

The Sportsman's Association

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



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Hi Everyone,

I hope you have all had a lovely summer with lots of shooting in the fresh air and sunshine. Mine has been very chaotic with building works which are still ongoing. By the end of it I will have a new office, just for me, and I hope to resume a more efficient service, and get back to re-developing the website.

If I am not able to answer the phone please leave a message, I do call people back at the earliest opportunity. Unfortunately, if I am out on ranges, I will not have mobile signal, and the same if I am at Westlake Engineering's workshops. - Rachel Westlake.

Firearms Act 2023

This came into force on 18/9/23 and the Firearms Act 1968 has now been amended.

A miniature rifle range is now restricted to .22rimfire rifles, and airguns only, and the operator of a miniature rifle range must now have an FAC for the possession of miniature rifles and ammunition, where the miniature rifles are of .22 rimfire calibre. Those who come to shoot on the range can continue to do so without having an FAC.

The second part of the bill applies to "possessing component parts of ammunition with intent to manufacture". This is intended to catch those who manufacture ammunition illegally and do not have a certificate authorising possession of said ammunition. The component parts of ammunition are considered to be: bullets, cartridge cases, primers and propellant.

During the second reading of this bill in the House of Lords, many other concerns were debated, including deactivated firearms, 3D- printed firearms, the issuing of temporary permits as a result of the backlogs in grants and renewals of licences, the mandatory training of FEO's, the consultation on firearms fees, and more.

Earl Atlee brought up the following on De-activated firearms: *"years ago, we were required to change the law on deactivated firearms by an EU directive that did two things. First, it required records to be kept of transfers of certain deactivated firearms, which requires the Home Office to keep records and employ an official whose sole function is to keep these completely unnecessary records. I hope that my noble friend the Minister will give some indication, either now or in writing, of whether he intends to use the powers in the REUL Bill to relax the requirement around notifying these transfers; this would avoid the need to have an official in the Home Office keeping these records, which are of no use.*

Secondly, the directive required us to prohibit the sale or transfer of what were termed defectively deactivated firearms; these are what we call early deactivated firearms and would include my grandfather's .455 Webley. Some may worry about reactivation but an old deactivated firearms can, in certain cases, be worth more than a real firearm. It is not worth messing around with an old firearms like my grandfather's because it is simply an uneconomical proposition; it is cheaper just to buy an illegal one off the black market. I cannot sell or transfer my grandfather's .455 Webley to anyone because it is illegal to do so

but there is absolutely no problem around me owning it. Of course, I have no intention of transferring it to anyone; it will be an insignificant part of my estate when I die. However, I am aware that defectively deactivated firearms—early deacts—are being sold or transferred privately. If it is okay for me to own and keep owning a defectively deactivated firearms, why is it not okay to sell or transfer one?

We have an undesirable situation here, arising from an EU directive. We have left the EU. We do not need to comply with this useless directive. In due course, we will have to repeal both provisions—that is, the provision on keeping records of certain transfers and the provision on preventing people selling or transferring deactivated firearms. Currently, we are creating criminals out of law-abiding citizens.”

Lord Sharpe, Under-Secretary of State for the Home department merely replied that the government will keep this under review.

Lord Sharpe also stated that *“His Majesty’s Inspectorate of Constabulary and the fire and rescue services will be conducting a thematic review of police forces’ firearms licensing arrangements in 2024-25. That will provide us with an important opportunity to take stock of the changes that have been introduced and to ensure that we are doing all we can to ensure that our licensing arrangements are safe and meet the needs of the shooting community, alongside the overarching need to ensure the safety of us all.”*

Firearms Licensing: a Consultation on Recommendations for Changes Made to the Home Office

Here is an edited version of the response from the BSSC to this consultation:

Recommendations for changes to legislation

Q1. Do you consider that the police should be granted a specific power of entry (without warrant) to be able to seize shotguns, firearms, and ammunition where there is a risk to public safety and the peace, and the certificate holder does not cooperate with the police and agree to voluntary surrender. In association with this proposal, the police should be given the power to suspend a certificate temporarily).

No. It is our view that the police already have sufficient powers to enter a property when there is a risk to life or the peace. Where there is no such immediate risk, the Chief Officer has the power to immediately revoke a certificate, thus placing the holder in illegal possession. This in turn provides the opportunity for entry.

BSSC has from time to time considered the proposal that there might be a police power to temporarily suspend a certificate, and we have consistently rejected this suggestion. If firearms, ammunition and a certificate is seized, then there is no opportunity for a certificate holder to lawfully acquire further firearms or ammunition. We believe that a certificate holder should have the certainty that a certificate is either valid or that it is revoked. There is no suggestion that suspension would be appealable. Revocation, however, brings with it a right of appeal.

Q2. Do you consider that the prohibition on possessing firearms should be changed from one that is based solely on length of a custodial sentence following conviction, to one based more on the nature of the offence?

No. The present system of prohibitions based on the length of a custodial or suspended sentence is both simple and well understood. It is our view that in general, the length of a sentence reflects the seriousness of a crime that has been committed. Linking prohibition to the nature of the crime would in our view introduce an unacceptable level of uncertainty into the licensing system which would create serious difficulties for prospective applicants and also for those of our members (such as shooting instructors lending shotguns under S11(6)) who need to determine whether a person may or may not lawfully possess firearms on a temporary basis.

It should be noted that a chief officer already has the power to refuse the grant of a certificate to a person he believes to be unsuitable by reason of their past criminal conduct.

Q3. Do you consider that the renewal period (currently every five years) for a certificate should be kept under review? If so, is renewal every five years the right period of time or should it be changed to a shorter or longer period of time?

Yes. BSSC believes that the improved checks on certificate holders mean that the circumstances are now such that certificate life can safely be extended to 10 years.

Police character checks are continuous, and have been so for some time. Where an individual comes to adverse police attention, there is immediate reference to the fact that they are a firearms holder and the force granting their certificate is in a position to review their continued possession immediately.

The digital medical marker ensures that medical checks too are continuous. Where an individual presents to their GP with a condition that might cause concern, then the GP is automatically alerted to the fact that they are a firearms holder and can inform the police. It is noted that the digital marker is available to all English surgeries and BSSC has long advocated its universal adoption. With continuous character and medical checks, the process of suitability assessment is constantly 'live', and where the marker is applied, it is our view that a 10 year certificate should be available.

At a meeting with former Policing Minister Kit Malthouse MP attended by BSSC Chairman Jonathan Djanogly MP, the then Chair of NPCC FELWG, DCC Dave Orford was of the view that when he had 12 months satisfactory experience of the medical marker's operation, he would support a 10 year certificate, and the Minister endorsed that position.

A 10 year certificate would substantially reduce the administrative work of firearms licensing departments, allowing them to focus more effectively upon monitoring suitability.

Q4. Do you consider that people applying for shotgun certificates should provide two referees?

No. We do not believe that the process of determining suitability for possession of a shotgun would be made any more robust with the introduction of a second referee. Moreover, the Government has already stated that it does not intend to align the licensing of shotguns with that of firearms.

Q5. Do you consider that at least one of the referees should be a person of certain standing in the community (e.g., of a professional background)?

No. The shooting community is drawn from all strands of society and all walks of life. Thus, we do not believe that an application for a certificate should be contingent upon an individual knowing or having regular contact with a professional person such that they might ask that person to referee their application. Professional qualifications do not of themselves confer any particular moral integrity, and a requirement to nominate a referee with 'professional' status would make it difficult for many decent and responsible people to make an application. Indeed, it could potentially exclude them entirely from doing so.

Q6. Do you consider that the referees should be able to demonstrate a good knowledge of the applicant's circumstances relevant to their suitability to possess a firearm or shotgun?

Yes. The whole purpose of a reference is to shed light on an applicant's personal circumstances relevant to their suitability as a certificate holder.

Q7. Do you consider that the application form should include a checklist for referees on the information they should provide to the police, and require referees to provide a written declaration that they have disclosed all relevant facts to the police?

Yes/No. We agree with the proposal to provide a checklist for referees, indicating the information which they should provide. This should be simple and straightforward in nature, and not so complicated or overbearing as to risk deterring a prospective referee from responding.

Regarding the suggestion of a declaration, we would be opposed to this, exactly because it is likely to suggest to referees that they bear some responsibility for the decision to grant a certificate, which is not the case.

Q8. Do you consider that the Statutory Guidance should include more detailed guidance for the police on the information they should be looking to elicit from referees?

No. We believe that sufficient guidance already exists within sections 2.21 to 2.24 of the Statutory Guidance, and that no additional detail is needed.

Q9. Do you consider that the police should look at the circumstances when individuals change referees between application and renewal and between subsequent renewals?

No. There is no particular reason why an applicant might be expected to rely on the same referee between grant and renewal and at subsequent renewals, and the suggestion that the police should look more closely at a situation where this is the case makes no sense whatever. Over the course of five years people move away, lose contact or change social groups. There should be no cause for suspicion simply because a different person is asked to referee a renewal.

Q10. Do you consider that the sharing of the unique application reference number by applicants with their referees, would make it easier for referees to report concerns about applicants, decline to give references or report concerns about certificate holders to the police?

No. We do not believe that use of a unique reference number would provide any benefit whatsoever. A referee is well able to report concerns to the police without such a number.

Q11. Do you consider that the content in the Statutory Guidance should be expanded and made more prescriptive in relation to the suitability checks carried out by the police for firearm and shotgun applicants and certificate holders?

No. BSSC was consulted on the initial wording of the Statutory Guidance in September 2019, and was further consulted on the review in September 2022. We looked at these matters in detail, discussed them with policing colleagues and provided comment. We feel that the current text regarding suitability checks is comprehensive and that it already deals with the question of open-source social media as suggested by IOPC.

Q12. Do you consider that the balance of probabilities test is the correct test to apply in the Statutory Guidance to information about a person's suitability to hold a certificate?

Yes. The balance of probabilities test has served firearms licensing well since the Firearms Act 1920. As licensing is an administrative matter, it is appropriate that the civil law test continues to be applied.

Q13. Do you consider that neurodevelopmental disorders should be added to the list of relevant medical conditions in the Statutory Guidance (and application forms)?

No. The family of neurodevelopmental disorders is extremely wide and many of those who are, for example, on the Asperger spectrum are entirely suitable to possess firearms. We do not, therefore, feel that such disorders should be singled out in the application process. Firearms form 201 in any case provides the medical practitioner with the opportunity to indicate '*Any other mental or physical condition, or combination of conditions, which may affect the safe possession of firearms or shotguns*' if he or she feels that to be appropriate.

Q14. Do you consider that GP's engagement with the firearms licensing process should be made mandatory?

Yes. We have long argued for mandatory involvement of the GP in the firearms licensing process in respect of placing the marker on the medical records of a certificate holder. We strongly advocated this during the consultation process which resulted in the current Statutory Guidance, and it is a disappointment that mandatory engagement has consistently been opposed by the medical profession. If there is no marker on a certificate holder's medical record, then we regard this as a potentially fatal flaw in the licensing system.

There are three parties to a firearms licensing application: the applicant, the police and the GP, and only two of these are currently bound by the legislation. The GP may, if he or she wishes, decline to participate. We believe that a requirement for the GP to participate on a 'best endeavours' basis is entirely inadequate and potentially removes an important pillar in the process of continued assessment of a certificate holder. Our view, repeatedly expressed, is that the placing of the marker should fall within the NHS contract, so that it becomes mandatory on all GPs to undertake this important activity.

Q15. Do you consider that interim medical checks should be made on licensed firearms holders in between the grant of the certificate and any application to renew?

No. Our aspiration is to see a universal application of the medical marker. When this is in place, there will effectively be continuous assessment of medical suitability, since any adverse medical conditions presented by a certificate holder to a GP surgery will be notified to the police firearms licensing department. We therefore reject the suggestion that interim medical checks are necessary or should be made.

Q16. Do you consider that the digital marker for use by GPs on the medical records of licenced firearms holders should be visible to other health professionals?

Yes. We agree that appropriate medical or health practitioners who need access to the patient records should also have access to the firearms marker. Note, however, that there remain concerns within the shooting community over the security of information which will indicate the address at which firearms and ammunition are likely to be stored. It is essential that the marker is available only to those who require sight of it for professional purposes, and it may be appropriate for interrogation of the marker to be recorded in some way.

Q17. Do you consider there should be more mental health advice and support for licenced firearms holders through, for example, advice leaflets and other such support?

Yes. We particularly endorse the mental health leaflet which was recently developed by the law enforcement and shooting associations in Scotland and we support the rollout of this leaflet, or a suitable derivative of it, across England and Wales.

Q18. Do you consider a specific phonenumber should be introduced in addition to the services already available to report concerns about a licenced firearms holder?

No. There are sufficient phone lines available for members of the public to express concerns to the police about licenced firearms holders. The 101 line is well established, as is Crimestoppers and, in an emergency, 999. A dedicated line to report concerns about firearms owners is likely to encourage malicious calls by those with a grievance against a particular individual or those who are opposed to private firearms ownership in general.

Q19. How in principle should any specific phonenumber be funded: public funding or other sources funding?

We do not think such a line should exist. Its potential funding is therefore an irrelevance.

Q20. Do you consider that it would be better to raise awareness of existing avenues open to raise concerns about a licenced firearms holder (999 etc)?

No. As stated above (Q18) we believe that existing phone lines are well known and need no further specific promotion over and above that which exists already.

Thank you to everyone who responded to this consultation, your efforts are very much appreciated.

Government Consultation on New Knife Legislation

This consultation closed on 6/6/23 but will be of interest to re-enactors and those who are involved in land management. The government response to the consultation can be accessed using the following link:

[Government response to consultation on proposals to tackle the use of machetes and other bladed articles in crime. \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/consultations/government-response-to-consultation-on-proposals-to-tackle-the-use-of-machetes-and-other-bladed-articles-in-crime)

Home Office Guidance on Safe Storage of Airguns

With the recent change in law the Home Office has updated the guidance:

[Air weapons: a brief guide to safety \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/air-weapons-a-brief-guide-to-safety)

Home Office Statistics on firearms Licences

These were published in July, and require considerable time and effort to analyse. In short, the number of RFD's is down by 6%, and licence holders by 4%, but this needs to be taken in context of the effects of the pandemic and difficult economic times. This may also have affected the number of people introduced to shooting, as 67% of licence holders are now over 50, and only 13% in the 18-24 age range.

From a pistol perspective most start out shooting airguns, with 5 shot air pistols we are able to compensate for the loss of cartridge pistols, at least in ISSF disciplines, and only the Scots are licensed. Airsoft, with skirmishing and action air shoots have replaced many of the more re-active pistol disciplines, again with no licence. So, the statistics only show part of the picture.

Revocation of FAC/SGC on Medical Grounds

This is happening more frequently now with the introduction of the medical marker, but it does not necessarily mean no more shooting for the individual concerned.

A club recently contacted the Association when a member informed them that their certificate had been revoked on medical grounds, but that he would like to continue shooting with club guns under supervision. The member had been diagnosed with an incurable, but manageable for a time with medication, degenerative condition.

At first the club were surprised that the Police had not informed them of the revocation, which they are only likely to do if it is the Primary club named on the persons certificate, and secondly that shooting clubs are under no legal obligation to revoke membership of someone whose certificate has been revoked, unless the person has become prohibited.

After the initial shock and understandable confusion as to how to proceed, I am delighted to report that the club offered their member life membership with no fees, and to shoot for as long as he is able, under supervision.

This is a truly heartwarming outcome.