

# The Sportsman's Association

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



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The Sportsman's Association  
PO BOX 2379  
Salisbury  
Wiltshire  
SP4 4AN

[www.sportsmansassociation.co.uk](http://www.sportsmansassociation.co.uk)  
Email: [info@sportsmansassociation.co.uk](mailto:info@sportsmansassociation.co.uk)  
[membership@sportsmansassociation.co.uk](mailto:membership@sportsmansassociation.co.uk)  
mobile 0752 508076  
Landline – 01722 703976



Hi Everyone,

I hope you are all ready for the festive season. Merseyside Armoury and Westlake Engineering have had an early Xmas present and won their court case against Border Force. May Santa prove to have a sack full of good judges, and barristers/solicitors with good arguments, for all the other appeals and court cases currently in action.

My new office is half finished, in that I have four walls, doors and windows, and Power! I currently have a trestle table with all the laptops and printers on, the office furniture can move in once the floor has been done. We do now have a landline – 01722 703976.

### **Socio-Economic Consultation on Lead in Ammunition**

Thank you to everyone who responded to the call to submit their own response to the last consultation which ended on 10/12/23. Submissions from some of the BSSC member associations have been put online if you want to have a read.

NRA - [NRA » UPDATE - UK REACH – Public consultation on lead in ammunition - NRA](#)

BASC - [BASC response to HSE lead ammunition consultation - BASC](#)

UKPSA - [The HSE Lead Consultation UKPSA Guide is LIVE! - UKPSA](#)

Whilst none of us should be complacent on the subject of lead in ammunition, the Clay Target Shooters are perhaps facing the most difficult restrictions, both here and in Europe, which could completely decimate their sport. The international organisations, ISSF and FITASC, which between them represent all the clay target disciplines have written a joint letter to the European Commission, here is an extract:

*“ISSF/FITASC have grave concerns regarding the currently proposed restrictions on the use of lead ammunition for clay target shooting sport prepared by ECHA and now submitted to European Commission the proposed restrictions provide some derogation conditions which are not scientifically justified and will end competitive sports shooting and will conduct to many clay target range bankrupts”.*

## LBP's/LBR's and S1 Shotguns

It is quite ridiculous that the Home Office will not allow the lawful sharing of these firearms between club members, which was recently highlighted by some Scottish FEO's which had to be put right, after suggesting it was.

The NRA have highlighted this issue when hosting government ministers and police at Bisley. The UKPSA would like a change in the wording of the law to enable practical shotgunners to share, and I put forward the perspective from an ISSF point of view as the prospect of a FAS LBP was being looked at, and would be supported by the British Pistol Club, and got a Welsh TSF coach very excited too. An almost ISSF compliant LBP would be a splendid training tool for those who currently shoot with five shot air pistols, and would like to make it to the very small S5 pistol squad.

There has been no competitive use of LBP's in the ISSF pistol meetings in UK because it is just not possible to comply with ISSF competition rules where LBP's are concerned, as part of an RO's role is to do trigger weight tests on the pistols and to handle malfunctions.

Failure of a random trigger test leads to disqualification from the competition, and must therefore be done by a trained RO under the supervision of a Jury member. This is done at the end of every detail in compliance with ISSF competition rules.

Should a pistol malfunction occur it has to be determined whether it is an allowable or non-allowable malfunction, which potentially requires the RO to take the pistol from the competitor and examine and fire the pistol. This can only lawfully be done by an RO who is suitably trained, **and an RFD or servant of an RFD**. Not many of them about.

Gallery Rifle disciplines are a little different in that they have no allowable malfunctions, and do not have trigger weight limits. But range officers not being able to handle a competitors LBP or LBR can still be problematic in some instances, especially if safety is involved.

Perhaps with a combination of Gallery Rifle, Practical Shotgun, and the ISSF pistol disciplines putting forward their case, together, we can get some traction on a change. I hope so.

## UKPSA International Pistol Team

A quite sizeable GB team was sent to compete in the European Handgun Championships in September, and I would just like to highlight the entry of Sasha Mikhailov, a junior from Wales. He came 62<sup>nd</sup> out of 391 competitors overall in his class, and 6<sup>th</sup> out of 20 other juniors.

He is a remarkable young man, who has graced my ranges at ISSF events in UK, and I believe set or equalled a Welsh record at the last Junior International on the 25m Air Pistol range this year.

## **Border Force V Merseyside Armoury**

On 4/11/23 the hearing finally took place, in Manchester's Magistrate's Court, which had been suitably risk assessed for 9 people excluding court officials, to have firearms present as exhibits. I counted 14 of us present, but no-one seemed to mind.

Putting aside all the delays from the initial seizure administration, and the courts administration in March this year, the mislabelling of evidence photos between the LBR and MLR, the failure to provide the defence with images of the LBR and MLR in jpeg format until instructed to by the Judge on day 1 of the hearing, the failures of the lab to follow standard procedures in the storage and custody of evidence, and a few other factors involving the marking of firearms on importation which had been resolved, the long awaited hearing began. By the end I was left with more questions than answers, and I have absolutely no idea which way the Judge will rule, as the evidence was so muddled. Or is that my personal in-experience of court cases?

On 1/3/22 a consignment of 25 Alfa Proj .357 Barrel and Frame Assemblies, along with an assortment of 3", 4" and 6" barrels and barrel shrouds were seized by Border Force, and declared liable to forfeiture as they were section 5 firearms and components. Along with these, Border Force also retained an Alfa Carbine .38 special/.357 magnum Long Barrel Revolver from the same consignment, the other LBR's were released to Merseyside Armoury as they were declared section 1 firearms. But why retain this lone LBR?

Under the Customs and Excise Management Act 1979 items mixed, packed or found with a thing liable to forfeiture are all liable to forfeiture. As the Judge put it, section 5 items are "infectious", if just one item is found to be prohibited, all the items are found to be prohibited. So why did the Director of Border Force use their discretionary power to restore from S5 to S1 all but one of the LBR's? Also, if 20 consignments of identical items have already been imported by Merseyside Armoury, with no problems, why seize this consignment?

Since then, two more consignments of the same items have been received, but with the barrels not fitted to the frames, these have been cleared as section 1 firearm components.

Merseyside Armoury are the UK Agents for Alfa Proj in Czech Republic, and Westlake Engineering take the Alfa .357 Barrel and Frame Assemblies and modify and complete them to make a short-barrelled muzzle loading revolver which is compliant with UK Firearms Law. The Barrel and frame Assemblies have never been a completed or proofed firearm, and the serial numbers are prefixed with MLR, indicating their designation as Muzzle Loading Revolvers on completion.

In November of 2021 an officer from the National Crime Agency visited Westlake Engineering to examine the procedures used to modify and complete the .357 Alfa MLR, and to check on the recording in the firearms register of a selection of serial numbers from previous shipments. He describes the Alfa MLR as "novel" but fully compliant with UK firearms law and there were no faults in our records. None of our MLR's have ever been used in a crime.

It was the next shipment that was seized by Border Force, and it was the same NCA officer that selected the MLR barrel frame assembly, 2 short barrels and shrouds, and the LBR for

“official categorisation”. The officer recommended to Border Force that for “such a complex firearms classification issue” it would be appropriate to seek independent classification advice from a firearm forensic specialist. Hence the items were delivered to Eurofins, a forensic laboratory in Leeds.

The opposition are clumsy on the stand in their description to the Judge of how the MLR is loaded, they talk of patches, ball, wads. The MLAGB describe the Alfa MLR as a Modern Muzzle Loader. It uses a target load of nitro powder, a .357 148gn soft lead wadcutter bullet (unless shooting indoors where we use round nosed solid base bullets) and a 209-shotgun primer to replicate the .38spl cartridge, as far as is possible under UK firearms law. But the officer clarifies in court that he requested that the forensic lab determine the classification of the items at the “point of import” and that the seized LBR was included for comparison to the MLR barrel frame assembly.

This now makes sense. The LBR has been completed, and proofed. The MLR has not. Neither have the barrels and shrouds. A direct comparative examination between the LBR and MLR, barrels and shrouds should prove that. But is that what was done at the lab?

In essence, at the point of import, the LBR and MLR have the same component parts with a few differences. The LBR has a 12” barrel and an extension to the rear of the frame to give an overall length of 2 feet, the MLR has a short barrel, no extension and no cylinder. So, what should we compare?

Both the LBR and MLR have been produced in the same factory, on the same assembly line. Exposed to the same machinery, tools, processes and chemicals, and worked on by the same smiths/engineers, so much of what you see on the LBR should be replicated on the MLR, with the exception of the fitting of a cylinder and the proof firing and marking of a completed revolver.

Photos of the LBR and MLR were taken, and in many of them there are similar markings, discolourations and wear patterns in the aperture where the cylinder would be, on the hand, the index pin, the cylinder stop, the breech faces, top strap and on the crane, which the forensic examiners claim are indicative of a cylinder being fitted and fired. We dispute this and suggest that normal manufacturing procedures can explain all, and that it makes no sense for Alfa to make a completed short barreled revolver and fire it, to only remove and throw away the cylinder.

Discolourations the Complainant (Border Force) claim is evidence of fouling we attribute to the normal staining of investment castings, and in the case of the index pin, heat treatment.

Sooty marks they attribute to the item being fired, and pink circles on the standing breech face they attribute to the pink lacquer from a discharged cartridge, but both the sooty marks and “engineers” pink can be attributed to hand fitting and filing techniques.

One of the forensic examiners stated in court that there would be no need to file and hand fit anything in the aperture where the cylinder fits as it has been machined. Mr Geary, owner of Merseyside Armoury, produced a video from the Alfa Proj website showing the frame being removed from the CNC machine and taken immediately to a workbench where it is mounted into a vice for “precision grinding and manual adjustment”. [About us - ALFAPROJ](#) - [www.alfaproj.cz/o-nas/](http://www.alfaproj.cz/o-nas/)

Wear marks from the index pin, on the bolt, the cylinder stop and the frame which they attribute to a cylinder being fitted and fired can all be explained by manufacturing processes involving files, a gauge used to check the alignment of the barrel with the bolt in the centre of the standing breech face, a dummy cylinder to check the functioning of the moving parts and the gap between the barrel and standing breech face. Hands being filed before fitting as you can't get to them with a file once fitted, and there is probably just a large bin of pre-filed hands ready and waiting for the production line.

So, what is left to compare, in order to ascertain whether the MLR has ever been a completed and fired firearm prior to import?

Well, a forensic scientist did try to remove the cylinder from the LBR presumably to fit it into the MLR. Now, **had** the forensic scientist been successful in removing the cylinder from the LBR, then yes it would have fitted onto the MLR barrel frame assembly as it is at the point of import. It would have also automatically changed the classification of both the items to S5.

Whilst I understand the forensic scientist's curiosity, this was not a requested procedure by the NCA, nor a comparative process, and would have irreversibly changed the evidence. Whilst people in general think cylinders are interchangeable, especially between the same model, this is only true within certain tolerances. Smiths match cylinders and frames to each other, and check for clearance fore and aft of the cylinder to ensure **proper and safe function**.

At Westlake Engineering once we have modified the MLR barrel and frame assembly and fitted the MLR cylinder it would not be possible to easily interchange the cylinders between the MLR and LBR. There are too many parts to be removed, reverse engineered, and the cylinders are of different lengths, so acceptable and safe tolerances are just not there.

To my mind this only leaves Gun Shot Residue analysis as the deciding factor. Swabs were taken at the lab in Leeds from the barrel of the MLR, and the two short barrels. Not from the LBR, so where is your ability to compare?

All the items have come from a factory where firearms are proofed on site, component parts/parts are cleaned and packed in one area, and completed and partially completed firearms are cleaned and packed in a separate area.

All the items have been in the lab at Leeds where firearms are routinely tested, and a huge collection of reference firearms are just a few meters away. This is referred to as a 'dirty lab', and as I indicated at the start, there were errors in procedure in the storing of evidence, as in tamper bags were not sealed, and evidence was stored for 6 months in personal offices, not secure lockup.

The GSR samples were sent to a lab in Tamworth which has the accreditation for testing, and then onto another forensic lab, with the same accreditation to actually be tested.

GSR is very easily transferred, and contamination of the items is possible, especially at the factory where the same cleaning brushes are used for proofed and un-proofed items at the point of packing.

So, what were the GSR results for:

1. The LBR – unknown they did not take a swab.
2. The MLR – a very high amount of characteristic GSR, two types - potentially from two different types of ammunition, and large numbers of indicative particles were found to be present. In the forensic report it states the sample was very heavily loaded with particulate material.
3. The 2 shrouded barrels – no characteristic GSR, and only a single particle of indicative GSR present. Again, the sample was heavily loaded with particulate material. These were identified as iron and chromium.

Characteristic GSR – produced when primers that contain combinations of lead, barium and antimony are fired.

Indicative GSR – produced by most ammunition, but not limited to fired ammunition. Not considered significant in isolation.

For the MLR, the final explanations by the GSR specialist were that either ammunition had been discharged through it, or something very heavily contaminated with GSR had been introduced into the barrel. He agrees that the GSR findings are “not conclusive evidence that the item has ever been fired”, as the second explanation does not require that ammunition has ever been fired through the barrel.

He agrees that it is highly unlikely that the 2 short barrels have ever been fired.

The different results for the MLR and the 2 short barrels can be explained by the different locations in which they are packed at the factory.

Since fouling is found on several different parts of a revolver on firing, why were no GSR swabs taken from say the firing pin, or the top strap on both the LBR and MLR for comparison.

Was a visual examination of the barrel rifling undertaken on any of the barrels for comparison. I know from experience that after proofing it takes us an age to clean the lead from the barrels of the MLRs. Were there any noticeable differences in the potential leading of the barrels to indicate whether they had been fired or not.

Alfa Proj were asked by Border Force how the manufacturing process was conducted. They categorically deny fitting any cylinders to the barrel frame assemblies designated MLR, this is also reflected in their invoice to Merseyside Armoury as there is a distinct 100-euro difference in the cost of a completed revolver and those supplied for completion as MLR's.

The Border Force barrister was most insistent to press home to the Judge that the burden of proof lay with Merseyside Armoury, and when questioning Merseyside Armoury pressed the point that since Mr Geary was not present at the factory at the time they were manufactured he can not categorically say no cylinders were fitted to the MLR barrel frame assemblies. Not to be too flippant, neither was this barrister or the forensic scientists.

In a civil case, such as this, there is more leniency too on the type of evidence that is admissible, and that is worrying when so much of the forensic examination was not done to accredited standards, or even in person, as the lab is in Leeds, and the chief forensic

examiner in this case works from home in Kent the majority of the time, according to lab staff.

The Judge had an unenviable job picking through what is and isn't relevant, and gave a verbal ruling, followed by a written ruling on 11/12/23. **He ruled in our favour.**

The Judge was kind in his description of Mr Geary & Mr Westlake and said "*both men have worked in the firearms business for many years, and each has an excellent reputation within that industry*". He accepted the evidence given by both, and by Alf Proj as honest, and that all three were fully aware of the risks to Mr Geary should he try to illegally import either a completed cartridge revolver or the component parts of a previously completed cartridge revolver.

The Judge describes all the other evidence presented as "*circumstantial*" and that in choosing between the scenario that all the "*features observed result from manufacturing*" is a simpler and more likely answer than the scenario that "*the weapon was tested or proof fired for no apparent reason*".

