the declaration must be signed with a wet signature, some are content with an electronic signature or tick on an electronic form. Clarification is needed and is being sought.

As a HO approved club, guests to your club must also sign a S21 declaration on each visit. Entry forms for Open Meetings should have a declaration as part of the form. I have never

been asked to make such a declaration on any S11 range, although if I am involved in the running of one, I make people attending sign first.

Guidance on the conditions under which a Home Office Approved Club must operate is available, but is badly written.

[Approval of Rifle Muzzle Loading Pistol Clubs Leaflet.pdf \(publishing.service.gov.uk\)](#)

### **British Shooting Schools Championships**

British Shooting has in recent years run a Schools Championship, initially for Air Pistol, but now for Rifle too in Sporter and Precision categories. Around 1000 competitors take part annually. It was the brainchild of Georgina Geikie, a former Olympian Pistol Shot at the 2012 Olympics.

Essentially there are regional competitions throughout the country (England, Northern Ireland, Scotland and Wales) with a national two-day final, for individuals and teams shooting Air pistols and Rifles at 10m on ISSF Air targets. It is open to all schools, public and private, and to home schooled children, from the ages of 10-19 inclusive, in three age ranges, Juniors, Intermediates and seniors.

I have been the Chief Range Officer for the National Finals for the last three finals, I think! There was a gap for Covid. It is a truly excellent example of what shooting should be about.

For the last two years the Finals have been held in Cannock Leisure Centre, with the support of the local council and Rugely Rifle and Pistol club. The Mayor presented the prizes and did a little range officering, and another council member who runs a food charity for those in financial difficulty raised money doing the catering for us.

We had range staff from club level to international level, both able bodied and not. Girls and boys shooting alongside each other as equals. State and privately educated children shooting alongside each other as equals. Able bodied and disabled have shot as equals at regional level, we hope to extend that to the finals from next year.

Hill Pumps and Steyr Sports were sponsors, with Eley donating prizes.

This is an excellent way to introduce the young to our sport, and there are coaches talent spotting too. It is truly a very fine example of the way things ought to be, and all those who volunteer their time, and those who compete, are to be congratulated for taking part and creating such a wonderful experience.

Click here to take a closer look: [British Shooting](#)

[VIDEO HIGHLIGHTS: Looking back at the highlights from this week's Schools Championships Finals where 159 pistol shooters and 107 rifle shooters competed... | By British Shooting | Facebook](#)

