

# SHOOTERS' JOURNAL

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**BRITISH SHOOTING SHOW REVIEWED**

**MEDICAL FORMS AND  
CERTIFICATE RENEWAL QUEUES**

**BOOK REVIEWS**



## **SHOOTERS' JOURNAL**

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### **EDITORIAL**

Beavering away as we do in the minutiae of police departments trying to find ways of stopping the public peacefully enjoying the use of their firearms and shotguns in the various hobbies for which they are used, it seems to us that the Home Secretary has two problem children above all the other difficulties that plague her. The anti-immigration and public order departments.

Ex-ministers queued up after the department shook Amber Rudd off as its figurehead to tell the media that the ethos in the Home Office was quite different to the collegiate approach elsewhere in government. We all have experience of the ambience of workplaces, be that a barracks or ship, a hospital, old peoples' home, factory,

club, office, building site, pub, school, church...

You will know from changing ships periodically through life that some environments are more or less comfortable and it's not always something you can put your finger on. A new environment can be hard to fit into – clicky – to begin with; the way all conversation stops and heads turn towards your entry into a pub. Deep Cut barracks was a more difficult posting than RAF Waddington. Changes of senior personnel in any setting can bring about change – or (and just as likely) have the effect of entrenching resistance to change.

Governments change periodically, while the civil service is permanent; whereas a change of government – or of a minister – may bring with it anything from a policy change of emphasis to a handbrake turn at the political level of a department. Whether that department can change with the wind direction or dig in and shake off unwelcome ideas rests with the permanent civil service.

And their permanent ideas. A recent example from the Treasury was Boris Johnson having to announce the massive cut to HS2. From the plan to connect the northern powerhouse together and join it to the south, it has been reduced to what is already being built – just another railway line between London and Birmingham and that is because the Treasury will not go over a 3% of GDP limit on infrastructure spending. The Treasury does not have the budget to fulfil the government's plans because Covid 19

put a severe kink in the cash flow and the projected cost of HS2 kept escalating.

We said two problem children; firearms is our obvious interest, but the other – which is on everyone's radar to some extent – is immigration. If we reach back to 2010, it was that department which put the 'cutting net migration to the tens of thousands' sentiment in David Cameron's mouth. And that was not possible in 2010 as Britain was a member of the EU where citizens enjoy free movement for themselves and their goods; and the whole world sends its best minds to our universities. A lot of Europeans took advantage of the job opportunities in the UK and none more so than the Poles. They were flying our Hawker Hurricanes in 1940 and driving our economy in 2010.

The immigration department's policies seem to us to be racist rather than anti-European. The year the 1968 Firearms Act consolidated gun legislation was also the year that Idi Amin was clearing people of Asian heritage out of Uganda. Just people: their money stayed behind, which is a clue as to why he was doing it. They were British passport holders, so they came to Britain, along with the less well remembered clear out of Asians by Kenya. The following year American astronauts landed on the moon and Nigerians landed in the UK, fleeing uncivil war as the state sought to reabsorb secessionist Biafra.

British immigration policies gradually shifted to prevent automatic entry to the UK for British passport

holders – visa requirements for West Indians and such. Britain kept out of the Schengen agreement, curtailed the rights of Hong Kong residents to move to the UK after giving the colony back to China and created the shanty towns on the French coast. Then we had the forced repatriation of the Windrush veterans and vans with 'we don't want you here' signs on them during Theresa May's long stint at the Home Office. How that didn't violate the Race Relations Act is a mystery.

I spent six years cleaning wannabe asylum seekers off my lorry in France until that contract ended in November 2021 and then I worked the Royal Mail Christmas post. The business expands rapidly with pop-up sorting centres and the first one I went to in Northampton was staffed by young men who looked just like the ones I didn't want to import from France.

It all seems so two-faced. Our immigration department places every possible obstruction in the way of people who want to come to the UK – until they arrive: only then can they apply for asylum and they can't work while that so-slow claim is processed. The way to put the people smugglers out of business overnight is to process claims in France – fast. But the Home Office policy is to find obstructions to them getting the opportunity to make claims in the first place. That's how Priti Patel found herself explaining the latest snakes and ladders game to wannabe asylum seekers: instead of passing go at Dover, they get shipped to central Africa for processing.

Gentle readers will all have opinions about immigration and many of us are likely to be cautious. Immigrants – economic migrants or asylum seekers – bring with them changes. Asians and Hong Kong ex-pats dramatically improved our cuisine and diets, not to mention eating out opportunities in the 1970s and on. You cannot imagine how little choice there was in 1964 unless you were there. If you weren't, look at Ringo Starr's visit to a café in 'a hard day's night'.

Poles likewise brought deli shops to every high street and now you can buy a Tiger beer without going to Singapore. As a society we seem keen to welcome asylum seekers from the Ukraine. Rural west Wales has sprouted Ukrainian flags and fund-raising initiatives. Officialdom is cautious: the Home Office version of fast-tracking Ukrainians into the UK is anything but. The Church in Wales will not allow its empty vicarages to be used for housing them and has decided not to provide any leadership in the matter. That is left to the county council.

Our interest in the immigration saga is because we noticed how that department has its own policies and twists ministers around to doing as they are told. The firearms department – responsible for approving rifle clubs and section 5 (prohibited weapons) authorities is buried within the Serious Violence Unit – part of the Public Order department. A less suitable department for managing outdoor sports is hard to imagine.

Its policies in recent years have become progressively more paranoid and unsuited to the management of outdoor hobbies. We have had an almost continuous stream of initiatives from the department – all based on the need to 'do something' without there being any justification for the need to do anything. Most of what has been handed down to the police to deal with are restrictions they tried to create through prosecuting certificate holders and firearms dealers in the courts. Having failed one way, they try another. If Dad won't let you do it, try Mum instead.

#### **MATTERS ARISING from J72**

The launch of Home Office statutory regulations in November 2021 sparked off an avalanche of revocations of firearm and shotgun certificates, one of which, in West Mercia, we reported on pages 7/8 of the journal. And then we made a mistake, which one of our long standing members spotted.

One of the grounds for the West Mercia revocation was that the certificate holder had enquired as to whether he could have a Glock pistol on the section 7(3) exemption for historic handguns. We said how else could he find out but to ask? And then we said there was a 1939 cut-off date for historic handguns. Which was incorrect; here is our member's explanation of how the new regulations fit in to the existing law:

***"Section 7(3) Heritage Pistols have no cut-off date; they will be on your FAC, must be stored at a Designated***

***Site but may be shot (or not, it's entirely up to you).***

***Section 7(1) Pistols must be made before 1919, may be kept at home on an FAC but must not be shot.***

***Antique firearms chambered for ammunition on the obsolete calibre list, which was revised last year, must be made before 1939 can be kept at home, do not need an FAC and must not be shot.***

***Then the newly non-obsolete calibre pistols may be on an FAC as a Section 1 firearm if made before 1939. But they cannot be transferred to another certificate holder (the so-called Brocock exemption) but can go to a Section 5 dealer.***

***OR***

***If made before 1919 they can be 7(1) and transferred like any other 7(1) pistol to a 7(1)-certificate holder or a Section 5 dealer.***

***What the situation is with an ex-obsolete calibre pistol made AFTER 1919 and Section 7(1) I don't know (and I am sure nobody else does). I assume that is why the Brocock exemption was applied."***

And a genuine barrister agreed with him. To be held on the section 7(3) exemption a Glock pistol would have to meet the criteria of historical interest – so the first one into the UK that Handgunner Magazine reviewed in 1985 would be one such and there will be others with provenance that makes them historic milestones.

We have advised that appellant accordingly.

## **Rust film set shooting accident company fined firearm safety failings**

**Matt Watts**

**(AP)**

A fine of \$139,793 has been issued to the film production company making the movie 'Rust' following safety investigations after the fatal shooting on set of cinematographer Halyna Hutchins on 21 October 2021 in a church set at a ranch on the outskirts of Santa Fe. Director Joel Souza was wounded by the same projectile.

Regulators said the company "knew that firearm safety procedures were not being followed on set and demonstrated plain indifference to employee safety".

"What we had, based on our investigators' findings, was a set of obvious hazards to employees regarding the use of firearms and management's failure to act upon those obvious hazards," Bob Genoway, bureau chief for occupational safety, told The Associated Press.

Investigators found production managers placed tight limits on resources for the small team supposedly controlling weapons on set and failed to address concerns about a shotgun left unattended twice.

Hannah Gutierrez Reed was limited to eight paid days as an armorer to oversee weapons and training and was assigned otherwise to lighter duties as a prop's assistant.

Safety meetings were conducted, but not every day weapons were used, as required.

Separate investigations into possible criminal charges are still underway.

A spokesman for Rust Movie Productions did not immediately respond to request for comment. A lawyer for Baldwin was not immediately available.

### **The British Shooting Show 2022**

Friday 18th February to Sunday 20th at the NEC which was also hosting 'Boatlife', 'Bear Grills' and 'Bunkered Live' the same weekend. There may have been others too which caused quite a queue to enter the site on the Friday morning. We'd booked 'Express parking' which was walking distance to the show halls as opposed to a bus ride from any of the main car parks.

There was a short queue to get into the show, caused by the time it takes to fit the sticky wristbands needed for re-entry. An hour and a half after opening, we thought it quite busy but not too crowded when Gunmart magazine 'phoned to check up on us. Three hours later we thought it was thinning out rapidly with three hours still to go to the official 4.30pm closing time.

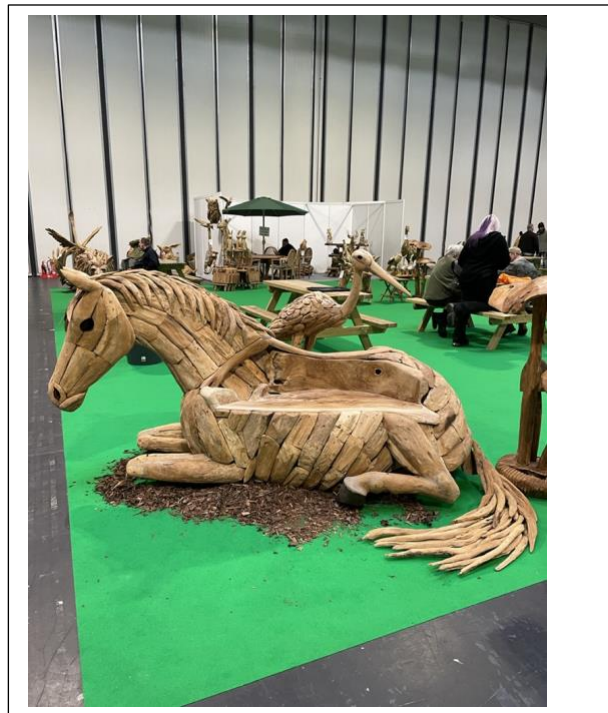
It can't be easy filling an NEC hall. We exhibited there as part of the antique arms fair in the 1980s. The organisers subsequently moved across the roundabout to the National Motorcycle Museum where it was a better fit – and it was there again on the 20th for those intrepid travellers who wanted two shows for their trouble.

This event was a mixture of the big stands one might see at trade shows

like IWA (in Nuremburg) who are flying their brand flags and smaller traders who rely on recovering the costs of attending a three-day show from the increased turnover at the show and ongoing business because of the exposure.

While it was strictly a shooting show – no de-acs, air soft, antiques or militaria – it was beefed up by numerous businesses whose association with the shooting sports ranged from obvious to tenuous: a country fair indoors. Obvious included Kawasaki's UTV rigged up with gun cases, not to mention several other four-wheel drive options. Less obvious included half a dozen stands selling spirits and liqueurs: OK, you need something in all those hip flasks relatives give us at Christmas.

Tenuous included the fabulous display of expensive teak garden furniture by Fry's Teak Garden;





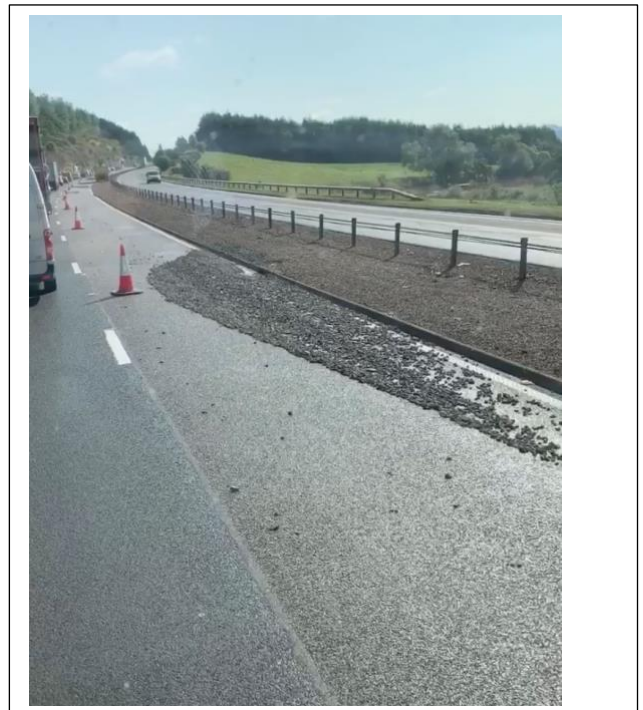
built to last, as teak is an oily wood, and these solid products wouldn't have taken off had the show been outdoors and will outlast any buyer's lifetime in a British garden. Overall, the show was a 1:72 scale model of the IWA in Nuremburg or a small version of what you would expect from a game and country fair. The two arena displays reminded us of that – one about setting up a pigeon shoot and the other about training gundogs.

Night visions scopes, automatic repeating clay pigeon traps, infrared security alert devices and CO2 powered air guns remind us just how much has changed since the handgun ban a quarter of a century ago.

The show was overshadowed by the weather. Storm Dudley had passed over Scotland and the north the day before and Storm Eunice was expected over Wales and England south of Dudley's impact that morning, with red weather warnings in force for the southwest peninsula, both banks of the River Severn to Gloucester and separately over London and the southeast. It was snowing in East Kilbride and all over Scotland's central belt as well as parts of northern England.

All the travel advice available was "don't". No trains ran in Wales that day for the first time since they were invented, and much of the rail network (and bus schedules) were similarly suspended: rail operators conscious of the risks learned on 12 August 2020 when three people were killed and six injured after a passenger train hit a landslide blocking the rail track near

Stonehaven in Aberdeenshire following heavy overnight rain. That heavy rain also closed the A90 north of Auchterarder where we were waiting for it to reopen. The road has deep gullies either side loaded with gravel to catch vehicles straying off the carriageway and the volume of water running down the hill blew hundreds of tons of that gravel onto the road making it impassable. The first vehicles let onto it were emergency responders heading for the crash site.



Heavy weather has anticipated but unpredictable consequences. Trees that have shrugged off dozens of storms can get caught out: they only have to be unlucky once. Lorries blow over, embankments subside so roads and rail tracks get blocked.

At dawn on 18th, the RAC reported 'lighter than usual' traffic on the main routes. One must wonder what 'normal' they gauged the day against. Two years of lockdowns, travel

restrictions and working from home have had anticipated but unpredictable consequences for road travel. We thought the motorways a bit light for the time of day until we got to the National Exhibition Centre where traffic was heavy.

The show itself probably had a lighter than expected attendance on the first day – half our party could not get out of Scotland to use the pre-booked tickets and that must have happened to many others intending to travel but prevented by the weather – or the warnings. Listening to people speaking around the trade stands we venture that most accents we heard were fairly local and for sure the local weather on the way to the show (from Jury's Inn at Hinckley) and back was dry and just too windy to wear a hat, but 'normal' for the time of year. It rained heavily, albeit briefly while we were inside.

Non-attendance also extended to exhibitors. The last show we went to before this one was 2021's Military Odyssey in Kent where we saw five marked out but unused pitches. Last year's shows were in the balance until green lit shortly before the final deadline for making such a decision. This year's Shooting Show was essentially the one cancelled last year and/or the year before, so the non-attendances were almost certainly due to the weather.

At least three shooting organisations were in attendance – the British Association for Shooting and Conservation (B.A.S.C.), the Gun Trade Association (G.T.A.) and the National

Gamekeepers Organisation, but the space allocated to the Historic Breechloading Smallarms Association (H.B.S.A.) was unoccupied. Winemania was likewise empty and there were other gaps with no names on.

The publishers of 'Air Gun World' and related titles were the only magazine we saw with a show stand. We can't say 'everything for the shooter' about this show because there was nobody there marketing gun cabinets – and we didn't notice any fancy hearing protection on sale, despite the show's website proclaiming one such exhibitor. 'Nearly everything for the shooter' then: Hoggs of Fyfe had no moleskin trousers with them.

There seemed to be quite a few exhibitors on the website that we neither encountered nor saw empty spaces for and we also encountered several stands that we couldn't find on the website afterwards, which was a nuisance because we took an interest in a wildlife alert camera, which like a doorbell cam (but solar powered) would send an alert to one's smart phone. Ten minutes of waiting for attention while the staff talked to each other was enough to persuade us to look on Amazon for the product.

The one we bought has been giving good service: clear day and sharp infra-red shots of that which crosses the beam's path.





Another exhibitor we couldn't find in the catalogue was a Sheffield knife man. He had all the usual big boys' toys and some good quality field cutlery – the sort the police hate you having but love to catch you carrying. On the wall behind him he had a lot of professional kitchen tools so we asked him for a good bread knife.

He said he had some in the van, and offered us a 'slicing knife'. Intended for meat, he said it would slice the softest of bread so we parted with the £16 he asked and went on our way rejoicing.



*SLICING KNIFE BY SAMURAI STAINFORTH LTD SHEFFIELD*

Overall then, we enjoyed the show and regard it as a taster of what's to come for us all this year. So many shows, competitions and events cancelled in the last two years the pent-up demand should be there waiting to be released.

### **KNEE-JERKS AND DORSAL FINS**

Are shorthand or jargon in SRA meetings and memos to categorize the people behind happenings that might have consequences for our legitimate activities; what's left of them.

Our chairman Jan A Stevenson started this shorthand principle when he coined a few nicknames for people he dealt with that used part of their names and told the rest of us what they were like in one phrase. He is cleverer than the rest of us; 'Sweet William' was a police department firearms manager and 'Uncle Tom' worked in the

discredited and now defunct Forensic Science Service. There were other nicknames, but these were the stand-out ones.

Our more prosaic approach is to stigmatize as 'knee-jerks' those ignorant people who feel the need to do something they know nothing about – and in the case of guns the activities we use them in - being legal. 'Dorsal fins passing the window' is shorthand for a sighting of someone looking for a 'problem' to have a knee-jerk over or having thought of something still threshing about looking for a knee-jerk to apply to it.

### **LATEST (FAILED) SHOTGUN BAN BID**

Luke Pollard, Labour MP for Plymouth since 2017, introduced a ten-minute rule bill to ban pump action shotguns, which fell at the first Parliamentary hurdle. The investigation as to how Jake Davison got a shotgun certificate returned after the trauma of being subjected to the unlawful seizure policy before he went on to use it in a domestic murder that spilled out onto the street has not yet reported.

Despite that, this worthy seemed to think that punishing the rest of the public for Davison's actions and those of Devon & Cornwall Police was a worthwhile use of Parliamentary time: a typical knee-jerk who bypassed the processes of research and thought to reach his conclusion. The Home Office said that there were robust controls on such guns already and the Shooters' Rights Association said pointing the finger at the real culprits in such cases

would be a good idea as well as making a refreshing change.

#### **ONGOING SECTION 44 APPEAL CHANGES HORSES**

**Since there was no domestic incident, it's become a behaviour modification exercise.**

Thames Valley Police returned a farmer's firearm certificate in the post after he reminded them in his appeal statement that his lawful trade as a farmer was being restrained by their pre-emptive actions. They revoked his certificate in the first place pursuant to the Home Office statutory guidance issued last November which required chief constables to check the address of certificate holders and applicants against the domestic abuse callout register. TVP did that, found a match and revoked the certificate – and then a week later realized that the domestic callout (which detected no crime, no incident) related to previous occupants of the address and took place some weeks before the farmer moved in.

They didn't cite the usual section 12 of the 1988 Act seizure, nor did they use the unlawful seizure policy to grab his guns: he got an email telling him to put them in store. When they realized the mistake, they reissued the letter minus the paragraph about the domestic abuse callout. Their bundle for the appeal claims that their main objection to him – which will dissipate in July – is his 'association' with another shotgun certificate applicant, for which they claim authority from the turn of the century case 'Dabek v. chief constable of Devon & Cornwall'.

That case justified police objections to a shotgun certificate holder's co-habitee in the days before shotgun certificates sprouted the same security condition as firearm certificates.

Our 'association' (in relation to firearms) with people we don't live with is governed by the Firearms Act. Section 11A authorises firearm certificate holders over the age of 18 to let other people over the age of 17 have a go with their rifle for the same good reason that the certificate has for it. In the case of lending a shotgun, the borrower must be over 18 although the certificate holder lender need not be. There seems to be an 'Operation Stretch' in progress (see 'Dorsal fins' below) about 'association'. We are in a similar stretch operation in the case of medicals for all certificate holders.

#### **DORSAL FINS - RFD DELAYS**

A south of England firearms dealership is still waiting for a renewed certificate to trade while the police department responsible in law for issuing it by the due date dither about who his 'associates' might be – since he won't tell them as that's none of their business. At the back of this potential case is the fact that every attempt they have made to stop him trading lawfully has failed and what they don't seem to like is that the Firearms Act is full of exemptions from the need to hold certificates.

Exemptions apply in numerous circumstances to keep various lawful trades and businesses clear of interference by the police; while recent statutory Home Office guidance presses police forces, for example, to

inspect “everywhere that firearms are stored.”

The police only have an interest, but outside Scotland no statutory powers, to inspect security at registered firearms dealers’ premises and the homes of firearm and shotgun certificate holders or applicants, who between them hold less than 15% of the firearms in the UK. It’s an uphill task to check security “everywhere that firearms are stored” when so much of the UK stockpile is not bound by the security conditions on certificates; which in any event are clear that adequate security is the responsibility of the certificate holder.

That didn’t stop a Welsh police force being so disruptive to a film company making a war film in the 1990s over their security arrangements for the three blank firers on the call sheet, that the company shifted the beach scene shoot to Ireland where the police were more respectful of theatrical exemptions.

Another south of England dealer also reported difficulties with his renewal – he’s old enough to be a 31 May renewer – and problems with a new dealership that can’t open in his area because the police are not taking new applications yet.

Prior to the 1988 Firearms (Amendment) Act, all RFD certificates expired on 31 May each year, regardless of when first issued. The 1988 change made certificates valid for three years from date of issue, so the only people left with 31 May renewal dates are those who have

been trading continuously for more than 33 years.

### **FAC/SGC APPLICATIONS**

SRA Scotland’s rep Frank Berry’s police department telephoned the SRA office to verify his land use for pest control purposes. After seven years of foot dragging, it seems they might be doing something. What’s the betting they will try the ‘association’ hurdle on him? They’ve already tried it on his club where he is not welcome until he gets his certificate back. The social disruption of getting certificate holders ostracised by their clubs when the police pick on someone like Frank for treatment under their ‘reducing the number of firearms in the hands of the public to an absolute minimum policy’ has adversely affected many people. The Home Office seem to delight in the resultant damage to our sport’s social infrastructure.

A West Yorkshire shotgun certificate applicant received a letter refusing his application despite the option to refuse having been expunged from the Firearms Act. Our reading of the legislation is that, since the chief constable’s objections to granting the application are that the form was incorrectly filled in, he should have sent it back to the applicant with a note telling him to do his homework properly.

In other West Yorkshire cases a farmer got his shotgun certificate renewed but his firearm certificate renewal refused on the grounds that he did not use his rifle enough. The Act provides police with a power for taking a firearms dealership off the register if



it has ceased trading altogether but no such power in respect of the possession of private property. A renewal is the same as a grant, which means it is the applicant's good reason for possession over the next five years that would be tested on appeal and not what he did or did not do in the last five. The chief constable has applied the wrong approach to the application.

In another case a firearm certificate holder was refused renewal of his shotgun slug authority and an open .410" slot. In reply to his appeal the force lawyer claimed that the chief constable's refusal under section 27 was a refusal of conditions under section 29(1). We thought that the ammunition authority and a slot to acquire a .410" pistol were variations, not conditions. If they'd refused to vary the certificate, they would have said so and the appeal would have cited section 29(2).

Apart from conditions being section 29(1) and variations being section 29(2) there is no right of appeal under section 44 against an imposed condition. In that position one must judicially review the chief constable in the High Court.

### **LETTERS FROM THE EDITOR**

Firearms related legal problems brought to the attention of the SRA Secretary by our membership range from new variations on old themes to hoary old chestnuts being tried on by undertrained and inexperienced firearms enquiry officers. Then there's the occasional Plod seeking to make a name for himself by applying the hunt-

sab approach to a certificate holder going about his lawful occasions on the 'logic' of "it ought not to be allowed".

That phrase was coined by Enid Blyton as Mr Plod's refrain in 1949 and since her works have not found literary favour in nurseries for some fifty years now you might think that the current crop of hirelings administering firearms matters would not have had that stuff read to them.

Nor much else it seems, judging by the levels of ignorance on display in our caseload. Every so often a new wheeze obstructs certificate holders and, in this instance, it was Hampshire telling a resident that they only accept on-line renewals. He called us and we posted him the forms he could not download on account on not being on-line himself. Then we noticed the SRA Secretary knitting a flag to go with it summarizing the obstructions to renewal of certificates brought to our attention since the SRA was founded in 1984 and we thought sharing his letter with you all might be entertaining; or at least helpful.

*"I enclose prints of the firearm/shotgun certificate renewal form and GP pro forma (created by statutory instrument last November) for your prompt attention. You need to get your renewal in at least two months before the due date. I do not know if the current crop of firearms enquiry officers and office staff are trained to be obstructive or whether they just are not trained. Either way nobody is complying with the approach to firearm certificate applications set down in Joy v chief*

*constable of Dumfries and Galloway (1966 SLT (Sh Ct) 66).*

*Each time we find a way around the hurdles placed in the way of anyone wanting to renew a certificate, the Home Office come up with a new one! And this despite the Joy Judgment requiring the police to consider applications from the point of view of the applicant and not from that of a possible objector.*

*That 1966 judgment made little difference to the way most police forces approached firearm certificate applicants because of the way the system was set up in the first place. The real game changer was the 1969 takeover by the Home Office of issuing section 5 authorities and the approval of rifle clubs.*

*With the restricted and unpublished 'blue bible' memorandum of guidance to police and the likewise restricted and unpublished 1972 McKay report as their templates, firearms managers and policemen got stuck into the task McKay set them of reducing the number of certificates to an absolute minimum. No small task, since the introduction of shotgun certificates in 1968 had trebled the number of certificate holders at a stroke.*

*In the 20th century to that point only four firearms cases not involving certificate holders or registered dealers had reached the courts of record where their decisions change the law. Bryson v Gamage (1907) and Gooderham v Moore (1960) were about air gun sales; Cafferata v Wilson (1936) was about readily convertible dummy guns and Read v Donovan (1947) was about the*

*status of a flare pistol that had been converted to fire shot gun cartridges.*

*Criminal cases involving people with certificates are hair-splitters - Watson v Harman (1952 a telescopic sight is an accessory and fitting one to a rifle does not require a variation on the firearm certificate to do so). Morton v Chaney (1960 – shooting rats is not a sporting purpose: I had a case like that once where the chap applied for 'pest control' on his FAC & the police changed it to 'vermin control' on the condition (no appeal against conditions) and then prosecuted him for shooting a loose dog in his sheep field. 'Pest' would have covered it, but 'vermin' were defined by the – since repealed- schedule in the Wildlife and Countryside Act 1981; so he was guilty because the police didn't issue the certificate in accordance with his application.) Watts v Seymour (1970 when is a sale not a transaction?) R v Freeman (1970 – a starting pistol is a weapon)*

*None of these addressed the phrase 'danger to public safety or the peace' introduced as the benchmark for registered firearms dealers in 1920 and adopted in 1968 likewise for shotgun certificate holders.*

*On the civil side, the appeals all seem to be chief constables resisting applications on their view that the 'good reason' put forwards by the applicant was insufficient in law for the certificate to be granted. The decision in Anderson v Neilans (1940) was whether (or not) the reason put forwards is a good one, not whether objections can be raised against it.*

*Greenly v Lawrence (1949). Home defence is a good reason for acquiring ammunition. There is an additional wrinkle in that case, which is he might not have had a firearm certificate for the pistol. He had a Colt .25ACP; that round and the black powder .320" did not make 'lethal' as defined at the time: "i.e. a firearm is a lethal barrelled weapon". It has to be all three to qualify for a firearm certificate.*

*It's interesting because a lot of people were in that position after the 1920 Firearms Act – possessing firearms without a certificate under common law or one or more of the various exemptions from the need to hold a certificate but found they needed the certificate to acquire ammunition.*

*Joy v chief constable of Dumfries and Galloway (1966 – police should consider the application from the point of view of the applicant and not from that of a possible objector and wanting a certificate is not a ground for refusing it.)*

*First time shotgun certificate applicants – which was everybody in 1968 – needed a countersignature from a suitable worthy who was countersigning to verify the applicant's identity, same as for passports. The suggestions were a Member of Parliament, a Justice of the Peace, a bank officer, established civil servant or a Minister of Religion. My bank manager signed my first shotgun certificate application and deducted £2 from my account.*

*The first real problem for shotgun certificate holders was with renewals after the 1988 Act. So many hillbillies*

*had few contacts in the community who were MPs, JPs or ministers of religion. Such people were chosen as suitable by the Westminster bubble in the 1960s as they can be 'looked up' – Crockfords for vicars and Dods for MPs, Burkes Peerage etc.*

*We suggested the local sub-Postmaster or Mistress as the solution – back in the days when we had sub post offices before most were closed and the rest were prosecuted out of the business for a software anomaly.*

*Eventually the Home Office conceded that what they wanted the referee to be someone who could be looked up in a public reference book: we suggested the phone book – back in the days when there were such things and that pretty much removed the obstruction. Everyone knew at least one person who wasn't ex-directory.*

*That stood applicants in good stead for the additional restriction of needing two referees, despite your favourite gunshop proprietor not being eligible to be one of them.*

*It reared up again as police started taking issue with the character of referees. It seems you can be checkable in a public reference but not acceptable to the police.*

*The next holdup in 1989 was getting photos. In my neck of the woods there was a photobooth in the Cardigan Post Office (28-mile round trip) and one in Woolworths, Carmarthen (34-mile round trip) and most rural dwellers had the same problem until supermarkets started offering photo services – and smart cell phones sprouted cameras as one of the gadgets.*



*Restricting access to firearms by making the application form hard to get is nothing new: South Wales Police did that in the early 1980s. Residents had to telephone the police headquarters (they used to take calls back then) to ask for the form as local police stations didn't have them in stock. The police responded by sending two heavies round to make sure that the application was necessary before handing the form over.*

*Jan Stevenson reported this in a 1984 Handgunner magazine, describing the dynamic duo disparagingly and they sued for libel after the article was drawn to their attention by a loose cannon in a local pressure group.*

*The SRA's founder secretary, Mr. Arch Wylie, took a shooting holiday in Wales over Easter in 1985 and on his way back to London stopped at a South Wales police station to ask for a form. The front counter had a stock of them by then – the negative publicity in the magazine worked - but the obstruction to him getting one was the WPC attending to his request couldn't reach the shelf they were on.*

*The late John Hurst, who was over six feet tall and when he retired from the Metropolitan Police after thirty year's service weighing a stone for every year he'd been in the job, always referred to female officers as 'laptops' – small PCs - and I suppose with some comparative justification.*

*The next round of fun was gun cabinets. These became obligatory for shotgun certificate holders as they renewed after 1989. The British Standards Institute became involved in*

*developing a standard for secure cabinets.*

*I remember a policeman gleefully telling me that the BSI kitemark would render all existing cabinets obsolete as his force would not accept any cabinet that did not have one. His objections included external hinges, padlocks and not being bolted down. I had two 3.75 tonne bank safes at the time and I had not troubled to bolt them down. They also had external hinges – and lots of internal bolts but no external padlocks.*

*The BSI neatly sidestepped creating that trip hazard by not coming up with a kitemark for cabinets. Their solution was a thug test – how long it took a fit man using hand tools to overcome the cabinet's resistance – five, ten or fifteen minutes to create the standards. That left police forces to try challenging security they perceived as inadequate, despite the condition making that the certificate holder's responsibility.*

*The police were abusing the security condition to create a map of where guns were kept in anticipation of the day when the Home Office would let them seize them all. Policing has a track record of doing that, such as in the Channel Islands in 1940 and the Falklands in 1982 to make those places safe for the occupying forces of enemy powers.*

*They had been worried about firearm certificate holders during the cold war as the enemy within and had been steadily eroding the relevance of civilian riflemen to national security since 1969 – ignoring the lessons of history in that regard. Those lessons are being repeated in the Ukraine at the time of*

writing for the hard of thinking to take a fresh look at.

The end of the cold war gave them more paranoid concerns. During the cold war, their worries were for their own safety from an enraged public. As the risk of a nuclear exchange receded, the prospect of enemy alien boots on the ground increased and with it the potential need to make Britain safe for them to occupy.

The civil service has always been about smooth transitions from one government to another, whatever language the incoming government speaks. The last government to do away with the whole of the existing bureaucracy took power in 1066.

Then there was the burglar alarm scam: every police force, it seemed, came up with an arbitrary number of guns above which a central station burglar alarm to a BSI standard might be required. The famous Bob Kleasen pointed out that his Barton-on-Humber cottage had no wall high enough for the required external bell (11 feet above ground level) to be fitted to.

That turned into our weirdest case ever and Bob remains famous for that – and for being the only member to have made claims on both our insurance policies. He's worth an article in the journal – again – as he's worth revisiting.

Dyfed Powys went one step further, requiring a dealer to install an alarm system – BT's Red care – that was not available in their area at the time.

The medical issue that led to the new pro forma took a long time to build up. It started with the Whitehaven murders

in 2010 which David Cameron dismissed as "you can't legislate for a switch flicking in someone's head".

Chair of the Home Affairs Select Committee Keith Vaz presumably wasn't paying attention when the Prime Minister said that and launched into finding new ways of screwing around with that tiny minority of gun owners in the UK who try to comply with the legislation by applying for certificates.

What came out of that initially was the extension of prohibition after conviction to people who got suspended sentences (superseding R.v. Fordham – 1969) and the extension of prohibition to preclude such persons possessing antique firearms. Both were Home Office plans awaiting a suitable legislative opportunity anyway; they needed the knee-jerk from the Home Affairs committee as a lever to get the necessary Parliamentary time.

Various ad hoc medical investigations started appearing after non-statutory Home Office advice on the subject was launched in 2016. Application forms have long included a space to fill in your GP's details. What changed in 2016 was advice that without being registered as a GP, applicants could not 'complete' the form and it should be returned to the applicant.

Essex blanked an applicant who kept asking them why he needed a GP for his certificate renewal and instead of telling him they revoked his existing certificate and seized his firearms. And his sword since he was a re-enactor. I did wonder at the time whether they associated his dressing as Napoleon

with comments in the play 'arsenic and old lace'.

These carborundum tactics lead to a lot of social damage. Shooting, re-enactment and living history are all very much social activities. When a shooter's certificate is revoked, police usually obstruct that person having access to their club with dark threats about the club being shut down if they permit the non-person access to what is, for most shooters, their only social club.

Stretching that behaviour to people in the early stages of illnesses that will eventually obligate them to pack it in anyway, but before they are ready to makes matters worse. Rex Mort reported his guns were seized by armed officers who arrived at his house without an appointment during the hours of darkness. Inflicting such trauma on an old man does nothing for public safety and can accelerate his condition.

The four Welsh police forces came up with a form with their four badges on it and made it a requirement for all applicants in Wales to have it completed by their GPs.

That was causing complications in the Principality before lockdown caused even more. Elsewhere, some police forces didn't get involved, while others rejected applications for renewal that either weren't accompanied by one or if the medical didn't arrive soon after the application form. And throughout lockdown no police force was accepting new applications anyway.

The Home Office pro forma dates from November 2021 and is causing problems up and down the country for

our overstretched NHS. And, of course, that suits the Home Office in its capacity as the only government department doing the opposite of public policy with regards to how they treat people with mental illnesses."

The next one is from an email exchange

**COMMON LAW**

**(from part of an email exchange)**

On the subject of common law, Lord Bingham said in his book 'the rule of law' (2010) that Court of Appeal decisions become common law. That gives us the interesting situation in which common law (Richards v Curwen 1977) says that ammunition type is not relevant to antique status, while recent Home Office secondary legislation says it is. That's the statutory instrument which purports to uplift all the 1870s cartridge revolvers that hit the market after Rollin White's patent expired into section 5.

Lord Laws said (Thorburn v Sunderland City Council 2002) that common law could only be overwritten by primary legislation saying that was what it was doing on its face.

That's just background. The Scottish take I'm interested in the answer to is whether Scottish cases, such as Joy v chief constable of Dumfries and Galloway (1966) likewise become common law. The Home Office quotes 'Joy' in the non-statutory guidance but only for one particular whereas the judgment contains several landmark comments, such as having a good reason for applying for a certificate is not a ground for refusing the application and a firearm need only be



*'adequate' for the purpose to meet the good reason criteria.*

*The police caught Major Joy using an M2 carbine for shooting deer in his garden. They took it off him because they said he needed a firearm certificate to possess it. He applied for one and they refused him. Among their objections were that he had previously possessed it without a certificate (he used it for the common law purpose of protecting property – his vegetables), that .30”M1 carbine ammunition was not suitable for shooting deer (those in his freezer begged to differ) and the firearm was readily convertible to section 5, which in the sheriff’s view meant it was section 1.*

#### **REALISTIC IMITATION FIREARMS**

The ‘classification’ of ‘realistic imitation firearm’ was introduced to law in the Violent Crime Reduction Act 2006, a huge chunk of which has since been superseded and repealed; so the clauses pertinent to firearms interests are now numbered 31-34 (air weapons), 35 (restricts the sale of primers), 36-38 (Realistic Imitation Firearms) and 39-41 (Imitation Firearms). It matters that ‘imitation’ and ‘realistic imitation’ are classed separately in Home Office Newspeak.

Section 36 also makes an offence of converting an imitation firearm into a realistic imitation firearm. I suspect that imitation firearms have a brightly coloured stopper in the muzzle and this clause makes removing that an offence if it makes the imitation firearm look more realistic.

Section 38 of the 2006 Act explains RIFs thus:

***“(1) In sections 36 and 37 “realistic imitation firearm” means an imitation firearm which—***

***(a) has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm; and***  
***(b) is neither a de-activated firearm nor itself an antique.***

***(2) For the purposes of this section, an imitation firearm is not (except by virtue of subsection (3)(b)) to be regarded as distinguishable from a real firearm for any practical purpose if it could be so distinguished only—***

***(a) by an expert;***  
***(b) on a close examination; or***  
***(c) as a result of an attempt to load or to fire it.***

***(3) In determining for the purposes of this section whether an imitation firearm is distinguishable from a real firearm—***

***(a) the matters that must be taken into account include any differences between the size, shape and principal colour of the imitation firearm and the size, shape and colour in which the real firearm is manufactured; and***

***(b) the imitation is to be regarded as distinguishable if its size, shape or principal colour is unrealistic for a real firearm.***

***(4) The Secretary of State may by regulations provide that, for the purposes of subsection (3)(b)—***

***(a) the size of an imitation firearm is to be regarded as unrealistic for a real firearm only if the imitation firearm has dimensions that are less***

***than the dimensions specified in the regulations; and  
(b) a colour is to be regarded as unrealistic for a real firearm only if it is a colour specified in the regulations.”***

That clause sets up red lines and one must consider on a case-by-case basis which side of those lines a particular model is but before doing that one has to separately consider the definition of an imitation firearm in section 39. Rewritten in 2011, an imitation firearm is one that has been manufactured in compliance with the regulations and that’s all about making blank firers (or inert replicas like the Denix series) in such a way for them not to be capable of being modified into live firearms

Section 36 back in 2006 made it an offence to adapt an imitation firearm into a realistic imitation, thus confirming that these are two separate classes of product.

Back to RIFs. This clause and definition were directed specifically at air soft products without the law saying so at the time. To be a RIF the product must imitate a real gun closely enough for it to take some physical examination by a person familiar enough with firearms to decide what it is. The things that make something unrealistic are size (too big, too small) or unrealistic colour (tricky but there’s a list in the 2007 regulations) and can’t be loaded (with real ammunition) or fired.

Where the legislation is silent is in respect of what it’s made of – I’ve seen stunningly accurate 3D prints – and how to consider products that are not

imitations of real guns: Star Wars stuff, Star Trek phasers, the Alien pulse rifle...

Air weapons were classed as toys (Bryson v Gamage 1907) until Moore v Gooderham (1960) decided that any gun capable of causing ‘more than a trifling injury’ fell within the definition of a firearm (a lethal barrelled weapon) in the Firearms Act 1937. Regulations in 1969 exempted air pistols with less than 6-foot pounds and air rifles with less than 12-foot pounds of striking energy from the need to hold a firearm certificate.

Administrative chicanery by the discredited and now defunct Forensic Science Service (FSS) excluded low-powered CO2 air guns (invented in 1955) from the exemption on the basis that CO2 was not air. The Home Office clarified their status as air weapons via section 48 of the Firearms (Amendment) Act 1997 but did nothing about the FSS attitude.

Brocock invented the air cartridge system in the early 1990s which the FSS didn’t like either and that was banned in 2004. They didn’t like paintball guns either – gas powered – and there were some prosecutions prior to the 1997 ‘clarification’ that references to air weapons include those powered by CO2. Firearms legislation is silent about the use of other gases as a power source.

The earliest ‘air soft’ variants used a spring. I’m old enough to remember Sekiden guns when I was at school. They fired plastic pellets or the much cheaper dried peas and were, like paintball guns, by no stretch of the

imagination, 'realistic'. I do not remember seeing a gas-powered air soft gun prior to the millennium but CO2 powered air guns proliferated after 1997. Two reasons: they were already out there – the rest of the world had been using them as toys since the 1950s and once legalized in the UK they started to fill the void left by the handgun ban.

By 2006 there were realistic-looking copies of military handguns available as either air soft or CO2 powered air guns. That is when the phrase 'realistic imitation firearm' was coined. It did not apply to CO2 air guns 'cos they are firearms already within the meaning of the Act.

The objective of restricting the sale of RIFs to people with a 'good reason' for having them was to prevent impulse buys by nare-do-wells who might use them to commit crimes. That policy is drawn from 'The Protocols of the Elders of Zion' and in this instance is based on Richard Martin Corkery's 1994 report on armed robbery.

Interesting study. He interviewed convicted armed robbers who were still serving their sentences when he did the study and apart from one dude who used a WW2 revolver that he had souvenired during his military service in that war and excluding those who either said they had a gun or pretended they had, the others all formulated their armed robbery plans shortly after coming into possession of the firearm they used. What they had was a mixed bag of real and imitation firearms and from memory only a

couple had working guns with ammunition.

The key point being that the criminal plan developed around taking possession of the gun, so inhibiting that impulse purchase was seen in Home Office circles as crime prevention. That is where the list of approved defences for the vendor originated: they have to police the prevention of impulse purchases.

The problem with any list, as Douglas Hogg MP pointed out when he was a Home Office Minister in 1988 and riding the firearms bill through Parliament, is that as soon as one makes a list up, someone else will point out what is missing from it. The problem Douglas Hogg had was that the Home Office and at the time the Forensic Science Service *liked* lists.

For evidence of that we have the 1992 list of cartridge chamberings to which the antiques exemption was permitted to apply. Too long a saga to recount here, but it's been politically tweaked several times and as a way of defining an antique it is at odds with the common law anyway.

In the case of 'realistic imitation firearms' section 37 and the 2007 regulations offer these good reasons:

- *a museum or gallery;*
- *theatrical performances and rehearsals of such performances;*
- *the production of films and television programmes;*
- *the organisation and holding of historical re-enactments;*
- *Crown servants.*

- *the organisation and holding of airsoft skirmishing ('permitted activities' and the defence applies only where third party liability insurance is held)*
- *Display at arms fairs, ('permitted events').*
- *Historical re-enactment. (This is restricted to those organising or taking part in re-enactment activities for which third party liability insurance is held.)*

For manufacturers, importers and vendors to claim one of the defences, they must be able to show that their conduct was for purpose of making realistic imitation firearms available for one of the reasons specified.

We discussed that at War & Peace when we first met in 2017 in the context of your Martian versus Venusian battles. The bottom line is that while the 2006 Act and the 2007 regulations do not list or recognise collecting, peaky-blinders, target shooting or any other legitimate good reason as providing the vendor with a defence, once the air soft product has been acquired it can be possessed and used for any lawful purpose.

'Collecting' will fit into the museum exemption. A museum does not have to be open to the public but if the collector chooses to display his collection, that is a permitted activity.

'Target shooting' with air softs is an historical re-enactment of target shooting with real guns, which was abolished in the UK (except Northern

Ireland, the Channel Islands and the Isle of Man) in 1997

'Peaky Blinders' is, like western themes venues, an historical re-enactment of a myth.

The Home Office went further about air soft in the Policing and Crime Act 2017, which inserted section 57A into the Firearms Act 1968 with effect from 2nd May that year. The bit to specifically note is (1) below:

***57A Exception for airsoft guns***

***(1) An "airsoft gun" is not to be regarded as a firearm for the purposes of this Act.***

***(2) An "airsoft gun" is a barrelled weapon of any description which—***

***(a) is designed to discharge only a small plastic missile (whether or not it is also capable of discharging any other kind of missile), and***

***(b) is not capable of discharging a missile (of any kind) with kinetic energy at the muzzle of the weapon that exceeds the permitted level.***

***(3) "Small plastic missile" means a missile that—***

***(a) is made wholly or partly from plastics,***

***(b) is spherical, and***

***(c) does not exceed 8 millimetres in diameter.***

***(4) The permitted kinetic energy level is—***

***(a) in the case of a weapon which is capable of discharging two or more missiles successively without repeated pressure on the trigger, 1.3 joules;***

***(b) in any other case, 2.5 joules.]***

As explained above, there is a legal difference between an 'imitation firearm' and a 'realistic imitation firearm' in the 2006 Act. This clause 57A clearly exempts air soft from firearms controls but there may be other RIFs not so exempted.

Sticking with air soft, policemen talking about offences under section 19 of the Firearms Act are quite wrong to do so when air soft is concerned because they have been exempted from Firearms Act controls since 2017.

Section 19 of the Firearms Act says:

***Carrying firearm in a public place.  
A person commits an offence if, without lawful authority or reasonable excuse (the proof whereof lies on him) he has with him in a public place***

***(a) a loaded shot gun,  
(b) an air weapon (whether loaded or not),  
(c) any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm, or  
(d) an imitation firearm.]***

It used to just refer to a firearm with suitable ammunition or a loaded shotgun and the utility of it was for prosecuting firearm and shotgun certificate holders found in possession of their guns and ammunition in a public place in circumstances that appeared to police to be at odds with the reasons given on the application form for having the certificate in the case of firearms or the location in the case of loaded shotguns.

Jack Straw MP messed it up with his Anti-social Behaviour Act 2003 by adding unloaded air weapons and imitation firearms to it. Air weapons have to be securely covered so that they cannot be fired when transported in or through a public place and we have always advised members to follow that procedure with anything that looks like a gun; preferably also disguising the gun case in some way because a Luger pistol holster fully covers the gun and does up with a sandal type buckle, yet it's obviously a holster and would count in most U.S. States as open carry.

This 2003 clause, we note, was not extended to include RIFs when that phrase was invented just three years later and then the 2017 amendment to the 1968 Firearms Act specifically excluded air soft from all the provisions of the Firearms Act anyway.

The reason policemen still wave section 19 about is because the Crown Prosecution Service guidance is not clear that while 'imitation firearms' are included in that section, air soft products – while remaining RIFs – are excluded from all provisions of the Firearms Act. What's not mentioned is the status of 'realistic imitation firearms' that are not air soft products. I suppose they'll be swept up as 'imitation firearms' includes them.

We recommend and advise all members transporting any gun (or any other weapon) of any legal status through any public place to disguise the fact they are doing so and to secure it beyond use for the journey.



The sight (by a member of the public) of the tip of what turned out to be an empty holster sticking out below someone's jacket as he exited a car and entered a pub was enough for a police SWAT team to land on the pub. There are offences under the public order act that one could commit – specifically causing fear and alarm to members of the public – without crossing the section 19 line.

I had a case in which British Transport Police stopped a dude who appeared to be carrying a sword through a railway station. On the CCTV he appeared to be wearing a Jewish yellow concentration camp star on his jacket (it turned out to be an American police badge) and when searched his parcel contained a samurai sword blade, which he said he was taking to a shop to see if they had a handle for it, and he had two deactivated revolvers in concealed holsters on his person.

He was arrested and his house searched from which some sixty (mostly) deactivated firearms were recovered. His collection included two air cartridge revolvers – banned in 2003 – and he was remanded in custody for the possession of section 5 weapons.

When I went to examine the exhibits at the behest of his solicitor, I found that by a sleight of paperwork, the air cartridge revolvers had morphed into being loaded revolvers in the holsters instead of the deactivated guns he was carrying.

So, at the start of the day, he thought he was going about his lawful occasions: the sword was parcelled up

and no law makes an offence of moving concealed deactivated weapons about. By the next day he was in prison and by the time I became involved all that trauma had left him mentally unfit to plead so he went from his remand in custody to incarceration in a secure mental hospital.

Had he been aware of the prohibition on air cartridge revolvers and disposed of his in 2003, the police would have had nothing with which to charge him. This case shows just how easily one thing can lead to another when comparatively ignorant policemen get involved. I have been involved in more than 1,500 firearms cases in my 37 years as SRA Secretary and with that experience I observe that the powers that be seem to (a) let ignorant police do whatever damage they can to members of the public who think they are acting lawfully and (b) seem to delight in any resultant psychological damage that does to the individual as, whatever the outcome of plod stomping on them, they may become sufficiently harmed for the return of their property to be refused.

The Home Office is the only government department not to have gotten on side with the enlightened attitudes to mental health advocated as government policy and seem to be using the lessons learned about how easily trauma can affect mental health to have upped their use of trauma against certificate holders in hope of causing that outcome.

Those are the risks your members run if detected by policemen which in possession of their air soft property.

And being acted against while innocent is potentially far more damaging than similar actions are against guilty parties.

**The question was “should I apply for both certificates at once or just the SGC first?”**

*The police are applying a character test to all applicants to see if there are any grounds on which they can resist issuing the certificate. If you clear that hurdle, the next test is 'good reason'. The chief constable can refuse to issue a shotgun certificate if he is satisfied the applicant has no reason for possessing shotguns while with a firearm certificate it's up to the applicant to prove he has a good reason. Long story short, nobody has ever passed the character test for an SGC and failed it for an FAC, but it is possible to get an SGC and be refused the FAC on the 'good reason' test. In your position I would go for both, but with the minimum on the FAC, as you can seek variations for more once the initial slot has been filled.*

*The difference is because shotgun certificates were created in 1968 to replace the 1870 Gun Licence which one bought at a Post Office annually for ten shillings. Parliament expected every applicant to be granted it – it was a registration of owners scheme - and set a very high bar – ‘danger to public safety or the peace’ - as grounds for refusal. That phrase was invented as the bar set for firearms dealers registering in 1920 and had never been tested in the higher courts. To this day judges use the phrase when sentencing miscreants convicted of offences against the person to a term of imprisonment. One of the*

*tests for sending someone to prison is that there is no alternative for the protection of the public.*

*During the 1988 knee-jerk reaction to the Hungerford murders the police wanted "full section 1 controls of all shotguns" as a means of reducing the numbers held by the public to an absolute minimum. They had been developing restrictive wheezes against certificate-holders since the unpublished 1972 McKay Report recommended that reducing the number of firearms in the hands of the public was a desirable aim in itself.*

*The sort of tricks they had come up with included not permitting a second variation for the same purpose as the first one; so once you had a deer stalking rifle you could not have a second one in the same calibre. If they'd got away with extending that policy to shotguns it would have made a lot of work for the lawyers. Firearms and shotguns can often change roles by a simple change of ammunition. That said, shotguns are also configured to suit their intended role and an all-round shotgunner, using the flexibility of changeable chokes and different cartridges might still have use for seven 12 bores: and then there's the specialist smaller bore guns for extra fun or specific tasks.*

*They tried it on that 'target shooting' was not a good reason and would only accept competition shooting. They have tried refusing renewals of certificate holders who, in their view, don't use their firearms enough and one of the grounds Cumbria gave for revoking a certificate was that the holder used his rifles too much.*

*A counter-productive policy, so far as reducing variations went, was not allowing any firearm to be used for more than one purpose: so they would not allow a target shooting rifle to also be used for pest control; re-enactors could not carry firearms they used on the range into blank-firing battles and pistols were tagged target shooting only and could not be used for humane despatch.*

*All these policies had been defeated in the courts but the police were keen on extending them to shotguns because what they had been trying to achieve with firearm certificate holders was putting conditions on certificates to restrict the use of each firearm to just the good reason first put forwards - to make it easier for policemen conducting roadside checks to spot occasions when the certificate holder did not have a good reason for having his firearm with him – so that they could then prosecute him under section 19 (firearms and ammunition in a public place without lawful authority or a reasonable excuse).*

*The first, and so far only case, to reach the higher courts on the different tests for the two certificates was *Shepherd v chief constable of Devon & Cornwall* in 2002. He had been revoked because he hid his handguns and lied to the police about disposing of them - and got caught. On appeal for his certificates, the court said that hiding the guns and lying to the police might be evidence that he was unfitted to be entrusted with them (one of the four grounds for revoking an FAC) but his dishonesty was not evidence of danger*

*to public safety or the peace because an earlier case heard by Lord Bingham-*Spencer-Stewart v Kent* (1988) - said it was not.*

## **BOOK REVIEWS - THE WAR POETS**

An anthology

Pitkin Publishing

Pavilion Books Company Ltd.

43, Great Ormond Street London  
WC1N 3HZ

ISBN 978-1-84165-267-2

First published in 1992 (and printed in China), this is a great introduction to the power of war poetry written by the men (and they were all men – at least in this anthology) who penned these lines while sitting in dugouts or hospital beds, bomb shelters, or a quiet study somewhere in civilian W B Yeats' case. Another civilian, Laurence Binyon, was visiting the North Cornwall coast when he wrote 'for the fallen' in 1914. We still recite a stanza from it at remembrance services:

***They shall grow not old, as we  
that are left grow old:***

***Age shall not weary them, nor  
the years condemn.***

***At the going down of the sun  
and in the morning,***

***We will remember them.***

David Bourne was writing in a dispersal hut and is one of two WW2 poets in the book: both were airmen killed in 1941. The other was John Gillespie Magee.

***"And, while with silent lifting  
mind I've trod***

***The high untrodden sanctity of  
space,***

***Put out my hand and touched the  
face of God".***

Aside from civilian Rudyard Kipling's 1930 contribution, the rest of the poems were penned during the Great War by thirteen army officers, five other ranks, one sailor and two other civilians. Sixteen of the poets died in the war: only Herbert Asquith (son of a Prime Minister), Ivor Gurney (a private in the Gloucesters) and Siegfried Sassoon survived the conflict.

The prolific Francis Ledwidge, one of the other ranks quoted in this volume is represented by one poem. So much of what he wrote was lost, such as during appalling weather he endured in Serbia and material he sent to his mentor Lord Dunsany also got lost as he was also moving around in military service.

As you might expect, Rupert Brooke and Wilfred Owen fill the lion's share of pages between them – 23 and 31 respectively – and these are tiny pages; this 141-page book is smaller than the average wallet.

All were British, except Alan Seeger ***'I have a rendezvous with death'***. He was an American serving as a French Foreign Legionnaire until his rendezvous in 1916.

The only sailor in the book is Lt Cdr Patrick Shaw-Stewart, ***"Fair broke the day this morning Against the Dardanelles"***

He commanded the firing party at Rupert Brooke's funeral on Skyros and was killed two years later in France.

We acquired our copy in the Staffordshire Regimental Museum gift shop and regard it as a great appetite-whetter for more of the material those men left behind.

## WARTIME RECIPIES

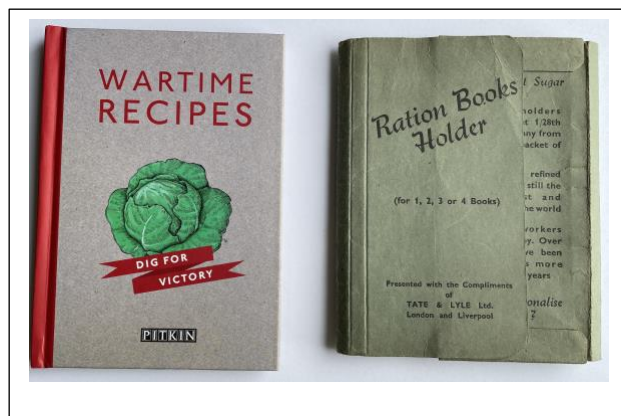
'Dig for victory'

Pitkin Publishing

Pavilion Books Company Ltd.

43, Great Ormond Street London WC1N 3HZ

ISBN 978—1-84165-264-1



Actually, an exact reprint of Jarrold Publishing's 'Wartime Recipes' (a collection of recipes from the war years) which was published in 1998 (ISBN 978-0-7117-1044-3). This little book came from

the Staffordshire Regimental Museum shop for £5. 45

pages devoted to soups, main meals, vegetable cookery,

sweets and puddings but without any provenance as to their sources for claiming these are actual wartime recipes. No doubt they are, of course and doubtless cribbed from original wartime cookery books. But whose and which war?

A reproduction of an advert on page 21 is a clue; 'books by Mrs Peel': three titles are mentioned: 'the victory cookery book', 'war ration cookery' and 'the labour-saving house'.

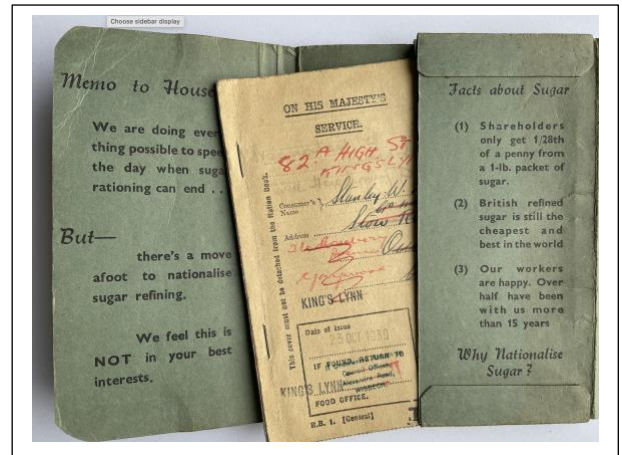






Constance Dorothy Evelyn Peel OBE (1868-1934) was a journalist and writer first published in 1898 (*The New Home*). She switched from writing to millinery in 1906 and back to writing in 1912. '*The Labour Saving House*' (1917) was her last book. The two recipe books were probably re-treads of her earlier works – making ends meet was always her theme and got her the editorship of the *Daily Mail*'s women's page in 1918. The cover of her book '*Daily Mail war recipes*' is reproduced on page 41 of this little book along with the covers of '*The Stork Wartime cookery book*' and '*Feeding the people in wartime*'.

Without seeing the originals, we can't work out which war the *Stork* book is from. WW2 rationing eliminated brand names from packaging, so companies kept their brands in the public eye by way of 'we'll be back after the war' type adverts. That makes WW2 favourite as this book was probably another such way of keeping the brand name in the public eye.



Our 'Ration Books Holder' is with the compliments of Tate & Lyle and gripes about the possibility of sugar being nationalised: another way of keeping their name in the public eye. Mrs Peel's *Daily Mail* book is probably a selection from her earlier recipe books.

'Feeding the people in wartime' by Sir John Orr and David Lubbock dates from 1940 and is listed as a medical book by the Wellcome Collection.

Our recollection of wartime recipes is the various substitutions advised according to what was in the shops. You get some of this in these recipes – substituting tinned meat for fresh – so corned beef features, but horse and rabbit don't rate a mention in this book.

Anecdotes from ancestors said that many foods disappeared for the duration: bananas and citrus fruits, so the last recipe in the book, which calls for two lemons and a staggering five ounces of granulated sugar, seems unlikely to have been a WW2 recipe. We'll have to get hold of Mrs Peel's originals to see how the Great War impacted on shopping. Our current thinking is that this dessert was one of Mrs Peel's, as she wrote her recipe

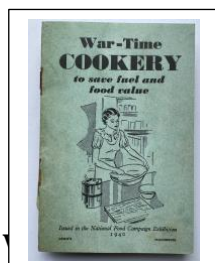


books in the early 1900s and Great War rationing started in 1918.

At the time of writing, we're still being bombarded with a speculative daily diet of who went to which party in Downing Street during the lockdown. Cases, presumably of people avoiding the social shortages caused by the 2020 and 2021 restrictions or providing a respite from work within the work environment. In the war, the better off could avoid the privations of rationing to some extent by eating out, as that was only restricted by enemy action damaging the food chain. The Ministry of Food encouraged the public to change their diets to home grown foods and pressed farming to increase production.

Meat was in short supply; it depended where you lived. Rabbits were plentiful in rural areas but didn't make their way along the food chain to the cities and one of our founder members, the late Harold Winckler, mentioned being rationed to 25 cartridges a month during the war. Local demand probably used up all the supply. In cities, horsemeat discreetly substituted beef – a wartime newsreel said a million people were eating horse and about half of them knew it.

The booklet 'Wartime Cookery' (1940) offers specific advice to keep recycling the water where cooked in and then add it to tinned soup. Where soup and vegetables are served in the same meal cook the



vegetables in the soup. General tips like that didn't get into the recipe book.

Some ingredients must have been difficult – sultanas for the spotted dick – and many spices mentioned have tropical origins: cinnamon, curry powder (a mixture of coriander, cumin, turmeric and chilli peppers and then some): seasoning – salt and pepper – is usual in most recipes. Salt comes from mining or from the sea, but pepper is a conservatory or greenhouse plant.

Quite a few of the herbs mentioned grow locally – bay, cayenne, parsley, sage and thyme. Then there are the ubiquitous commercially-made flavourings we still use – mustard, Worcester sauce, tomato ketchup and brown sauce. What we don't know at this remove is whether these ingredients were subject to shortages at the time.

The one wartime recipe handed down through our family included curry powder and as it isn't in the book, we'll share it with you here.

### **CHEESE CURRY ROLL**

Make a pie crust pastry and roll it out

Sprinkle generously with grated cheese

Sprinkle with curry powder

Roll it up like a Swiss Roll

You could egg-glaze the top, or dress with turmeric or leave plain.

Bake for 20 minutes-ish

Eat hot.

This was originally intended as a meat substitute but works well as an alternative to Yorkshire pudding; especially if you serve it piping hot as a

first course the way Yorkshire pudding should get served. We tended to get it with beefburgers instead of a bun when beefburgers came around mid-week in the 1960s.

### **THE KLEASEN STORY**

. An American by birth (in 1932) Bob came to Humberside in 1990 to marry a pen pal lady he'd groomed from afar. By the time Humberside came up with ten as the maximum number of firearms that could be held in a house without an alarm system, Bob had accumulated fourteen: to get them off his case he disposed of four.

Obviously, the police then wanted to know to whom he'd disposed of them, so he told them he had dropped them off with his brother in Texas. As a Medal of Honor 'winner' he was entitled to free transportation by the U.S. military on a non-priority basis.

Humberside didn't believe him but could not press the matter as back then certificate holders only had to notify police of transfers to other certificate holders.

We doubted him too, due to inconsistencies in his account when he regaled us with the story. The aircraft he said he got a lift in didn't have the range to cross the Atlantic, nor the capacity to carry a 24-Stone (336lbs) Kleasen and four shotguns.

His medals and citations were hanging in frames on his bedroom wall and presented further inconsistencies, spelling mistakes and errors of fact.

The November 1950 date he 'won' the CMH (genuine awardees are referred to as recipients) as a U.S. army air force pilot was the date on which

Chinese forces invaded the Korean peninsula and was referred to on the citation as the battle of Inchon. That was about six months earlier and all the pilots engaged in it were Navy or Marines.

And the medal itself was a design not issued before 1960. The rest of Bob's medal collection were just that, a collection. Every so often someone gets 'outed' for awarding themselves medals and Bob would eventually be one such.

Bob Kleasen went on to obtain an RFD in Humberside and was in the process of transferring his affections and chattels to a German lady he had been grooming when his shady past was outed to Humberside police by an American lawyer, Mr. Ken Driggs.

Ken Driggs' book 'evil among us' was an account of Bob Kleasen's trial for the murder of two Mormon missionaries in Texas in the 1970s. Acquitted on appeal, he remained in federal prisons until 1988 for other matters before being paroled. He forgot to mention those convictions outside the British Isles on his application forms and, when they found out, Humberside landed on him with a vengeance. He spent the last three years of his life in British prisons: initially for possession crimes in Humberside and when released from that sentence he was gate-arrested for extradition to America.

He died in 2003 while fighting extradition to the U.S. Texas wanted to take up the retrial option handed down with Bob's acquittal on appeal. The bones of what happened are that Bob

was living in a trailer by the taxidermy studio where he worked. Two Mormon missionaries went to visit him by appointment and were never seen again.

A search party looking for them found nobody home, but in poking around Bob's place discovered evidence of foul play. Instead of pulling out and applying for a search warrant they kept searching. They never found the bodies, but they did find property belonging to the Mormons including an ID card with a bullet hole through it.

Bob was indicted for their murders and ran the defence that there was no evidence the men were dead – no corpse, no case. Discussing this many years later Bob would claim that the Mormons wanted to escape the clutches of their church and he facilitated them doing so by making it look as though they were dead.

Actor George Kennedy starred in a film 'False Witness' ('Zig-Zag' in the U.S.) in 1970 which started with him framing himself for a kidnap so that his family could claim reward money. If Bob was framing himself he did a convincing job with the murder scene although the crime scene reports read more like he never expected anyone to look for the missing men at his place.

Their car was found dumped with its wheels and battery missing. They were found at Bob's place along with the men's wristwatches and other personal belongings.

Bob was convicted in 1974 and sentenced to death. The conviction was quashed on appeal as the circumstantial evidence was

inadmissible, having been gathered without a search warrant. The appeal court gave the District Attorney the option of re-running the trial without reference to the inadmissible evidence and that was what he decided to try in this millennium.

To get Bob extradited to the U.S. the State of Texas had to establish that they had enough of a case for Bob to answer. The British court would not make the decision; if the court agreed that Bob had a case to answer the judge would recommend that the Home Secretary should let them have him. The final decision would be a political one.

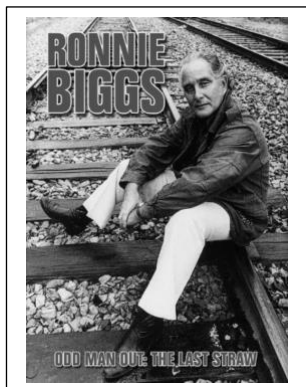
At the time, Britain would not allow extradition to a country or state that had a death penalty and where that might be imposed. Aside from being very scared of public execution by lethal injection, Bob was aware, through his lawyers that the State of Texas had agreed not to apply the death penalty to him should he be convicted. Again.

His lawyers knew of nine cases in which the death penalty had been set aside in extradition proceedings and then applied on conviction, so he had every confidence in Texas eventually strapping him to a gurney and he did not like it one bit.

His sentence in Humberside had been three years in prison and deportation on release. He spent a lot of legal aid money getting his deportation destination changed from the U.S. to Germany. He married his German pen pal while in his British

prison but that was insufficient to get him to Germany.

The Germans needed him to have appropriate medical insurance to become domiciled there and at his age – he was 70- by then, wheelchair bound, grossly overweight and claimed to be suffering from malnutrition - he wasn't likely to be profitable business for an insurance company.



He was on remand in Belmarsh 'doing time together' as Ronnie Biggs wrote in the front of the

book he sold Bob. He died of a heart attack in 2003 and his ashes were interred in sight of the spot where Stephen Lawrence died ten years earlier.

Bob told many stories about himself – enough to fill two books at least. Ken Driggs accounted for the Mormon murders in his book and Alan J Summers fingered Bob as shooting at President John F Kennedy in 'the grassy knoll badgeman'. Bob knew a huge amount about the case, including the identity of the babushka lady and a great deal about the Cuban revolution.

We got so many stories off him, he reminded us of screenwriter William Goldman's book 'which lie did I tell'. He had to change his position as his shady past came to light. For example, he had a photo of himself, bemedaled and dinner-jacketed between George and Barbara Bush – and the story to go with

it - until it came out that he was in prison throughout George Bush's one-term presidency and then it disappeared from his wall and he couldn't remember it ever having been there.

He maintained to his last interview with us that his medal was genuine and wanted it mentioned on his memorial. In a way, that happens. We mention it every time we write about him.

We mentioned that he was the only member ever to have claimed on both insurances. The SRA had a legal costs insurance policy from 1984 to 2009 when the insurers lost their appetite for the risk after a high court case made it less likely that successful appellants could get their costs back from the police. Bob claimed over Humberside withholding his certificates over the disposal of shotguns. That was resolved without cost to the insurers but his claim for damaging a lorry at a clay shoot was paid out.

He slipped on mud at the event and fired his gun at the same time resulting in the third-party lorry needing a paint job.

### **UKASA explained**

The government prohibited the sale of realistic imitation firearms (RIFs) in 2006 with exemptions for bona fide users, such as theatrical productions, museums and crown servants. Yup; the army use air soft weapons in basic training to save money.

'Permitted activities' include historic re-enactments and airsoft skirmishing for which intending participants hold public liability

insurance, which is where we came in, being the only national shooting organisation with air soft mentioned on our policy wording at the time.

There is no offence relating to possession of a realistic imitation firearm; having PLI provides the seller with a defence, as the way the legislation works is that he commits an offence, not the buyer, if the buyer doesn't have the right credentials.

The main target of this legislation was air soft. Various other non-firearms have been caught in this category (by wary salesmen) including replicas and blank firers. Deactivated firearms, like this cutaway, are



specifically exempted from being realistic imitations and real firearms are exempted by not being imitations: air guns are real firearms in law. Air soft guns were specifically excluded from the Firearms Act in 2017.

A CO2 M1911A1 pistol that fires



4.5mm metal BBs is an air weapon and thus a real firearm and not an imitation, while a model that also uses gas to project 6mm plastic BBs like this Tokarev is a realistic imitation firearm. Clear so far?



The main air-soft importers formed an organisation called UKARA (United Kingdom Air-soft Retailers Association) for skirmishers and they regard UKARA registration of players as providing the bona fide for making sales to them.

That doesn't suit many air soft buyers as getting in to UKARA involves multiple visits to an air soft site to play wargames and most air soft buyers are re-enactors, living history types or collectors. And the problem with lists is, as Douglas Hogg said, as soon as you have one someone else will tell you what is missing from it.

Spare a thought for a dog trainer who recently joined the SRA so that he could replace the Sussex Armoury blank firer he has worn out. We do not think that blank firers are 'realistic' enough to count, but vendors are cautious so the dog trainer has to get PLI as a bona fide to replace his worn out blank firer.



The Apocalypse (A249 in Kent) air



soft site opted to offer Shooters' Rights Association affiliation to people who approached them (we did that deal at War & Peace in 2017 and they formed the organisation UKASA (United Kingdom Airsoft Site Association) for the purpose.



The SRA has had PLI for its members since 1988 and has specified air soft skirmish on the policy since 1995. We think the Home Office cribbed the idea from our policy.

To play air soft at a site – which is like paintball without the paint it's up to the site what you join: attendance at some sites brings about membership of one or the other: UKASA or UKARA. You only need one of the above to buy an air soft gun. People who don't skirmish but have other good reasons for buying air soft guns join us directly.

It is worth restating that possession of any realistic imitation firearm is not restricted as such, other than to over-18s. Vendors will sell these products to any adult buyer – painted in a bright colour if the buyer does not have a

bona fide for buying it in a realistic colour.

We should also mention that, so far as we know, nobody has been prosecuted for selling a RIF to the wrong sort of buyer in the wrong colour.

It's one of 'you couldn't make it up' sagas in which the Home Office tighten the nuts so much that the thread strips. That is the case with air soft, same as RFD computer registers and the great defectively deactivated merry-go-round.

A decade or so ago the Home Office made computer registers compulsory for dealers so that the police could take a copy away from the premises. It went pear-shaped quickly and eventually, they dropped the whole thing. What they lost out of it was the Firearms Rules format for registers, which at least has prevented all those niggly prosecutions.

UKASA was a traumatic experience to begin with. They got trolled quite early on by one of those sorts sitting in a darkened bedroom and rambling into an open microphone.

The Financial Conduct Authority took a look at UKASA - and us - and concluded we were harmless.

Lockdown naturally had a serious impact on the whole outdoor scene. UKASA suffered the additional problem of their computer manager sitting out the lockdown in the Dominican Republic where he married a woman who was not acceptable to the British immigration authorities.

There's probably a screenplay in his story waiting to be written.



# Shot Gun Certificate

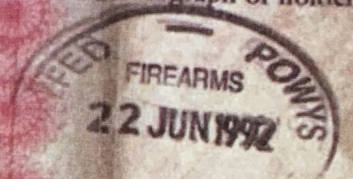
Name and address of holder:

MRS AV WILSON

1 MAES YR YRFA  
GOLWG Y GARN  
CRYMYCH DYFED  
SA41 3QN

This certificate is granted for the purpose of  
Section 2 of the Firearms Act 1968 to the holder  
named below.

Photograph of holder



Certificate number

054197



Screenshots: wildlife camera captures of a badger, rabbit & red kite. The SRA Secretary @ 70, his late mother-in-law's SGC & Ian Byers renewing with photo ID







**Pictures from the 2022  
British Shooting Show**

