

Firearms Safety Open Consultation - Response from the Scottish Association for Country Sports (SACS)

I refer to your recent open consultation on Firearms Safety, published on 24 November 2020.

The Scottish Association for Country Sports is one of the UK leading field sports advocacy organisations, representing members from throughout the UK. We have extensive experience in relation to the use of firearms and the licensing of firearms and we believe we are well placed to assist this consultation.

Below are responses to the relevant questions. We note that the Firearms Security Handbook was replaced with a 2020 version mid-way through the consultation period and given that this consultation deals with security matters we would be concerned that other respondents may have referred to a previous version. That is a matter for the Home Office to address if required.

Notwithstanding the foregoing, please find attached our response to the consultation as published. I trust that you will find our contributions informative.

Firearms Safety

Q1. To what extent do you consider that the present level 3 security requirements, if specified in rules made by the Secretary of State, would be sufficient to mitigate the risks posed by high muzzle energy rifles, as described above?

Given the extant Firearms Security Handbook (FSH) was only published in January 2020 (mid-way through this consultation), it must be considered relevant in addressing the up to date thinking in respect of the safe and secure storage of firearms.

The police are well versed in dealing with security concerns in respect of firearms and identifying local, force wide or national threats and risk and the level of harm these could impact on the safety of the wider public and the local communities. We, like the police, recognise that the more hurdles you place in front of illegal acts, the less likely you are likely to be a victim of criminality. However, when such hurdles become prohibitively expensive and draconian, and the ease of use of the item becomes practically impossible, then proportionality and fairness diminish. It is the view of SACS that this will be the case in prescribing level 3 security automatically.

As the impact assessment highlights, given the expense and specialised nature of HME rifles, most certificate holders who have authorisation to possess such a rifle have only one HME rifle. It is recognised that these HME rifles are not criminally attractive – they are bulky, very heavy and difficult to operate and even more difficult to conceal. There has been a single case of one being stolen in recent years and it is believed that this was from a RFD, with the HME rifle not a targeted theft. It is accepted that the great majority of firearms used by criminality and actively sourced by OCGs are handguns imported into the country (Paragraphs 105 to 107 [file \(nationalcrimeagency.gov.uk\)](https://www.nationalcrimeagency.gov.uk)). Should those involved in criminality seek to actively acquire a number of firearms, they will likely target RFDs. A sophisticated OCG did such a thing in the late 2000's in the central belt of Scotland.

We believe that the current levels of operational decision making in respect of security are sufficient. They allow the police to either escalate or deescalate the security requirements as necessary in respect of the variable circumstances of each individual certificate holder and this is clearly articulated in the FSH. We believe that the operational response should be adaptive and proportionate and not prescriptive.

There is an assumption of risk being present. There is nothing available to suggest that the risk, threat or harm posed by lawfully held HME rifles is any more than other legally held firearms and there is established opinion that HME rifles are, by their nature, unattractive to criminality.

At all times, as is reflected in the consultation, while the controls must protect the public from misuse, they must also be proportionate and administered fairly.

Q2. If you do not consider level 3 security would adequately address the risks, to what extent do you consider that the following additional security conditions could be relevant to the safe storage and use of these rifles? a) Fitting shutters and grilles on all doors and windows? b) Installing CCTV? c) Panic alarms available where the rifle is stored? d) Panic alarms available when the rifle is in use on a range? e) The bolt or other critical component parts be kept separately? f) If viable, and with a change in the law or certificate conditions, other members of the holder's shooting club to look after critical components on behalf of each other? g) Ammunition to be kept separate from the gun in a separate cabinet and only a small number of rounds of ammunition allowed?

We would ask what lessons have been learned from the previous illegal acquisition or attempted acquisition of HME rifles and that these lessons should influence the security conditions. For instance, how many instances have there been when an HME rifle has been attempted to be stolen whilst it was in use by the certificate holder at a range and would a panic alarm have stopped this? We are unaware of any such cases.

As such, we refer to our previous answer; the police should be allowed to make operational decisions based upon their assessment of threat, risk and harm in each individual case. If the circumstances merit enhanced security, then that should be addressed. If not, then an operational decision should be made by the police which is proportionate to the circumstances found.

Q3. To what extent would it be preferable/viable to require these rifles to be stored only at a gun club?

Remote storage is a tool in the firearms licensing toolbox; however, it is recognised that it can place undue restrictions and practical difficulties on certificate holders carrying out lawful activities. Additionally, and conversely to the aims of this proposal, it marshals firearms in one place which thereafter makes them more vulnerable due to the readily identifiable premises. No matter what target hardening is put in place, determined, resourceful criminality is likely able to overcome even the most resolute of security measures.

Q4. To what extent would it be preferable/viable to require these rifles to be stored only by a registered firearms dealer?

We refer to the answer to question 3.

Q5. Any other comments on these proposals for additional security measures for high muzzle-energy rifles, including any comments on the costs and assumptions used in the impact assessment and any costs not included? (max 250 words)

It is of note that the costs of increasing security to prescribed levels, perhaps not necessary in the circumstances, will fall to the certificate holder. Given that the purchase of the firearm was lawful and remains lawful, is this increased financial burden fair and proportionate?

Q6. To what extent do you agree that the Government should remove the exception?

Given the two-pronged proposals suggested in this consultation aimed at reducing the threat of harm from people under 18 having access to air weapons we would suggest that if reasonable precautions are in place to allow the appropriate possession of air weapons i.e., the security holder deciding who and when someone under 18 should have access to the air weapons, there is no need for the removal of the exception that permits unsupervised possession of air weapons by under-18s on private land.

It would restrict the appropriate use of air weapons for pest control on farms and other places, where a 17-year-old could readily, maturely and entirely safely perform the role of pest controller. Given that a dynamic risk assessment would likely be carried out by the security holder in respect of 'what do you intend to do with it and where', the restriction on being able to freely access such air guns would be the filter which would stop the inappropriate use of air guns.

We believe that supervised access to low powered air guns at a relatively early age builds up a respect and understanding of the dangerous potential of guns, and a knowledge of how they should be used appropriately and safely.

Q7. To what extent do you agree that the Government should clarify the offence of failing to take 'reasonable precautions' to prevent minors from having air weapons so that 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?

We would support the proposal that the security of air guns should be clarified. That said, given most air guns will be of extremely low monetary value as well as low energy, the security should be proportionate to this. The attaching of the air gun to a rafter with a bicycle chain or a ring bolt to a cupboard wall should be more than sufficient.

Q8. To what extent do you agree that the Government should work with industry to improve the safe keeping and handling of air weapons, to ensure that home security devices are supplied with all new air weapons; and that dealers should explain the importance of secure handling and storage to purchasers of new air weapons at the point of sale?

This will incur costs, both to the RFD and subsequently to the purchaser. It would be suggested that the UK Government should consider publishing advice which could be easily downloaded and printed by the RFD for handing to the purchaser. This would ensure a consistent and straightforward best practice message is delivered.

Again, the cost of the security device requires to be proportionate to the cost of the air gun being acquired.

Q9. Any other comments on these proposals to strengthen air weapon regulation, including any comments on the costs and assumptions used in the impact assessment and any costs not included? (max 250 words)

No further comment.

Q10. To what extent do you agree that a person should be required to obtain a firearm certificate in order to operate a miniature rifle range?

Firearms legislation is underpinned with an intention to maintain public safety. In discussion with people and bodies with closer links to miniature rifle ranges, there is substantive agreement that it seems neither fair nor proportionate that legislation allows for the possession of firearms in specific circumstances without at least some of the checks and balances which are long-established as being effective in minimising risk to the wider public and shooters themselves. The current established approach to these checks and balances for firearm certificates focuses on public safety, reinforced by legislation and licensing checks.

Therefore, whilst we vociferously argue against further over-regulation of lawful firearms possession and use in the UK, we cannot responsibly oppose regulation designed to standardise existing basic firearms licensing public safety checks. Clearly, in the event of a related incident or targeted OCG theft, then there would likely be a call for further tightening of firearms legislation even when it was non-certificated persons to blame. In that instance, and due to a lack of basic checks and balances, law-abiding and responsible certificate holders would be likely to be further disadvantaged.

Further, in earlier discussion on this matter the principle of equity and fairmindedness was raised. Essentially, is it reasonable and fair that the certificated shooting community, which itself must undergo rigorous checks and (what is in effect) continuous monitoring, should 'carry the can' for a small number of miniature range operators who may not have their own firearm certificate? That said, it is recognised that most genuine miniature rifle range operators will either be current certificate holders or able and willing to undergo that process.

Q11. To what extent do you agree that only rifles not exceeding .22 rimfire should be considered as miniature rifles for the purposes of the provision?

We understand that other organisations are better placed to comment upon this proposal, which more directly affects their members' interests, and we recognise that expertise and proper representation.

Q12. To what extent do you agree that self-loading .22 rimfire rifles should not be considered miniature rifles for the purposes of the provision?

We refer to our response to Q11.

Q13. Any other comments on these proposals for strengthening controls on miniature rifle ranges, including any comments on the costs and assumptions used in the impact assessment and any costs not included? (max 250 words)

No further comment.

Q14. To what extent do you consider that the possession of component parts of ammunition with intent to manufacture unauthorised quantities of complete rounds of ammunition should be made an offence?

Cartridge cases, bullets, propellant powder and primers are all necessary to make ammunition. The acquisition of propellant powder and primers is already regulated; a round of ammunition will be inert and inoperable without powder and primer.

Properly and proportionately, loose bullets and cases are not regulated until they are fully assembled into viable cartridges, also referred to as rounds of ammunition. This workable and sensible legislative position was well-supported by Government and others with the 2017 removal of expanding bullets, and ammunition loaded with expanding bullets, from

Section 5, which was achieved after considerable joint lobbying from shooting representative bodies, including SACS.

Section 1 (1) (b) of The Firearms Act 1968 (as amended) creates an offence of having ammunition in a person's possession if they do not have a firearm certificate authorising that possession. This offence is established, familiar and well-tested in the courts. It is a meaningful and sufficient deterrent.

That said, we are aware that, as the law stands, it is possible for criminality to avoid prosecution under Section 1 (1) (b) by storing ammunition components by only completing the final assembly of viable ammunition at the last opportunity before committing criminal acts, including the supply of ammunition to other criminals. We understand that this is the principal challenge which Government seeks to mitigate via this legislative proposal.

Clearly, the key to this offence is the intent, which would exclude the case of a child taking an empty cartridge case to school or someone collecting vintage components or related equipment etc. From our understanding of the legislative proposal, the criminal intention would not just be proved by the assemblage of all, or most, of the components required to construct viable ammunition, but that assemblage **PLUS** other clear evidence supporting the act that they intended to construct ammunition illegally i.e., without being authorised as a certificate holder. This evidence may be, for example, alluded from communication data or interview of suspects or witnesses or other evidence supporting an established criminal intent to manufacture, use and potentially supply ammunition to other criminals. In short, an offence under the proposed legislation would not be simply possessing a quantity of cases or bullets for which there may be many perfectly lawful purposes from reloading to collecting or even jewellery, but that there would also be a requirement to prove the **mens rea** of the offence i.e., having the assemblage of necessary components and tools **AND** evidence supporting criminal intent to illegally manufacture, use and potentially supply viable ammunition.

Possessing the components and tools without guilty intent would not be an offence. Examples may be in the lawful reloading of ammunition where a shooter stores old cases, unused loose bullets and redundant reloading tools knowing that they may need them for the same or a similar firearm chambering again in the future or, with future shortages, they are worth keeping as an investment. It should be noted that for many chamberings, including recent developmental cartridges, commercial ammunition is uncommon or non-existent and reloading is essential. Given worldwide component shortages, some stockpiling of select components may be sensible.

That being said, without having sight of the actual proposed legislative wording, we would be concerned that the mere possession of component quantities, regardless of the quantity or variety or purpose, would be used as evidence of intent. Consequently, the draughtspersons of the proposed legislation would need to pay particular attention to the wording of the 'intention' aspect of the Bill.

Whilst we recognise the challenge and the importance of working to limit criminal access to viable ammunition, the proposed legislation must not hinder, jeopardise or otherwise disadvantage law-abiding shooters, collectors and others with a legitimate interest in firearms and related accessories.

We accept the need to reasonably remove access to reliable ammunition to criminality, however we are conscious that any subsequent legislation would require to be proportionate and administered fairly. To that end, SACS and its partner bodies would welcome a request to help avoid inappropriate and ultimately incompetent legislative wording.

Q15. Any other comments on the control of component parts of ammunition, including any comments on the costs and assumptions used in the impact assessment and any costs not included? (max 250 words)

No further comment.

I trust the foregoing is in order. Should you have any query in respect of our observations, please do not hesitate to contact me directly.

Yours sincerely.

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