

NATIONAL RIFLE ASSOCIATION

SUBMISSION TO THE LAW COMMISSION

FIREARMS LAW – RESPONSE TO SCOPING PAPER NO 224

INTRODUCTION

The National Rifle Association is the National Governing Body for most forms of target shooting with rifles and pistols. It has nearly 8000 individual members and about 800 affiliated clubs estimated to have a further 20000 members. It controls eight target shooting disciplines, including full-bore Target Rifle at which Great Britain are the World Champion team, and recognises or acknowledges 14 more. The NRA specifies safety and competition rules, qualifies Range Conducting Officers, is acknowledged by the Home Office as an authority to provide advice on the construction of firing ranges and is the main point of contact for the arrangements by which civilian sportsmen gain access to Ministry of Defence ranges.

The NRA owns and operates the range complex at Bisley, the largest private range complex in Europe and recognised as one of the busiest and best such facilities in the world.

The NRA welcomes the Law Commission's interest in firearms law and believes a structured programme of improvement to law involved in regulating firearms is long overdue.

The NRA accepts that there are aspects of firearms law relating to the criminal misuse of firearms that need to be addressed. In responding to the scoping paper, the NRA's objectives are firstly to minimise unintended consequences that impinge on the legitimate activities of its members, and secondly to minimise unintended consequences that impinge on other legitimate activities with firearms.

The NRA strongly supports the final proposal for codification of firearms law including that relating to firearms licensing, and looks forward to a much more detailed engagement in the planned future work in that area.

This response is structured in eight parts. The first part considers the effect of firearms legislation and its practical application on legitimate users in general terms. The second part considers specific issues not identified in the Scoping Paper that the NRA believes should nevertheless be addressed with urgency. The response then addresses the specifics of the five issues identified by the Law Commission as requiring urgent attention to improve public safety through tackling the criminal misuse of firearms. Finally the response provides some examples of issues that might be addressed in the proposal for follow-up action to codify the law. Specific responses to the Law Commission's Provisional Proposals and Consultation Questions are highlighted in **bold type**.

1. EFFECTS OF FIREARMS LEGISLATION

1.1 It is the mark of an effective system of criminal law that an honest citizen may safely ignore the detail of much of that law, sure in the knowledge that his behaviour will never approach the boundaries set in it. The dichotomy inherent in firearms law is that it most affects two very different groups of people. On the one hand, the worst sort of criminal, willing to use lethal force in pursuit of unlawful ends; on the other, citizens who because of the strict licensing standards are amongst the most law-abiding.

1.2 The complexity of firearms law makes the honest citizen an easy target for misapplication of the law, while the technicalities and confusion of the current system make it difficult to obtain convictions in the case of real wrongdoing. It is not a sufficient response to say that unwarranted action will be filtered out by the CPS and the courts. The authority the police have to act on suspicion routinely removes much of the supposed protection drafted into legislation.

1.3 The NRA has regularly been called upon to assist members caught up in this legislative minefield, compounded by its inconsistent application by the police. Examples can be provided.

1.4 Therefore, the NRA submits that in drafting any firearms legislation a primary consideration must be to ensure that the scope of its application is clear and the rules are consistent, so that the honest citizen is not left at the mercy of inconsistent application of the laws or dependant on the discretion of the CPS.

2. ISSUES NOT SPECIFICALLY ADDRESSED IN THE SCOPING PAPER

2.1 The process initiated by the Law Commission should lead to primary legislation. The NRA suggests that the following two items should be included in that legislation to benefit public safety and the administration of legitimate firearms activity. These would require minimal additional effort beyond that required to deal with the urgent issues of criminal misuse.

2.2 Firearms used in Target Shooting that lie outside the Home Office Approval Scheme

2.2.1 The NRA suggests that S15 Firearms (Amendment) Act 1988 and S44 Firearms (Amendment) Act 1997 be amended so as to bring Long Barrelled Revolvers (LBR), Long Barrelled Pistols (LBP) and high capacity smoothbore guns (colloquially “S1 shotguns”) within the controls of the Home Office Approval scheme for shooting clubs.

Background

2.2.2 LBRs and LBPs are exclusively used for target shooting. S1 shotguns have applications in hunting and vermin control and can be used for most of the purposes that a conventional shot gun may be applied to but are also extensively used for target shooting. Because these firearms lie outside the Approval scheme, the legislative requirements for target shooters to belong to at least one club with a proper structure, facilities, management

and insurance and to undergo probationary training in a controlled environment do not arise though ownership of any of them. Further, because there is no mechanism by which a private individual may possess one without a certificate, appropriate training in advance of personal acquisition is legally impossible. The NRA believes that this is a most undesirable situation that has arisen as an unintended consequence of the 1997 Firearms Acts, that the mechanisms to provide the training and supervision already exist within the thousands of Approved clubs, and thus that a gain in accountability and public safety is readily achievable given that primary legislation is intended.

Legislation

2.2.3 The requirement to be a member of a Home Office Approved club in order to possess firearms for target shooting, and thus to comply with the criteria for such clubs as regards training, supervision and recording of usage of firearms, is contained in S44 F(A)A 97. However, that is written so as to cover only those firearms that were envisaged as being used for target shooting at the time of the drafting of the Act. In failing to express the requirement in general terms, the Act does not take account of the growth of new classes of target shooting firearms. That should be corrected. There is a minor failing in S44 in that on a strict interpretation it does not require club membership and the associated controls if the firearm is held for other purposes as well as for target shooting. That should be corrected.

2.2.4 The exemption from the requirement to hold a FAC in order to possess firearms and ammunition within the environment of a club “approved by the Secretary of State” has been part of firearms legislation since 1920. In 1996 the relevant law was S15(1) F(A)A 88, which at that time permitted the possession of “a firearm and ammunition” without a Certificate in such circumstances. This was amended by S45 F(A)A 97 to permit the possession only of “a rifle and ammunition”. Such amendment was necessary to give effect to the general intent following the Dunblane atrocity that the private ownership of centrefire pistols should be prohibited, because the 1997 Act also introduced a separate scheme for licensed pistol clubs. Thus the legislators could not leave the word “firearm” in S15 and rely on the changes to S5 Firearms Act 1968 in regard to small firearms to remove access to the proposed prohibited class. However, the Firearms (Amendment) (No 2) Act 1997 then abolished the scheme for licensed pistol clubs. Had that scheme never existed, there would have been no necessity to change “firearm” to “rifle” in S15 in order to achieve the legislative intent. Further, there would have been no need for the rather clumsy mechanism in S15(11) to allow muzzle-loading pistols.

Technical development

2.2.5 It should have been no surprise that, following the passage of the 1997 Acts, enthusiasts worked to find ways to continue the types of target shooting previously practiced with centrefire pistols. For example, the NRA was instrumental in the adaptation of pistol competitions to “gallery rifles” – lightweight rifles using ammunition previously compatible with centrefire pistols and shot over relatively short distances on ranges that wholly contained

the activity. Since no massive danger area was required as is the case for high-velocity centrefire rifles, this quickly became popular and has recently developed into a full international competitive discipline. The development of LBRs and LBPs was a mechanical rather than a rule-based issue and has taken longer, but eighteen years on there are numerous models on the market and significant use of these firearms for target shooting, while a similar development to that of gallery rifle is underway using S1 shotguns.

Subsidiary issues

2.2.6 The wording of S15 F(A)A 88 can be interpreted in concert with S3(2) and S8(2)(a) FA 68 to imply that no payment may be made to the person providing a firearm or ammunition to be possessed under S15(1) F(A)A 88. Patently, such an interpretation would make it impossible to run a club on a sensible financial basis. It is suggested that this is unsound and that if S15 is to be amended there is an opportunity for a simple correction.

2.2.7 Notwithstanding that there are mechanisms in place to lend shot guns to persons who do not have a certificate, the NRA sees no reason in principle that the privilege of S15 should not extend to shot guns, if for example a club operating with both S1 and S2 firearms were to find it simpler to do so under only the single more tightly regulated regime of S15 rather than also going down the route of, for instance, obtaining authority under S11(6) FA 68. If that view is accepted, it allows the simpler and more inclusive wording of the legislation proposed, where there is no differentiation between classes of firearm, and the extent of the privilege would be restricted, at the discretion of the S of S, by the limitations of the Club's Approval.

2.2.8 It has recently been suggested by at least one police authority that the exemption from the need for a FAC under S15 F(A)A 88 cannot be exercised, in respect of ammunition, by someone who has been granted a FAC. The absurdities that result from the corollaries to that interpretation would have catastrophic effects on the practical benefits the exemption provides. The text we propose acts to invalidate that interpretation.

Conclusion and proposal

2.2.9 S1 shotguns, some LBPs, and a very small number of LBRs existed prior to the 1997 legislation and that law was not framed so as to prohibit them. Thus the NRA contends that since Parliament was content that private ownership of these firearms should continue, it is appropriate to address any deficiencies in their regulation by bringing them within the HOA scheme, their exclusion from which was likely through a legislative anomaly in the first place. There would then be an opportunity to make minor improvements in the law at the same time. The NRA suggests that this could all be achieved by amending S44 F(A)A 97 and S15 F(A)A 88, with minor consequential changes to the tertiary legislation setting out the Criteria for Approval. Proposed text for amended versions of S15 and S44 is at Annex A.

2.3 Expanding ammunition

2.3.1 The NRA believes that the controls on expanding ammunition provide no public safety benefit and are an unnecessary administrative burden for the licensing authorities. Given availability of a primary legislative opportunity, correcting this is straightforward.

2.3.2 Expanding ammunition generally transfers energy to the target more effectively than jacketed ammunition and is thus more likely to produce a lethal effect. Its use is mandatory under the Deer Act for shooting deer and is recognised as the most humane ammunition for use on other live quarry. Also, an expanding bullet will either stop in the target or exit with greatly reduced energy compared to a jacketed bullet, hence reducing the already very small risk of unintended damage or injury.

2.3.3 On a rifle range, expanding bullets are more likely than jacketed ammunition to stop in the defence structures. A range will be constructed so as to contain jacketed ammunition in any case, so there is little to be gained in safety terms, but certainly there is nothing lost by using expanding rather than jacketed ammunition on a range.

2.3.4 It is widely understood that criminals do not obey laws. Therefore, someone with malicious intent can convert jacketed ammunition to a crude form of expanding with a file or a pair of pliers just by removing the tip, and will have no regard for the legal consequences.

2.3.5 The prohibition on expanding ammunition creates administrative difficulties for police, for dealers and for shooters. It does not remove the availability of such ammunition from criminals. The NRA suggests that S5(1A)(f) and Ss5A(4)-(8) Firearms Act 1968 be repealed.

3. LETHALITY

3.1 The Law Commission proposes that the meaning of *lethal*, in the context of the definition of a firearm, should be set by reference to a fixed muzzle kinetic energy, asks if consultees agree and asks consequential questions.

3.2 The firearms used in activities controlled or supported by the NRA all have muzzle energies substantially in excess of the proposed thresholds of lethality. Therefore the NRA does not wish to address the proposal or the subsequent questions directly. However, we wish to raise a consequential issue. We understand that the aim of the proposal is to bring certainty to an area of law which is not certain by providing a definition of an uncertain term. However, we suggest that *muzzle energy* is itself an uncertain term. ME is calculated from the mass of the projectile and an experimental determination of its velocity. The practicality of measuring velocity, and the extent to which it might vary with choice of projectile, introduce external variables that affect the result.

3.3 We understand that to achieve a measurement of projectile velocity that is for practical purposes at the muzzle requires sophisticated scientific equipment – a microwave interferometer – which, while it may be available to NaBIS is certainly not available to most RFDs, much less private owners of low-powered devices that might or might not be firearms. In the regime being considered,

the projectile will inevitably lose energy rapidly once it is in free flight in air, which means that if velocity is measured using the sort of chronograph routinely used by recreational shooters and by some forensic practitioners, the model of chronograph, and the way it is set up, will have a significant effect on the result, as will the aerodynamic characteristics of the projectile used. This leads in turn to the proposition that the standard for measuring ME should itself be subject to definition, and if that definition requires sophisticated laboratory equipment, there will be a financial penalty, possibly a significant one, on legitimate dealers and users who only want to be sure they are compliant with the law.

3.4 There is a secondary issue that once a standard for measuring muzzle velocity is defined, it may be applicable to other ME-based boundaries in firearms law. However, the range of velocities that might have to be considered is of the order of 30 m/s to 1200 m/s and the energies from 1J to 13566J (10000 ft-lb). Measuring equipment that works at one extreme of those values may be completely unsuitable at the other.

3.5 **(Provisional Proposal 1) The NRA believes that more consideration of the practicalities of measurement is required before a ME-based standard for lethality is adopted.**

Consultation questions 1-3 (thresholds of lethality) Not answered

4. COMPONENT PARTS

4.1 The NRA understands the need to be able to prosecute the criminal who seeks to evade the controls of the Firearms Acts by disassembling a weapon and claiming that each of the parts individually is not a firearm, while most carefully concealing any part that is defined to constitute a firearm. However, the NRA supports competitors up to World Championship level, and believes that the existing control on their possession of the spare parts that it is essential to have instantly available during competition is already overly burdensome. The NRA suggests that acquisition and possession of any component that might realistically be regarded as a spare part should be legal if the possessor holds a certificate authorising possession of a firearm to which the part might be fitted, and that such spare parts should not be subject to the regulatory regime of prior variation and individual entry on certificates. Further, any part the removal of which from the parent firearm would not stop the firearm being fired, should be treated as an uncontrolled item. For the avoidance of doubt we would intend that to include sound moderators, muzzle brakes and flash hiders as uncontrolled.

Parts List

4.2 The Law Commission proposes that the term *component part*, in the context of the definition of a firearm, should be defined by reference to a list of components to which the term would apply, specifically the modified list produced by the Firearms Consultative Committee. **(Provisional Proposal 2) The NRA supports the concept of listing the critical parts and by implication requiring their recording and tracking, but suggests that the FCC list is currently not an acceptable starting point** and that at least three issues should be addressed before going forward with the proposal:

4.2.1 The terms used may themselves need definition. The most obvious example is *barrel*. Patently, the steel bar from which a barrel will eventually be formed is not a barrel, while the functioning item screwed to the action of a rifle is. However, there are several engineering process stages from bar to bang; since the item may be traded, sometimes internationally, in any part-completed state, and since there will be one engineering operation that eventually brings into effect the legal requirement associated with the item's status as a firearm, it is essential to define the stage at which the part-fashioned steel bar becomes a controlled item. Similar considerations apply to other proposed terms.

4.2.2 The FCC list is itself terminologically suspect. For example, *chamber* and *breech* both refer, in strict terms, not to a physical object but to an empty space of defined dimensions capable of accepting a round of ammunition. In a rifle, the *chamber* is cut into the end of the *barrel*. A *bolt* usually consists of a number of sub-components; which of those are critical? If the FCCs list is to be enshrined in statute, it needs to be reviewed.

4.2.3 The list should be edited with the "spare parts" concept above in mind to reduce the number of listed items to the minimum consistent with the need for traceability in the interests of public safety. We suspect that the result of such editing might be to reduce the list to the *frame, body or receivers* as identified in sub-para 2 of the proposal.

Amendment to Parts List by Order

4.3 Firearms technology is a mature subject. Firearms owners should be protected from criminalisation by political whim. **(Provisional Proposal 3) Therefore, while the concept of revision of a parts list by way of order is accepted, the power to do so should be limited to measures necessary as a result of technical innovation.**

Status of a Component Part related to Functionality

4.4 The Law Commission proposes that as a matter of law a component part will remain such so long as it is capable of fulfilling its intended function as part of a firearm. **(Provisional Proposal 4) The NRA agrees.** However, the NRA suggests that the converse should also apply; an item which is not capable of fulfilling a function as part of a firearm should not be a component part in law.

Component Parts of Shotguns

4.5 The NRA understands that the current exemption of shotgun parts from control is not thought to have enabled any significant misuse. This leads us to wonder whether the practical problem with component parts is in fact limited to prohibited weapons. The significant crossover in suitability of parts between permitted S1 firearms and prohibited weapons militates against an attempt to distinguish these in law. However, the significant differences in shotgun parts may be considered to make such distinction in respect of them viable. **(Consultation Question 4) Therefore, in the initial limited revision of the law, there may be nothing to be lost by maintaining the current position.**

5. ANTIQUES

5.1 The NRA possesses, within its museum (technically a “private collection” so no Museum Firearms Licence is held), a number of antique firearms which do not appear on its Firearm Certificate or Dealer’s register. The NRA also possesses or holds on behalf of others in secure armouries over a thousand old firearms held on Certificate or Dealer’s register under various parts of the Acts. Firearms generally are long-lived devices. The NRA has several in regular use that date from before 1919. We assert that none of these various groups of firearms present a risk to public safety.

Definition of antique

5.2 The Law Commission proposes that, since the failure to define *antique* creates problems in practice, it is necessary to provide statutory criteria to determine which firearms can benefit from the exemption in S58(2) FA 68. **(Provisional Proposal 5) The NRA agrees that if certain classes of old firearms are to be exempt elements of firearms legislation, those classes and elements should be defined.** The NRA does not agree that the data presented by the police and quoted in the consultation paper demonstrates of itself that lack of such definition is a causal factor in the misuses of firearms described, or that providing such definition would have prevented the misuses. Correlation is not causation.

Functionality

5.3 Given the NRA’s experience of using old firearms and the maturity of firearms design, the age of a firearm of itself is not a reliable indicator of its suitability or otherwise to be exempt legislation on grounds of lack of risk to public safety. **(Provisional Proposal 6) The NRA accepts that a deciding factor for exemption ought to be functionality, but suggests that there are marginal cases where functionality alone is an insufficient determinant.** For instance, it might be reasonable to frame legislation so that a genuine 1860s cap & ball revolver was exempt; it is probably not reasonable that a modern reproduction of such a firearm should be. However, modern reproductions of ancient designs such as matchlock muskets might reasonably be exempt, although whether a modified S58(2) is an appropriate mechanism to do so is another question again. **(Consultation Question 7) Further, the NRA suggests that** while the various measures of functionality that have been suggested (obsolete chambering permitted, modern chambering not permitted, obsolete ignition systems permitted, a fixed date deemed proof of limited functionality) all could play a part in defining what should and what should not be exempt, given the myriad of experimental firearms produced in the mid-to-late 19th century **it is unlikely that even a combination of measures would give a complete solution.**

Non-definitional issues

5.4 **(Provisional Proposals 7 & 8) The NRA believes that the proposed measures to limit payment for antique firearms to traceable means and to require a record of their sale are likely to be unworkable** unless a prior step to invoke a licencing regime for the class of exempted firearms

is taken. Such a prior step would of course be directly contrary to the purpose of exempting antique firearms from legislation. The analogy with scrap metal dealing is otherwise false; the requirements in respect of scrap metal only apply to licensed dealers.

5.5 (Provisional Proposal 9) The NRA can see no reason to exempt antique firearms from the offences in Ss 16-21 and 25 FA 68. We would comment that if someone has intent to carry out a criminal purpose with an antique firearm, then it would seem obvious that at that time they do not possess said antique solely as a curiosity or ornament. We have insufficient knowledge of the realities of criminal behaviour by minors to answer the question in respect of Ss 22-24 relating to young people.

6. DEACTIVATED FIREARMS

6.1 The Law Commission proposes that to be categorised as deactivated, legislation should require that a firearm is certified by one of the Proof Houses as having been deactivated to a standard approved by the Home Office. **(Provisional Proposal 10 and Consultation Question 6) The NRA agrees and, taking the view that firearms law should be found in Acts with “firearms” in their name, suggests that of the methods proposed to bring that about, amendment of F(A)A 88 would be most suitable.**

6.2 The Law Commission proposes that an attempt to reactivate an item certified as deactivated should result in the item no longer being presumed to be deactivated in law. **(Provisional Proposal 11) The NRA agrees**, while noting that an unsuccessful attempt at reactivation may not be at all obvious.

6.3 The Law Commission proposes an amendment to S 4(3) FA 68. **(Provisional Proposal 12) The NRA agrees**, noting that s4(3) could also benefit from amending so that the order and timescale in which the otherwise legal assembly of a firearm in stages is carried out does not affect the legality of the action.

7. READILY CONVERTIBLE IMITATIONS

7.1 The Law Commission proposes that the status of an imitation firearm as “readily convertible” and thus subject to certification under S1 FA 68 should focus on the ready availability of the tools to do so.

7.2 The Law Commission proposes an offence of possession of articles with intention unlawfully to convert imitation firearms.

7.3 **(Provisional Proposals 13 & 14) The NRA does not agree with either.** In both cases our objection is based on the freedom of action provided when the standard of “reasonable suspicion” is applied in execution of police action under the resultant legislation. A great many legitimate shooters are competent with machine tools and own well-equipped home workshops. Many such people are also interested in the technicalities of firearms as well as their personal skill in using them.

Possession of an imitation firearm, a few machine tools and a text on the corresponding real firearm could be enough to create “reasonable suspicion” and legitimise appalling intrusion into an honest person’s life, as discussed in our introduction. These proposals in our view create an excessive risk of misapplication that more than counters any putative gain.

8. THE CASE FOR FUNDAMENTAL REFORM and FURTHER ISSUES FOR REFORM

8.1 The Law Commission proposes a wider reform project to codify firearms law. **(Provisional Proposal 15 and Consultation Question 8) The NRA wholeheartedly agrees that such action is necessary and looks forward to participation. The NRA agrees that the further issues for reform identified by the Law Commission are suitable for resolution in a codification exercise.**

(Consultation Question 7) Additional and Unnecessary Costs and Dangers

8.2 Visitors Permits The NRA routinely acts as sponsor for UK Visitors Permits for shooters coming to compete at Bisley and other major ranges. We participate in the issue of about 500 permits a year, roughly 10% of the total issued. A significant fraction of these are held by shooters from nearby EU states who visit frequently throughout the year. Such permits are normally validated for the maximum 1 year and routinely renewed on an annual basis. We suggest that such Permits could legitimately be issued with the same validity period as the underlying European Firearms Pass. Another significant fraction of the permits are issued for the maximum 1 year and routinely renewed to residents of Jersey, Guernsey and the Isle of Man. We suggest that the Firearm Certificates issued by each of those jurisdictions could be recognised in UK law as meeting the requirement for certification under S1 and 2 FA 68 or corresponding replacement legislation, thus removing the need for those Visitor’s Permits altogether. We suggest that a Visitor’s Permit for a blackpowder firearm could legitimately also fulfil the function of an explosives licence for the powder required to operate the firearm. All these steps would reduce police administrative effort.

8.3 Expanding Ammunition We have already commented on the administrative effort and balance of safety involved in the prohibition of expanding ammunition.

8.4 Licensing the Person vs Licensing the Object We believe that the certification regime for S1 firearms concentrates excessively on the physical items. It is surely the case that if a person is “suitable in all respects” to own firearms it matters little, other than in terms of security considerations, what firearms they own? Consequently we believe that every opportunity should be taken to remove or reduce administration of physical items from the certification process, allowing the licensing authorities to concentrate resources on the certificate holders. Steps might include: removal of the need to certify flash hiders and sound moderators; automatic reactivation of a permission to acquire on disposal of a firearm currently held; granting of permissions to acquire in flexible terms (“banding”) as is done in Northern Ireland.

8.5 Validity Period of Certificates Given the massive advances in police data handling in recent years, and consequent improvement in their ability to monitor individuals, we believe that there would be no risk to the public in extending the validity of certificates beyond the current 5 years, and that a saving in administrative effort is readily available by such a change. We understand that our colleagues at BASC have made a formal proposal to that effect; we support their submission.

8.6 Surrender of Firearms The NRA supports measures to facilitate the surrender of firearms, including prohibited weapons, to RFDs. There is a clear benefit to the public in enabling someone who finds himself in possession of a firearm e.g. found in an attic while clearing the personal effects of a deceased relative, to be able to surrender it quickly without fear of zealous prosecution.

(Consultation Question 9) Other Areas for Reform

8.7 Miniature Rifles The NRA notes the concern over the definition of “miniature rifle” and believes that a suitable starting point for definition would be the standards set at the inception of the Society of Miniature Rifle Clubs (now the National Small-bore Rifle Association). Those standards make it clear that it is the calibre and power of the firearm that are significant, not its physical dimensions.

8.8 Other Definitions Terms currently undefined that it would be useful to have defined: *possess; purchase; acquire; part with possession, sale, hire, gift, loan* (collectively, in the context of S8(2) FA 68); *manufacture*.

8.9 Acquisition of Rifles on Visitor’s Permits The law relating to Visitor’s Permits prohibits the acquisition of a S1 firearm on the authority of a VFP. This leads to the absurd situation where arrangements are made to purchase a firearm manufactured in the UK, the acquirer gets the firearm (expensively) exported on his behalf to a jurisdiction where he may acquire it (eg Jersey), immediately (inexpensively) re-imports it personally on a VFP to use it in the UK, and then leaves it with the original manufacturer or another RFD pending his next visit to the UK, following which he may re-export and re-import it at will subject to holding a VFP. We suggest that there is no reason that a VFP should not authorise acquisition and subsequent personal export of a S1 firearm, other than a prohibited weapon, within the same limits as a VSP may authorise the acquisition etc of a magazine-fed shot gun, and that S17 F(A)A 88 or equivalent subsequent legislation should be amended accordingly.

European Legislation

8.10 S32A(2)(c) FA68 enables a UK resident to be granted authority (Art 7 EU Firearms Directive) to acquire an EU Cat B firearm outside the UK at the discretion of the chief officer of police. This led to the absurd situation where a Lithuanian citizen, resident in the UK and not holding a UK certificate, wishing to go hunting in Lithuania and wishing authority to borrow a firearm there, could be granted authority for a Cat B firearm (eg a semi-automatic

rifle or pistol) but not for the Cat C firearm (a bolt-action hunting rifle) he actually needed. We suggest extending the chief officer's discretion to Cat C and Cat D firearms.

8.11 S32A(2) FA 68 is silent on whether the chief officer may grant, as well as Art 7 authority to acquire, the corresponding European Firearms Pass that enables an EU citizen to cross intra-EU frontiers in possession of a firearm subject to national law. The NRA is currently dealing with a case on behalf of a member where the member having been granted an authority to acquire Cat B firearms abroad did so, but then had the corresponding entry on his FAC (conditioned not to allow the firearm into the UK) and the corresponding EFP cancelled on the grounds that possession of the firearm was not permitted in UK law, which of course was the driver for acquiring and using it abroad. We suggest amendment of S32A(2) and consequent elements in Ss32B and 32C or any subsequent equivalent legislation, explicitly to give discretion to the chief officer to issue an EFP along with an Art 7 authority without a corresponding FAC. Note that under EU law an EFP must be issued by the state of residence, not by the state where a firearm is acquired. Further, the subsequent appeal by our member was rejected, despite the seeming willingness of all parties to find an administrative solution, on the grounds that as the chief officer's decision was not made under any of the sections listed in S44 FA 68, the court did not have jurisdiction. We suggest amending rights of appeal to include decisions regarding European documents.

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Annex:

A. Proposed revised text for s44 Firearms (Amendment) Act 1997 and s15 Firearms (Amendment) Act 1988

Distribution:

Law Commission
British Shooting Sports Council
NRA Trustees
Chief Executive

Annex A to
NRA Submission to the Law Commission
Dated 12 September 2015

PROPOSED REVISED TEXT FOR S44 FIREARMS (AMENDMENT) ACT 1997 AND S15
FIREARMS (AMENDMENT) ACT 1988.

In each case, deletions ~~struck through~~, changes from current text in *italics*.

For the text of S44, substitute the following:

44 Firearm certificates for certain firearms used for target shooting: special conditions.

(1) If a chief officer of police is satisfied, on an application for the grant or renewal of a firearm certificate in relation to any *firearm* which is not a prohibited weapon, that the applicant's ~~only~~ reason for having it in his possession *includes the intention* to use it for target shooting, any certificate which may be granted to the applicant or, as the case may be, renewed shall be held subject to *a* conditions (in addition to any other conditions) *that* the holder must be a member of an approved *shooting club* ~~or, as the case may be, muzzle-loading pistol club~~ specified in the certificate.

(2) *If as in (1) above a chief officer of police is satisfied that the applicant's only reason for having a firearm is to use it for target shooting then any certificate granted or renewed in respect of that firearm shall include a condition that the firearm is only to be used for target shooting.*

For the text of S15, substitute the following:

15 Approved *shooting clubs*.

(1) Subject to subsection (4) below, a member of a *shooting club* approved by the Secretary of State or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) may, without holding a certificate *or without observing the requirements of a certificate the member does hold*, have in his possession a *firearm* and ammunition, *other than a firearm or ammunition to which Section 5 Firearms Act 1968 applies*, when engaged as a member of the club in connection with target shooting.

(1A) Notwithstanding S3(2) and S8(2)(a) Firearms Act 1968, a person taking possession of a firearm or ammunition under (1) above may make and a person or organisation providing such firearm or ammunition may receive payment for use of the firearm or ammunition. S32 Firearms (Amendment) Act 1997 does not apply to the transfer of a firearm or ammunition under (1) above.

(2) Any *shooting* club may apply for approval, whether or not it is intended that any club members will, by virtue of subsection (1) above, have *firearms* or ammunition in their possession without holding certificates.

(3) The Secretary of State may publish such guidance as he considers appropriate for the purpose of informing those seeking approval for a club of criteria that must be met before any application for such approval will be considered.

(4) The application of subsection (1) above to members of an approved *shooting* club may—

(a) be excluded in relation to the club, or

(b) be restricted to target shooting with specified types of *firearm*,

by limitations contained in the approval.

(5) An approval—

(a) may be granted subject to such conditions specified in it as the Secretary of State thinks or, as the case may be, the Scottish Ministers think fit;

(b) may at any time be varied or withdrawn by the Secretary of State or, as the case may be, the Scottish Ministers; and

(c) shall (unless withdrawn) continue in force for six years from the date on which it is granted or last renewed.

(6) There shall be payable on the grant or renewal of an approval a fee of £84 but this subsection shall be included in the provisions which may be amended by an order under section 43 of the principal Act.

(7) A constable or civilian officer authorised in writing in that behalf may, on producing if required his authority, enter any premises occupied or used by an approved *shooting* club and inspect those premises, and anything on them, for the purpose of ascertaining whether the provisions of this section, and any limitations or conditions in the approval, are being complied with.

(8) The power of a constable or civilian officer under subsection (7) above to inspect anything on club premises shall include power to require any information which is kept by means of a computer and is accessible from the premises to be made available for inspection in a visible and legible form.

(9) It is an offence for a person intentionally to obstruct a constable or civilian officer in the exercise of his powers under subsection (7) above; and that offence shall be punishable on summary conviction with a fine not exceeding level 3 on the standard scale.

(10) In this section ~~and section 15A below~~—

“approval”, means an approval under this section; and “approved” shall be construed accordingly;

“civilian officer” has the same meaning as in the principal Act; and

“shooting club” means a club within which firearms are used for target shooting.

~~(11) This section applies in relation to a muzzle-loading pistol club and its members as it applies to a rifle club and its members with the substitution for any reference to a rifle of a reference to a muzzle-loading pistol.~~

~~(12) In subsection (11) above—~~

~~—“muzzle-loading pistol club” means a club where muzzle-loading pistols are used for target shooting; and~~

~~—“muzzle-loading pistol” means a pistol designed to be loaded at the muzzle end of the barrel or chamber with a loose charge and a separate ball (or other missile).]~~