

SHOOTERS' JOURNAL

Issue 67

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'SUMMER' 2020



**Re-enacting the last one or rehearsing for the next?
Either way, not this year**

SHOOTERS' RIGHTS ASSOCIATION

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Police officers carry weapons with which to protect themselves and in order to do their job in a hostile environment. You can't ask kids to disarm themselves when the environment is hostile. They have the same common law and human rights as everyone else.

COVER PICTURE Issue 67 'Summer' 2020



Photo Credit: Shutterstock

Junior re-enactors in Russia portray that timeless scene of first aid to a battlefield casualty; but not this year. Nobody in living history had a season and the live ammunition scene is little better: grouse moors had a poor breeding season and at the rifle clubs MARS rifle owners await orders for the 'orderly surrender' of the expensive firearms they acquired legally, despite that being both unconstitutional and a violation of the Human Rights Act.

Back issues of this journal and SRA badges and stuff available on eBay. Set of 12 patch badges £25 post free



SRA Photo

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EDITORIAL

There's always something going on that can or will have an impact on the diverse activities of the SRA's membership. The association was founded in 1984 specifically to take an interest in such impacts – we're not a governing body of anything; more a legal interests' group. Back in 1984, our founder members were 'live ammunition' users but we quickly attracted battle re-enactment players because they too had legal problems relating to the Firearms Act.

The first problem to cross the SRA Secretary's desk was actually caused by HM Customs & Excise seizing a carrier bag of Galil magazines from a French airline pilot at Heathrow airport. Careful negotiations saw their eventual return to their owner; a

Parisienne who'd commissioned the pilot to collect them from Peter Sarony's shop.

Re-enactment's problem was that they'd been hiring machine guns from the theatrical armourer company Bapty's for their events and after doing that for seven years without a hitch, the head of the firearms department at the Metropolitan Police decided that re-enactment displays shouldn't benefit from the theatrical exemption in the Act.

That was the tip of the iceberg that had been looming into view in the decade before the SRA was formed.

The Home Office took over 'management' of approved clubs and section 5 authorisations from the Defence Council in 1968. That was also the year the Ministry of Defence abolished the navy's daily rum ration to save £30,000 and we assume that letting management of rifle clubs and their ranges go was another Ministry of Defence cost saving.

Until then, rifle clubs were what remained of the militia. Formed over a thousand years earlier by King Alfred the Great, being called upon to defend the realm was an obligation of residency and applied to all able bodied men of fighting age. The right to own weapons thus to protect oneself – life, liberty and property had been taken for granted for ever; what was new in Alfred's day was the requirement to have suitable weapons and to train ready for their use on government business.

We get sightings of the militia throughout history; King Harold called

them out in 1066 as he marched north to give Harold Hardrada what for. Under the Norman kings each of the successors to the chancery who accompanied William to Senlac had an obligation determined by what land they held of the King to supply the crown with trained foot or mounted soldiers for his various campaigns.

By the time Henry V went to Agincourt in 1415, the landowners were getting war-weary, hence the disproportionate presence of archers in that campaign. Noblemen could hire them instead of taking time off farming and plotting to train people up.

By the English Civil War, each town had its own militia and the armies of Crown and Parliament were supplemented by calling them out.

That seemed to be the end of a clearly defined militia, as at the war's end they were absorbed into regular regiments or disbanded. By the time of the Monmouth rebellion in 1685 he was rallying farmworkers and artisans, who turned out with tools for weapons.

After the Napoleonic wars Parliament passed the Unlawful Drilling Act in 1819. This prohibited de facto private armies drilling with military weapons without an authorisation from the Lord Lieutenant of their county.

In 1859, these worthies had no hesitation in giving that authority to the new middle classes as they formed volunteer rifle regiments in the face of a French threat. The threat didn't last but the volunteers formed an umbrella body called the National Rifle

Association and their annual shooting competitions on Wimbledon Common promptly became part of the social season.

Some volunteer regiments did some actual soldiering, such as the Honourable Artillery Company; most were social clubs that did some shooting.

When the government formed the territorial army in 1908 it was to recruit and train volunteers to whom they provided uniforms and weapons: a necessary step to develop a volunteer army of men who couldn't afford to buy their own.

The rifle clubs carried on being social clubs with the charitable objective of training for war and maintaining range facilities to army standards for military use as necessary. The Firearms Act 1920 moved authorisation for drilling from Lord Lieutenants to a secretary of state and that was the Defence Council until 1968 when the Home Office took over.

They issued a 'memorandum of guidance to the police' in 1969: a restricted document, never published and in 1972 Sir John McKay reported to the Home Secretary with proposals for additional restrictions on shooters. He was panicked into 'doing something' about the number of guns in public hands when 600,000 people applied for the poorly advertised shot gun certificate when it became a requirement in 1968.

These two unpublished documents became Home Office/police policy and the resultant crime wave reported by Messrs Clarke & Ellis in the foreword

to their book 'the law relating to firearms' (Butterworths 1980) came about as registered firearms dealers were prosecuted for 'offences' caused by the policy shift: a change of interpretation of section 5 in particular.

It went downhill from there. At the time of writing shooters have problems with compulsory medicals, handing in MARS rifles, additional security requirements and 'good reason' at a time when they can't use their guns; while re-enactment, living history and collectors are in the midst of the 'defectively deactivated' firearms scandal.

It's not going to get any better while the Home Office remain involved. Simply put, they aren't suited to promoting shootings sports, trade and industry, rural affairs or managing antiques dealers. Government has specialist departments for these and it's about time they put them to use.

Meanwhile, the Home Office has published the draft regulations for seizing the MARS rifles from owners, so there's just a few days before the summer recess for MPs to pray against the draft if they can be persuaded to disagree with it.

The Home Office's sole consideration since they took over regulating shooting clubs in 1969 has been to treat all legitimate gun ownership as a public order risk. The deluge of additional controls aimed at curtailing law-abiding activities pouring forth from the 'serious violence unit' that manages the shooting sports makes it obvious that politicians are letting

officials get on with it without proper oversight.

The Home Office plan last year was to ban rifles chambered .50" - they got dropped, but their other target - MARS rifles - wasn't and is the subject of these draft regulations. These rifles were specifically designed to comply with the 1988 ban on full bore semiautomatic rifles. All are owned by people with firearm certificates or who are registered as firearms dealers and none has ever been used in a crime.

This proposed ban was passed by the dead Parliament last year and took effect for the trade immediately. Certificate holders are still waiting to see what's to happen to them and their lawfully owned property.

Our view is that the whole sorry mess should be shelved by the Parliament elected last December pending a full review of firearms legislation. The Home Office is not capable of managing any sport, trade and industry or rural affairs. These are the responsibilities of other departments to which responsibility for these topics should pass. It would be much better for all to have the gun trade managed by the DTi, the shooting sports and country pursuits by DEFRA. You know it makes sense, but can you convince your politicians? Ω

NEWS IN BRIEF

NEWSFLASH – 10 September 2020

Speaking on 'The World Tonight' on BBC Radio 4 Lord Howard expressed his concerns about the government's proposals to alter the treaty by which the UK left the EU at the end of last year. Some commentators, including

him, claim the government's proposed alteration to an international treaty would be a violation of international law. He commented "I believe in the rule of law" without any sense of irony.

As Michael Howard and as Home Secretary in 1996 he received Lord Cullen's report into the Dunblane murders and said he would adopt all Lord Cullen's proposals: in the same breath he announced the handgun ban, which wasn't one of them. The 1997 Act he rammed through Parliament violates an international treaty – the European Convention on Human Rights and the common law. It's a bit late for him to discover integrity, so we assume his scriptwriter wrote it for him. In 1996/7 he just read what the Home Office put in front of him regardless of what it was doing to his integrity.

Grouching

The Countryside Alliance's CEO Tim Bonner reported a likely disappointing grouse season to the Countryside Alliance: mainly caused by the weather. The 150 or so managed grouse moors in England occupy an area the size of Greater London, according to a piece of BBC Radio 4's 'farming today' after it emerged that grouse shooting counts as a sport and is thus exempted from the rule of six provided social distancing measures are observed.

On 3rd September Natural England announced 60 Hen Harrier chicks had fledged from 19 nests this year. We found that interesting because Tim Bonner had, earlier this year, reported the RSPB had been advising Spanish

sources of hen harrier eggs not to cooperate with this year's re-establishment project.

It's a perennial 'news' story: gamekeepers protect their game birds by culling species that want a slice of the grouse moor's profits. Moorland management includes burning the heather off in rotation so fresh shoots will sprout in the spring. In a later interview, 'Green' MSP Alison Johnstone told anti-shooting campaigner Chris Packham that grouse moors would be more productive as forestry plantations or for housing.

SRA Secretary comments – ***“as a young assistant scoutmaster in 1971, I went to Walesby Forest in Nottinghamshire for a two-week camp. We got a reclusive location at the far end of the site up against a plantation of young forestry. On the way up to our site was a field of heather. It looked the way you'd expect, but the stems on these plants were some seven feet tall and it was a hopeless entanglement: quite inaccessible and useless to the campsite for anything.***

Grouse couldn't nest in it and ground predators couldn't patrol it, so without human management it was dead (i.e. naturally wilded) ground until it gets struck by lightning and naturally recycled. The animal welfare chap on the radio suggested cutting as an alternative to burning – naively unaware of what a task it would be.” Ω

2020 Insurance policy wording

On renewing our policies in July, the wording of what's covered has been

clarified slightly: section 11A replaced section 11(5) of the 1968 Act and section 16 of the Firearms (Amendment) Act 1988 – relating to borrowed shotguns and rifles on private premises respectively – was an amendment to the Act via the Policing and Crime Act 2017. The new section sets out in detail the ‘conditions’ for the loan of a shotgun or rifle to a person who does not hold a certificate on private property. It looks like a clarification to avoid policemen splitting hairs as the old wording required the lender of the gun to be the ‘occupier’ of the land and now it’s just someone with authority to own the gun and to use it on the land.

SRA members can permit non-certificate holders and indeed non-members to use their guns under close supervision, subject to the conditions set out in law. ‘Trialling artificial target shooting’ includes open days at Home Office approved rifle clubs and with shotguns at clay pigeon shoots registered with the police under section 11(6) of the 1968 Act. The full wording of what’s covered is now:

“The amateur usage of any firearms, shotguns, air weapons, bow or hand launched weapon/tool sporting implement for artificial target shooting including practical shotgun with adequate devices for pest/vermin control, appropriate firearms and ammunition for game, wild fowling and deer stalking - including Coup de Grace, the humane dispatch of animals on or near public highways at the request of the Police, RSPCA or National Trust and anywhere else at the request of the

owner, the usage of any weapons appropriately modified as necessary for theatrical purposes, battle re-enactment, living history or airsoft skirmish. The scheme extends to include prospective members trialling artificial target shooting and other such shooting as is specified in section 11A of the Firearms Act 1968 as amended, archery and hand-launched device usage under the immediate supervision of a qualified member. Talks, lectures and demonstrations performed by members voluntarily or including a fee but excluding the loading or firing of weapons and the use of weapons by the public in a battle re-enactment, combat or fight scenario. Fishing, Angling including Sea Fishing from the Shoreline. Ω

West Yorkshire’s ‘Programme Precision’

We published West Yorkshire’s press release about ‘Programme Precision’ in the last Journal: it said the Force seized 228 firearms in 2019 (128 in 2018). Of this achievement, Detective Chief Superintendent Pat Twiggs from the ‘Protective Services Crime Command’ (which oversees the force response to organised crime) said: ***“Programme Precision has enabled us to make the fight against serious and organised crime everyone’s business. Illegal firearms are a real threat to the safety of the communities we serve and we are doing everything we can to remove that menace from the streets of West Yorkshire. The reductions we have seen in the last 12 months and the increase in the seizure of firearms is***

a testament to the hard work of officers and staff across the whole force, and the very valuable work being undertaken by our partners. These efforts are clearly having an impact but we will never stop in our pursuit of those involved in this type of serious criminality. Programme Precision brings various partners together to recognise that crime has changed and so have those who commit it. Therefore we must change too. Although 'Precision' is relatively new it is clear it is helping make a difference to the communities we serve."

The press release also reported 42 firearms discharges in 2019 but doesn't say who fired them or why. The figure probably doesn't include those firearms discharges by law-abiding members of the public who own guns legally, as the shooting subculture nationally got through a billion rounds in 1987 and although our ammunition consumption declined somewhat with the handgun ban it won't be down to double figures in any police area yet.

But we wondered about the 228 firearms 'seized'; since in the last journal we also reported the firearms seizure policy; which gives street-level officers a guide as to when to separate legally-owned firearms and the relevant certificates from their owners and how it might be lawful for them to do so. Problems arising from the use of this policy cross our desk routinely – most usually because there's no judicial oversight to the policy, as it doesn't have an appeals process and there's a severe lack of due diligence by

police once firearms have been seized. A West Yorkshire certificate holder has heard nothing since his were taken nearly five years ago.

Most usually, it's after a bureaucrat in the firearms administration side of policing instructs officers to go and seize guns from a certificate holder.

The Thames Valley officers who visited Michael Little (Shooters Journal #63) were not known to him (contrary to Home Office guidance about home visits), lied their way in and then got rough when he tried to stop them seizing shotgun cartridges. These aren't mentioned in the seizure policy, which tells officers to seize guns and certificates. In South Wales Rex Mort claimed armed officers visited him to seize his guns during the hours of darkness; if true it's potentially very dangerous for all concerned. We pause to mention Breonna Taylor, shot dead in a just-after-midnight police raid on her Kentucky home in March 2020. (see page 31) In Scotland, a memo to officers to seize firearms from a certificate holder merely says it's because the certificate is about to expire and they haven't made their minds up about renewal at that time (in which case they were legally obliged to issue a section 7 permit - but didn't and four years on we're still trying to get to the bottom of what transpired.)

West Yorkshire dutifully replied to our FOI request and you'll be pleased to know that, ***"The figure provided does not include Firearms / Shotguns that were seized from Firearms Certificate Holders or Registered***

Firearms Dealers during licence / certificate revocations. Those firearms remain under the ownership of the certificate holder (someone should tell Dyfed Powys - Ed)...The figure also does not include firearms surrendered during the national firearms surrender that ran during July 2019.

Which doesn't answer the question, as we asked, "How many of them were seized from firearm and shot gun certificate holders and from how many certificate holders?"

What is included in the 228 figure? They said, ***"The 228 firearms were either seized as direct action during police operations (criminal possession / discharges etc.), or recovered from members of the public who were either;***

- ***licence / certificate holders but no longer wanted the firearms or were not renewing their licence / certificate following its expiration, requesting WYP to dispose of firearm on their behalf***
- ***members of the public who found the firearm and handed it into police***
- ***family members carrying out house clearances following the death of a family member / house purchase by new buyer.***

Lumping stuff *handed in* to inflate the number *seized* is an old trick of course. The Metropolitan Police in London used to publish a hand-in figure in the 1970s (until they realised the figure was better kept quiet), from

which Dr A B Bailey ascertained (writing in Guns Review Vol 27, No4 April 1987) that deceased persons' effects hand-ins suggested there was an average of one unregistered firearm to every sixteen households in the UK.

Michael Yardley, using Dr A B Bailey's analysis and the Met's data of guns handed in, came up with a figure of four million unregistered firearms in the UK in 1988; based on the arbitrary assumption that a quarter of the people finding a firearm among deceased person's effects handed them in to police. Colin Greenwood asserted in his book 'Firearms Control' that deceased persons' effects was the commonest ground for guns being handed in. He also said the figures include air guns.

The calculation went thus: in very round figures 2,000 guns a year got handed in to police stations in the Metropolitan Police District in which about 100,000 deaths were recorded annually. So 2% of deaths resulted in a gun being handed in.

However, police stations weren't the only place they got handed in. The gun trade also accepted unregistered guns from the public, as did the auction houses. There was always the option of selling it down the pub and the commonest thing to do with an heirloom is nothing; we reckon 80% of people who inherit a gun, medals or other militaria just hang on to the asset – at least for a time.

Dr Bailey's assertion was the size of the unregistered pool was such that a burglar would find one on average for every sixteen homes he screwed. The

theft of legally held firearms is in tiny proportion to the number held for this reason. Burglars don't hang about trying to defeat hard shell security. It's an in-and-out job lasting seven minutes or less to grab what is easy to turn into cash.

Back in West Yorkshire they have a fifth of London's death rate and - if all 42 shots fired incidents resulted in a seized gun - less than 10% of the Met's officially recorded hand-in rate.

Or worse: some of these seizures were from criminals organised enough to have a firearm or shot gun certificate expiry date looming or passed and who chose to give them away to police visitors instead of fagging down to the gunshop to give them away there.

Being libelled as an organised criminal for handing a gun in is a bit of a new turn of events and handing them in at a gunshop doesn't help: Dyfed Powys police seized over a hundred guns from the Teifi Valley gunshop *because* they'd been handed in there. They'll probably turn up in the force's crack down on organised crime statistics, which must have needed a boost. Ω

Firearm Statistics

Published on 23 July, just as Parliament rose for the summer, the statistics show firearm and shotgun numbers - and the number of certificates - has essentially been flatlining for the last ten years. The only outright gun ban in that time frame has been of MARS rifles, which at the time the statistics relate to (up to 31 March 2020) were still possessed

by their owners. At the time of writing, the 'orderly surrender' is still pending; it seems the Home Office are either struggling with the treasury about how much to welch on in the hand-in scheme or with the political oversight about the whole disgusting business left over from the Dead Parliament implementing EU laws on us: the ones people voted 'leave' to get away from. The figures show 159,483 firearm certificates on issue and 567,358 shotgun certificates: shotgun has at some point since the 1988 Act become one word in law, same as in English. There's fewer shotgun certificates now than were first applied for fifty two years ago in 1968 when it was thought that only a quarter of owners applied, and the UK population was a third less than it is now with far fewer opportunities for the public to engage in the shotgun sports.

Shotgun certificate numbers rose steadily from 1968 to 1988 and have been in decline ever since. Much of the 'increase' in the first two decades was attributed to late take-up of the requirement. Most owners only found out about it in interactions with the gun trade when one had to be produced.

Following the 1988 Act, gun owners discovered it was supposed to be a certificate each and not one per family as had been the case in farming families who treated it the same as the explosives licence, poisons licence, milk quota etc.

In 1989 repeating shotguns were shifted into section 1 where the good reasons for short barrel shotguns and

shot pistols were adopted – practical shotgun and pest control; then in a revision of Home Office guidance in 2002, pest control was quietly dropped as a ‘good reason’ for having a section 1 shotgun. Nevertheless, the statistics still indicate they can be possessed for ‘sporting purposes’; unsaid is what that means or covers.

“The statistics in this release were extracted from the National Firearms Licensing Management System (NFLMS). The system is continually updated as it is a live operational database, so these statistics are a snapshot of a point in time.” Says a window in the document and the problem is certificates drop off the ‘current’ record when they expire and rejoin it when belatedly renewed.

Every police force seemed to be in some difficulties with their renewals on 31 March; lockdown was just kicking in and some forces announced they wouldn’t take variation or new applications in order to concentrate on renewals. The Policing and Crime Act 2017 created an automatic eight-week extension on certificate expiry dates to obviate the need to issue permits, but the statistics give no figures for the number of certificates caught in that time warp or the number of permits on issue.

Dyfed Powys had a policy of issuing one three-month permit to their backlog of renewal applications but expected guns to be lodged with a dealer after that. Lockdown closed gunshops so the system ground to a halt and none of the backlog is accounted for anywhere in the statistics. It could be that numbers have actually increased despite the best efforts of the police and Home Office to keep

them down and it just doesn’t show up because of the enormous backlogs.

In the summer of 1981, there were riots in Brixton and when the firearms statistics appeared the following year it seemed that an additional 4,000 shotgun certificates had been issued in London. That turned out to be because the clerks in New Scotland Yard had caught up with renewals to a greater extent than the previous year.

Much of the rest of this most recent release is what statisticians do: playing with numbers, so we learn that the youngest shotgun certificate holder was aged 7 on 31 March: we don’t learn how old the oldest is.

Nearly a third of the 604,920 ‘firearms’ on certificates are actually sound moderators (189,859), which leaves just 11,517 ‘slots’ to accommodate long barrel pistols, section 1 shotguns, artillery pieces and ‘antique’ handguns. The statistician who compiled this tells his readers; **“Rifles are typically used for target shooting or for the control of vermin.”** ‘Vermin’ used to have a legal definition in the Wildlife and Countryside Act 1981, which is why the Home Office changed the standard condition from ‘pest control’ to ‘vermin control’ and not just to catch out farmers who shot stray dogs with a rifle. Deer stalking counts as vermin control in the statistics and isn’t recognized in a class of its own.

Here’s the ‘numbers’ for the year to 31 March 2020 with the statistician’s comments:

- 7,962 new applications for firearm certificates, of which only 3% (217) were refused; a slightly higher proportion than the previous year and the highest proportion since the record began.
- 18,857 new applications for shotgun certificates, of which only 3% (619) were refused; a slightly higher proportion than the previous year and the highest proportion since the record began.
- 20,786 firearm certificate renewal applications, of which almost all (20,736), were granted and just 0.2% (50) were refused.
- 52,635 shotgun certificate renewal applications, of which almost all (52,506), were granted and just 0.2% (129) were refused.
- 371 firearm certificates were revoked, a 1% decrease of (-5) from 376 in the previous year.
- 1,141 shotgun certificates were revoked, a 2% increase of 25 from 1,116 in the previous year.

And now our comments; a 3% refusal rates seem to run right through the figures. That's higher than in the old days when clubs vetted members and only put them forwards when they were ready. What the figures can't make clear is what policies are at play to cause such a high failure rate. An example would be members of the Charter Gun Club who lived in London obtained variations for .410"

semiautomatic shotguns for target shooting while Essex Police refused a member of the club that variation when he applied for it.

We have encountered 'refusals' for not having a GP, for example, when the proper way to deal with it would be to return the application as not processable. It has been a condition of holding a certificate that the applicant is registered with a GP since 2016 so there are still some 20% of certificate holders who haven't had to fill in a form saying who their GP is yet.

The figure 7,962 for 'new' firearm certificate applications may include variation applications, as they aren't listed separately. If it does it's a tiny number of new slots all those advertisers in the magazines are chasing and if it doesn't there's a significant number missing from the statistics altogether.

The figures for the number of certificates revoked; most FAC holders also hold a shotgun certificate, so if we assume all 371 did, it's nearly nine every two working days.

We have concerns about how the figure is compiled, given the large number of certificate holders in limbo: guns seized under the seizure policy and then nothing happens thereafter. When Mark Holmes was given the choice of two years time out or a revocation, he took the time out and discovered at the end of it that his certificates had been cancelled in a procedure not know to law. Would they be in the revocation stats, or would they have just dropped out of the record?

There's no number given for certificates just expiring. Have they been counted in as refused or is the number missing?

Likewise, there's no number for certificates that ceased to be valid when the holder died.

All in all, the figures provided suggest the various sports for which a firearm or shotgun certificate is required are in decline, while offering no clue as to the administrative efficiency or otherwise of those responsible for administering the issue of firearm and shotgun certificates. Ω

'Full Metal Jacket' Convicted

This case first hit the newspaper headlines in January when Daniel Hammond was prosecuted at Wood Green Crown Court in London for possessing rifles and ammunition without a certificate. What he'd done was to acquire a dozen .22" rifles and some 47,000 rounds of ammunition from a west country dealer on the strength of a National Smallbore Rifle Association exemption document.

Then at Waltham Abbey, Essex, the 'Full Metal Jacket' Club consisting of, depending on who you talk to, inexperienced shooters, wallies and gangland types including prohibited persons, started firing at a low, stony bank. Bullets were heard ricocheting over the Junction 26 truck-stop next door and could also have reached a nearby hotel (the one where Posh and Becks first met – Ed.), a housing estate and the M25 motorway, according to prosecutor Nick Doherty of counsel.

Hiring the author of the guidebook to firearms legislation for lawyers to

prosecute this case was probably to head off him getting the defence brief. It's an old wheeze; the SRA once tried renting the Met's favourite prosecutor Jeremy Carter-Manning to defend a case so he wouldn't get the prosecution brief. In the event he didn't take a brief from either side and we haven't had to deal with him ever since.

"It went all the way to the top," said a banksman at the truck-stop. Anti-Terrorist police got involved due to the character and antecedents of the suspects and they were charged with possession of the firearms and ammunition without a certificate: among numerous other matters relating to safety and their attitude.

The Firearms Act section 11(4) exemption from the need to hold a certificate has been in firearms law since 1920. It was introduced then so the secretary of state didn't have to bother approving small clubs and travelling fairground galleries. In effect, approval of these – unrelated to defence of the realm leisure facilities – was delegated to the governing bodies. The NSRA has issued exemption documents for many years and Daniel Hammond got one from them; without the organisation checking his bona fides, it would seem –and if it were real.

The document has no legal standing of itself. The SRA also issues them, but in the SRA's case only to the proprietors of ranges that have been inspected and deemed safe for use. The utility of the document is as a form of shorthand. It works the same as for buying a realistic imitation firearm under the Violent Crime Reduction Act

2006. In both instances, the buyer doesn't need authority to possess what he's buying but for the transaction to take place he has to prove to the vendor the latter would have a defence in law if charged with an offence connected to the transaction.

Having the use of a range is key to how the 11(4) exemption works. Whether it's safe to use or not is a much wider issue into which we will delve below.

Reportage of Hammond's trial was hindered somewhat by the Covid 19 lockdown: he was convicted before the lockdown started and that delayed sentencing. What he was convicted of was possessing a firearm and ammunition in a public place in London without lawful authority or a reasonable excuse contrary to section 19 of the Firearms Act, for which he recently received a suspended prison sentence, which makes him a prohibited person for five years from 48 hours after the sentence was handed down – a change to the law in 2014 – so he won't be causing any more trouble.

Section 19 is only used as a prosecution tool where the firearm and ammunition are lawfully possessed. It relates to what the suspect was doing at the time.

As to the central plank of media reporting, he was acquitted of charges relating to the possession of firearms and their use on the range. That turned on what a 'range' is: there's no definition in the firearms legislation so the 'fact' he had a 'range' was sufficient to satisfy the court that his acquisition

and use of the firearms and ammunition fell within the bounds of the exemption. Ω

SAFE RANGES

The army developed some 14 range precis templates for varying circumstances and distances – indoor and outdoor, danger area, no danger area etc. Prior to 1920 clubs were permitted to train (i.e. drill) with firearms by leave of the Lord Lieutenant of their county. The 1920 Firearms Act shifted this club approval to a secretary of state, and it was undertaken by the Defence Council.

The quid pro quo was rifle clubs were successors to the militia. Constitutionally, they affiliated to the National Rifle Association or the NSRA, trained for war and maintained ranges to military spec for the army to use in times of crisis. In exchange, clubs had charitable status and were exempted from needing firearm certificates.

The Range precis were the guidance provided by the army; often misunderstood by bureaucrats and politicians, these were how the army deemed a range to be safe to use: safe for the firers to use. Meeting army spec got the facility a range safety certificate.

Three problems can arise when bullets hit a backstop: ricochet, pop-over and splashback. Ricochet is the bullet bouncing off something and finding somewhere else to settle. Pop-over is when the bullet hits the backstop and flicks a spent bullet (or some other debris) out – typically over the backstop – and splashback is when debris from the backstop (usually light

material such as bronze jacketing) comes back towards the firing line or the target markers.

These three problems are all mitigated by keeping the backstop soft enough and clear of debris by digging it over. The SRA's range has yielded more than three tonnes of lead to maintenance work since it opened in 1989 and still keeps giving. Every no danger area range precis is primarily about the backstop with a view to what goes in the backstop stays in the backstop.

Outside the social structure of the National Rifle Association and its affiliated clubs, there were clubs, ranges and shooting galleries not involved in defence of the realm. Shooting skittles in a pub's backroom is but one example. Travelling fairground shooting galleries, ranges at working men's clubs, gunsmith's test ranges, works ranges and casual shooting meetings in a quarry or on a beach - there were lots of these that didn't have and couldn't get range safety certificates because they weren't intended for the army to take them over: partly suitability, partly location.

The shooting activities taking place on them were not within 'drilling' as the people who drafted the 1920 Act knew it. Testing a firearm into a water trough, shooting skittles for beer or knocking over metal ducks isn't training for war. Some clubs would have regarded themselves as part of the defence structure but were too small to obtain approval and these

clubs got lumped into the section 11(4) exemption.

In the old days, membership of the Guild of Showmen showed gun dealers that the showman was entitled to buy rifles and ammunition without a certificate as did membership of the National Smallbore Rifle Association for club officials. What all the ranges utilising the exemption had - and indeed still have - in common is that the proprietor owns the firearms and lets people who come to use the facility to do so with ammunition they get on site.

When the Home Office took over issuing club approvals in 1968, one of the changes they made was to impose a condition on firearm certificates restricting the use of firearms possessed for target shooting to ranges which had a range safety certificate. This didn't affect any of the 'miniature' ranges, nor test ranges but it did catch out commercial clubs and people who used more casual private facilities for their hobby.

Commercial facilities had to go through the process of forming a club, affiliating it to the NRA and asking the army for a range safety certificate so people who used their own guns at such ranges could continue to do so legally.

As an aside, it was a Home Office decision which caused the Hungerford massacre in 1988. The defence of the realm clubs were quite masonic in their approach to accepting new members: one had to be introduced by a member pass muster socially and be acceptable to the committee to get in.

Michael Ryan got instant membership of the Tunnel Club in Devizes because he had firearm certificate and Thames Valley Police nodded his variations through for a full bore pistol and two semiautomatic full-bore rifles because he was a club member. The problem was the police trusted the clubs to put forward firearm certificate applicants when they were ready and suitable: not before. Michael Ryan was neither, but the police assumed his application for firearms he hadn't been trained on was OK because he belonged to a club and the club assumed it was OK to sell them to him because the police had issued the variations.

The 1980s and 90s saw the Home Office progressively separating rifle clubs from their defence of the realm obligations and the army response in 2006 was to end the practice of issuing range safety certificates. It seemed to catch the Home Office on the hop. They had to change the condition on firearm certificates to some other wording as a result and came up with the current condition 'where adequate financial arrangements are in place'.

It's nonsense of itself; it's like restricting motorists to insured roads of which there are none but by using the 'we know what they meant' formula; it means having public liability insurance.

These days one has to belong to a Home Office approved club to get a firearm certificate for target shooting. Everyone in such clubs has PLI already since to get Home Office approval the

club would affiliate to the NRA or NSRA, insurance included.

It kind made the condition superfluous but what the change to the condition has done is reopened many of the old ranges which didn't have range safety certificates in the first place.

The condition on your FAC limits your use of target shooting firearms to ranges where adequate financial arrangements are in place. You carry adequate financing via your club membership card, so as long as you're on a club-authorized shoot, it could be anywhere the club deems suitable.

It puts club shooters on the same footing as deerstalkers. Those who use full-bore rifles in the countryside to control deer, foxes, take part in a badger cull and such each have to make the 'safe shot' decision before firing – every time.

Clubs usually have competent officials who know what makes a safe range and a 'club' that calls itself 'full metal jacket' while using .22" rimfire ammunition – suggests a band of wallies and ne'er do wells. Let's hope their stupidity doesn't kick anything off.

At which point philosophy intrudes; Never attribute to malice that which is adequately explained by stupidity" is Hanlon's razor. Try applying that to Home Office policy. There might be a third way – answers on a postcard to the usual address. Ω

COURT OF PUBLIC OPINION

Interpol Secretary General Ronald Noble said arming civilians could be the democratic world's answer to

terrorist attacks. He was speaking a month after the al-Shabab attack on the Westgate shopping mall in Nairobi, Kenya in September 2013 and he said there were only two choices for protecting open societies from spree-killer attacks: **either create secure perimeters around the locations or allow civilians to carry their own guns to protect themselves.** (The United States tried secure perimeters around schools & universities with mixed results. Disarming the people within the perimeters made matters worse.)

The Westgate mall attack marked what has long been seen as "an evolution in terrorism." Instead of hard targets like the Pentagon, attackers have moved their focus to 'soft' locations where lots of (unarmed) people are to be found. 71 people were killed and some 200 wounded in the attack which spread over several days before the partly collapsed mall was declared secure.

"How do you protect soft targets? That's really the challenge. You can't have armed police forces everywhere," Ronald Noble said. ***"It's Interpol's view that one way you protect soft targets is you make it more difficult for terrorists to move internationally."***

First, why? The furthest international terrorists travel to assault Britain is from Ireland with which the UK has an open border. Our Islamic terrorists (other flavours are available) were born in the UK.

Next, how? The English Channel; claimed to be moat keeping invaders

out of Britain has been crossed by Romans, Saxons, Jutes, Vikings, Normans, the French, the Dutch, Henry VII, Charles II, William & Mary and 3,000 asylum seekers using small boats in the first six months of 2020. The only failure in history to cross it was the Spanish Armada in 1588. You can't count Hitler in 1940 because he didn't attempt it. Of Napoleon, the Earl St Vincent said in the House of Lords, ***"I do not say, my Lords, that the French will not come. I say only they will not come by sea."*** They did start digging the Channel Tunnel but gave up after 300 yards. Or Metres.

Ronald Noble went on; ***"Ask yourself: If that was Denver, Col., if that was Texas, would those guys have been able to spend hours, days, shooting people randomly? What I'm saying is it makes police around the world question their views on gun control. It makes citizens question their views on gun control. You have to ask yourself, 'Is an armed citizenry more necessary now than it was in the past with an evolving threat of terrorism?' This is something that has to be discussed. For me it's a profound question. People are quick to say, 'gun control, people shouldn't be armed,' etc., etc. I think they have to ask themselves: 'Where would you have wanted to be? In a city where there was gun control and no citizens armed if you're in a Westgate mall, or in a place like Denver or Texas?"***

At the time of writing reaction to Jacob Blake being shot by police in Kenosha, Wis. is in progress. Armed citizens are reportedly on the streets,

as are the police and national guard: shots have been fired and protesters have reportedly been shot down by an armed vigilante citizen. America's gun 'problem' is the 'right to keep and bear arms' isn't balanced by the moral obligation of common law to train and practice with them the way we all train and practice with other dangerous machinery, such as motor vehicles.

The moral obligation for anyone carrying a weapon for any purpose is to be adequately trained and competent in its use: identifying when a threat is real is fundamental and isn't learned on a range. Trained personnel will make mistakes; untrained personnel's mistakes are crimes against society.

Massad F Ayoob's entry to the subject in the 1970s (as guns editor for Police Magazine) was to look into police officer involved shootings. He and Richard Davis (2nd chance body armour) reviewed numerous incidents; Richard came to the view – evidenced by calling his body armour 'second chance'; he was replacing panels for officers who'd been taken unawares or who had screwed up sufficiently for a suspect to get a shot into them. (It was his company's policy to replace impacted armour panels in exchange for the account of how it happened.)

Massad F Ayoob identified weaknesses in training regimes that played against officers on the street; summarized as 'officers will do under stress what you taught them to do in their training'. It's separate parameter if the issue wasn't covered in training:

way back then the Metropolitan Police in London issued snub-nose revolvers to New Scotland Yard squads with batwing holsters. On the range, the officers practiced with 4-inch barrel revolvers, drawing from belt holsters.

The batwing is discreet and slick to draw from but holstering without taking the rig off to do so is dangerous and clumsy. And they hadn't been trained in the operational use of either the revolver or the holster they carried it in. The 'logic' to not having that training module is twofold: the Met don't dirty their street guns by using them in practice and the shoulder holster problem is muzzle-sweeping your own arm and the rest of the shooting line as you draw *unless properly trained, drilled and practiced*.

Texas had the first 'modern' spree killing in 1966 when Charles Whitman opened fire from the 27th floor observation deck of the tower at the University of Texas campus in Austin. He got return fire from police and civilians while other officers and civilians closed with his position and killed him. There was no SWAT team to wait for then: the people on the ground had to do what it took. Concealed carry permits might have increased the volume of return fire, but this was a rifle gunfight; the only policeman to get close enough to use his revolver missed with all his shots.

Texas reintroduced concealed carry in 1996: a slow reaction to a spree killing rampage in Killeen in 1991. Suzanna Hupp, who campaigned for the change in the law-said she would

have liked to have had her gun with her, but said, "***It was a hundred feet away in my car.***" Texas law at the time prohibited guns being taken into premises serving intoxicating liquor, so she complied with the law and saw both her parents die at that lunch in that diner on that day. Carrying a concealed weapon had been prohibited in Texas in 1892 when the west was wild.

In the UK the Home Office resist people carrying arms for their defence *as a matter of policy*. It's not against the law *per se*, but certain weapons are deemed 'offensive' in public, such as flick knives; while others, such as Adam Adamant's sword stick are 'prohibited'. In *R v Fagan* (1982) the defendant was acquitted of possession of an unlawful object – in his case petrol bombs - as he had made them for a lawful purpose - personal defence of life, liberty or property (and he hadn't not disposed of them after the threat had passed.)

Handguns are only prohibited in the sense that they are section 5 firearms, requiring a Home Office authority and a firearm certificate to acquire one. Getting the section 5 is a question of 'need' in Home Office newspeak and applications get refused *as a matter of policy*, not law. It remains an open question as to whether one 'needs' a section 5 to acquire a sidearm for common law defence. Best we can tell from the available evidence, the answer is no. The Firearms Act 1920 didn't overwrite the common law and seems to be about the civilian possession of sporting guns. In *Greenly*

v Lawrence (1949 – All ER 241) his 'good reason' for renewing his firearm certificate was to keep the pistol for home defence – which the chief office of police objected to. The only ground on which the police could have objected to renewing the certificate was having one for common law defence was not necessary.

Following the 1920 Act a lot of handgun owners did obtain firearm certificates, as doing so made acquiring ammunition much simpler. The Home Office seems to have reacted to *Greenly v Lawrence* with a change of policy, as following the Prevention of Crime Act 1953, conditions on firearm certificates on issue were changed from 'personal protection' to 'pest control'; which they said was the same.

Ronald Noble's 2013 public thoughts fell on deaf ears judging by the freedom to massacre provided to the Paris attackers in 2015. The authorities have made it harder since – for the public to answer terrorists back – with a frenzied assault on the rights of British and European citizens to peacefully enjoy their possessions; such as AR15 type rifles in the various configurations permitted in the various countries currently being seized from their lawful owners in case they fall into terrorist hands: er, that horse has long since bolted.

The trend continues throughout 'democratic' societies; witness recent events in New Zealand and Nova Scotia. And while writing this an interviewee on the Radio 4 PM programme said (of electric scooters) the government couldn't ban

something after people had spent their money on it. We wondered what planet he's from: he obviously doesn't know they can and do – most recently to MARS rifle owners in the UK. At the time of writing they await the end.

Will the Treasury cough up enough money to 'buy back' that which they never owned? The Home Office will welch on paying it out anyway, so there's no risk to the government's money, but will the current government (Boris Johnson, Priti Patel Etc.) want to own knee-jerk European legislation passed by the Dead Parliament? In leaving the EU, we hoped to leave that sort of nonsense behind; gun bans, deactivated gun bans and lead shot bans; will we, or is Boris just another Home Office puppet?

Part and parcel of democracy – the real test of inclusive government is how it deals with its minorities. The boundaries don't have to be ethnic but often are, such as the Rohingya people in Myanmar and the Uyghur minority in China. When I was in school the Nigerians were oppressing the Ebo people via a 'civil' war, the Israelis oppressed the West Bank Palestinians (when did they stop being Jordanians?) and the English oppressed the Welsh language and its culture.

It was ever thus; the Bible's full of it. Hebrews in bondage in Egypt *for being a minority and a perceived public order risk* at the Bible's beginning through to Christians *for being a minority and a perceived public order risk* to good order at its end. Actually, Christians were tax

evaders, although they were also suspects in the arson attack on Rome in AD64: Nero fiddled through it.

The Home Office perceiving the ordinary citizens – the silent majority – as the potential threat to public order *if they own firearms legitimately* is a policy which grew legs in the Cold War when the Home Office had responsibility for civil policing and were 'powerless' to disarm the rifle clubs since they were part of the nation's defence of the realm strategy.

The Cold War threat is long gone: the Home Office took over responsibility for rifle clubs in 1968 and dismantled their defence of the realm position, leaving just target shooting as a good reason for clubs and since that's obviously just a hobby they continue to whittle it down one gun type at a time.

The problem in the Home Office is they have their policies which are inviolate regardless of who the Home Secretary is. Home Secretaries who challenge Home Office behaviour soon get shrugged off. The last one to actively resist further erosion of the legitimate firearms subculture in the UK was David Blunkett.

Ten years of Conservative governments with six years of Theresa May in the Home Office gave officials their head to do as they pleased. No Home Secretary before her was such a sleep-walker; doing exactly as officials said over immigration and firearms in particular. And both those departments are muddled.

Thus, the current mess in which antique handguns (so far as the courts are concerned) which people want to keep are regarded as section 5 weapons with considerable restrictions on their owners. The same draconian restrictions apply where antique handguns are used. The root cause is CPS guidelines to lawyers and Home Office guidelines to police both ignoring the common law definition of an antique set out in *Richards v Curwen* (1977).

Using those guidelines to prosecute antiques owners whose private property complies with the legal definition of antique puts them in jeopardy of the five year mandatory gaol sentence Jack Straw introduced (when he was Home Secretary) supposedly for *carrying*. Except he brought it in for *possession*. Another Home Secretary who didn't read the small print put before him.

The 1997 legislation didn't ban handguns - it put them in section 5 if they had a barrel of less than 30 centimetres in length or an overall length of less than 60 centimetres. Once you give such clear guidance to the public it's natural the gun trade will follow it: hence pistols sprouting long barrels and counter-balances *to be legal*.

There's nothing new in the gun trade complying with legislation: they've been doing it for a hundred years. The trade always has, much to the annoyance of the Home Office who prefer things to be kept woolly to facilitate ambushing the law-abiding public - the way they ambushed Fred

Clarke and Robin Pannell for violating the restricted and unpublished Home Office policy while complying with the letter of the law.

Back in the 20th century shotguns and air weapons were left out of the Firearms Act 1920 because *they didn't make lethal* as defined at the time. A shotgun could reach 'lethal' using solid ball so such ammunition went into the firearms controls. Barrel length on shotguns became an issue in 1936 when shotguns with sub-20-inch barrels went into section 1.

Without judicial interference, smooth bore guns had barrels ranging from a few inches to several feet, designed for purpose. The main function of barrel length is to give the powder time to burn and thus to achieve maximum velocity for the projectile. Once it leaves the barrel the shot, bullet or missile starts to slow down and any powder still burning after the projectile exits the barrel gives you the muzzle flash but no additional foot pounds. Adolf Hitler complained about it in his book 'Mein Kampf'.

He said carbine-armed troops got standard infantry ammunition when in the front line, which gave clear muzzle flashes in consequence (infantry rifles had 30 inch barrels while carbines had 18 inches), which, according to Hitler told the Tommies opposite they were facing second rate soldiers - blanket stackers and cavalrymen - and they gave his trench a harder time as a result.

The next purpose is functionality. Shorter barrels for one-handed guns,

such as for cavalry who, in the early days at least needed a one-handed weapon in order to keep the other hand on the reins: shorter again for overcoat pocket pistols and longer for shoulder weapons. The post-Civil War Brown Bess had a 47-inch barrel. Improvements in the powder in particular saw a reduction to 42 inches and then to 39 by the time of Waterloo in 1815.

Shotguns tended to be shorter, as while military muskets were fired forwards, shotgunners had taken to tracking avian targets crossing them. W W Greener went down to 14 inches for his demi-pigeon guns. You do get a faster swing off the shorter barrels, but for longer range shots the shooter tends to push his support hand



forwards. Nobody holds the 'forend' on a side by side gun: photos of King George V shooting show him practically straight arm and you can't do so with 14 inch barrels. We had a personal injury case of a policeman who tried it with an MP5 and then sued his chief constable for negligently issuing the shoulder arm without a

sling after he put a bullet through his support hand.

Shotguns don't have a rear sight: the top rib does the job and the longer the intended range, the longer the rib and thus the barrels. Cartridge manufacturers accommodate longer range with slower burning magnum powders. Gun and cartridge have to complement one another.

Twenty inches was an interesting choice of minimum in 1936. It was about right for 2½-inch nitro cartridges although 25 inches tended to be the ideal for the 2¾ inch cartridge promoted by Robert Churchill. The government adopted 24 inches as the minimum in 1965: one of a raft of measures imposed on the public to assist the passage of the abolition of capital punishment through Parliament. The trade was largely advertising longer barrels in 1965 anyway, particularly on repeaters which have a tube magazine under the barrel. Guns with shorter barrels joined shot pistols in section 1.

The real muddle started in 1988 when the government banned full bore semiautomatic rifles (including carbines) without defining either word. Acts of Parliament include a definitions section to explain words they use; for example, 'premises' in firearms legislation includes any land. The Firearms Act did not distinguish firearms into different categories except as antiques, air weapons or smooth bore guns with a barrel of more than 24 inches.

The only place where pistols rate a mention is in the Firearms (Dangerous

Air Weapons) Rules 1969, which defines them as having a striking energy of less than 6 foot pounds to be exempted from controls. Exempted air rifles have a 12 foot pound limit. This could be critical for someone at some point, as if an air 'pistol' goes over 6 foot pounds it's a section 5 weapon with the mandatory five years in prison for possessing it without Home Office authority.

There will be someone in the dock while the successors to the discredited and now defunct Forensic Science Service try to prove to a court that an air gun without a shoulder stock is a 'pistol'. Collins dictionary describes a 'rifle' as having a rifled barrel – no mention of a shoulder stock, while Home Office policy describes a 'rifle' as ordinarily held by both hands and fired from the shoulder – no mention of rifling.

There are eight different limits around the EU for manufacturers comply with, so an air rifle bought off-ticket in Germany may be a section 1 firearm in the UK and an air 'pistol'.... One example of dozens of anomalies around the EU.

Home Office policy follows what was set out in the (rejected by Parliament) unpublished McKay report of 1972: reducing the number of firearms in the hands of the public is a desirable end in itself. Their efforts to reduce the number of firearms *on certificate* include shifting firearms into section 5 or deciding that they don't need to be on certificate at all (the 1992 antique calibres list; CO2

powered BB repeaters and captive bolt humane killers in 1997).

The 1992 antique calibres list 'advice' came too late for the collection at Vestry House museum in Walthamstow; as soon as deactivation was approved by the 1988 Act the police were round insisting on the 19th century collection be deactivated instead of kept on the certificate they'd been on since the museum opened in the 1950s. Most of the firearms deactivated since 1988 would count as antiques now – according to the Court of Appeal; leading to the anomalous situation in which if you hadn't deactivated it you'd be OK but if you did you could get prosecuted next year for not registering your defectively deactivated antique.

Which leaves the Vestry House Museum collection in an interesting position. The guns – an 1883 vintage Metropolitan Police revolver, an FN model 1889 rifle, a drill practice Martini Enfield carbine – and others – were legally antiques *before* local police wanted them deactivated. The museum could simply have let the certificate go, giving the police the statistic of another certificate biting the dust, but in complying with the deactivation requirement they've done two things. One is destroying the museum pieces, so future researchers can't glean anything much from them and the other is they've set themselves up for prosecution for possessing deactivated antiques or the need to acquire a very expensive (and pointless) museums' licence.

The 1988 legislation lifted guns into section 5 which the Home Office refused to issue section 5s for: they adopted deactivation in 1988 and then messed about with it every few years until 2017 when they arbitrarily declared everything deactivated to Home Office or other guidelines 'defectively deactivated'.

It did smell of the proof house running short of work and needing to recycle the work already done but taking guns off certificate hasn't satisfied the anti-gun lobby, so guns possessed legally without a certificate are back in the frame as a means of attacking their owners' peaceful enjoyment of their possessions.

In Kent, Jamie Brooks' blank firing Sten Gun was seized in the autumn of 2019; eleven months on he has an 'interview' about it in September. Greater Manchester Police seized Tony Linton's M1911 blank firer earlier this year and have so far not replied to any enquiries about its return while they try to figure out how a gun still on sale in the trade in their area might be confiscated from the man they seized it from; ostensibly to 'check' it.

Interesting it's blank firers becoming the focus of attention. Historically, the Home Office has always regarded 'real' guns converted to blank firing as still real. Some sort of conversion to regulate the gas flow is necessary to make automatic weapons cycle blanks. The army use a blank firing attachment, which serves the dual purpose of regulating the gas flow and identifying the weapon to everyone in sight as a blank firer.

Film armourers replace the 'flash eliminator with one which regulates the gas flow (or they thread a constriction into the barrel). This causes another set of problems in the UK. The thing screwed on the muzzle of a military rifle is casually referred to as a flash hider but the L1A1 version is a bayonet lug while most AR15 types are cut as muzzle brakes.



Figure 1 L1A1 bayonet lug



'flash hiders' or muzzle-brakes'?
(Brownells Inc)

What 'hides' the flash, as Hitler was well aware, is the barrel being long enough for all the powder to burn. A regular soldier who came on one of our courses in the 1990s had just failed the sniper course because the examiner had spotted his muzzle flash. The problem then was the L85A1 rifle had a 518mm barrel while the section support weapon had a 646mm barrel - five inches longer and army ammunition was loaded to suit the section support weapon - so the British army went to the first Gulf War giving away their positions to anyone who took his head out of the sand for long enough to look for the flashes.

Flash hiders don't hide the flash, *except from the firer*: take a look at a Bren gun muzzle. The bell mouth is designed to protect the firer's night



vision and not so much from a muzzle flash 'cos there shouldn't be one but from the one in five tracers used in section support weapons.

Gordon Conway solved one problem in the 1960s when he developed 'dark ignition'. A 'normal' tracer round has a phosphorus pad on the back of the bullet, which is lit by the powder burning. What Gordon developed was a shield protecting the phosphorus, which had to burn through before the tracer element lit and by then the bullet was two or three hundred yards away from the muzzle: both protecting the firer's night vision (and night vision equipment) and disguising his position from identification by hostile observers. Independent research and other developments can't happen now. Ask Dr Yong.

The 'problem' is the Firearms Act has always regarded any device designed to reduce the flash or noise as requiring separate certification in isolation. When it's on the rifle it counts (R v. Hucklebridge 1983) as part of the rifle and thus is covered by whatever authority the rifle is held under, as was 'clarified' in R v (Barney) Walters. He was prosecuted for making De Lisle Carbines with an integral 'silencer' and selling them as '.45ACP carbines'. Surviving examples went into section 5 in 1997 on barrel length.

The powers that be wanted the 'silencer' to be part of the description of the 'rifle' when certificate holders applied for a variation to by one - so they could refuse the application *as a matter of policy* which, way back then,

was that silencers were not required for target shooting because on a range shooters could wear ear muffs.

Peter Jackson (Jackson Rifles) sorted it out by way of the European Court. He presented the case for sound moderators as a health and safety issue and won the judgment. In 2020, almost one third of the 'firearms' on firearm certificates in the UK are actually sound moderators.

Since it's in the official statistics, it follows that all those sound moderator owners have a 'slot' on their firearm certificates for their moderator. It's when they take it off the rifle that their problems can start. Most shooters only remove the 'flash hider/muzzle brake/bayonet lug to fit a sound moderator: 189,000 of which are possessed on firearm certificates listed as a separate item.

When it's attached to the rifle, the authority is redundant, but then the certificate holder has a 'flash hider' in his pocket which he has no separate authority for.

It may sound picky, but the writer has experienced members having problems that silly; such as possessing .32" ammunition on a 7.65mm variation or buying a .308 rifle on a 7.62mm slot. The problem back then (and it still persists) was the Forensic Science Service 'experts' job was to find ways of getting convictions on people who thought they were acting lawfully. Part of the 'reduce the number of firearms in the hands of the public etc' by prosecuting them and revoking certificates.

It didn't matter if the prosecution didn't stick, as happened to London Firearms (Chris Lupton) in 1986, because the Metropolitan Police announced they'd resist him getting his firearms dealer's registration back by relying on the same false evidence as had been rejected in his criminal trial. After waiting a year for the trial, without income as they'd seized all his stock, the proprietor couldn't run the appeal (no legal aid then or now) and moved out of London.

They're still at it. Matthew Weir was acquitted of all charges after being prosecuted for shooting a sheep-worrying dog in 2019. Nine months later, Cumbria bestirred themselves to tell the court at a mention hearing that they wanted all the evidence from the failed malicious prosecution re-heard in a two-day appeal hearing, which they've pushed back into next year by not preparing for the appeal in the nine months since the prosecution failed.

Dr Yong (mentioned elsewhere in this issue) was trying to develop a device to fit over the flash hider on a rifle when landed on for possession without a certificate. The outcome of his prosecution is individuals can't do such research without the relevant authority for manufacturing prototypes of the intended product and which won't be issued without the inventor having firm orders for his non-existent product.

The bureaucratic 'problem' is there are some 20 million firearms in the UK. They can't reduce the number since a significant proportion of them are in private possession; at best all they can

do is mess the law-abiding owners around by shifting the 80,000 tons of metal about between categories. And it's a binary system: 'firearms' are either on-ticket or off.

'On-ticket' includes those currently in sections 1, 2 and 5 and possessed by certificate holder, the gun trade and museums. 'Off-ticket' includes antiques, air weapons, deactivated firearms, defectively deactivated firearms, diplomatic arsenals, lawn ornaments, major parts, military inventory, police arsenals, replicas, trophies of war and wall hangers.

Our Bren gun transferred from redundant military stock (Crown exemption) to the gun trade (section 5), to section 2 (shotgun certificate) to section 5 (1988 Act), to deactivated (1988 Act) to defectively deactivated (Policing and Crime Act 2017) and is scheduled to come back into the 'on-ticket' side of 'controls' next year when deactivated guns have to be registered with the 'Serious Violence Unit'.

Sorting out this Home Office double thinking muddle is long overdue, such as by taking the positive views of the Department of Trade and Industry towards business, the Department for Digital, Culture, Media and Sport for shooting clubs and the Department for Environment, Food and Rural Affairs for issuing those certificates required for using guns in the countryside. You know it makes more sense than the Home Office policy of solely considering the private possession of firearms as a public order risk. Ω

HOME OFFICE DRUGS & FIREARMS LICENSING UNIT STAKEHOLDER LIST

Who do we pass your personal information to?

(We thought 'stakeholders' were the people with skin in the game: shows how wrong we can be...Ed)

As set out in our Privacy Information Notices, the Home Office Drugs & Firearms Licensing Unit collects, processes, and shares personal information to enable it to carry out its statutory and other functions, including those related to law enforcement, safeguarding against, and the prevention of, threats to public security.

The personal information we have collected about you may be shared with the police, other government departments, and other public bodies where necessary to perform this function, or where it is required; to protect life, prevent crime, under the terms of any court order, or to comply with lawful obligations for the purpose of preventing crime, protecting the public, and preventing the diversion of drugs or precursor chemicals.

This is a non-exhaustive list of stakeholders who we may pass information to in order to perform these functions.

Firearms: includes details of section 5 authority holders, approved shooting clubs and museums licensing:

- NCA officers (National Crime Agency)
- Police officers

- Border Force
- ACRO (Criminal Records Office)
- HMRC (Her Majesty's Revenue & Customs)
- MOD (Ministry of Defence)
- BEIS (Department for Business, Energy & Industrial Strategy)
- DFT (Department for Transport)Ω

INSIGHT

The Gun Trade Crime Wave

Prior to the 1968 Firearms Act there were just three 20th Century 'firearms' cases featured in Court of Appeal decisions: two relating to the sale of air guns and one relating to the sale of blank firers – so none involved a *registered* dealer: in sixty-eight years.

First up was department store Gamages in 1907, summonsed to the police court for selling air guns with barrels less than nine inches long contrary to the Pistols Act 1903. Gamages argued air guns weren't firearms and the magistrates sent it to the high court which said the magistrates should acquit if they agreed the guns were toys and convict if the guns were firearms.

Since air pistols of subsequent production didn't sprout 9-inch barrels we assume the magistrates acquitted. If you're sufficiently long in the tooth to have been a pistol shooter, you'll recall the single shot Webley .22" pistols with 10-inch barrels clubs taught beginners on: designed to be bought without a pistols licence.

These days designing something to *comply* with the law gets you a special ban: ask any MARS rifle owner or an

erstwhile air cartridge revolver owner, handgun owner, practical rifleman etc.

One didn't need the pistols licence anyway for a handgun kept at home, or for one to be carried about; provided either a game or gun licence had been purchased. 'Carrying' was not separated into concealed and open in the UK; traditionally, carrying a pistol was always 'concealed' from Regency period overcoat pocket pistols onwards. Three ten shilling (50p) licenses, but you only had to buy one of them to be exempted from the others.

Next up was Cafferata in 1936. He'd been selling dummy revolvers with the instructions as to how to convert them to fire live ammunition. His case widened the definition of 'can be discharged' in the Firearms Act and ultimately became the framework for the menace of 'readily convertible' firearms addressed by the Firearms Act 1982. And when R.I.F.L.E. of Little Eaton sold internally screwed metal pipes and chamber reamers, it was the authority for their convictions.

Lastly, Moore v Gooderham in 1960. In this case a shop owner sold an air gun to a 'minor': legal if it were a toy and a crime if it were a firearm; this case addressed the word 'lethal' in the Act.

When Gamages got summonsed, the only available definition of 'lethal' (so far as we know – more research necessary) was an American one which set the bar at 60 foot pounds. That made .25"ACP and .320" revolver marginal as 'lethal' and excluded shotguns, unless solid ball ammunition were used.

The 1947 case Read v Donovan lowered the bar somewhat to catch signal pistols as firearms; although his one had been converted to fire shotgun cartridges. (And don't try it at home – the frame on Webley flare guns is so weak where perforated by the trigger pivot pin that half a dozen 12 bore cartridges will fracture it.)

By 1960 the judge's view was 'lethal' meant anything capable of causing more than a trifling injury, which settled at 3 foot pounds for many years – rumour has it that it suited the Northern Ireland forensics laboratory for legitimising certain products used in the Province for crowd control purposes – before reducing to 0.7 foot pounds to suit the Scottish air gun certificate threshold in 2015.

The Firearms Act 1968 was an Act of consolidation. It amalgamated the Firearms Act 1937 with the Firearms Act 1965 and provisions from the Criminal Justice Act 1967 which introduced shot gun certificates. Acts of consolidation contain nothing new of themselves.

We have to look elsewhere for the resultant gun trade crimewave. We didn't know it at the time, but in 1969 the Home Office put out a restricted "Memorandum of Guidance for the police" and Sir John McKay was already working on his report he served on the Home Secretary in 1972. Robert Carr put it up as a Green Paper (Cmnd 5297) and Parliament rejected it.

The problem was and is the policies in the restricted guidance and the unpublished McKay report *became* police policy. The Home Office

contribution to the gun trade crime wave was a repositioning and redefinition of section 5.

The repositioning policy raised the bar for getting a section 5 to 'need' and the definition of 'need' was narrowed to mean 'trading need'. That knocked machine gun clubs on the head and more significantly it *prevented* independent, or uncommissioned, research and development.

To get a section 5 – to demonstrate a trading *need* – meant producing commissions or contracts for section 5 weapons awaiting filling. To get them meant advertising goods or services one didn't have to secure the contracts.

The damage really showed up when Royal Ordnance were 'developing' what became the L85A1 rifle in the 1980s. Every rifle used by British Crown forces up to then had been designed by civilians. The prequel to Royal Ordnance (Royal Smallarms Factory) would have had a committee compromising the submitted designs: hence the Martini Henry and the Lee Metford. The factory's skill was developing the project for production as can be seen on the Martini Henry: the ammunition had to be shortened to fit the action – or the L85A1's predecessor: designed by FN in Belgium, the modifications were concerned with deleting the full auto facility and improving the magazine locking lug and release catch.

Royal Ordnance bought barrels and bolts from Sterling of Dagenham, not understanding a rifle designed to be semiautomatic has to be redesigned for selective fire; their forebears had

done the opposite with the S.L.R. in taking a selective fire design and deleting the full chat facility. British S.L.R. receivers still had the notch for the selector to move to full auto, but not the relevant working parts within.

Gunsmiths couldn't work on military rifle designs without first being commissioned to and Royal Ordnance didn't have the wit to 'authorise' gunsmiths to develop and submit ideas and designs.

At this point, have a look into the 2015 case of R v Yong. He was described in court as being, ***"in possession of the flash eliminators...in order solely to test the fit and as a marketing aid of his own innovation of a less than lethal weapon which is an innovation which answered a call by the Centre for Defence Enterprise for research proposals to address the need for "new less than lethal (LTL) capability". The invention got interest from the UK Ministry of Defence."***

'Flash eliminators' come in various flavours, as mentioned above and from a variety of sources. Every defectively deactivated military rifle has one on it and none of the Home Office guidance about how to deactivate firearms has ever required the deactivator to address this part in any way. As to why he was being prosecuted, consider paragraph 19 from the Court of Appeal's judgment;

"...there was other evidence supportive of the Crown's case. Firstly, Ralph Barker, Cambridgeshire Constabulary's

Firearms Licensing Manager referred to correspondence with the appellant in which the appellant referred to his potential development of a “new less than lethal weapon”. This weapon would take the form of an attachment to fit over the muzzle of a soldier’s firearm; the attachment would absorb and use the discharge of ordinary rifle ammunition which would convert “otherwise lethal ammunition into less than lethal rounds”. The appellant also described to Mr Barker in an email having tested his invention on an M4 carbine using military specification ammunition. Secondly, in police interviews the appellant described matters in similar terms stating that a non-lethal projectile which would hurt the target but would not kill needed a working firearm and a live round to project it. Thirdly, Mr Dyson’s report referred to documents which he had seen showing that the design suggested by the appellant allowed non-lethal projectiles to be discharged from conventional weapons.”

The ‘correspondence’ came about because Dr Yong had sought advice as to whether he needed to obtain any firearms related documentation for his research and it seems that, instead of facilitating his research, the police position was one of actively eliminating the possibility of his being able to by launching the prosecution.

The Home Office ‘repositioning’ was a simple reinterpretation of section 5, which back in 1968 only contained

machine guns and munitions developed in the Great War to attack enemy positions with gas.

Gunsmith Fred Clarke’s case in 1986 highlights the shift. He had the major parts of a 9mm Carl Gustav submachine gun on his premises. It had neither a magazine nor a trigger so in Defence Council terms it wasn’t ‘capable’ of automatic fire: no open bolt weapon is without its magazine or belt, so what he had amounted to controlled parts – the bolt and barrel – which were section 1 parts.

To ‘prove’ an offence contrary to section 5 the Forensic Science Laboratory borrowed a suitable magazine from the Imperial War Museum and ‘replaced’ the trigger with a piece of string. Then it worked and the court ignored the fact it was not so ‘capable’ in Fred Clarke’s possession *before* the forensic interference.

Fred was caught in the tail end of a running battle between the police and gun trade. The latter had been reworking worn out or obsolete military hardware into products for the civilian market for over a century, while police policy was to prevent the civilian gun trade having any access to military weaponry. Since it was policy and not law, the process was one of prosecuting dealers in hope of getting convictions – hence the crime wave in the 1970s and 80s: a significant distraction to lawful trade for anyone caught up in it. Ω

BOOK REVIEW

“Gun Control”, by David Leyonhjelm
Published by Connor Court Publishing
Pty Ltd on 9 July 2020
ISBN-10: 1925826961

Available from Amazon priced at £35

Review by Frank Brophy

A former Australian Member of Parliament, David Leyonhjelm has written primarily for his domestic market in order to highlight the level of injustice perpetrated by his government on law abiding Australian citizens who owned licensed sporting firearms. He expands by listing the reasons why Australians require firearms for sporting/hunting purposes and fully describes the types of guns previously licensed but can no longer be held there.

The writer takes us through the minefield of firearms ownership – who can have what - and the reasons they can do so. He also highlights the draconian penalties that gun owners face in the event of using a licensed firearm in self-defence. Leyonhjelm critically exposes a multitude of anomalies in former Prime Minister John Howard’s⁽¹⁾ Gun Laws, which were introduced in 1996 following the Port Arthur massacre in Tasmania.⁽²⁾

Highlighting the farcical “Buyback” scheme, Leyonhjelm questions the logic of how anything could be bought ‘back’ by someone who hadn’t sold or owned it in the first place; also referencing Howard’s blatant antipathy towards firearms. Curiously, classes of firearms which had to be surrendered in one particular state

were still available on licence in other states. The author availed himself of this anomaly when he took up residence in another state by buying a firearm of identical calibre to one he was obliged to surrender in his previous state of residence. All Firearms handed into Police custody under the “buyback” scheme were destroyed – well, not exactly all.

A surprising number of valuable guns resurfaced for sale on the open market abroad following their surrender to the Police – despite their owners having been paid a pittance for them by their Government. A subsequent raid on one Police officer’s home led to the discovery of a container full of guns that had been handed in to Police. The author further relates how a colleague – a barrister – confided in him that he had ordered a new Bentley motor car because the legal profession was aware that “gun bans” generated increased demand for legal representation.⁽³⁾

This increase specifically refers to law-abiding citizens who through error or ignorance find themselves subject to prosecution for what previously were lawful activities.⁽⁴⁾

“Gun Control” also contains several chapters on the licensing situation in a number of other countries allowing Australians to compare their lot with that of law abiding shooting sports enthusiasts around the world. Gun laws and their origins in New Zealand, Switzerland, USA, UK, Ireland, Malaysia, India and the Czech Republic are included, written by individuals in those countries who are highly

experienced and well versed in firearms legislation in their own countries. The Czech Republic is indeed to be envied given that its (law abiding) citizens have a constitutional right to own firearms - a right that no public servant can over-ride.

This book provides a comprehensive and analytical insight clearly showing that gun ownership and violent crime are independent variables, that is, they are unrelated. The author states that a high level of gun control does not reduce violence, and a low level of gun control does not increase it. We are all only too well aware of many governments' well-worn mantra that strict gun control reduces crime and violence. "Gun Control" is a fascinating read, indeed a must, for licensed firearms owners and shooting enthusiasts. Perhaps it should be mandatory reading for Politicians, Civil Servants and Police, many of whose views are usually based on fear and ignorance rather than on facts. As to what the rest base their views on, your guess is as good as ours.

David Ean Leyonhjelm (b. 1.4.1952) a libertarian by nature, a veterinarian by training, an agri-industrial consultant with shooting as one of his pastimes: he was a Senator for New South Wales, representing the Liberal Democratic Party from 2014 to 2019 when he resigned to stand for election to the New South Wales Legislative Council where he failed to secure a seat. He explains himself and his ethos in his 2017 book 'Freedom's Salesman'.

1. Liberal Party politician John Winston Howard (b. 26.7.1939) was the 25th Prime Minister of Australia from 11 March 1996 to 3 December 2007 and thus the second longest serving P.M. after Robert Menzies.)
2. The Port Arthur massacre of 28–29 April 1996 was a mass shooting in which 35 people were killed and 23 wounded in Port Arthur, Tasmania. The murderer, Martin Bryant, pleaded guilty and was given 35 life sentences without possibility of parole.
3. You can see this playing out in the UK just by reading Rudi Fortson's 2015 paper to the Law Society 'firearms and the law'. Lawyers depend on Home Office policy to prosecute people who thought they were acting lawfully. Home Office mantras muddy up the wording and lawyers get paid to pick it all over in court at the citizen defendant's cost.
4. Clarke and Ellis also highlight this trend in the UK in their 1981 book 'The Law relating to Firearms'. More firearms cases went to the High Court and the Court of Appeal after 1968 than in the fifty previous years – and all the 'defendants' were registered firearms dealers. Ω

Breonna Taylor

Ms Taylor, an emergency room technician aged 26, was in bed with her boyfriend Kenneth Walker on 13

March 2020 in Louisville, Kentucky when plain clothed police officers set about her door with a battering ram shortly after midnight. Mr Walker got up and engaged the intruders with his licensed handgun, hitting one officer in the leg. Return fire from the officers missed him but Breonna was hit five times and died of her wounds before medical attention arrived.

The backstory is that police suspected Ms Taylor's ex-boyfriend had used her address for drugs deliveries and didn't know that he was no longer at the address; she having severed her ties with him. Nor did they know about the current boyfriend being there and legally armed.

The officers had sent the stand-by ambulance back to its base about an hour before breaking into the apartment. One officer has been sacked by the department: he fired through the window blinds contrary to department policy which is to fire only where there's a clear line of sight.

No drugs were found on the premises. Mr Walker was charged with attempted murder of the officer he shot. That case has been dropped.

Our interest in this case is that plain clothed officers forced entry to a private home during the hours of darkness and shot up the occupants. We'll look at this further next issue. Ω

Parting shot

A special number for us – 67. It's the number of issues of Handgunner Magazine that the SRA founder Jan A Stevenson edited and published from his first issue in July 1980 to his last - number 67 in May 1997.

No mean feat, given all the other distractions he had to contend with in that time frame. The magazine launched as a bi-monthly and had that schedule been maintained the final issue in May 1997 would have been number 95.

Three 'problems' assail a magazine publisher: content, advertising and distractions. 'Content' is the articles and columns, some written in-house and others submitted. Jan never lacked for quality writers; if you look at the early issues his 'staff' were at Oxford University with him in the 1970s – and members of the Oxford Pistol Club: apart from John B Roberts who funded the launch and Massad F Ayoub who succeeded Jan as guns editor of Police Magazine in the USA after Jan left for Europe.

Entre nous, Jan did have a modest stack of submissions that weren't up to it and a similarly modest stack of articles that he'd back-burnered to publish *at the right time*.

The 'time' problem was 'space permitting': the 1980s were a period when new guns – and new cartridges - seemed to hit the market with such competitive regularity it was hard to keep up in a bi-monthly, and thus harder to make room for retrospectives and sidebar issues.

Magazines and newspapers sell advertising space with the objective of that revenue paying for the print run and distribution. Selling the adverts takes time: when Nigel Hinton did it all went well, but after his tenure securing the adverts and thus the revenue became one of the distractions pulling

the editor away from doing his job. And while mentioning distractions, the police and Home Office were ever ready, willing and able to be just that.

What none of us knew at the time was the root cause of the gun trade's crime wave, which we've set out elsewhere in this issue. All the SRA's officers have been caught up in such police investigations from time to time. Jan's problems followed a fatal accident on a Delta Training (third version) close protection course and the 1990 'D-Day' lucky-dip raids on he and the SRA Secretary. Prior to that his initial problem had been getting an RFD in 1980 - Essex police said he didn't need one to edit a magazine, but he would be prosecuted if he reviewed guns he didn't have a certificate for. A few years peace and quiet followed that one being sorted in Jan's favour: then he got sued for libel a South Wales police officer and then he suffered multiple injuries to his legs when a car lost it on a bend and pushed him through a wall.

There's probably enough meat in the fifteen court cases involving our officers for a book; but we'll settle on an article in the next issue. Ω

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